



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27TH DAY OF AUGUST, 2014** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz and Novick, 3.

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

Item Nos. 879 and 887 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
870	Request of David Genrich to address Council regarding livability issues and concerns in the downtown corridor (Communication)	PLACED ON FILE
871	Request of Diane McMahon to address Council regarding homeless and street kids (Communication)	PLACED ON FILE
872	Request of Norm Duffet to address Council regarding security issues in downtown Portland (Communication)	PLACED ON FILE
873	Request of Namkisiah O. Roper to address Council regarding stalking laws (Communication)	PLACED ON FILE
874	Request of Kim Bogus to address Council regarding JANE a theatre company's campaign to build a new theater/performance center (Communication)	PLACED ON FILE
TIMES CERTAIN		
875	TIME CERTAIN: 9:30 AM – Japanese Local Government Managers Training Program (Presentation introduced by Mayor Hales) 15 minutes requested	PLACED ON FILE

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876	TIME CERTAIN: 10:15 AM – Modify and update specifications for the City of Portland flag (Ordinance introduced by Mayor Hales; amend Code Chapter 1.06) 20 minutes requested	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
*877	TIME CERTAIN: 10:45 AM – Authorize an Intergovernmental Agreement with Multnomah County to provide House Bill 3194 offender law enforcement supervision and support (Ordinance introduced by Mayor Hales) 30 minutes requested (Y-4)	186770
CONSENT AGENDA – NO DISCUSSION		
Mayor Charlie Hales Office of Management and Finance		
*878	Pay claim of Jack Graham in the sum of \$40,000 involving the Office of Management and Finance (Ordinance) (Y-4)	186765
*879	Amend cost-sharing Intergovernmental Agreement for Columbia River Levee Project engineering analysis (Ordinance; amend Contract No. 30004151) (Y-4)	186769
880	Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 169230)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
881	Extend term of a franchise granted to Electric Lightwave, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
882	Extend term of a franchise granted to tw telecom of oregon llc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
883	Extend term of a franchise granted to McLeodUSA Telecommunications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175061)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
884	Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
Commissioner Dan Saltzman Position No. 3 Portland Fire & Rescue		

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885	Authorize contract with Burlington Water District for fire prevention, suppression and emergency response services for FY 2014-15 (Ordinance; Contract No. 30004035)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
886	Accept a donation of a cargo trailer from the Shirlee Ann Foundation (Ordinance)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM
Commissioner Steve Novick Position No. 4 Bureau of Emergency Management		
*887	Accept and appropriate a grant in the amount of \$265,982 from the Oregon Office of Emergency Management Federal Emergency Management Agency Pre-Disaster Mitigation Grant Program for an update of the City's Natural Hazard Mitigation Plan (Ordinance) (Y-4)	186771
Commissioner Amanda Fritz Position No. 1 Portland Parks & Recreation		
*888	Accept and appropriate a grant in the amount of \$5,600 from Oregon Arts Commission to Multnomah Arts Center for design costs and development of a business plan for the Arts Cottages (Ordinance) (Y-4)	186766
Commissioner Nick Fish Position No. 2 Bureau of Environmental Services		
*889	Authorize Joint Funding Agreement between the Bureau of Environmental Services and the U.S. Geological Survey, U.S. Department of the Interior to provide water quality modeling for Crystal Springs Lake in the Johnson Creek basin for \$59,791 (Ordinance) (Y-4)	186767
*890	Authorize application to Oregon Business Development Department for a grant in the amount of \$20,320 for Brownfield Project Assessment (Ordinance) (Y-4)	186768
Water Bureau		
891	Authorize a contract with Cadre, Inc. for site specific and practical training related to Hazardous Materials Operations, Emergency Response, and Wilderness and Primary Responder in the amount of \$126,000 (Ordinance)	PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM

<p>REGULAR AGENDA</p> <p>Mayor Charlie Hales</p> <p>Bureau of Police</p>		
<p>*892</p>	<p>Accept a grant in the amount of \$483,619 and appropriate \$360,000 for FY 2014-15 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY14 Edward Byrne Memorial Justice Assistance Grant Program to prevent or reduce crime and violence (Ordinance) 10 minutes requested (Y-4)</p>	<p>186772</p>
<p>City Budget Office</p>		
<p>*893</p>	<p>Authorize an Intergovernmental Agreement with the Portland Development Commission for FY 2014-15 economic development activities (Ordinance) 20 minutes requested (Y-4)</p>	<p>186773</p>
<p>Office of Management and Finance</p>		
<p>*894</p>	<p>Authorize Interstate Corridor Urban Renewal and Redevelopment Refunding Bonds (Ordinance) (Y-4)</p>	<p>186775</p>
<p>895</p>	<p>Repeal outdated City Code chapters relating to Civic Stadium and Portland Zoo (Ordinance; repeal Code Chapters 20.24 and 20.28)</p>	<p>PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM</p>
<p>896</p>	<p>Authorize a three year lease extension with Columbia Square LLC for the Revenue Bureau leased premises at 111 SW Columbia through May 31, 2018 at an average annual cost of \$694,965 (Second Reading Agenda 865; amend Contract No. 52080) (Y-4)</p>	<p>186776</p>
<p>Commissioner Steve Novick</p> <p>Position No. 4</p> <p>Bureau of Transportation</p>		
<p>897</p>	<p>Authorize Bureau of Transportation to grant easements on City fee-owned land to Portland General Electric (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM</p>
<p>Commissioner Nick Fish</p> <p>Position No. 2</p> <p>Bureau of Environmental Services</p>		
<p>898</p>	<p>Authorize Joint Funding Agreement between the Bureau of Environmental Services and the U.S. Geological Survey, U.S. Department of the Interior for hydrologic monitoring in Johnson Creek, Columbia Slough, Willamette River, Fanno Creek and Tryon Creek for \$463,130 (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 3, 2014 AT 9:30 AM</p>

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899	Declare as surplus City-owned property located at 2400 NW Front Ave and authorize the Director of the Bureau of Environmental Services to proceed with a public sale of the property (Second Reading Agenda 854) (Y-4)	186777
900	Declare as surplus City-owned property located at NW Nicolai St and NW 22nd Ave and authorize the Director of the Bureau of Environmental Services to proceed with a public sale of the property (Second Reading Agenda 855) (Y-4)	186778
Water Bureau		
*901	Authorize a contract with Analytical Services, Inc. in the amount of \$250,000 for laboratory services for Cryptosporidium and Giardia water analysis (Ordinance) 10 minutes requested (Y-4)	186774

At 12:36 p.m., Council recessed.

August 27, 2014

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF AUGUST, 2014 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz and Novick, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lisa Gramp, Deputy City Attorney; and Greg Seamster, Sergeant at Arms.

<p>*902 TIME CERTAIN: 2:00 PM – Authorize acquisition of approximately 25 acres of property located between I-84 and I-205 near Rocky Butte from the Oregon Department of Transportation for the future development of the Gateway Green project (Ordinance introduced by Commissioner Fritz) 30 minutes requested (Y-4)</p>	<p>Disposition:</p> <p>186779</p>
<p>903 TIME CERTAIN: 2:30 PM – Accept final presentation and report on BoyStrength grant funded services, and accept final reports by Janus Youth, Sexual Assault Resource Center, and Lifeworks staff on grant funded services for survivors of human trafficking (Report introduced by Commissioner Fritz) 30 minutes requested Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-4)</p>	<p>ACCEPTED</p>

At 3:03 p.m., Council recessed.

August 28, 2014

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 28TH DAY OF AUGUST, 2014 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz and Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Chief Deputy City Attorney; Mike Cohen, Sergeant at Arms and Wayne Dykes, Sergeant at Arms at 4:00 p.m.

	Disposition
<p>904 TIME CERTAIN: 2:00 PM - Appeal of Arlington Neighborhood Association and Hilary Mackenzie against Hearings Officer's decision to approve a conditional use review and an environmental review for proposed development at the Portland Japanese Garden at 400 SW Kingston Avenue (Hearing introduced by Commissioner Fritz; LU 14-122172 CU EN) 3 hours requested</p> <p>Motion to tentatively deny the appeal, uphold the Hearings Officer's decision and add revised condition G. sidewalk segment design on west side of the park road/SW Kingston Ave at the park entrance to provide adequate unimpeded pedestrian access : Moved by Fish and seconded by Fritz. (Y-5)</p>	<p>TENTATIVELY DENY THE APPEAL AND UPHOLD HEARINGS OFFICER'S DECISION WITH MODIFICATION; PREPARE FINDINGS FOR SEPTEMBER 17, 2014 AT 10:15 AM TIME CERTAIN</p>

4:50 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

AUGUST 27, 2014 9:30 AM

Hales: Good morning, everyone, and welcome to the August 27th meeting of the Portland City Council. I know Commissioner Fish will be joining us shortly, but would you go ahead and call the roll, Karla?

Novick: Here. **Fritz:** Here. **Hales:** Here.

Hales: Welcome, everyone. We have a couple of proclamations up front this morning, and then we have communications items where citizens are allowed to sign up and come speak their mind on any subject to the city council. And then we'll follow that with the regular agenda. If you're here to speak on a regular agenda item, we generally give people three minutes. You don't need to give your address, just your name if you're testifying. If you're a lobbyist representing an organization, please disclose that. If you have information in written form that you would like the council to have, please give it to our council clerk and she'll make sure that we get it. We follow the basic rules of decorum, which is we allow everyone to have their say, so vocal demonstrations are not allowed. But if you support someone's point of view and want to indicate so, wave your hand or something. But we like to give everyone an equal chance to have their say in this chamber. So again, welcome, and we're glad you're here. And we're also glad that we have a couple of things to celebrate up front this morning. One is the work of great volunteers -- Diane O'Connor is among them -- as a leader on fighting ovarian cancer. I understand there's a major announcement this week involving the Knight Challenge and OHSU's ability to reach this amazing milestone of raising \$500 million in the community to match Phil and Penny Knight's gift of \$500 million and fund a billion dollars' worth of cancer research right here in River City at our medical research university. So that's an exciting development. And for those like Diane and her colleagues who've been battling this disease and supporting research to enable a cure for this disease, that's got to be heartening news. So let me start with this proclamation, and ask Diane to come up, please -- and you as well, if you're coming with her -- and I will read the proclamation and give you a chance to tell us how the battle goes. Thank you. The proclamation says, whereas, ovarian cancer is the fifth leading cause of cancer deaths among women in the United States; and whereas, when detected early, over 90% of women survive ovarian cancer but many will be diagnosed in the late stages of the disease due to the lack of awareness of the symptoms and lack of a screening test; and whereas, ovarian cancer has symptoms even in the early stages, and women should contact their health care professional if these symptoms appear or persist -- things like pelvic or abdominal pain, bloating, loss of appetite, feeling full quickly, things that people can notice -- whereas, ovarian cancer month increases awareness about these signs and symptoms of ovarian cancer and spotlights the need for continued research to improve prevention, early detection, treatment, and possible cure; now, therefore, I, Charlie Hales, Mayor of the City of Portland, Oregon, the city of roses, do hereby proclaim September 2014 to be Ovarian Cancer Awareness Month in Portland and encourage all residents to observe this month. So again, Diane, thanks for your leadership on this issue, and welcome.

Diane O'Connor: Thank you. Did you want to mention your own personal connection?

Hales: We do have a personal connection, because my wife's mother passed away from ovarian cancer quite a few years ago. But again, it was before there was any real understanding of what the early signs were, and who knows. But now at least we know that much.

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O'Connor: Exactly. Well thank you, Mayor Hales. Good morning. You'll notice that there are a group of us out here dressed in teal, and I noticed our commissioner even has the correct color on, too. Thank you very much. In hindsight, I wish that we had translated this into Japanese, as well, but I had no idea that there would be so many of our Japanese friends --

Hales: I think they're getting translation.

O'Connor: Oh, translation. Well, they're going to go home with a biology lesson here. So, traditionally, September has been declared Ovarian Cancer National Awareness Month by the president of the United States, including President Obama, whose mother died of ovarian cancer. Last year, our very own Mayor Hales also issued a proclamation as well for the city of Portland. We look upon September as a time to educate women about the signs and symptoms of ovarian cancer, since we have no screening tool. Many women think that a PAP smear is a screening tool, however, it is not. Hence, it utmost important for all of us women -- and men, too -- to be aware of the signs and symptoms of ovarian cancer. Over 90% of women with ovarian cancer have experienced symptoms before their diagnosis. We would like you to be sure to notice the Morrison Bridge on Friday, September 26th. It's going to be turned teal in honor of Ovarian Cancer Awareness Month. And we would like to thank you, Commissioners. We would like to thank our wonderful mayor for your time and commitment to listen to us, this issue, which is so important to all of us and to all women. Thank you.

Hales: Thanks for your leadership, Diane. Can we take a picture with you and your proclamation, please? [photo taken] Thank you very much. Commissioner Fritz, I believe you have a proclamation this morning, as well.

Fritz: I do, and mine is about Toastmasters, and I'm a member of Toastmasters, the Blue Ox Club. And it states, whereas, the greater Portland area has more Toastmasters clubs than any comparably sized city; and whereas, Toastmasters is the largest nonprofit educational organization in the world; and whereas, Toastmasters has been active in Portland for over 75 years; and whereas, Toastmasters teaches communication and leadership skills; and whereas, members of Toastmasters have used their knowledge of communication and leadership skills to enrich the business, cultural, and civic life of Portlanders; and whereas, Toastmasters from Portland have risen to the office of president of Toastmasters International; and whereas, Toastmasters from Portland have won the title of world champion of public speaking in international competition; and whereas, Toastmasters are holding seven Toastmasters meetings in seven hours at Pioneer Courthouse Square on Saturday, August 30, 2014 -- I shall be giving a speech at noon on the Parks bond for five to seven minutes, and encourage you all to attend [laughter] -- and now, therefore, Charlie Hales, the Mayor of the city of Portland, Oregon, the city of roses, does hereby proclaim August 30, 2014 to be a day of recognition for the world's largest Toastmasters meeting in Portland, and encourages all residents to observe this day. For those of you who are not familiar with Toastmasters, it's a volunteer club. It's people getting together to learn both public speaking skills and listening skills -- which I think is equally important. And so there are clubs all over the city. They meet morning, noon, and night on every day of the week, including weekends. So, if you haven't yet participated, and anybody who's -- you know, you're not allowed to say um in Toastmasters, so I just completely wrecked my speech. But that's the thing you learn to do, and not wave your hands around and say um as much as you did previously -- [laughter] So I encourage you to participate, it's really fun.

Hales: Thank you very much.

Fish: Commissioner, I was at a 20th anniversary wedding reception the other night, and the groom is a famous member of Toastmasters -- or is a celebrated member of Toastmasters. And so everyone spent the evening waiting for his speech. And he really -- he is a wonderful speaker. Toastmasters has elevated his game. He really is a gifted speaker, but he credits Toastmasters for giving him the skills and the confidence to be a good speaker.

Hales: Great. Well, thank you. OK, let's move to communications items, starting with 870, please, Karla.

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Item 870.

Hales: Great. Mr. David Genrich, come on up. Welcome.

David Genrich: Good morning. My name is David Genrich, and I work for Shoreline Realty. We're the largest owner of Class A office space in the Portland metro. But specifically, today, I want to talk about my downtown property, the Congress Center tower. Our building houses over 1100 people who daily commute to downtown for their occupation, and our parking garage is across 6th Avenue. We have retail, Starbucks, Subway, and things on the first floor. But every day, our occupants, our tenants have to run the gauntlet of going past panhandling activities, drug deals, drug use happening on the streetscape there to get to their office. And really, perception a lot of times is more damning than reality. I think our crime statistics in the downtown corridor are not that bad, I think our perception of crime is an issue for downtown and really affects the livability and workability of the downtown market. Many tenants in my building that I've talked to take issue with what's going on downtown to the point that they don't allow their spouses, they don't allow their children to come downtown and share a meal with them or shop because they're concerned about exposing them to these things. I've talked to several HR managers in my different tenants in the building, and they have a recruitment problem at times. They find very good, well-qualified people in the city, but the idea of coming downtown is not as palatable to them as other parts of the market. And at some point, those employers are beginning to look at their decision to be downtown, and real honestly, I would hate to see that traction we created downtown, that positive energy go out to the 'burbs and to other districts. Our retailers are affected by it, these things outside their front doors are really big issues, their customers are harassed on an on-going basis, so it creates a real issue there. I really think that downtown, there's really three types of people on the streetscape. And the first -- I think that there's truly a real homeless class. And I commend the city for the programs and things in place for those people that really have issues, that there's programs for, and that really need the help. But there's other groups. There's the drug culture downtown. We're at the center of mass transit. We have the MAX on two sides and buses on the other two sides of the building, and people come from other parts of the building to do their drug trade there downtown. On a daily occurrence, we see things being exchanged, we see drugs happening. In looking at my security logs over the last five years, we average in front of the McDonald's on 6th Avenue almost two overdoses per month at our building. The latest one was 10:55 last night. So this is a real, on-going -- it's not a threat or perception, it's a reality what's happening downtown. The third type that I see is really the very aggressive young panhandlers. They scoff at the security officers and the gate attendants at the garage that make \$10 an hour -- how could they do that? But they're very aggressive in trying to solicit money, and there are parties, there's drugs going on all the time downtown. So our people have to walk through this. I don't come to you with solutions today, but just to hopefully share with you some of the realities that we have in our daily life in the downtown market and hope that you can do something about it.

Hales: You manage the parking garage, as well as the --

Genrich: As well as the office building. We have the garage and the building across the street.

Hales: I've wondered, frankly, about the patience of some of your tenants given the permanency of the situation there at 6th and Main.

Genrich: It's a daily occurrence for them.

Hales: Yeah.

Fritz: And of course, we know that panhandling is protected under the Oregon constitution, and drug dealing is illegal. Do your tenants call 9-1-1 when they observe drug dealing?

Genrich: We call 9-1-1, and I think that the police department with their limited resources tries to do what they can. We have videotape, we get them on tape, we keep logs of the known offenders are in the area, but we are deemed to be the heroin district of downtown. It's very sad commentary, but the pot district at PSU, we're in the heroin district, and the crack district -- that people perceive there's those types districts in downtown Portland. I've had those conversations. So, yes, we do

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work with them and do turn film over on a regular basis and turn tapes over to them. But it's just the amount of resources dedicated I think are lacking at this point.

Fish: David, some questions. What's the occupancy in your building currently?

Genrich: We've lost key tenants, we've dropped down to 80%. We're recruiting a couple of large tenants for the building right now. The downtown market -- we trade statistics on a regular basis -- is in the low 90s and actually trending in a positive direction. There's been a lot of great energy, a lot of the tech companies are finding downtown to be the place to be. But again, it's the HR people that are making the decisions. It's not the CFOs of the companies anymore, it's HR who drives the decision -- am I going to go downtown Portland or be in the 'burbs? And those are the people that see these type activities, and frankly, I'm very concerned that we're going to be losing this energy and traction if we don't do something.

Hales: Let me suggest refreshing a couple conversations you've probably already been engaged in. One is with Downtown Clean and Safe, and the director of that program is here. And then also, central precinct is devoting more and more of their resources to walking patrols. Again, the laws are the laws. If someone is panhandling on the corner, that's not against the law. But in terms of the drug dealing and other illegal activity, that's fairly clear sailing for them to be able to deal with that. So, hope that we can both make sure that central precinct is working directly with you, as well as the Downtown Clean and Safe district to do what we can on our side and what you can do as a property manager, as well, so.

Genrich: And to be very candid, we have seen a definite positive effort in the last two months. I hope this effort continues. We've seen a very positive trend, so I think that we're starting to go in the right direction to get the word out. I just don't want us to slow down or to lose focus on this.

Hales: Alright. Thank you very much.

Genrich: Thank you.

Item 871.

Hales: Ms. McMahan, come on up.

Diane McMahan: Thank you.

Hales: Good morning.

McMahan: You've answered a lot of my questions already, but I'm still going to go ahead. I appreciate the time you're giving me to address my concerns about issues that affect me, my staff, my one thousand-plus tenants, and their clients and customers that do business in downtown Portland. I manage the 1000 Broadway building, located across the street from the Portland Center for the Performing Arts, the Schnitz, the Heathman, and the Hilton Hotel since April of 2012. We are located at ground zero, if you will, of the entertainment theater area of Portland. Hundreds of thousands of tourists walk these sidewalks, eat at the local restaurants, stay at hotels, and spend lots of money. We would like the stay to be enjoyable and safe. Unfortunately, that isn't always the case. Since 2012, we've seen an increase in loitering, vandalism, and the use and sale of drugs among young people. In our building, we have had homeless people wander into the stairwell, lay out their bed roll for the night before our security team finds them and routes them back onto the street, only to sleep somewhere else nearby. Historically, the homeless have not been our main problem. We've asked them to leave, and they do so peacefully. The younger generation -- generally between the ages of 15-30 -- are a major source of trouble. Our attached parking garage is predominantly used by tenants and their guests during the day, and opens to the public in the evenings and on weekends. Given the design of the building, it's easy for anyone to go to the garage and access the stairwell. There, they carry out drug deals, shoot up, defecate on the premises, engage in breaking and entering of parked automobiles, theft of belongings, and so forth. While we have 24 hour security guards patrolling the property and cameras in strategic locations, we are dealing with savvy, street-wise young criminals, and they are becoming more and more aggressive. We've seen an increase in vandalism. Windows shattered and items stolen within seconds. Car tops slashed, motorcycles and bicycles stripped or stolen overnight, even though they're locked up and

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the perpetrators are aware they're being videotaped. But that's not as bad as walking down the stairwell to your car, coming upon a group of young thugs shooting up. Talk about an adrenaline rush -- you are trapped in the stairwell, outnumbered, and you don't know how they will react. And this isn't a random occurrence. As these incidents begin to escalate, in addition to our regular security staff, my staff of five has set up a schedule to walk the stairwells in pairs. We do this hourly to run off the vandals. It's seemingly in vain, however, as they return the next day because they know nothing will happen. To give a few examples of the nature of these people. An employee of mine was working on a Saturday, power-washing the sidewalks. She was approached by a group of five who started harassing her and pulled a knife on her. Her two-year-old daughter had just arrived with a friend. Her friend couldn't help her, as he was holding her daughter. The assailants ran off. Fortunately, we had a good description of the one wielding the knife, and since we've encountered him on previous occasions, we knew who he was. In partnership with the bike patrol from Clean and Safe and my staff, we tracked him down and had him arrested about a week later. We filed charges with the DA's office. I expect him to get a slap on the wrist and be back on the streets in short order, doing the same thing. Another time, my assistant received a call from security. He was investigating someone in our stairwell. She went with him and found a man overdosed. They called 9-1-1, and they arrived within minutes. He was taken to the hospital, but as far as we know, nothing else happened to him. A free ride to the hospital and the taxpayers most likely paying his medical bills. Since December of 2013, we've added additional security guards to sit in the garage elevator lobby, since the situation has truly gotten out of control. This is an additional expense to the building and the tenants. Our tenants have been growing more fearful of simply walking to their cars. I've had several meetings with the Portland police department and they've been very helpful. At the same time, their hands are tied. We've held sessions with our tenants and members of the Portland police, along with our security provider. The questions from the tenants were all the same: what can be done about this, when can I feel safe again? We were advised by the officers to call non-emergency when we had an issue. Our calls would be logged. As the trespassing continued, we called the non-emergency line given to us. Not long after, they're like, why are you calling us? We can only respond when someone's in danger, has a weapon, or has been injured. So we'd call 9-1-1 and they would ask whether the perpetrator was on-site. Of course they would not be, as the threat would take place very quickly. At other times, we would find them trespassing, and confront them. They'd yell at us, do damage, and run. Whether we've been the squeaky wheel or because we hired security guards, or possibly the increased presence of Clean and Safe and the addition of 10 temporary downtown office patrollers, we've seen the street kids migrate from McDonald's on 6th and Main to in front of the Target and Galleria and the new 7-11 by Pioneer Square. I recognize these indolents, I've been chasing them out of the building for over 24 months. Relocating these drug-using, selling, vandalizing street urchins is not the answer. We need real solutions to this problem. It's very real, and it's having an effect on good people who traffic the area. We need to step up with good ideas and address the issues. City government in partnership with us -- the city residents must come up with workable solutions. 1000 Broadway pays approximately \$1 million annually in property taxes and special assessments in downtown Portland. How are our taxes being employed to provide the services and safety measures we need to keep our city at the forefront of cities across the country? Thank you.

Hales: Thank you very much. We will follow-up with you as well as David, thank you for your presentation.

McMahon: Thank you.

Fritz: One suggestion that I have for you -- my daughter and I took the WomenStrength classes several years ago. She works at the downtown Target, often gets out at 10:30 at night, and I don't worry about her because I believe she knows how to take care of herself. Of course, that's not the only solution, but it's one thing that helped us -- because obviously I go hither and everywhere at all hours of the day and night as well -- and it's a great program that can restore that sense of safety.

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Because as you said, the statistics show that in fact crime is going down. But the worry is part of what we need to help combat, too. So I would encourage you to have your female employees sign up for that.

McMahon: Thank you.

Hales: Thanks very much.

Item 872.

Hales: Good morning, Mr. Duffet. Welcome.

Norm Duffet: Good morning, thank you. I'm Norm Duffet, I'm the president of Orca Capital. We're residents at 1000 Broadway. I'm going to speak personally to the reality of what we're experiencing, not the perception. We're a small business, and we're right in the heart of downtown. We're across from the Heathman and the Schnitz and the Hilton, as Diane has just talked to you about. All of our employees live, work, pay taxes, and vote in Portland. Let me relay our experiences at or near the building in the last few months. And some of this will be repetitive to what Diane talked about. But again, this is reality, this isn't perception. We have drug dealing around the corner. One of our guards found the street person shooting up right in front of our building on Broadway. Our head custodian, with her small daughter present -- as Diane pointed out -- had a knife pulled on her by a street person. We've had multiple break-ins in our garage. That's the garage that we use when we're working. It's the garage that the people going to the Schnitz or to the Heathman use in the evening. We have high street people -- high on drugs -- invading our premises during the daytime, creating disturbances in our offices to steal from us. That's not once, that's not twice. We've had four times in the last few months, and our office manager has been at the desk having to face these people. And we're just one business in a very a large building, we have -- as people have talked about -- aggressive panhandlers out there, swearing at and spitting on our employees and our customers. So, is this a great place for us to have a business? That's a major question. I would also add that a friend, a number of months ago, a young female lawyer here in town was assaulted at 11:00 at night. She was able to handle herself. But it was 11:00 at night, and her offices are adjacent to the police station. So, we want a business district that's free of fear for employees and customers. I can tell you, my employees -- particularly our female employees -- live in fear. Clean and Safe and the police are doing an admirable job as best that they can. Our building manager, Diane is -- as you have heard -- working to increase our safety. But when is the city going to accept its full responsibility for the safety of the tax-paying workers? You know, if things don't change, we will -- and other businesses will -- seriously have to look at moving their businesses out of the city. We need to see the repeal of the sit and lie laws, and humane enforcement to clean up our streets. It's time to live up to campaign promises and make them a reality. Thank you for your time today.

Fritz: And if we had a sit lie law, where do you think people would go?

Duffet: I think that there are a number of programs in this city where these people can go and get food and treatment. But I don't think the streets of this city are meant for people to sleep and lie on. I think that they're meant for businesses, and people going shopping, or going to the theater to use those streets, or those sidewalks, with impunity, without harassment.

Fritz: Just a fact. My park rangers encountered a couple with a child in a park this past week and called social services to see if they could find them housing. There was a two-month wait for a couple with a child.

Fish: Mr. Duffet. I'm just looking at the sheets for the signup here, and it looks like this was all -- at least loosely coordinated by Clean and Safe to have people come forward and testify. And we meet with Clean and Safe on a regular basis, each member of the council. And those are very productive conversations. In fact, when Clean and Safe has ideas that they ask the council to embrace that are positive, that get solutions, that get people off the streets in a better place, this council has been extremely receptive. So it's important for us to hear you in these forums, but it's also very important for us to have the solutions discussed when we're with Clean and Safe. And as the mayor noted

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earlier, we've put more police officers on the street downtown, and really put more muscle behind community policing. As Commissioner Fritz noted, we have a shortage of available beds to put people who are truly in need. Your predecessor who testified said police said their hands were tied, and I'm not sure why the police believe their hands are tied in going after drug dealing and other crimes. I mean, if there's some directive from council that says don't arrest people engaged in illegal activity, we'll look into that. But what I want to encourage you to do -- because you've taken the time and given us the benefit of your experience -- is let's talk about the solutions. Sit lie is not going to be the solution in the short-term, because it's just not going to -- the council has made clear we're going to look at other options, and the legislature has to change the law for that to happen. So in the short-term, I just want you to know that we are very receptive to positive ideas for getting people off the street and in a better place. And if you came here feeling like somehow we're indifferent to this, I want to disabuse you of that. And I don't know what campaign promises you're referring to, but in terms of the problem, we're very open to the solution. So, if you have good ideas, funnel them through Clean and Safe. We talk to them regularly. And frankly, if at the end of the day you believe that we need to have more shelter beds, more beds in affordable housing, more services, more robust partnerships with the county, I will support you. I will support you. But it's much more helpful to us to talk about solutions and where we go than to keep going back to sit lie, because that's not going to be the answer in the short-term. But there are things that we can do which I think will address some of your concerns, and I sense you do have compassion for people that are in distress on the streets. So let's address that problem. But we need concrete ideas. If you think we're not investing enough, then let us know at budget time, and I will champion your cause.

Hales: And I'll follow up, as well. One thing -- occasionally, I hear reports of a police officer saying something to the effect of our hands are tied. And frankly, as a police commissioner, that gives me great frustration, because if you're dealing with law breaking, their hands are not tied. It's against the law to shoot drugs in somebody's stairwell. It's not vague, you know, it's pretty clear. It's against the law to brandish a knife against someone. Those are crimes. We have a state law that's already available. It's a question of, are we working together effectively enough with the property owners and Clean and Safe and the police bureau anticipate and deal with criminal activity, which is what you're talking about. You're not talking about people who are sitting on the sidewalk, you're talking about people that are harassing people or committing crimes. So, although the question of whether the legislature will change the law or not is an interesting one, and we can talk more about it later. But right now, you're talking about actual criminal activity that's prosecutable. So I'm interested in following up on that and will with you and the other folks that spoke this morning, as well as with Clean and Safe. Because the police bureau is putting more of our available central precinct officers on their feet, on bicycles, out of their motor vehicles, and working directly with property owners around the city -- around the central city, anyway, Hawthorne and central eastside and downtown. And so far, most of the reports we're getting is that's making a difference. It hasn't solved the problem, but it is making a difference. So, more of that may be in order. But also, more of working together effectively with -- in fact, we're having the county in later today to talk about some coordinated efforts with them and the DA's office. So, there are a lot of things that we can do with the tools that we have. We're trying to do more of them. So I really appreciate all three of you bringing this in the stark relief this morning and in real world, not abstract examples of what this problem means to people living and working downtown. So, I appreciate that. We will follow-up with you.

Duffet: Right. Well I agree with Commissioner Fish on terms of the short-term solutions, but I don't think that we should give up on sit and lie and just punt it to the state legislature. I think the city needs to make an effort at the state level to get that law repealed.

Fish: And sir, we will have that debate, and you're going to have a principled view on it. Just remember, when cities have done things like sit lie or drug-free zones or other things, they take it from one zip code to another. Because the problem gets displaced. All I'm saying is you actually

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have agreement with us in terms of the solving of the underlying problem. Displacing the problem is a short-term fix, it doesn't solve the problem. And so, let's work together to solve the problem, get people into rehab, get people employment opportunities, make sure that they have shelter, and address the root things. Because sit lie -- even if it were in place -- is simply going to shift it from your building to another building. And that doesn't solve the problem. And you do have a receptive audience here in solving the problem.

Hales: Thank you.

Duffet: Thank you.

Item 873.

Hales: Good morning, Ms. Roper. Welcome.

Namkisiah O. Roper: Good morning, Mayor and Commissioners. My name is Namkisiah Roper, I'm happy to be here. I kind of have a different perspective, or a different point of view on things that are going on. I definitely see some efforts being made in our community, but I think there's some things that should be brought to our attention as well. I'm requesting for stalking laws to be revised or modified, slash cyber stalking laws. Violence Against Women Act is what I'm addressing. The petition is requesting that person to whom has had violence against them -- documented reports, sexual misconduct against them, threats of violence against them, and any event causing the severe disruption to them as well as their children's lives from person or agencies that has any history of putting a person and his or her family in danger -- victims at any time under Oregon state guidelines will be able to obtain a protective order against parties involved, and that child or children will not be handed to parties that could be involved in causing the victim to become stressed and their free will to being able to protect them as well as their children's lives. That's been something that I've had to go through. I've been on the other end, where I've been homeless and have tried to report to law enforcement that I was being stalked. I was told that I had some parties that wanted to do something ill -- they had ill will towards me, and wasn't getting any resolution. I'm not sure if it's because law enforcement isn't getting enough money coming in in their agencies, or what their -- our government-funded organizations aren't getting enough funding to protect victims of crimes such as stalking and cyber stalking. I looked -- I went on the computer and looked up sex trafficking, human trafficking, and I was absolutely amazed of what relates to my situation. Everything for human trafficking fit my situation, but I had no resources and no knowledge of being able to figure out how to handle the problem that I had before me to be able to get the education to communicate with law enforcement, hey, this is what's happening to me, this is how I need to be helped. So I'm looking to see if we can take into consideration the funding aspect of protecting people from becoming homeless. I have a seven-year-old little girl I care about very much, and I've been striving to get back to her ever since I found out that I was being stalked about four years ago. Pulled up some information and the factors that go into it. Right now, I'm with Central City Concern. And I had done a graduation here with the HRR program -- proudly -- not too long ago. And one thing that did concern me was that the gentleman with Union Gospel Mission -- and it tears me up to mention any of the organizations that are partnering up to help -- but they said, what we're going to do is put criminals back -- we're going to fight crime with crime. What they meant by that was that they were going to take ex-addicts, put them out on the street, and clean the streets up. The reason why that's concerning to me is because criminality breeds criminality. These guys that are ex-addicts, ex-offenders, possibly had an extreme criminal history as well -- I know the ropes, I came from the world. When you are used to criminality, no matter how big of an organization you get, you can still have that criminal mentality. I'm asking you guys, if you can, to put more funding in government agencies and have less criminals fighting crime. It is extremely important.

Hales: [indistinguishable] -- I didn't mean to interrupt you, but go ahead.

Roper: They talking me different trades, and I realized it was organized crime.

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Hales: Let me get you to stop there. I appreciate you coming in. I want to connect you up with Deanna Wesson-Mitchell in our office for two reasons. One, I want to be sure the police bureau understands your experience so that we know what's out there and what we have to deal with. And we want to make sure that you know what resources there are in the police bureau that deals specifically with the stalking issues. So, rather than going to all that detail here, I'm going to ask Deanna Wesson-Mitchell -- who's my Police Bureau liaison -- to follow up with you personally about this. So, I really appreciate you coming in and telling us at least this part of your story. But let's leave it at that for the moment, if we can, and connect you up with her.

Roper: Thank you very much.

Hales: Thank you, thanks for coming in.

Item 874.

Hales: Good morning.

Kim Bogus: Good morning, Mayor Hales and Commissioners. My name is Kim Bogus, and I am the founding artistic director of JANE a theater company. Portland is in an arts crisis. The Portland Area Theater Alliance recognizes 150 theater companies in the metro area. There are only 10 real theater venues in the metro area. And by real, I mean with lights and sound equipment and bathrooms. So, 150 companies, 10 venues. And some of those venues don't rent to other companies, and some of those venues -- including the PCPA -- are out of budget range for small and medium companies. We at JANE a theater company are raising money to purchase and renovate a northeast Portland building to create a new performance venue to meet the needs of small and medium-sized performance companies. And to draw economically diverse audiences with affordable ticket prices, it is critical that we own the building outright. The goal for our campaign is \$2.5 million. That's \$5 from 500,000 people, using proven crowd-funding strategies. The first phase, a video about the project, starts Tuesday. Then we are doing a citywide monologue event in September that will become another video, and a third video in October about naming opportunities. I am here today to ask the city to pledge \$1 million in an interest-free loan to stimulate donations to our campaign, and to enable us to secure the building as soon as possible. A performance center of this kind will be the life blood of the neighborhood. Attendees, staff, cast, and crew will go to coffee shops, restaurants, grocery stores, and hopefully, a really good pizza place. And this is a win-win, win-win-win situation. Everybody wins. We have a proven need in Portland for this type of venue. We have identified an excellent site, and we have the management experience to make this a successful project. All of this is described in the packet that you've just received. Please help us to make this happen. Thank you.

Hales: Thank you. Thanks for bringing there to our attention. Good luck.

Bogus: Absolutely.

Hales: OK. Well, appreciate all the communication items. Now, we're going to move to the consent calendar. I think we have a couple of requests to take things off of the consent calendar -- namely, 879 and 887. Any other requests? OK. Then let's take a vote on the balance of the consent calendar, please.

Roll on consent calendar.

Novick: Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

Hales: OK, that's approved. Now, we'll move to our morning time certain items, and the first of these is going to be introduced by Dan Vizzini and Hector Miramontes. We have a delegation here of public administrators from Japan who are here, and the leadership exchange and study. Something that we're always proud to participate in, and it's great that we have public administrators learning from each other and sharing ideas and building the profession. So with that, I want to welcome this panel. Tell us how the program is going and what's next.

Dan Vizzini: Good morning, Mayor Hales and members of the council. My name is Dan Vizzini, and I'm a senior fellow at the Center for Public Service at Portland State University. You probably

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know me more from my 26 years of service to the City of Portland spending much of my time in this room. So, it's great to be back.

Hales: Welcome back.

Vizzini: Really great. First of all, thank you for receiving us this morning. The delegation has been in town since Saturday. They spent Sunday on bicycles, going all over the community and interviewing citizens. And they are now in the middle of a week of programs that introduce them to examples of civic engagement and strategies around civic engagement that they can take back home to Japan. I want to -- before I go any further -- thank Commissioners Fish and Fritz for having participated in the program in prior years. Commissioner Saltzman, as well. And as the program moves forward -- we're in our eleventh year -- it would be great to have more involvement with commissioners. As I said, this is our eleventh year, and it's a pretty intense program. We have with us today Tsuneo Watanabe, who is the director of policy research at the Tokyo Foundation, Portland State's partner in this training; and Ayano Yamamoto, who is a member of this year's class and has been selected by the class to speak to you today. So I will turn this over to Mr. Watanabe.

Hales: Welcome.

Tsuneo Watanabe: Thank you, Dan. Mayor Hales and council members, thank you very much for accepting and having the opportunity for the Japanese delegation to be here. I would like to express many thanks to not only the city council but all citizens of Portland, because we've learned a lot in the communication with your citizens. The Tokyo Foundation is a public independent think tank in Japan, and we promote many policy proposals, from national security to the neighborhoods. And one of our great achievements so far between the United States and Japan is now discussing how to manage the U.S.-Japan security alliance -- so that's national level -- and providing public goods in the Asia Pacific region. And actually, another public good that we're trying to learn is community-building, citizen engagement here. And I think this is a school -- Portland is a school for all over the world, but especially our delegation, including many school workers here, like Ayano. And it's an amazing collaboration with Tokyo Foundation and Portland State University here, especially Professor Nishishiba -- she's sitting behind -- and great staff, including Dan. And that's fabulous, a great opportunity. So I would like to thank all citizens and the mayor and the council members. Thank you very much.

Hales: Thank you. Ms. Yamamoto, welcome.

Ayano Yamamoto: Hello, it is my pleasure to meet with you all. I drank Portland beer overnight to prepare for this speech -- [laughter]. My name is Ayano Yamamoto. I'm a local government officer in Shunan City, Yamaguchi Prefecture, south Japan. I applied for this training program in order to consider, what can I do for students to feel in love with their own community and take action? My responsibility is to create a program for elementary school students to experience mock-up city council. And this mock-up student council -- grade students are able to propose policies to the mayor based on their passion. The objective of this program is to give an opportunity for these students to experience community development at an early stage of their life, and it is my hope that their proposals will be reflected in policies of the city in the future. For the past several days at PSU, I had an opportunity to explore the city, to meet with Metro staff and many citizens in the neighborhoods. I am deeply impressed to know if there is a true student governance in Portland. In my city, we ask for student participation whatever our city wants, and students always expect us to take initiative. On the other hand, when I explored Portland, one student mentioned that we need to make ourselves heard by the government. This example clearly showed that students understand that they are the ones who need to take initiative to solve problems in the community. And also, it seemed that Portland city government understands that their responsibility is to listen to the voices of citizens and realize their vision for the city. It was truly amazing to hear the comment that students and government needs to collaborate to make a better country for both citizens and government. Through my training experience, I am able to understand the importance of respecting different values and opinions for citizens. It is not realistic to change the government and students

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overnight, but I will start to reflect my own attitude and responsibility as a local government officer. Specifically, I will listen to the voice of stakeholders, of students' problems to make our community a better place. Thank you very much for listening.

Hales: Thank you for your presentation. Questions from the council for our panel?

Fritz: I have a question. Your speech was so good, I wonder, have you been to Toastmasters?
[laughter] They do have them.

Hales: Toastmasters clubs in Japan?

Fritz: Absolutely. One of my club members went. Because once you're a club member, you can go to any club. And one of the Blue Ox Toastmasters went to a club in Japan and enjoyed it.

Fish: Dan, do we have representatives from local government in Sapporo?

Vizzini: There are members of the PSU program staff who are from Sapporo. We do have some participants from Hokkaido, but I don't believe that we have anyone from Sapporo.

Fish: Just a quick story. The city hosted the mayor of Sapporo recently. And one of the social events -- I pitch-hit for the mayor, and we hosted the mayor for dinner at the Japanese Garden. And I don't speak Japanese, the mayor did not speak English the way that you do -- which is remarkable -- so we had a translator in between us. Well, when you are talking through a translator, it puts limitations on conversations. And it was a delightful evening, but the magic happened when the mayor revealed some of his passion. It turns out that he's passionate about art and the arts. When someone mentioned that Isamu Noguchi had had his artwork displayed in the Japanese Garden recently, he lit up because they have one of Noguchi's masterworks in Sapporo, a park that he designed. From there, he told us that the greatest event he ever saw in the park was Leonard Bernstein's farewell concert, and it was memorable event, he got to see Bernstein and a visiting U.S. symphony. We make all these connections around things. We were separated by a lot of miles and by a language, but in the course of the evening we found out that we had these things in common. And it was just an amazing evening for me to be a participant in and find out that different cultures, different languages, different history, but such a common base of understanding to build on. Anyway, I just want to thank our friends for visiting. And we miss you at BES.

Hales: Well, I'm glad that you had that conversation because Mayor Ueda from Sapporo was here and actually has specifically brought up the idea of an administrative exchange between Sapporo and Portland very much like this program, so that we have an ongoing effort for administrators to learn from each other. And that's another particular passion of his. Of course, this is one of the world's oldest sister city relationships, -- 55 year relationship between Portland and Sapporo -- so he's as serious I think about that idea as he is about that as art.

Fish: And one of our secret weapons there is that the young lady who was his personal translator -- who was assigned to city hall in Sapporo -- is from Oregon, and a graduate I think from Oregon State.

Vizzini: If I may -- I know you have a busy agenda, but I just want to say that Ms. Yamamoto represents, embodies a spirit in this class and in the 200 students who have come to Portland over the years of taking personal responsibility for the decentralizing of responsibility in Japan that's going on from the national government through the prefectures, down to the community level. And these people here represent the vanguard of a remarkable change that's going on in Japan, and the connection with PSU is significant in making that change happen. I understand that you're going to Sapporo.

Hales: Yeah, next week.

Vizzini: We met with Martha Pellegrino earlier this morning, and I just want to extend on behalf of the Tokyo Foundation -- if your schedule allows it -- visiting the Tokyo Foundation and meeting with their policy research staff would be the best hour you could spend in Tokyo.

Hales: I'm going to be in Tokyo as well, so I might be able to pull that off. I particularly appreciated your point, Ms. Yamamoto, about this kind of cultural change takes time. And this long-term relationship with PSU is good, because you can't change these things overnight, whether

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as a public administrator or as an elected official. You know, it takes time to change culture and assumptions that people have about government. So I think you're understanding that this is a slow process. It requires commitment, but it's still a slow process of turning a big ship. So I think you have the right philosophy about that change, and that's how it gets done.

Fish: By the way, our experience with things going from the federal government to the local government, and power passing through is that they're happy to do so but they don't give us any money to actually implement -- [laughter] -- so I hope you're more successful in getting both the power and the dollars to pick up the slack.

Fritz: And one thing you should know is that our neighborhood system here in Portland is about 35 years old. Both the mayor and I came through and learned part of our community engagement by being volunteers at the neighborhood level, so what you're doing is very important and can result in higher office. I hope you will consider it.

Vizzini: I think our delegation has some things to present to you.

Hales: Oh, OK. Thank you very much. We welcome having you here, and we look forward to working with you. Thank you very much for this presentation.

Vizzini: Thank you for the time.

Watanabe: Thank you very much. And we look forward to your visit to Sapporo and Tokyo.

Hales: I do very much. Thank you.

Yamamoto: Thank you very much.

Hales: Thank you very much. We appreciate you being here, and the gifts as well. We wish you great success in your careers and in this collaboration with Portland State and with your colleagues here in Portland. So thanks very much for coming this morning. Let's hear it for our visitors from Japan. [applause] Thank you all. We'll move onto our next time certain item.

Item 876.

Hales: Ms. Hartnett and Mr. Kaye.

Susan Hartnett, Office of Management and Finance: Good morning. Susan Hartnett, spectator facilities and development manager, Office of Management and Finance. With me is Ted Kaye, a member of the Portland Flag Association, and he's going to share some thoughts after I do a quick staff report on the item in front of you. The ordinance in front of you amends Chapter 1.06 of the City Code to correct and update certain specifications of the official city flag. And you may recall that earlier this year, I brought in front of you an agreement with Soccer United Marketing to allow them to use an image of the city flag on some of their merchandise. During that presentation, I told you that I discovered that our code has some holes and some needs for update, and that I had decided that I would take it on myself to get that done because I really don't like it when our code is out of date. So, we have gone ahead and made some very minor changes, but I think that they do a lot to help the code be effective. And there are three things the code changes do. The dimensions in Section C are corrected so that the vertical elements of the flag would actually add up to the overall height that's defined in Section A. In Section E, the color key reference system is updated from the now defunct Ameritone color key to what is the most common color key system in the world, Pantone Matching System, which is often referred to as PMS. Many would be familiar with that term. Section F -- which was added in our last update in 2002 and allowed both the prior version of the flag and the current version of the flag to be recognized until January 1st, 2005 -- is deleted, since we are well past January 1st, 2005. So I think these changes, particularly the change in the color key reference, is going to make it much easier for people who want to reproduce the flag or people who might want to use images of the flag on various documents, T-shirts, bumper stickers, postcards -- you name it. And Ted and I both have a little show and tell on that. I also would like to let you know that before the changes become effective -- assuming council passes this -- we are going to follow up with appropriate city staff to make sure that folks who do graphics and who are doing our outreach and communications are aware that we have updated these color references so that if anybody is using something that they just kind of came up with themselves, they now know

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what the official color references are. Before I close, I would like to take just a second and thank Ted for his assistance on both this effort and my previous effort with Soccer United Marketing. And I also want to thank him for being so passionate about flags. I really didn't know how interesting I could find the topic, but I've learned an awful lot from him, and his passion for both Portland's flag and flags in general is really quite infectious. So with that, I'm happy to answer any questions or just turn it over to Ted.

Fish: Susan, I have one question -- now that you are the flag expert, I can't resist. I'm interested in learning a little bit more about the rules that we may or may not have on the books governing the hours in which a flag may be displayed, any requirements for lighting a flag. I understand with the U.S. flag, if it's displayed beyond normal daylight hours, there may be a requirement that it be illuminated. So if after, if you could shoot me an email just with the links, I want to just get a little smarter about our general code issues that regulate how we display flags.

Hartnett: OK. And I will tell you that I just had a conversation along those lines with Ted yesterday because I, too, was curious to try and find out more about where our code ends and where other flag etiquette may come into play. So he may have something to say about that as well, but I'm happy to send you some information by email.

Fish: Thank you very much.

Fritz: I think I heard you say, but I just wanted to confirm that our print shop will now know the absolute correct colors for the flag?

Hartnett: I will do that, and they are one of the sources of having done the best they could to figure out how to translate the Ameritone system into PMS. The colors that they've been using are very slightly off from the colors that were selecting through the PMS process. I will tell you, the PMS colors that we are specifying in the code are PMS colors that have been specified by flag manufacturers across the country, so we are consistent with everybody else's. If it's kelly green, it's PMS379 or whatever the number is.

Fritz: Well in the interest of wise use of taxpayer money, I will not throw out my cards from those of my staff that have been in the wrong color. However, I am very relieved to hear that from now on, we will have the right colors on our cards.

Hartnett: I will tell you, Elmer's flag and banner who does produce the city's flag -- they have been using the correct PMS colors.

Fritz: They have?

Hartnett: Yes, because they are tied into that whole flag production, and they know what the correct colors are.

Fritz: My last question. Do you know what the study of flags is called?

Hartnett: Vexill -- oh gosh, I will not be able to say it. [laughs]

Ted Kaye: It's vexillology. My wife says it's because it's vexing and silly.

Fritz: And your wife was the one who taught me that term, so I'm just showing off. [laughter]

Hartnett: I have to remember the vexing and the silly.

Kaye: Well thank you for your kind words, Susan. I'm a student of flags, a vexillologist, and a member of the Portland Flag Association. I was involved in the 2002 redesign work of the city flag. I support this effort to update the specifications of the flag. In fact, Portland is way ahead of most cities in being clear about the specifications for its flag design. So, I salute the good work of Susan and her staff in getting this arranged here. I think that our next challenge is flying the flag more. Through serendipity and good decisions, Portland has a great flag. It was rated among the 10 best in the country in a big internet survey, and we have an opportunity with our flag. Council could now give enhanced internal direction to the bureaus about the flag in two ways. One, a style or a usage guide, something along the lines of what Susan was talking about -- and what you, Nick, were talking about -- about how to use it and present the flag. And also, encouragement to fly it broadly. In Chicago -- another city with a great flag -- the city flag is everywhere. It's on police and fire uniforms and vehicles, it's on bridge abutments, it flies on every city building by municipal code.

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The flag is even a popular tattoo in Chicago. When a police officer dies in Chicago, it's not the American flag on his casket, it's a Chicago flag. That's how deeply the flag in Chicago has entered the civic consciousness there. We have the same opportunity in Portland with a great flag. I'm not saying you need a code requirement that all Portland government buildings fly the flag, but I salute Dan Saltzman for having every fire station fly the flag, and we have similar opportunities in other bureaus. So, I encourage you all to explore similar ways to embrace the flag as a beacon of civic pride. The Portland Flag Association stands ready to support your efforts.

Hales: Thank you.

Fish: Ted, can I ask you a protocol question?

Kaye: Please do.

Fish: So, we have flagpoles on public land. And so we have the opportunity to display the U.S. flag, the state flag, and the city flag, among other flags. Is there a protocol? I mean, there's a hierarchy in our government, and there's rules and regulations. Is there an existing protocol, or do you have a preference about which flags in which sequence are displayed?

Kaye: Generally speaking, you get to choose which flag you display. In other words, there's no requirement that says you must display the national flag and or the state flag if you are flying the city flag. You could fly the city flag all by itself. However, when you do fly those entities; flags, they should be in that order of hierarchy. In other words, the American flag would take precedence over the state flag, and the state flag would take precedence over the city flag. But also, consider if you have three flags you want to fly and two flagpoles, you can always fly a second flag on one of those flagpoles.

Fish: In your view, is there a best practice about hours of display? Are we technically bound by the same rules about removing the flag at dusk?

Kaye: The U.S. flag code only applies to the U.S. flag, it doesn't apply to any other flags and the flag use. The city could adopt a flag code or could adopt a list of etiquette for use of the flag, and that might be part of how the city wants to proceed to encourage flying the flag. But there's nothing wrong with flying the flag 24 hours a day.

Fish: Thank you.

Hales: Great. Other questions?

Kaye: You can see how the flag starts to permeate. Here's my smart phone.

Hales: [laughs] There you go. Well I think that the Timber's Army and the MLS all-star game helped further popularize the flag, and the Timber's Army has been an enthusiastic promoter for some time now. So having the world -- with 400 journalists and continuous coverage by CNN and all the rest here for that event probably helped catapult the understanding that we have a flag and what it looks like to more people than ever before. So that was kind of fun to see.

Kaye: Absolutely. And I would make the point that when the flag moves beyond being the symbol of the government to being the symbol of the city, it's much more likely to be embraced by the citizens. And that's what's occurring in Portland. The citizens are flying it more than the city is at this hope. My hope is that the city can catch up because the city's use and the citizen's use will just build on each other.

Novick: Do other cities have their own special rules for display of the flag?

Kaye: Very few do.

Hales: Thank you both. We appreciate the presentation and the proposed change to the code. Is there anyone else?

Moore-Love: I did not have a signup sheet.

Hales: Anyone want to speak on this item? Thank you. I've been using these postcards, so I will continue to use these. Thank you. This passes to second reading. Thank you both for your work.

Fritz: Before we move on -- first of all, thank you, Ted Kaye and Susan Hartnett for your work on this. And second of all, I do keep these on the front desk of my office, so if anyone would like a Portland postcard flag, you are welcome to stop by my office.

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Hales: OK. We are a couple minutes ahead of schedule, so rather than moving to the 10:45 time certain, I think we ought to take the pulled items from consent because I see Mr. Biery is here and can talk about 879, and then we also have 887. And we may or may not have staff ready for that. At any rate, let's take 879.

Item 879.

Hales: Someone wanted to speak on this item, is that right?

Moore-Love: Lightning pulled this item.

Hales: Lightning, you want to speak on this item 879, the Columbia River levee? Come on up. Good morning.

Lightning: Good morning. My name is Lightning, I represent Lightning Think Lab. One of the concerns that I have on this levee is that I really want to watch FEMA real close on this, and also the Army Corps of Engineers. I know we're looking at New Orleans real close on what they did on their levee. And in my opinion, on Marine Drive, we're going to have to make changes on that levee. One of the encroachments on a levee is to really have a road going over the levee is considered an encroachment, it's actually not good to have that. I think that at this time, we really need to look at that close and have an understanding that we need to protect the airport. I mean, we're talking 20 plus billion dollars' worth of businesses, and now is the time to make that change. Because if anything was to happen -- and we know back in 1996, we came very close to going over the levee. If that were to happen and it was to do anything to the airport, the economic damage to this city would just be phenomenal. We saw what happened in New Orleans. And it's not just the fact that when this happens, you have a tremendous amount of people that virtually move out. They leave. And if you look at what happened in New Orleans, you had over 100,000 people move. And you have to prevent this from happening. You have to prevent the airport from having any type of possibility of any damage to the airport. And the reality is we need to bring this levee up to the New Orleans standards. We need to -- in my opinion -- virtually almost replace this levee. We need to have FEMA look at this very close. Now is the time to do it. It was put in many years ago, we know it's not up to today's codes, today's standards, and we can't take the chance any more on looking at the dollar amount of businesses around this and not having it upgraded. We need to figure out -- we shouldn't have the road Marine Drive on the levee. Plain and simple. We shouldn't have businesses from the levee to the water that are currently there. And if we look near the airport from, say, McCuddy's Marina all the way up to Salty's restaurant -- in my opinion, all those businesses should not be there. The federal government should come in and buy them out and remove them. There should be nothing underneath the flight path of the airport. There should be nothing from the levee to the water. This is all a public safety issue. And if you look at what happened in New Orleans -- to bring this up to today's code, today's standards, we need to replace that levee. We need to replace Marine Drive. We need to remove a tremendous amount of businesses out of there and understand that when you start calculating the overall amount of dollar value we're looking at and what it will cost to do that -- now is the time to do that. The federal funding is there. We need to focus on that. We need to get that lined up and take care of it. It is a public safety issue, and we know that the current levee has almost -- the water has almost gone over 1996. We cannot take the chance of ever having that levee not being able to withstand a flood in 1996. It needs to be changed. There doesn't need to be a road on it, and we need Homeland Security to watch this closely also because this jeopardizes the whole airport -- all the businesses all the way down to PIR, Expo Center, Portland airport -- we cannot take a chance anymore. We have to upgrade it like they did in New Orleans. Now is the time to do it. Thank you.

Hales: Thank you. Appreciate you being clear on this issue, and it's exactly why we're doing this engineering analysis so we'll know what the scope of work is for the changes that we have to make will be. We know it's not going be free or cheap, but it is important, so thank you. Anyone else on this item? Council questions for Mr. Biery? Then roll call on the emergency ordinance.

Item 879 Roll.

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Novick: Aye.

Fritz: Aye.

Fish: Mayor, I attended a speech the other day with Senator Wyden. He took some questions from the audience, and I asked if he was give us a sense of whether there'll be some federal funding for infrastructure -- I focused on water, sewer, and local projects -- and he said that to the extent he will be prioritizing federal assistance for infrastructure, he said it will be transportation, transportation, and transportation. So, Lightning -- as always -- makes important and thoughtful points before us. But the reason this is particularly a dicey proposition for us is yes, we're going to do the planning. Yes, we're going to look at what we need to do. But the reality is that the federal government may very well require us to do a post-Katrina fix that could be in the nature of hundreds of millions without any of the money flowing through our community to do it. So the problem is beyond just protecting the airport and the surrounding businesses. The bigger challenge is whether it bankrupts the levee districts, and the obligations flow to the cities, which is what is happening across the country. So, on top of all the other federal laws that react to bad things that happen to other places for which we got no federal assistance, there is a huge risk here that we're going to be held to 100-year flood standards with no federal assistance, and a tab that the taxpayers and ratepayers cannot afford it. So, my hope is -- you said optimistically, Lighting, the federal government should buy up properties and do things -- that would be wonderful. But we'd like to see the federal government help us to fund whatever the mitigation plan is. Right now, if it's a 100-year flood mitigation plan following on the heels of Katrina, the one thing that will happen for sure is it will bankrupt all of our levee districts, and then we'll be in a predicament. So this is the beginning of a process. And by the way, it's why, Mayor, we have put this the last couple years on the legislative agenda to make sure our congressional delegation understands that this has significant financial consequences to our community as the government is working out its rule-making on what they are going to require in the levees. So with that, aye.

Hales: I agree with those cautionary notes, and I think that the one ray of light here is that we do have a high level of cooperation at the local level between the levee districts and the City and Metro and County and the Port -- which is what it's going to take at the local level, whatever consortium is necessary at the local level to try to work effectively with the state government and the federal government. But I'm pleased with that part of the work, and I think that everybody at the staff level in particular among those agencies has been doing a good job of working together. There's not any turf battles or buck-passing going on, so everybody is ready to do the work, and then figure out the funding. Thank you. Aye. Now, let's move -- we'll save 887, Commissioner Novick, unless you want to do it right away. We'll go ahead and move to our 10:45 time certain.

Item 877.

Hales: Well, speaking of intergovernmental cooperation, here we are. And we've got a panel here of Judge Waller; Abbey Stamp from the Local Public Safety Coordinating commission; Suzanne Hayden; Chief Reese; perhaps someone from the DA's office because I don't see Rod Underhill here, we have others here on his behalf. This is, of course, the implementation work on House Bill 3194 which seeks to divert people from prison and jail who are better served by other programs for offenders. And it's good work. It requires a lot of cooperation among prosecutors, police, criminal justice system, and then others who maybe we'll need to call on more, like folks that provide employment and housing and other parts of life that we want these folks to stay in -- that world -- and not drift back into the world of criminal activity. That's the philosophy behind this. The legislature, in my opinion, did good work when they passed this law. This team is doing good work in starting to make it real here. So, we appreciate you coming this morning and this agreement, which starts actually funding specific positions and specific work in the police bureau and elsewhere to carry out our side of this cooperative partnership. So, thank you and welcome.

Abbey Stamp: Thank you. Abbey Stamp, Local Public Safety Coordinating Council Executive Director. Good morning, Commissioners and Mr. Mayor. Our intent today is to give you just a bit

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of background about our program -- I know we've with many of you individually -- wanted to make sure that we are all good to go and covering what's going to happen with this program as we move forward. And we have Chief Reese here to discuss the intricacies of the intergovernmental agreement so that we can bring the county -- bring the money funneled through the county -- into the city to make those positions and those efforts funded, as you speak to, Mr. Mayor. So, we have a brief PowerPoint -- I know many of you have seen this, I will go through it quickly just for some context. So, what is justice reinvestment? It seeks to improve public safety by reducing spending on incarceration in order to reinvest savings locally in evidence-based strategy to decrease crime. In our formula by the states re-adjustment goals are to include any sentencing changes, have a reduction in recidivism --- which we anticipate will increase public safety and decrease prison growth. So, the money not spent on increased prison costs is going to be invested here at Multnomah County, as well as Portland. So the part of 3194, this house bill that we anticipated going through is significantly impactful in terms of the funding for future prison costs. There was going to be an anticipated cost of \$600 million over 10 years. So the house bill intends to reduce this by reducing sentences on some drug and property offenses, and increasing, as I said, local criminal justice funding. And so the state created a grant funding program, and that is how the moneys are allocated through Multnomah County, and myself as the Local Public Safety Coordinating Council director. So we've been facilitating this process for a couple of years, and we will introduce the panel of folks who walked up just moments ago who've been working collaboratively to create this program here in Multnomah County about what that's going to look like. And all of our programming speaks to the goals, which include reducing recidivism, protecting public safety, controlling prison growth, and provide for funding for community-based sanctions, services, and supervision. And that's specifically what the IGA today speaks to. This is quite small, but hopefully you can still see it. These are the folks who are both here today and have been around the table for the past almost two years to actually create significant changes in the way some offenders are adjudicated in terms of the risk and needs assessment -- where that is done in their programming. I know you know, but for a little review -- traditionally, when offenders are placed on probation with Scott Taylor and the Community Justice through Multnomah County, they are given a risk needs assessment -- what do you need? Do you need housing? Do you need employment services? What are your needs so that you can create a crime-free life and be a productive citizen? What this group has done is created a massive change that takes that assessment and puts it, actually, at the beginning of the case processing so that the judicial system, the defense bar, and the district attorney's office have very deep and a good understanding about the specific offender risk and needs to inform sentencing, and helps us to get a better sense of are there folks that we could safely supervise in our community with significant resources, services, sanctions, and supervision rather than sending them to prison -- which would save additional prison beds, in addition to the sentence changes indicated in 3194. This is a little image of where those changes happen, those red boxes. We polled a population, the offenders of one year ago who would have been eligible for this program -- the MCJRP, the Multnomah County Justice Reinvestment Program. It is presumptive prison offenders, mostly single, male, has children but not necessarily parenting their children, high school education or less, monthly income is less than \$1000, on public assistance, unstable housing, has a history of drug convictions, and relies on transportation. So what this program does is indicates that we are looking at this target population -- folks that could be supervised locally -- and to make that target wider and to make sure that we're making the decisions safely, soundly, and providing intensive services to make that happen. Just a few takeaways, and I will turn it over to the IGA process, and if you have any questions for the folks who have doing this work. Public safety first -- first and foremost. More informed sentencing and supervision of an existing population. This is not a new population of offenders coming to Multnomah County, these would be folks who would be supervised in Portland and our county anyway, we're just doing it at a different time and with more information. We want to always have safe communities, smart

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stewardship, utilizing healthcare transformation and the Affordable Care Act, and better science, as well as justice reinvestment opportunities to get better outcomes for safety and for the folks we seek to serve and assist. And of course, all of our work is evidence-based and data-driven. With me, Judge Nan Waller, presiding judge from Multnomah County; Scott Taylor, Director of Multnomah County Community Justice; and Chief Mike Reese of Portland Police. I'm going to step back and allow someone else who has agency authority in creating these program changes who might have some additional information for you. So thank you very much.

Hales: Thanks, Abbey. Questions for Abbey before she stands down? Thank you. Who's next? Judge Waller?

Nan Waller: This has been I think truly an amazing process to be involved in, in that we have taken some principles as to how we want to do business and not only have all been around the table, but we've come to agreement and agreed to change the process of how we do our business, how we make decisions. The goal of this is that in better-informed decision-making, we will have sentences that are more individualized, that fit the needs and risks of the individual. And with the money that the state is providing us, and our hope and goal is -- and I just looked at the economic forecast for September, and we're still looking OK as a state -- so we're hoping that there will be additional funding in the next biennium for this project, where we will be able to increase the kind of services that we are providing. We're looking for individualized service plans that are specific to the needs and risks of the individual. As a judge, I cannot tell you how exciting this is to think that I won't just be given what the deal is when a person is coming before the court for sentencing, but I'll really have information as to what this person needs in order to stay safely in the community. And then, I will know that DCJ is putting together service plans that will actually meet those needs and risks, so it would just be, theoretically, they need housing or they need treatment. I'll have information that they will be getting the housing, they will be getting the treatment that they need, and will have a level of supervision so that we know that not only is it accessible, but that they are following through. And I think with all of that -- and then, if there are problems, we know that the police will be there to provide the backup and support to make sure that people that we're dealing with are being kept in the loop, being sought out if there are issues in terms of their follow-through. We know that swift action is often very helpful in terms of getting compliance. We also have a hope that we will incorporate the principles of procedural justice into this project so that as people are coming before the court or interacting with any of the myriad of systems that they will be interacting with, that they will have a good understanding of what is going on, they will feel they are respected, they will have had an opportunity to tell their story. We know from the research that when all of that happens, they are more likely to comply with court orders, which ultimately is what we want on this project.

Fish: Judge, I just have one question, and it's something that you kind of raised in our discussion, which is -- to someone who sees the headline that people who were otherwise eligible to be sentenced to prison will be released and we'll make these investments -- tell us in a public forum why you're so confident that this will be beneficial to the public and won't have a negative public safety consequence.

Waller: We are looking at how we better serve the community by making sure that people who are ultimately going to be back in our community -- whether they've served a prison term, whether they've been in jail -- that we are able to immediately serve them in the community and maintain public safety by having wrap-around services that meet their risks and needs. And we are ensuring that they will continue to be productive members of our community. So we're going to look at employment so they can be productive. We are going to look at stabilized housing so they will be able maintain their connection to community justice and maintain their job. We are going to look at their substance abuse and mental health needs. So I think that there is the short-term impact on the community, which is we are going to have eyes on in very intensive way for the first 120 days that the person is out in the community and on probation, with lots of wrap-around services. And then

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the longer term is they're not going to come back again. They're not going to continue to cycle through the public safety system.

Hales: Thank you. Director Taylor?

Scott Taylor: For the record, I'm Scott Taylor, I'm the director of the Department of Community Justice for Multnomah County. And we're very excited about the collaboration that goes on. I sat on the governor's commission that helped work on this law, and in Multnomah County it is being realized the way it was thought of. When we say collaboration -- a lot of us use that word -- but I've been at some 7:00 a.m. meetings where we had some real dynamic conversations with each other and found a way to actually work through that for the betterment of the community and the supervision. In tying on to what the judge talked about, we get all of these people on supervision sooner or later. They all reside here, we manage them locally, and we're just trying to step up what all the information and data would tell us makes us better at trying to design programs and hold people accountable. And so the combination -- and I'll let him do most of the talking about it -- but the dynamic we're working on with local law enforcement is just one more set of that certainty and that swift and certain that we know makes a difference. And this funding allows us to actually work earlier in the system, knowing who and what we've got so that the plans when they come out after sentencing match what we're trying to effect, and then we think we have built an accountability model if that's not what you want to do.

Hales: Great. Good morning, Chief.

Mike Reese, Chief, Bureau of Police: First and foremost, I want to thank Commissioner Novick for his early support in this endeavor. He was present for our initial meetings and was very engaged in helping us form the -- I think -- holistic response to the population that we're trying to serve. The money that is coming towards the city is helping to fund the police response to dealing with some of the public safety concerns. So, wherever the offenders live in our jurisdiction, we are going to have police officers working closely with the district Attorney's office and with DCJ on doing follow up. Making sure that if there is a plan in place for that person, that they're being held accountable for the plan. Certainly, a lot of the folks that we deal with that are going to be impacted by 3194 are drug offenders. They're people that have serious addictions. And when they don't show up for a parole or probation meeting, and they're spiraling back down to that addiction, we've got to intercept them and get them back into treatment, back into the housing earlier. And that's where our police officers will play a critical role. It has been a unique collaboration, and part of the effort here has been creating alignment among a lot of different system components that we haven't had these robust conversations in the past. And having DCJ, police, the courts, the defense bar, the district attorney all present and working through some real stumbling blocks in how you deal with these offenders and create information earlier in the system so that we can all make better decisions has been critically important. I want to thank my partners for their effort and their willingness to listen to really disparate points of view.

Hales: Thank you. Good morning. Welcome.

Caroline Wong: Good morning. My name is Caroline Wong, I'm with the Multnomah County District Attorney's Office, and I'm the deputy district attorney assigned to this project. One thing I do want to mention in response to Commissioner Fish's question is I would like to reiterate that not all the cases that are eligible for this program will actually receive probation. There are some offenders whose criminal histories are so great and whose risks to reoffend are so great that prison really is the only option for them. So in terms of public safety, we are weeding those folks out as part of this assessment process. However, for those who do receive probation, there is incentive for them to be successful while on probation. Not only now do we have the tools to address their needs, but a judge can always revoke probation and send them to prison if they're not performing up to par while they're on this probationary high-risk supervision. One other thing I would like to mention is not only are we attempting to get these offenders stabilized in the community through treatment and through housing, but also through employment development. One of the things that we discussed

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was the impact on victims for these crimes that are property related -- ID theft, burglaries -- and one of the biggest impacts for the victims are the fact they're impacted financially and there is restitution owed to them. So one of the goals of the project is to get them stabilized, get them working, then they will have the money to pay back the restitution to these victims.

Hales: That's important. That's great. Thank you. Who's next?

Lane Borg: Good morning. My name is Lane Borg, I'm the executive director of Metropolitan Public Defenders, and I was the defense representative on this effort. And the thing that again maybe I'm further answering to Commissioner Fish's question is and also explaining one of the early slides that Abbey showed you -- the reason why we have to pull the assessment prior to the disposition is because this program in Multnomah County is unique in the state in that we are looking at the a much deeper cut of offenders, of defendants. We're looking at Measure 11. Nobody else in any kind of justice reinvestment is even touching Measure 11 offenders. We're looking at tier two Measure 11 offenders. We're looking at ballot measure 57 people --

Fish: For the benefit for all of us, what's a tier two Measure 11?

Borg: It would be like assault twos, robbery twos -- those are the big ones. Because we have some exclusions from that. We don't do sex cases, we're not at this point doing domestic violence cases or homicide cases. One of the things that the commission discovered in looking at the original suggestions and proposals around reforming through 3194 was that they discovered the big drivers to the Department of Corrections in Measure 11 was assault two and robbery two. Those are -- much -- they're disproportionately represented in terms of the offenses of Measure 11. And so those are here. We're looking at those, and we're asking the question, does this person need to go to prison now or can we put them on probation and safely monitor them in the community? But it's because our dispositions in the state, because determinant sentencing happens and it might be the judge has no option but prison if certain outcomes happen that we had to pull that informed conversation prior to this position. So Rod Underhill in the district attorney's office gets a lot of credit for doing what other DA's offices are not doing around the state, which is to have that conversation to kind of be a little more vulnerable that way and say, let's talk about that and see if we can ask the question, does this person need to go to prison at this point? I think that's one reason why we had to pull that in. The other is that there's been some -- I think a lot of criticism around risk assessment -- and some of it is justified -- but we have to remember in this program, we're only -- everybody starts with their presumptive prison. We are not taking every offender that's charged with minor drug offense that we're already putting into drug treatment court or something. These are people if the outcome doesn't change, they're going to prison. They're going to DOC from the original charge. And so, it's simply trying to have a discussion about what is the best plan, because the other thing that this exploration of DOC has shown us in the last couple of years is that 20% of the population going into DOC is revocation population. So one of the matrices we need to look at is, what are we doing not just with the 80% that we're decreasing on original sentences, but are we decreasing the 20%, too? Are we making better decisions so people are being successful not violating their probation and we're not having to revoke them and send them in, too? So it is a data-rich environment that we can hopefully learn something about our systems from.

Fish: By the way, so sad is the state of television that I noticed last night on all of the cable channels, there was a big national discussion about whether to revoke the bail, probation of a notorious Hollywood felon named Justin Bieber. I thought that was a sad misuse of --

Borg: I think we're going to try to avoid celebrities in this. [laughter]

Hales: Hear, hear. Welcome.

Linda Yankee: Good morning. I am Linda Yankee, chief deputy for the sheriff's office. And the sheriff's office role in this 3194 project is to make sure that those offenders that are held in custody -- that we want to make sure that we dedicate resources to ensure that when the parole and probation officers come in to conduct the assessment that we're doing at the front end, that we get the offenders to the contact visit for the PO to complete the assessment as timely as possible and

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connect them with their attorneys, as well. The sheriff's office also will play a small role in assisting the bureau in bringing offenders into custody if they need so, because they're being violated or such.

Hales: Great. Questions? Thank you all very much. Are there other panel members, other members of the partnership that want to come up and speak at this point? OK. Stand by for questions if there are any. Are there any citizens signed up to speak?

Moore-Love: No one signed up.

Hales: Well then, I think we're ready to take a roll call --

Novick: Actually, Mr. Mayor, can I just make a comment? I would like to give a shout out to Suzanne Hayden of the Citizens Crime Commission who played an instrumental role in helping to pull all of these folks together for those 7:00 a.m. meetings. And I appreciate Chief Reese's shout out -- I mean, I did attend some of those 7:00 a.m. meetings, and it was a fantastic experience. Because Multnomah County was doing something that I don't think the other counties were doing, which was to imagine, OK, if the governor's vision is successful and the state starts giving counties some money to spend on things other than prison to reduce recidivism, how would we spend it? And it was remarkable to watch this group of people and Rod Underhill -- who was there at the 7:00 a.m. meetings -- sit down together and talk that through and come up with a consensus approach which Heidi Moawad, the governor's public safety director -- I've heard her say in public that this is a model for the rest of the state. I think that it's worth noting so far, as I understand it, Multnomah County is kind of leading the way for the rest of the state in keeping those increased sentences down, in keeping the prison population statewide down. So, this is quite a remarkable achievement, and there's a lot of people -- some of them here, but a couple of them not. So I particularly wanted to give a shout out to Suzanne Hayden and to Rod Underhill for what's happening. Thank you.

Fish: Commissioner Novick, may I ask just you a question? Under this IGA, the county will pay the city \$152,000 for two police officers who will perform a role. We have a bad habit in this nation of developing policies where we say that if there are savings, we'll reinvest the savings in the program. How secure is the funding going forward for this program?

Novick: My understanding is that money that the county got from the state for this biennium was on a formula basis. Everybody gets -- if you breathe, you get the money. In the future, the money will be more competitive, and counties will get more money if they demonstrate that they're doing things that are intentional and evidence-based and that really work. So I think that given that the county is leading the state in terms of evidence-based, thoughtful, consensus approach to this issue, we can't guarantee anything, but we're going to be in better shape than anybody else in the state. Does the panel agree with that assessment?

Fish: Thank you.

Fritz: And is it your hope that at that point there might be more money for housing and treatment programs?

Novick: Yes. But -- should somebody weigh in?

Stamp: Hi, Abbey Stamp again. So, with the funding we got from the biennium from 13-15, we laid the groundwork for what we hope will be a bigger, more robust program. We took a very successful program through the Department of Community Justice, the enhanced re-entry program, the REC program, which includes housing, workforce development, treatment, and very much wrap-around services for folks being supervised in a very assertive way once they are released from prison. Our initial dollars grew that program, and we've set up some very deep data collection from every different public safety agency and are keeping track the needs are of all of the offenders and what services they get, so that as we are able to plan for future biennia -- as we hope the money will continue to grow as more money is saved at the state level -- we can start to capitalize and build more on housing, workforce, treatment and other indicated needs as we see it through our growing population. I will add, part of what our data collection includes is looking at demographics,

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including race and ethnicity, so we can watch disproportionate minority contact and see what happens through this program. For example, there could be a decrease in people of color who are sentenced to DOC. That may happen. If so, what we may see locally is more folks of color on supervision in the Department of Community Justice, and to make sure there is deep understanding about that data and how that phenomena may come to be. All of this data collection will allow us for future planning to make sure that we're doing the right things and buying the right things and growing the right capacity in the community to serve this population.

Fish: Abbey, assuming you're enrolling everyone in the Affordable Care Act, to what extent does universal health care help you cover some of the costs of the drug and alcohol treatment?

Stamp: I think there is still a lot that is yet unknown. But we at the county are working closely with both facility-based providers and out-patient providers to keep the lines of communication open to understand what we can do to capitalize on as much as possible. Because we all need that to happen. And so, as we said in the beginning presentation of the slide show, it's one of the major components – making sure to capitalize on those dollars locally in addition to all of the potential opportunities so that we can create as much stability as possible. Anything else?

Hales: Thanks, Abbey. Thank you all. So let's take a roll call, please, on the intergovernmental agreement.

Item 877 Roll.

Novick: Again, thanks to everybody who's been working hard on these issues for years now. I also just need to say that we talk a lot recently about the fact that crime is now down to 1960s, mid-1960s levels. And I think it's important to note that in about 1965, the crime rates are about what they are now, and the number of people in prison was adjusted for a population two-sevenths of what it is now. So you've had a 350% increase per capita of the number of people in prison with the same crime rate, which suggests that it is possible to have crime this low with fewer people in prison. And I'm very proud that Multnomah County is leading the way in trying to figure out how to make that happen. Aye.

Fritz: I also thank everybody, and Commissioner Fish and Judge Waller's answer regarding folks who might say, why are we investing so much money in people who have done bad things? And part of the answer is because it costs less in the long run to do that as well as taking care of the folks. So I very much appreciate this approach. I also appreciate the comments on the disparities for people of color. And one of the things I was most pleased to hear when I had the briefing in my office -- which I appreciate you coming around ahead of time to have a more detailed discussion -- so the question raised by Dante James of the Office of Equity and Human Rights has been, should the voters of the state of Oregon legalize marijuana in the fall, will we then have a lot of folks in prison, people of color, who have been convicted for something that now other folks are going to make a boatload of money off? The answer is -- and I was glad to hear this -- for quite some time, the justice system has been backing off putting people in prison for those kinds of offenses, which means there are only a few folks in the prisons. That's something we should have on the legislative agenda, that if the laws regarding marijuana change that there should be rapid re-entry of folks and potentially some pardons or whatever the correct term is that the governor can do to get those folks back into the community for something which then will be legal. Of course, it's a different question about whether it should be, but the voters will make up their minds in November. Thank you very much for all of your work. Aye.

Fish: Well, I want to thank our distinguished panel for their testimony and for briefing us on this very innovative idea. And I also want to thank Chief Reese and the mayor for embracing this and making sure that we're full partners in this innovation. As my colleagues know, I've been spending the month of August working through a checklist my wife left me for how I had to clean up the house in her absence. One of them going through all my old files. I came across an old file of containing stuff from Commissioner Novick -- old letters he sent me for one cause or another that

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used to have, like, an executive director, one board member, and one cause that he championed. My favorite --

Novick: [laughs] Several board members.

Fish: I was proud to fund them all, too. But my favorite in the file was a piece of campaign literature from 2011. And in it, Commissioner Novick listed three priorities that he wanted to work on as a city commissioner, and it actually specifically referenced this idea and why it needed to happen at the state level in very plain English. And then, of course, we know it resulted in 3194. And how many times has a candidate who then as a commissioner gets to vote on something that he championed upstream and thought was a good idea? So congratulations, Steve. I think we sometimes take for granted that we do our best work through a collaborative model. But let's celebrate today what collaboration means locally, and you are a shining example of that. So thank you all very much. Aye.

Hales: Presumably, Commissioner Fish, if you complete that checklist, you'll come back. That's the other side to completing the checklist.

Fish: Did commit to spend \$100 million to housing, I found that in the small print of that literature. We'll come back and talk about that, Steve.

Hales: This is a great first step. It may make those of you who worked so hard thus far tired to hear me call it a first step, because a lot of work has gone into this effort. But I see this as not just a pilot project, that we will demonstrate that we are working smarter in Multnomah County, That our judges and our prosecutors and our Department of Community Justice and our defense bar, and everyone engaged in the process that we've heard from today are continuing to work smarter and deal with people who break the law in an intelligent, humane way. That's the goal. I think we're going to do that. I think that's going to play out thanks to this partnership. But I see it as a first step in a couple of other ways. I've spent quite a bit of time lately with Mike Nutter, the mayor of Philadelphia who has an amazing program that I'm thinking about emulating here called the PREP program, where they provide a tax incentive for -- he no longer calls them ex-offenders -- returning citizens who then come back into the community and are employed. The numbers and stories that he tells about that program are inspiring and make me want to emulate that good example. So I want this partnership to call on us, not just to keep supporting the partnership at the governmental level, but call on us as elected leaders who are committed to this work to go buttonhole other people. Hey, private sector, we need your help, we need more jobs. Hey, nonprofits doing drug treatment and rehabilitation, we need you to change your approach and up your game this way. So I hope all of you will call on us, whether from the bench or a less formal way to say, hey city, you're in this program as our partner -- yes you've got some police officers assigned, you got a sergeant who's assigned specifically to this work, but there are other things that you at the city can help with to save money, save people's lives, restore these returning citizens to full citizenship. So, I know you won't be shy 'cause I heard about those 7:00 a.m. meetings and what they were like. So thank you, Commissioner Novick, for that work as well. But as you continue to work together, call on us to call on others to build on the intergovernmental agreement to be more of a community basis than just us in the public sector. I look forward to that work as well. Thank you all. Aye.

Hales: Thanks very much. OK. Let's go to -- do you want to do that pulled item, Steve, would you like to do that first?

Novick: Sure.

Hales: Is somebody here?

Novick: Yes, Jonna's here.

Hales: Let's do 887 and then we'll go to the rest of the regular agenda.

Item 887.

Novick: Jonna, would you like to explain what we're spending this money on?

Jonna Papaefthimiou, Bureau of Emergency Management: Sure. So, the city has a natural hazard mitigation plan. It's a plan that describes the natural hazards that we face in our region and

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identifies and prioritizes the projects that we could take on to reduce risk. So things like infrastructure retrofits, flood plain restoration to reduce flood risk. It could also include regulatory strategies like development restrictions in areas of high landslide risk.

Novick: Actually, Jonna? I think in your case, it is particularly important that you state your name for the record.

Papaefthimiou: Sorry, thank you. My name is Jonna Papaefthimiou, and I'm the planning manager at the Bureau of Emergency Management. So we need a plan, we have one in place now that expires in 2015. It is important to update it timely. In particular, because FEMA money available to implement mitigation projects, but you can't apply for the money until you have a plan in place that they have accepted. We have received a grant from FEMA to update the plan. The total cost of the update is \$385,000. About one third of that will be staff matched from the city. And wonderfully, in addition to the Bureau of Emergency Management, the Bureau of Environmental Services, the Bureau of Planning and Sustainability, and the Office of Equity and Human Rights have committed staff time to match it. And the rest of the money will come from FEMA. We plan to use that money for consulting, to hire technical experts to help us work on risks. Particularly, the risks we're focused on are related to seismic mitigation strategies for unreinforced masonry buildings, which we know is an important one for the city; mitigation strategies around liquid fuel infrastructure is an issue for the entire state but really focused in Linton; and then also finding ways to facilitate seismic retrofits for single family homes. The other way we would like to focus this money is to hire a part-time planner at PBEM who would spend a lot of their time expanding efforts to engage Portland residents and stakeholders in mitigation planning. We feel like it's an opportunity to talk to people about local risks, and to get their input on a plan that potentially represents a big investment going forward in city infrastructure dollars. And it's partly for that reason that we have asked the Office of Equity and Human Rights to participate in the planning process, because we feel it's important to directly address equity in mitigation planning goals and project prioritization, which is also a goal of the Portland plan. So that's the story on the money that we're thrilled to receive from FEMA, and I'm glad to have the chance to talk to you about it, actually.

Hales: Thank you. Thanks for the good explanation, appreciate that. Was there someone who wanted to speak on the item or maybe that explanation is enough?

Moore-Love: Lightning, did you want to speak?

Hales: Yeah, come on up, please.

Lightning: Yes, again, my name is Lightning from Lightning Think Lab. I like what I'm seeing here as far as on the money that's being presented on this grant. One of the areas that I really want to focus on is that we were talking about the levee -- as we know in New Orleans --, Katrina -- they had over 70,000 people put into FEMA trailers. They lost a population there of close to hundred plus thousand actually just move out of the area. Why I am focused a little on the levee again is that there was a number thrown out of 100 million. In my opinion, on this levee, that would be lucky to do the research on it alone. And when you start calculating on the costs on doing a levee, we're going to be in the billions of dollars, in my opinion, and these type of studies need to address that because we need to focus in that area pertaining to the airport, pertaining to all of the businesses, and now is the time to do that. We need to look at New Orleans and Katrina and understand that they paid \$14 billion to do that. We need to start looking at that and understanding, a lot of times they will calculate on the levees on the surrounding businesses and the values, and they'll do a percentage on that on what they want to place as far as on funding. So if you were to look in the Portland area, around the levee and the businesses and say we hit a number around \$25 billion, if you just do a 10% of that, in my estimation that's where the costs should be on that levee at Marine Drive. We need to make a change there. Now is the time to do it. In my opinion, the federal government will have the funding there to do this when you're looking at the overall costs that in the event that we do have a problem, the dollar amount that it'll cost the city and the local

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economy, and if people begin to move out, now is the time to address this. It's not to be complacent. And this is why they're talking about recertifying this levee, because they have seen what has happened in New Orleans on Katrina. They take it very serious now, and they're not going to come in here and just try to say, we can remove a few trees and do that and that's going to improve the levee. Now is the time to make some serious changes and bring it up to today's standards and look close at what they did at Katrina. And these type of programs from FEMA are worth doing more research in that area in getting that done. Thank you.

Hales: Thank you. Other questions? Jonna, thank you very much. Let's take a roll call on the emergency ordinance.

Item 887 Roll.

Novick: Aye.

Fritz: Thank you for the presentation. I particularly appreciate the deliverables on this, which include mitigation strategies for seismic for unreinforced masonry buildings and single-family homes with foundations, and also the mitigation strategies for the liquid fuel infrastructure. I hope that the bureau -- in addition to doing more planning, which I understand is necessary to get grants -- we, the council, know some of these challenges, and in particular, the seismic unreinforced masonry that Commissioner Novick presented on a few months ago. I hope that we will soon be looking at implementation strategies and that the council needs to consider this as one of the main infrastructure needs as we look at the full BMP and any available resources. We know that there are challenges and that we -- I was astonished to find that the Bureau of Emergency Management doesn't have any ongoing funding for infrastructure. Even Portland Parks and Recreation has \$1.5 million per year to do all of the major infrastructure improvements. So I do think that we need to be looking at that seriously. Aye.

Fish: Commissioner Fritz, did Commissioner Novick put you up to this?

Fritz: No.

Fish: Aye.

Hales: Aye. Thank you very much.

Item 892.

Hales: Good morning, Catherine.

Catherine Reiland, Bureau of Police: Good morning. My name is Catherine Reiland, I'm the fiscal manager of the Portland Police Bureau. Edward R. Byrne always had a strong calling to public service and wanted to make his city, New York City, a safer place. In 1986, he became a New York City transit police officer to help ensure the safety of New York City's subway commuters. In 1987, he was sworn in as an officer with the New York Police Department. While on protective detail, Officer Byrne was fatally attacked in February of 1988. In honor of Police Officer Byrne, a major U.S. Department of Justice initiative was titled the Edward Byrne Memorial Justice Assistance Grant Program, also known as the JAG program. The department's Bureau of Justice Assistance administers this program, which allows state and local governments to support a broad range of activities to prevent and control crime and to improve the justice system. On June 6th, 2014, the City of Portland applied to the U.S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program, fiscal year 2014, local solicitation. The 2014 JAG funds will be made under disparate certification to the City of Portland, Multnomah County, and the City of Gresham. The JAG solicitation required the City to submit a joint application for aggregate eligible allocation to all disparate municipalities and to also act as fiscal agent for the grant. DOJ has notified the City that it will award a grant in the amount of \$483,619 with no match requirement. The award is allocated as follows. The City of Portland will receive \$235,548; Multnomah County will receive \$185,076; and the City of Gresham will receive \$62,995. Intergovernmental agreements were executed with Multnomah County and the City of Gresham in order to obligate agency roles and responsibilities. Police Bureau will use \$235,548 in JAG funding for the following two items. To retain a 1.0 FTE senior management analyst for approximately 14

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months at a total cost of \$125,548. The senior management analyst will facilitate the development of directives, applicable manuals and associated handbooks, and other written communications related to bureau policies and procedures. The senior management analyst will also conduct research and analysis of best practices in support of city and bureau activities, functions, and programs, and will recommend action and assist in formulating policy procedure and legislative positions related to those best practices. To contract with Lifeworks Northwest New Options for Women program at a cost of \$110,000. New Options for Women, or NOW, provides trauma-informed care to women in Portland in order to help them exit the prostitution human trafficking industry. NOW assists the women in this program with finding stable housing, legal income, and educational opportunities. The New Options for Women program will continue to be a component of east precinct's prostitution coordination team, which is a multidisciplinary partnership that currently includes police, patrol and probation officers, the Multnomah County District Attorney's Office, Multnomah County Sheriff's Office, and local treatment providers. Multnomah County will use \$185,076 in JAG funding for the following three items. To retain a .45 FTE neighborhood district attorney for 12 months at a total cost of \$61,692; to retain a .5 FTE parole and probation officer for 12 months at a total cost of \$61,692; and to retain a 1.0 FTE enforcement deputy for 6.95 months at a total cost of \$61,692. Gresham will use \$62,995 in JAG funding to provide a 1.0 FTE gang outreach and prevention employee for 12 months. The street-level gang outreach employee is expected to identify and intervene, utilizing effective violence-reduction strategies in the cycle of street-level violence between high-risk gang members and their associates. I'm happy to answer any questions.

Hales: Thanks very much. So there's pretty broad authority about how this money is spent, but I particularly appreciate the NOW component of it and the fact that Gresham is -- you know, we don't control Gresham's use of their portion of the funds in our approval of this, but the fact that they're putting money into street-level gang outreach -- which we fund, of course, more elaborately and more robustly because we're a bigger city and we've have had this problem longer -- but they nevertheless have a pretty significant gang problem in Gresham now, and they're acknowledging that and focusing this discretionary money on that, and I appreciate it because I think it's a good start. Any questions for Catherine? And I think we have representatives from Lifeworks here? Or maybe not.

Reiland: Not to speak on this one.

Hales: Any questions? Anyone signed up to speak on this item?

Moore-Love: Yes, we have two people. Charles Johnson and Joe Walsh.

Hales: OK, come on up. Go ahead, Charles. Good morning.

Charles Johnson: Good morning, Commissioners. For the record, my name is Charles Johnson. And my three minute timer has not started yet, but I won't be using all of the time anyway. I was very pleased that this time around -- you know, this was a before us in the last few months anyway -- that the representative did mention Officer Ed Byrne, who died back in 1988 when Ronald Reagan was still president. And I'm fairly pleased with the selections the police department has made in light of the fact that -- I guess you could say this about every officer who dies in the line of duty, but Officer Byrne was sent to his death by poor planning on the part of his superiors. I think any time that a person dies in the line of duty, there's accountability up the chain. We've heard that some of this money will be used to help the police have good procedures. I'm not so sure that among all of our electorate there's universal belief about how much of a real gang situation is developing in Gresham. I don't make it that far out on the blue line very often, so I guess we'll have to trust the Gresham police department to be dealing honestly with the citizens and not just looking to have a high profile gang unit that goes around and looks for anybody wearing shoes that the police are jealous of or having a hoodie, which has sometimes been a contributing factor to deaths of citizens in Portland here. If the Edward Byrne program is annual and we'll be having this presented every year, I think it would be a fine opportunity for our police department -- which some people still feel

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has a mixed reputation in light of the promotion and [indistinguishable] for Captain Kruger -- it will be a good time for the police bureau to share how successful they've been at least in preventing officer deaths. I don't know the last time we saw one of our fellow citizens who serves on the police department die in the line of duty. And you know, to balance that, we should always be concerned about citizens who are killed by the police -- perhaps justly, and perhaps when they're unarmed. So, when the Justice Department develops a grant program that talks about a program that has ongoing consequences -- the person who conspired to murder Officer Byrne is serving life in a federal super max. Unfortunately, taxpayers always end up holding the bag when the police department does not properly provide protective services and one of its officers gets killed, we have four people do 25 years for murder and somebody spends a very expensive life in federal super max. So the fact that this is going to crime prevention and gang prevention -- which hopefully means doing more to find good jobs for young youth who have barriers to employment -- perhaps this will be money well spent. Thank you.

Hales: yeah, appreciate that. I think if you ever get the opportunity to do a ride along in east precinct, you'll probably understand the depth of that problem. But actually, you could just look at the terrible death toll from two weekends ago -- which, fortunately, it wasn't officers being wounded or killed or officers engaging in gunfire -- but alleged gang members shooting each other. And unfortunately, there was significant loss of life, and there has been this year. So, we do have a gang problem. Gresham has one, too. In fact, it rages particularly badly along that boundary between Portland and Gresham at the current time. So I do think it's good that Gresham is putting an effort into outreach, just like we are. Because it isn't just about law enforcement, it's also about trying to divert the young men -- mostly young men -- to other opportunities.

Johnson: Thank you, Mayor.

Hales: Mr. Walsh, good morning.

Joe Walsh: My name is Joe Walsh, I represent individuals for justice. And I just have a technical suggestion for you -- and it was brought to my attention this morning. Most people that are watching this and most people that have an interest in what's going on in this city do not understand that the agenda that we have -- if they bring it up on their computer and click on the number of the agenda item, it will give them all of the supporting documentation. So, you could have as much as 50 pages of supporting documentation. Now, my point this morning is that it's a little unfair for people to come to the council, look at this agenda, and understand what's happening. Because you can't. It's just a title. That's it. So, when you read these things, it seems to me that somebody could work better -- and I know the auditor does this, but it's your agenda. So I'm suggesting that it is unclear, and also there's a section in the agenda that talks about notes. So maybe in the note, we could put an added piece of information to say, if you want more information, click on the number of the agenda item and you will get that on your computer, so people know how to do that. Most people are very surprised when I tell them that they can do that. So that tells me that a lot of people don't know it, if the activists don't know it. So the people that are watching this -- and also I think maybe Karla could talk to her boss, and just put a note in there. Say, hey, folks, you know, you can click on the agenda item and get all the supporting documentation. Or, redo the agenda item and make it more clear of exactly what you're doing. Because sometimes we read these agenda items and we have no clue unless we go into the documentation on the computer. Thank you.

Hales: Appreciate the discussion. Yeah, I think we ought to look at how user-friendly it is. You can get to the financial impact statement, which includes the kind of program details that we just talked about. There's also question about what the charter requires us to have on the council calendar. But point taken. We ought to look at making this as penetrate-able -- if that's a word -- as possible for somebody trying to get to the ultimate information of where this money is going.

Fritz: I think it's only been since 2007 that those links have been available, and you should thank the Council Clerk, Karla Moore-Love, who was instrumental in getting that done. When I was a community organizer, I used to spend quite some time from Friday 'til Tuesday making phone calls

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to find out in the good old days before 2007. So, I personally appreciate all of the effort that Karla goes to, and I think that's a good suggestion to put a note to click on the link.

Hales: Thank you.

Walsh: Thank you, Karla.

Hales: Anyone else? Thanks very much. Roll call on that, please.

Item 892 Roll.

Novick: Aye.

Fritz: Very happy with the Lifeworks appropriation. We need to make sure that that keeps going on. This grant does keep coming back, and Lifeworks has gotten a good chunk of it for quite some time. We just need to be sure that that keeps happening. Aye.

Fish: Aye.

Hales: Aye.

Item 893.

Hales: Mr. Quinton and others are here to talk about this, the economic development side of PDC and where the money is going.

Patrick Quinton: Good morning, Mayor Hales. Welcome back. Good morning, Commissioners. We are happy to be here and happy to have this put on the regular agenda so that we can first of all thank you for your support for the economic development activities that the Portland Development Commission carries out, both in our neighborhoods as well as what we refer to as traded sector economic development, which includes our broad support for our business base as well as the work we do with entrepreneurs throughout the city. Instead of walking through the different items of the IGA -- which I think you're very familiar with as a result of the budget process -- we want to take this opportunity, just a few minutes of your time to highlight one of the great project initiatives that's going on as a result of the city council's funding. We have with us Michael DeMarco from the 42nd Avenue NPI district, as well as Tory Campbell from MESO, and they are going to talk about how they work together to promote business success on 42nd. And then I'm going to take the remaining time and just give you an overview of the strategic planning process that we're engaged in around what PDC will be doing for the next five years. With that, I will turn it over to Michael.

Hales: Good morning.

Michael DeMarco: Hi there Mayor, Commissioners. I'm Michael DeMarco, I'm the district manager for our 42nd Avenue. We are one of six Neighborhood Prosperity Initiative districts in the city -- community-led economic development projects. Our district runs up to 42nd Avenue. Our service area runs from 33rd to 55th from Mason to Lombard. We serve an area of about 10,000 people -- a pretty diverse community. 42nd Avenue itself is where Cully, Concordia, and Beaumont-Wilshire meet. Because of the district's relative affordability and its proximity to high-demand areas, we are experiencing a lot of interest in the district, and there's likely to be substantial change in development over time. This presents opportunities for the community, but it also presents challenges for community members, especially those at economic disadvantage. Our 42nd Avenue works to ensure economic development benefits the members of the community, especially those most vulnerable. So economic development for us means access to appropriate goods and services as determined by community members. It means opportunities for entrepreneurship and business development. It means increased access to employment, especially within district businesses. Over the last year, we've helped support more than 40 businesses and entrepreneurs with access to capital, business technical assistance, legal assistance, and other critical services. That's a fair amount, considering our district has 57 businesses in total. So far, we've helped eight community members locate businesses within our district. All of those filled long-time vacancies. We've hosted a series of business breakfasts. We had more than 50 attendees at our last event. It's a chance for business community members to connect with each other. These connections are really important as the business community supports each other and supports the residential community. Like all of the NPI districts, we support district improvements. We do storefront and tenant

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improvement grants. We've done 15 in the last year. Nine of those district improvement grants have gone to women and minority-owned businesses. This year, the grants are more thoroughly tied to community goals, such as local hiring, internship opportunities for local students, and the use of local services for the execution of the grants. Increasingly, employment is a focus area for us. Not everyone is going to start a business in our district, so economic stability for a lot of folks will mean employment. We've sponsored three career fairs, all of which focus on accessible employment opportunities for ex-offenders -- or returning citizens, as you've noted. Our last career fair was held in conjunction with PDC, PCC, and Straight Path, Inc. We had 24 employers and service providers, and over 200 job seekers present. In the last year, more than 70 jobs were created in our district. Many of those jobs were linked up with PCC Metro Workforce Training Center's jobs plus program. In the next year, we aim to become a stronger conduit by strengthening our connections with neighborhood schools and food pantries. At the foundation of this work, though, are really relationships -- relationships between businesses and property owners, but especially relationships with residents across diverse communities. These relationships are really the lifeblood of our organization. They inform our priorities as we strive for an inclusive community. Some of the deliberate ways that we build inclusive, genuine relationships are to hold community events. I know at least a few of you were at our events in March. We had 250 plus community members there -- a very diverse group in all respects -- talking about the implications of change in our community. That directly informs our work. It's the third such event that we have held -- we hold one on an annual basis -- but we do a number of smaller things in the community to just build relationships. The relationships with me as a staffer are important, but the most important relationships are between community members. One of the things we do is host a multi-cultural harvest festival. Our second one is coming up later this month. We host it in conjunction with the Cully farmer's market and the Cully Blvd Alliance. Laura Young, my partner from the Cully Blvd Alliance, is here today with us. Last year, it was held on a day with terrible weather, and we still had 500 plus people show up because we were very deliberate in connecting with community members who often don't show up to these events. We offered double matching SNAP benefits for the purchase of produce, we offered \$10 food vouchers to low-income families in the community to come and enjoy the event. And the purpose of these things for us is to really cultivate leadership in our community and to keep people involved in the work that we do. Relationship-building is really important on its face, but it's essential to our economic development work. It helps us better recognize opportunities as they emerge, but more importantly, it fosters the trust that's necessary to channel opportunity to community members, especially those who are most vulnerable and those who are most frequently left out of the conversation. We look forward to building more relationships over the course of the next year. We're very, very pleased, though, at the work that we've been able to do around business development and employment development. And part of that is working with partners like Micro Enterprise Services of Oregon, who in the coming year -- working with Tory -- will be a presence in our district and really helping to forge those relationships to foster understanding amongst people.

Hales: Thank you. Mr. Campbell, you're queued up.

Tory Campbell: Good morning, Commissioners and Mayor. MESO -- another wonderful acronym for you to remember -- stands for Micro Enterprise Services of Oregon. The mission of our organization is to expand the economic opportunities for underserved entrepreneurs by providing business support to help increase income, assets, as well as business skills. We've been doing this since 2005. I myself have been a huge benefactor from this, as I'm an alumni from the organization now giving my time fully to help give back. We currently have 75 different entrepreneurs and we are currently working with right now, and they represent very diverse industry from food carts to law firms that we are working with to help them grow in terms of viability, sustainability, and improving their skills so that they can continue to enjoy the boom of the start-up culture and growth within the city. We are excited as an organization to be in partnership with PDC, which has been a long-term relationship in providing this unique brand and approach to business development to both

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42nd Avenue and the businesses that exist there, as well as Cully. Over the next year, I will be working with Michael and Laura Young -- who is also here today -- to provide what we're going to call life service to the different businesses that are there. They will be able to receive up to 10 hours of business and technical assistance with me, as I will have office hours both on 42nd Avenue and Cully. So, it will be a unique opportunity for us to come in and not simply say, this is what you need to do -- but more importantly, start with listening and find ways to help them with what's most important right now developing their business, moving into a place where they are seeing growth in ways they could only imagine in the past but without outside help and fresh eyes can't move it forward. That's all I wanted to share.

Hales: Thank you. Questions for the panel?

Fish: Just a comment, Mayor. I want to thank our friends from our 42nd Avenue. That's one of my shopping districts, I live just up the street. It's where I can go and buy fresh pastries or there's some new restaurants that have opened up, and there's all kinds of services. So, I appreciate the good work that you're doing -- the branding, the community building. And it does break my heart a little bit that we're now two years since we did pitch a vision for the Whitaker site. We had this vision of a short-term use to do urban agriculture, and it kind of got shot down because people wanted a longer-term vision. And I kind of had this prediction that it would sit fallow for another five or six years and being a giant dog walk place. I hope at some point that we can crack that nut, because the Whitaker site is to me very important to the long-term prosperity and development of that district. I know there's no shortage of good ideas, but I just hope we're not meeting in 10 years and still looking at a pile of dirt and good intentions. Because I think it -- the city has a big role to play, and obviously has to be an organic solution from the community. But that is a prime opportunity site, and I only regret we weren't able to do a little experiment in urban agriculture because it was just sitting there -- but, nice job.

Hales: Good work. I know Patrick is going to move on and talk about the strategic plan development process a little bit. But I know there are other folks here from the neighborhood that are community leaders and residents. Not sure if anyone is planning to testify. But if you are, come on up. And if not, we'll let Patrick move on to the next stage of the presentation.

Quinton: Thank you. Thank you, Michael and Tory. And truly, we could bring up people from all of our NPIs -- we wanted to highlight one. There's unique but equally compelling stories from each of the NPIs and we can talk about the seed fund and the Startup PDX Challenge, but we didn't obviously want to parade people up here. That is what's going on. I will take the opportunity to highlight one thing -- that I think you've read about -- but the Jade District, one of our other NPI districts, had their first night market, and 5000 people showed up. It was a smashing success to the point where it was beyond what they even contemplated. So I know they're going to respond and anticipate a much bigger crowd. But it's the next three Saturday nights is the Jade District night market. Once again, a very unique -- very customized initiative for that district. 42nd is doing their own initiative, the Jade District is doing their own thing, and this is the kind of energy that we've unleashed -- that the dollars from city council have unleashed. It's truly a success story. So thank you.

Hales: Thank you very much.

Quinton: Like I said, because we have a minute here, I just wanted to give you an update on where we're heading on the strategic planning process. The mayor is leading this process. We haven't had a chance to talk to council about it, and this will be the first of a series of conversations. What we talk about with our strategic planning process -- for the past five years, PDC operating under a strategic plan that was largely constructed based on the direction from our five-year city economic development strategy that was passed in 2009. Five years -- time flies quickly -- you know, a lot has happened over that five-year period, and certainly market conditions have changed substantially, so it's time to refresh that strategic plan. And so, at the mayor's direction, we are taking a new look at our strategic plan. What you see here on the screen is the current construct of our strategic plan. The

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major three elements in the middle really come from the economic development strategy around strong economic growth -- that's the traded sector piece of the work -- a vibrant central city, that's one of the main redevelopment aspects of the work. And then healthy neighborhoods, which is a combination of NPI and neighborhood economic development strategy work that you're aware of, as well as the redevelopment work that we continue to do in our neighborhoods. PDC as an organization also has two other aspects to its work around social equity, which is an over-arching goal for everything we do, as well as the operations of our agency and how we take care of money, how we take care of our assets, and how take care of our people. So the plan that we've embarked on you can see before you. We kicked off the first meeting, we have an advisory committee -- I'll show you the list of names in a second -- but it's gonna run through next March. The first four months of this is really more of an investigation, an analysis of the work that's been done over the past five years, and those findings will come back to you and come back to the advisory committee. And then the remaining part of it is pulling together a new framework for our five-year plan, and then filling out the plan and developing metrics and then bringing it back to you for adoption so you can see how that plays out. One of the logistical goals that we have is that we finish it in time so that it can form next year's budget conversation. So that's an important goal for us so that when we're having our budget conversation next spring, you have a new strategic plan in front of you so that it can help inform decisions about how we spend our money.

Fish: Patrick, on this chart you have before us, where it says the two work sessions in December and January, are those PDC work sessions --

Quinton: The advisory committee work sessions.

Hales: Strategic plan, yeah.

Quinton: That's the advisory committee work session. So I'm just flipping ahead so you can see -- this is the advisory committee, steering committee that we pulled together --

Fish: Patrick --

Quinton: Oh, I'm sorry.

Fish: I want to make sure that I get the question answered. So these two work sessions, December and January. Are you planning to do a work session with the council?

Quinton: That hasn't been determined yet. I guess I would defer to the Mayor --

Hales: I think that once they've gotten pretty far into the work, I think it would be good to have them into council with us in an informal session.

Fish: Yeah, I would say somewhere before February, and maybe after December, I would like to make a question for a work session so we can get -- you're getting instructions from your deputy director.

Quinton: I'm just clarifying whether we actually had scheduled a work session. I was going to go ahead. The consultant we hired to do the analysis will present to you on December 10th. So that's a presentation of findings. Whether or not you want to turn that into a work session I think is up to you. But December 10th is on the calendar -- your calendar now for the presentation of the findings from market street services.

Fritz: I share Commissioner Fish's desire to have a work session.

Hales: OK -- [speaking simultaneously] -- do the presentation and then bring in some members of the advisory committee for an informal with the council.

Fish: We don't actually do that very often with either PDC commissioners or folks, and it's always interesting to have that dialogue.

Hales: And I'd like to do that.

Quinton: We can figure out what the timing is, whether it should be December 10th or a subsequent date. But the findings will come back to you.

Hales: Good idea, thank you.

Quinton: So here's the advisory committee. We could have had a list of 50 people who were all well-qualified. We wanted a representative group across the different areas of work we do, across

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the different areas of the city, the different communities that we work in. And so we're very happy with the group, and the first meeting had active conversation as the mayor will attest. So I think we have a good group that is willing to share their thoughts, opinions, and expertise with us. We have hired a consultant called Market Street Services. They're gonna do what we an implementation assessment, and it's really to take a look at what we've done over the past five years and give us feedback on that work. And then that will obviously help inform the strategic plan that we're developing for the next five years. A little about Market Street Services. They are a nationally-recognized economic development consulting firm. They've worked with a lot of cities around the country, namely cities like Austin that I think we look to as kind of partner cities, cities that are trying to accomplish similar things with their city and regional economies. And then the other big thing about Market Street is they've been hired by Greater Portland, Inc. to help them develop their five-year plan which they're calling the Greater Portland 2020. So, we're working in concert with Greater Portland. The city's plan will be developed at the same time that the region's five-year plan will be developed.

Fritz: Patrick, just going back to the advisory committee. There's certainly a lot of eminent names on there. I'm not seeing neighborhood-level folks.

Quinton: So we have folks who represent different parts of the community like Annette Mattson from east Portland. Dan Clock is an east Portland neighborhood representative. Debbie Kitchin is from central eastside. Going through the list -- it's not -- it's designed to be a balance.

Hales: [indistinguishable] is a neighborhood activist from northwest --

Quinton: Holly Whittleton, her organization operates in outer southeast --

Fritz: Given that we have the six neighborhood initiative boards, it would be good to see some of the folks who are not the leaders of the organization participating as well.

Hales: Well, we talked about that, but it's also important that this committee be independent from how we spend our money now. And as good as the NPI program is, there's obviously a conflict of interest for those folks to participate in this process.

Fritz: Well, that was just an example. There are a lot of folks in the 40 plus neighborhood business associations who are important and could maybe give a different perspective than some of these folks who -- in addition to these, I'm not saying --

Hales: And actually, we specifically amended this list and added Heather Hoell at the last minute. So we added her to the list.

Quinton: I don't think this is a place of public input into the strategic plan, either. This is truly meant to be a steering committee that will work with us from the beginning to the end to kind of think through the framework for the plan, but it doesn't mean that we can't gather additional public input on the plan.

Novick: I have a different and more vague source of uneasiness, which is that there's a lot of people on this list who I personally know. And I guess I know a lot of really smart, valuable people, but sort of -- it does kind of make me uneasy that gosh darn it, these are all people I know, where are the people that none of us have heard of?

Quinton: Once again, if there are ideas for different forums, different types of representation that we should be aware of that we can maybe build into kind of the public input part of this, we can do that. But, you know, it ends up being a small town when you go in search of folks to play this kind of role. So, I'm not sure, you know, how to find the folks that we don't know at this point that are going to play this role.

Fritz: Who do you have that would representing immigrant and refugee communities?

Quinton: In east -- I can bring up Kimberly Branam, and we can talk about this. I don't know that we tried to hit every single community. Once again, a lot of that is based in east Portland, and we have a fair amount of representation from east Portland. But organizations like IRCO are partners of ours that we can easily seek out for input on the plan, if we want more explicit input from the immigrant community.

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Fritz: And it's interesting how this is morphed from the topic on the agenda item to a discussion of the strategic plan and how we should go about it. I appreciate the opportunity to do that. As the urban renewal districts wind down -- and certainly, we need to keep a focus on the central city and also looking at the Neighborhood Prosperity Initiative districts and other neighborhood businesses as a way to keep our economy vibrant -- it's important that we have more of the outer voices as well as the folks who -- as Commissioner Novick says -- that we know.

Hales: I think my thought behind this committee -- and then I'll let staff talk more -- these are people that we want to help us see around the corner. And that was my thought about who -- we had a long list of potential candidates to look at. And as I said, one of the additions we made in the late in the game, was, you know, we ought to have Heather Hoell there because she represents all these small business organizations around the city. But if you look at this list -- frankly, in my opinion, these are a lot of very smart people that can help us see around the corner. They're not necessarily much invested in the status quo at PDC, although a few of them are. A couple of them, I think, have even had projects with PDC. But most of them haven't. And that was -- there are plenty of folks in each of the urban renewal areas who had extensive dealings with PDC who could probably help inform this. But we basically stayed away from those folks and went to people who, again, have a big-picture view to help us see around the corner. Because it's a strategic plan, not a budget. That was the philosophy around it.

Kimberly Branam: Good morning. Kimberly Branam with PDC. I would also add that we will have a long consultation process as part of the Market Street analysis with our NED leadership group and NED partners, as well as our traded sector partners. So folks like IRCO will be interviewed and brought in to provide their input. I think we're hopeful that we will bring this back to the NED leadership group as well for a robust conversation. And there are representatives from that group with Annette and Michael Alexander, who hopefully will help to be a bridge between the steering committee and some of the existing groups.

Fish: There's one other subject matter that I'm interested in being front and center in this discussion, and that is the creative economy. How we capitalize on it, and does it get a bigger foothold within a five-year strategic plan? Does it get called out? Patrick, do we have someone here who can speak to that? Or alternatively, how do we make sure that that is framed for consideration?

Quinton: I mean, I think we do. And once again, as Kimberly mentioned, we're going to have opportunities to bring in input from others. But starting with Joe Cortright and John Tapogna, we have two economists who are really tracking what's going on in the economy. And so they provide the more data-driven look into the economy -- and particularly, Joe Cortright tracks those kind of trends. And then people like Jonathan Malsin from Beam, and Diane Fraiman and Jay Halladay, who either are -- Jonathan Malsin, the Beam model is basically building space for the creative economy. So they're very close to what is going on there. And Diane funds companies that are technology companies, creative economy companies; and Jay operates a company that is built on innovation. Once again, we've tried to create one group that cuts across all of the different issues. I think we have a decent representation on that aspect of our economy. I just wanted to -- this is the scope of Market Street's work. They're going to take a look back on both the economic development strategy, as well as the neighborhood economic development strategy. And you can see the two bullets on top of each of those is input from stakeholders on both, and then they're going to bring in best practices from around the country. That's one of the benefits of having an outside firm come in, is they bring that outside perspective into our work. And then as I mentioned, here are the deliverables. They will bring back their initial findings to the steering committee at the end of October. There will be a series of meetings prior to that, but that's when Market Street will come back with their findings and council will have a presentation on December 10th, and we can follow up, obviously, with whether or not that's a work session or additional council work session.

Fish: I think we have a working agreement to do a work session. So let's schedule that. And does it -- I'm just curious -- and I appreciate the mayor saying we want to look around the corner and

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look forward. The only PDC current or former board member who's participating on this is someone who had nothing to do with the last five year strategic plan. Is that a positive, a negative, or a neutral? I assume couldn't even evaluate it, but he certainly wasn't involved in crafting it. What's your view on that?

Branam: Actually, the chair was involved in Mayor Adams' economic development cabinet.

Fish: He was on the cabinet?

Branam: He did. He was not in the role of a PDC board chair, but he was there --

Fish: Did he support the effort, or was he a dissenting voice?

Branam: I think he was supportive. [laughs] He has been involved in a lot of the work that we have done.

Fish: That part I didn't know. So he's actually a two-for.

Branam: Yeah.

Quinton: I think between folks on council, PDC leadership, staff -- I think, you know, a lot of thinking that went into the original five-year strategy will have plenty of air time. I think we want to take the opportunity for a fresh look so that we don't get stuck in things that maybe aren't working. That doesn't concern me. I feel like this is going to give us a chance to really look at some new ideas and make sure we know what's working and what isn't working.

Fish: And Patrick, because we're crafting an economic development strategy for the city of Portland, I understand that the consultant will be talking to -- among others -- each individual commissioner to sort of talk about the past, present, future. Is that correct?

Quinton: Yes, yes.

Fritz: Because essentially, we're going to be asked to fund some of the general fund pieces of whatever strategy moves forward, so it would be nice to have a significant amount of input into the development of this strategic plan.

Quinton: Yeah, hopefully what comes out of it will help you set priorities for how you spend general fund on economic development.

Fritz: So it would be helpful if you were to invite members of our staff to follow -- to track the process. Obviously not as committee members, but I would like to have somebody there.

Quinton: OK.

Hales: Good idea. OK. Anything else, Patrick?

Quinton: No, thank you. Thanks for the robust conversation. The process is just beginning, so this is a great time to have this conversation.

Fritz: I actually have a question on the substance of the ordinance. And that is, I'm wondering about the City Budget Office being responsible about the IGA, and wondering which entity was responsible for this IGA last year.

Quinton: Well there was obviously a transition from OMF to CBO. But I think we had it with CBO last year.

Branam: I believe it was CBO last year and OMF the prior year.

Fritz: OK. Thanks.

Quinton: I mean, there are CBO folks here. Is that -- ?

Jeremy Patton, City Budget Office: Yes.

Hales: OK. Other questions for Patrick or Kimberly? Thank you both. Anyone else want to speak on this item?

Moore-Love: Yes, we have one person. Charles Johnson.

Hales: Charles, come on up, and then we'll go to the other item.

Charles Johnson: Good morning, Commissioners. My name is Charles Johnson. It appears the prophetic voice of Joe Walsh has departed from his usual seat. But his remarks on the previous item are germane here. This list of names -- which you, yourselves didn't have an ultra-high level of comfort with -- is not linkable through the agenda item, and didn't include a URL for people who want to go hunt it down on the web site PDC.us. So I want to thank you, Commissioners, for being

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a little more adversarial than usual in challenging the PDC staff that was up here. We have -- of course, sometimes we make remarks about family-friendly language. So, I think there are a large number of citizens in Portland -- especially in light of the last PDC issue of how to develop that area that a lot of African American leadership took issue with -- that feel that there's still a stronger need -- even though we heard great NPI presentations from the PDC now that a lot of people feel excluded from the development of Portland. And having that list not part of the public linked information and not telling people things like, if you don't like what the PDC is doing or you think it's not doing enough, you need to be there on September 10th, Wednesday, and get familiar with these people so that you can decide for yourselves if the PDC just has a few outside fluffy development things, while it mostly promotes channeling of wealth through the same limited developers over and over again. I don't have a research packet to substantiate or deny those claims, but I hear that among citizens in Portland -- that the PDC is a silo, and occasionally public relations flourishes, sometimes successful, like the Cully area, which I walked through went I went through the Fremont street fair -- but other times we feel like the PDC isn't exactly interested in development. People who are familiar with downtown, people here from 1000 Broadway before, they at least have the comfort of saying they're a few blocks away from the big red and white Us. And people who are in economic distress in this town -- and it is still too many -- really wish the big red and white U meant usable, and there were more -- there was better civic engagement in getting people to use buildings, whether it's historical or fire station that I don't know the providence of and how it's been transferred in and out of public roles, or a still empty field that will be across from the new health department. I want to encourage you when you have citizen interaction to encourage people to watch and participate in process and to make it more open so that when we have city council meetings and a list of people comes up, we don't have to see the city commissioners going, hmm, is this the best list of people? We could have had more open engagement about that process. I want to thank Commissioner Fritz, particularly, for -- she just asked about immigrant and refugee communities, but I was glad to see that the PDC at least is on the ball enough that they did specifically say, oh, we know somebody at IRCO, we'll talk to them. IRCO had racist protesters in front of the office a few weeks back. So, that's something for the police department to think about -- part of community policing, too. Thank you.

Hales: Thank you.

Fritz: So Mr. Johnson, you used the term, adversarial questioning. I would disagree with that framing. They were just questions. Neither I nor my chief of staff had any knowledge that this presentation of the strategic plan was going to be coming this morning. So Mayor, I think it would be helpful if you were to post on your website some information about this so that what normally would have been linked on the agenda could be made available to council offices as well as to the public.

Johnson: Thank you, Commissioner.

Hales: Good, thank you.

Johnson: When I said adversarial -- last week when the Mayor and Amanda were absent, on vacation and enjoying some time off that they fully deserve -- I thought that we had three white male lawyers, but there were only two. So when I say adversarial, it's not necessarily a bad word -- it's the way we do justice in the United States. We have strong positions on either side. So I encourage you to be more adversarial.

Fritz: And I would say that's a male framing. [laughter]

Johnson: Sorry -- [indistinguishable]

Hales: That you very much. Anyone else to speak on this item?

Moore-Love: No one else signed up.

Hales: Thank you, Charles. OK, roll call, please.

Item 893 Roll.

Novick: Thanks very much for the presentation, aye.

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Fritz: Aye.

Fish: Thank you, Patrick. And I believe very strongly in the neighborhood economic development approach, and I think it's very wise use of general fund dollars to support prosperity in our neighborhoods. I'm looking forward to the strategic planning process not only vindicating the underlying assumptions of that work, but giving us a road map for investing even more general fund dollars in this worthy activity. Thank you. Aye.

Hales: Thanks very much. Aye. OK, I think we're going a little out of order, because Commissioner Fish, you wanted to get one item done while you and Director Shaff are here.

Fish: 901.

Fritz: There's a number that all require four.

Hales: True. But I think it was a matter of losing you, right? [speaking simultaneously] -- Commissioner Fish.

Fish: Director Shaff.

Item 901.

David Shaff, Director, Water Bureau: Good afternoon. I'm David Shaff, I'm the director of the Portland Water Bureau. You know that we have a Bull Run treatment variance that requires us to test regularly a minimum of 100 liters of water every week. That's either two samples or 10, depending on the season for cryptosporidium. Those have to go to a specialized lab that is authorized by the EPA. There's only a handful of them, commercial labs in the country. We had a contract with a firm called Tetra Tech that in April of 2014 went out of business. We went to our back-up lab called biovere [spelling?], which was a sub consultant under the Tetra Tech contract. In June of 2014, they informed us that at the end of the week they would stop accepting our samples because they thought they were going to go out of business. I declared an emergency, worked with the office of procurement services, and we went to -- we contacted ASI, who spent five years with us working on the data collection for the treatment variance in the first year of the variance. They agreed to take our samples. We signed an emergency contract with them. Ultimately, biovere did not go out of business, although they are being purchased by a larger company and we're not sure what their status is. But we have to have our samples going to a qualified lab on a regular basis. So the purpose of this ordinance is to authorize the emergency contract that we signed. We are in the process of an RFP, and you know they take a long time to prepare and get out on the street and get back and make decisions. We're working on an RFP to select a long-term cryptosporidium lab to serve as our lab for the next several years. We anticipate -- we hope to have at least two, perhaps three labs on contract when that happens, so that we don't have to go through this too frequently. If you have any questions, I would be glad to answer them.

Fritz: Do we just pay for services as we send samples?

Shaff: Yes. We pay on a per-sample basis.

Fritz: So we're not giving them \$250,000 up front.

Shaff: No, but it will be very close to that. We're spending between \$10,000 and \$30,000 a month, and it will probably be with them for the full 12 months. Now, part of the \$250,000 is a 25% contingency. Because if we get a positive sample, we have to double our sampling.

Fritz: But we didn't lose any money with Tetra Tech and biovere because we hadn't --

Shaff: No, we did not. They invoice us for the samples that they perform the analysis on.

Fritz: Thank you.

Hales: Any questions for David? Thank you very much. Anyone want to speak on this item?

Moore-Love: No one signed up.

Hales: OK, then let's take a roll call.

Item 901 Roll.

Novick: Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

Item 894.

Hales: Mr. Biery.

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Jonas Biery, Office of Management and Finance: Good afternoon, Mr. Mayor and Commissioners. As you know, the debt management office monitors outstanding city bonds for opportunities to refinance and reduce ongoing payment requirements. Happy to present today another one of those opportunities. This ordinance authorizes issuance of urban renewal bonds, it will refund approximately \$21 million of outstanding interstate URA bonds. The existing bonds have an average interest rate of around 5%. We'll be refinancing to an average interest rate of around 3 or 3.5%. The result of that refinancing is expected to reduce debt service payments by approximately \$3.5 to \$4 million over the next 11 years. Security and payment for the refunding bonds will be the same as the currently outstanding bonds, and that is tax increment revenues of the Interstate Urban Renewal Area. We're requesting that ordinance be approved on an emergency basis so we can execute the financing as quickly as possible. I'd be happy to take questions.

Fritz: I have a question, Jonas. Are you and your team keeping track of how many millions you've saved us by the refinancing?

Biery: We do track that, Commissioner. I don't know it off the top of my head. I can tell you that just this summer -- in fact, just recently, we completed a sewer revenue bond that saved \$16 million. And I think that's the largest refunding we've done -- as a single refunding, at least -- in the past 12 to 15 years since we've been tracking this closely.

Fritz: I would be interested to know on an annual basis. Even though you're not getting a bonus for it, but I think in terms of informing the public that you are using their money wisely, it's good information to have.

Biery: Commissioner, I would be happy to share that with you. I'd also note that we do have the annual debt report, which will be published on the debt management web site, which tracks that on an annual basis. And would certainly be happy to discuss the adjustment to the bonus situation if that's proposed.

Fritz: [laughs]

Fish: By the way, that's a great read. I keep it next to my bed at night in case I have trouble going to sleep. Anything -- even more concise than that -- is useful as well.

Hales: Jonas, thank you. Any other questions? Thanks very much. Anyone signed up to speak on this item?

Moore-Love: I did not have a sign-up sheet.

Hales: OK, then we will take a roll call, please.

Item 894 Roll.

Novick: Aye.

Fritz: Just to be clear, the city doesn't give bonuses. Aye.

Fish: Aye.

Hales: But should -- [laughter] -- if we could, but we can't. Aye.

Item 895.

Hales: No presentation, it's just a clean-up item. Anyone signed up to speak on the item?

Fritz: I'd just like to mention that Tom Bizeau on my staff went through the entire chapters and we agree that they are completely outdated and not worth having. [laughter]

Hales: Clean up accomplished -- Ms. Hartnett strikes again. Set over for second reading next week.

Item 896.

Hales: This is a second reading, and this is our lease for Columbia Square space that we use for the Revenue Bureau and elsewhere. Any questions for staff? OK, we're good. Roll call, please.

Item 896 Roll.

Novick: Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

Item 897.

Hales: Commissioner Novick.

Novick: Colleagues, the purpose of this agenda item is to authorize PBOT to grant PGE a riser pole easement, a subsurface easement, and an aerial easement -- easements coming out of our ears -- to

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the supply power to the Willamette River bridge crossing for the streetcar loop and the Portland to Milwaukie light rail. And I'm going to turn it over to Sarah Johnston with PBOT Right of Way to elaborate.

Sarah Johnston, Bureau of Transportation: Thank you very much, Commissioner Novick.

Thank you, Commissioners and Mayor, for your time today. This ordinance is for some easements for PGE. They're going to be placing a new riser pole, and in addition to that, they're going to need an aerial easement and a subsurface easement. The purpose of the easements is to provide power to the Portland to Milwaukie light rail, and that is going to power the bridge that crosses the Willamette River. And I'd be happy to take any questions that you might have.

Hales: Any further? OK. I assume there's no one signed up to testify on this item. I don't believe there is. OK. It's set over for second reading to next week. Thanks very much. Electric trains work better with electricity, so it's important that we do this.

Item 898.

Hales: Commissioner Fish.

Fish: Nancy Hendrickson from BES is joining us this afternoon. This item is a joint funding agreement with the U.S. Geological Survey for flow monitoring and water quality monitoring for our city waterways. The agreement leverages monitoring dollars between the USGS, the city, and several other funding partners to serve our mutual needs. The other funding partners are the cities of Gresham, Milwaukie, and Damascus; Multnomah and Clackamas Counties; and the East Multnomah Soil and Water Conservation District. The city uses this information to design products to prevent flooding, improve water quality and monitor the health of our watersheds. This ordinance renews the agreement for another five years. Nancy, did I miss anything?

Nancy Hendrickson, Bureau of Environmental Services: That's it.

Hales: Well done. Questions for Nancy or anything else that you want to add?

Hendrickson: I was asked to provide a little presentation.

Hales: Please, go ahead.

Hendrickson: But I don't have to if you don't want to.

Hales: What's council's pleasure? We're running late here on time.

Fish: I think we're ready to --

Hales: We're ready to call it good. Nancy, thank you for being available.

Fish: Thank you for your good work.

Hales: Good work. This is set over for second reading.

Item 899.

Hales: Second reading, roll call, please.

Item 899 Roll.

Novick: Aye.

Fritz: There's 15.8 acres of good industrial land, and somebody should buy it. Aye.

Fish: Wanna thank Scott Turpen and the team for their good work on this. I want to thank Sonia Schmanski and folks in my office for working diligently on this new surplus property policy. And as Commissioner Fritz alluded, this is actually a great time to be selling property like this. There's a white-hot market, and we're hoping to get a substantial return on ratepayer investment. I think I'd be remiss if I didn't once again acknowledge that I believe it was under Commissioner Saltzman when he had the bureau, a strategic decision was made to buy -- not lease -- this land for the Big Pipe. That obviously came with some risks, but hindsight is 20/20. Who could have predicted a market like we have now? So it is highly likely we will get a substantial return on that investment, which makes further punctuation point on the Big Pipe project. Aye.

Hales: I think as Commissioner Fritz mentioned, this is in the industrial sanctuary, right? So not necessarily redevelopment, but reuse.

Fish: Correct.

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Hales: So if you see the arrival of the world's biggest dry dock in Portland this week, you realized that -- to quote Monty Python, which is something Commissioner Novick might do -- industrial development is not dead yet. So it's a good idea to put this on the market. Aye. So let's go another piece of surplus property, number 900.

Item 900.

Hales: Commissioner Fish, do you want to introduce this one as well?

Fish: Second reading.

Hales: Sorry -- second reading, roll call.

Item 900 Roll.

Novick: I do recall that a commitment to proper disposition of surplus property was one of the major weapons of the Spanish Inquisition, as well as bright red cloaks and an almost fanatical admiration of the pope. Aye. [laughter]

Fritz: Commissioner Fish, thank you for your diligent pursuit of this. This is another great property -- somebody should buy it. Aye.

Fish: Thank you, Amanda, for reminding me of something. My team is going to be at the Multnomah neighborhood association in early September following up on issues they've raised about this policy. And we actually developed this policy in concert with some neighborhood associations in southwest. They have sent us a follow-up communication with further proposed refinements. I'll bring the whole team to them, we'll have that conversation. The goal is to get it right, but with these two properties we're test-driving a policy that is substantially improved. Aye.

Hales: Aye. Thank you, and we are recessed until 2:00 p.m.

At 12:36 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

AUGUST 27, 2014 2:00 PM

Hales: Council, please return to order. And Karla, would you please call the roll?

Novick: Here. **Fritz:** Here. **Fish:** Here. **Hales:** Here.

Item 902.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor Hales. What a happy day. I am very pleased to bring this ordinance to council today, purchasing this large parcel of remnant freeway land from the Oregon Department of Transportation, which brings us one step closer to realizing the Gateway Green project. It's very important to note that the land is being purchased using system development charges, paid by developers -- not with general tax dollars, which of course Parks does not have very many of for this kind of thing. The project is a community-led effort to create a new city park on 25 acres of disturbed and unused land in an area of the city where parks, recreational opportunities, and open space are greatly needed. At the same time, establish a regional off-road bicycling destination in east Portland. It will be the premier bicycling destination in the city, and I'm very, very excited about the partnership between bicycling advocates and east Portlanders and others in the Gateway Green coalition. Millions of people -- though they may not know it -- travel past this site every year by foot, bicycle, car, and TriMet. Gateway Green will transform, restore, recycle, and bring nature back to 25 acres of leftover land created as a byproduct of two freeways. It will improve a parcel of land that has high community visibility and important regional trail access and connectivity. This land purchase and the Gateway Green project would not be possible without strong partnerships, including government agencies, nonprofit, volunteers, bicycling groups, the design community, and general public. The Friends of Gateway Green have raised over \$120,000 from over 750 donors in an online Kickstarter campaign. This initiative is truly a grassroots-led community effort and a model for innovative public-private partnerships. Of course, it takes motivated and committed individuals to make this dream a reality. So I start by thanking Ted Gilbert and Linda Robertson, as well as the rest of board and Friends of Gateway Green. Our partners at the Oregon Department of Transportation have been wonderful. Governor Kitzhaber's Office and the Oregon Solutions project -- including Steve Greenwood, who is here with us today, and Bobby Lee -- helped get us to yes. And there have been 40 different entities that have supported this effort throughout the years. There will be a slide show at the end of the presentation that depicts all of these organizations. First, we will have the Parks staff Brett Horner present a short presentation on the history and scope of the project.

Brett Horner, Portland Parks & Recreation: Thank you very much, Commissioner Fritz. I'm happy to be here today. I have a very short presentation on this important park land acquisition in east Portland for Gateway Green. Gateway Green is located at the crossroads area of east Portland at the confluence of the I-84 and I-205 freeways, just east of Rocky Butte and north of Halsey Street, within close proximity to the Gateway Transit Center and Gateway District. The site is 25 acres in size and is coming to us from ODOT, a remnant piece of land converted to a regional biking and off-road biking, open space destination for recreation, habitat, and water quality enhancements. We are recommending acquisition so that the project can be built and open for greater public use and enjoyment. The project envisioned for the site came from the grassroots, from community members who have been working tirelessly and diligently on their own time

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establishing a nonprofit Friends group raising funds and organizing volunteers towards the cause. The idea for the project dates back to 2005. Design work began in 2008, and spans the involvement of two governors, and two very dedicated commissioners -- both Commissioner Fritz and Commissioner Fish. What has resulted is this visionary plan of regional [indistinguishable] facility with multiple off-road bike experiences, a children's play area, a new multiuse path, a stormwater retention area, a field station for education purposes, and extensive habitat and landscaping enhancements to re-nature the site. As Commissioner Fritz mentioned, the partnerships are really important and key in this project. The Friends of Gateway Green have enlisted support of many organizations and individuals, including government agencies that you see here, nonprofits, businesses, and individual donors. In 2009, it became an Oregon Solutions effort. These supporters have participated in a myriad of ways, but all of them wish to see the project through, and this acquisition is a key milestone in that process. So, what's next for Gateway Green? After the acquisition, the next phase consists of fundraising by the Friends of Gateway Green to match the recent \$1 million Metro Nature in Neighborhoods grant, and continue with design plans for a buildable project that we believe fiscal year 2016-17. We will plan to come back to council when that happens to give you more detailed information on the project. We appreciate your support in moving forward with this acquisition. I have the founding members of Gateway Green here with me, Linda Robinson and Ted Gilbert, and I want to congratulate them, and they will be saying a few words a little later. I would like to thank our friends at ODOT who are here as well, who also have a few words to say. Thank you. I'll take any questions that you have at this time.

Hales: None for now, thank you. Is it that Ted and Linda that are going to come up next? Come on up, please.

Linda Robinson: Usually, I have him speak first. I'm Linda Robinson, chair of the Friends of Gateway Green. And this is the day that I've waited for for a long time, and I'm really excited. I just wanted to start by making a couple of comments. One is that when I started doing volunteer work as part of a career change 20 some years ago, we went to this little exercise to identify what our -- my strengths were. And I remember very clearly, it was a flower with a stem and some leaves, and the thing that went down the stem I had written on there, perseverance. So, I identified that a long time ago, but I've learned another thing that goes with that. And I've developed a motto over the years, which came in really handy for this project, and that's called patient persistence. You've got to have patience as well as that perseverance, persistence. So that has played a big role in helping this happen, and will play a big role in helping us with those next steps that Brett talked about. I really want to thank everyone. This has been a long process. First of all, I want to thank Ted. It was his idea. He came up with this idea when we were both working on the Gateway urban renewal project and trying to figure out how we could find something in Gateway that gave it a unique identity. And he came up with the idea, some of the -- I had just retired, and I said, I'll help. And that's kind of how this all began. We're really excited to be here. We spent a lot of time working with our friends at ODOT, with bicycling friends -- I even credit this project with motivating me to learn how to ride a bike. So, now that all of these have been accomplished, this is a big step forward, and we look forward to working on making this actually happen while I can still ride a bike.

Hales: [laughs] Once you learn, you never forget.

Ted Gilbert: I'm Ted Gilbert. Over the years, I think I've had the opportunity to speak with each of you probably more than once about Gateway Green, and what we believe it will do for Gateway and east Portland. And sitting here today -- I mean, it's been a bunch of years, but sitting here today thinking about the distance we've traveled from the original idea to this big step today -- it's pretty amazing. Yeah, we have a ways to go. The Friends of Gateway Green are committed to get this done and bring this to the community, and we hope that we can count on the continued support and leadership of city council. But please know that we're absolutely committed to this, and together we're going to get this done. So, on behalf -- I want to now introduce one of our FOGG board members -- Jocelyn Gaudi is here. And please accept our sincerest gratitude. Thank you.

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Hales: Thank you, same to you. Others that you have planned to have speak?

Fish: Ted, I just want to caution you about using the FOGG acronym in certain settings. Some people will think you are talking about the fats, oil, and grease program administered by the Bureau of Environmental Services. You might have to have someone to distinguish FOGG and FOG.

Hales: Two Gs.

Novick: Then there's also fog seal, which is used on streets that are beginning to degrade to extend their lives.

Hales: It's getting foggier. OK, let's proceed.

Ryan Windchimer: Mayor Hales, Commissioner Fritz, members of the council, my name is Ryan Windchimer, I'm the regional manager now at ODOT, region one. I just wanted to take this opportunity to express my support for your work here and the city's acquisition of the property between 84 and interstate I-205. ODOT, Parks, Friends of Gateway Green, the governor's office -- a number of us have been working on this collaboratively for a number of years now. And you know, purchasing property for a project is sometimes just a simple step in the progression of a project. In this case, this is a major step forward. Again, the development of a park is difficult. And trying to develop a park on interstate right-of-way in a section like this frankly just wouldn't have worked under ODOT ownership based on the federal rules and things associated with interstate property. And so, I'd like to take a moment and acknowledge the great work of our team from the state of Oregon. I've got Ted Miller, who's our regional one maintenance and operations manager who spent a ton of time on this project. Kelly Brooks, intergovernmental liaison, associated with the governor's regional solutions team. I'd like to thank Bobby Lee, who, of course, is our regional solutions team leader here, as well as Steve Bryant and Steve Greenwood from Oregon Solutions. Without their help, this would have been a very, very difficult project, and I'm glad we are where we are. I want to say thank you to the city for the work you and your staff have done, particularly Commissioner Fritz and Commissioner Fish. Without your personal involvement in helping move this along at several stages, I don't know if we would have been able to get all of the way through here to the finish line. And just thank you one more time for letting me take the opportunity to express the appreciation for your work, and we really look forward to seeing this finished product and the vision that it can be. So, thank you.

Hales: Thank you, Ryan. Questions for our team? Are there others that are here to speak? If not, it's emergency ordinance, let's take a roll call --

Moore-Love: I have public testimony.

Hales: There is public testimony, sorry.

Moore-Love: We have two people, Terry Parker and Lightning.

Hales: Terry.

Terry Parker: Thank you. My name is Terry Parker, northeast Portland. Yesterday's Portland Tribune had an article about the gap between City of Portland funding and infrastructure needs. According to the citywide systems plan, Portland Parks and Recreation alone is an additional \$84.4 million per year to maintain and expand parks. If a mountain bike course is to be incorporated within Gateway Green, it needs to be financially self-sustainable, managed in the same way Portland public golf courses are managed, with fees charged to the mountain bikers similar to the green fees that are paid by golfers. Swimming pools located in Portland parks, tennis centers, and community centers all have user fees. Likewise, reserving a ball field or a covered picnic area in a Portland park also requires a fee. Since mountain biking is a specialized sport requiring specialized infrastructure, equity and fairness necessitate that sustainable user fees must be charged. Moreover, the intent to charge user fees for the use of a mountain bike course also needs to be included and documented in any land acquisition agreement. To be clear, what I am endorsing here and what is equitable here are user fees for only the mountain bike course, not for the general park usage in Gateway Green. There has been some discussion about using volunteers to build and maintain the mountain bike course, however, that isn't likely to fly or be welcome by the unions

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who represent city park employees in that it would take away jobs. If user fees are not charged for use of the mountain bike course, it is only justice that golf course green fees, public swimming pool fees, tennis center fees, and park reservation permit fees all be eliminated. And finally, just a side note on a related subject. It was very positive to hear about the proposed inclusion of a family-friendly nine-hole pitch and put golf course, and the integration of teaching school-aged kids the sport of golf as part of the Colwood Golf Course makeover project. Kudos to all of you on that one.

Hales: Thank you, sir.

Fritz: Thank you for your comments, Terry. First of all, the bicycling community has been very involved in fundraising for this effort, so that's important to note. I note in your testimony, you talk about tennis centers. To me, the mountain bike course is more like tennis courts that are not fee for service at parks. So your point is well-made, as always. We do want people to pay their fair share. However, this is more like cycling on any other Portland park that we don't charge additional fees for.

Parker: Well, it's going to require special maintenance and a special course that only a certain select number of people will use -- I shouldn't say select. I'm talking about, you know, like golfers use golf courses, bikers use, you know -- and I just think that it's only fair that some sort of a fee be charged similar to what golf -- so that it's sustainable under its own.

Fritz: Tennis courts take maintenance, too. In fact, the course at Ventura Park -- the bicyclists do maintain that.

Hales: OK. Lightning?

Lightning: Yes, my name is Lightning with Lightning Think Lab. One of the things I've noticed is that we've acquired a few other parks, too, and actually paid over the appraised value for those parks -- or land for potential parks now. One of the questions I have on this acquisition is -- as you know, a lot of times I tends to focus on the overall price -- 25 acres are being sold for \$19,300. Now, that says appraised value. Was there an appraisal done on this property, number one? Or is that just some assessed value many, many years ago? I just want to have an understanding on that, because my understanding is ODOT said this was a surplus property. And was this property offered to any other people possibly at this time and not just the city alone? And again, this price is just jumping out at me. I know Mr. Gilbert is much more knowledgeable than I am on real estate values in the city, but I'm just kind of questioning this overall price on this. If anyone could answer that -- if not, then I understand.

Hales: If I heard the head nods behind you correctly, I think there was an appraisal.

Fritz: The answer is yes, there was an appraisal. It is a landlocked parcel between two freeways, so it would be a tad difficult for anyone to develop much of anything else on it.

Lightning: 25 acres for under \$20,000.

Fritz: Correct.

Lightning: That's a great price, thank you.

Fritz: It's essentially not developable for anything else.

Lightning: Except for a park. OK, thank you.

Hales: Thank you. Thank you both. OK, anyone else?

Moore-Love: Yes, we had a request from one more person. Come on up.

Fritz: Put that on the ledger of things that we've paid a little too much for because we need the property -- and this one, you're right, Lightning -- it's a great deal.

Hales: Welcome.

Jocelyn Gaudi: Hi, thank you. My name is Jocelyn Gaudi and I'm a relatively newcomer to the Friends of Gateway Green project. I was elected to the board just this month. So, very excited to be part of the project. I was a funder to the crowd-sourcing campaign last year, and I'm very excited to see it come to fruition -- at least to this point, and hopeful that it will continue to go forward. I moved to Portland six years ago primarily to have the opportunity to integrate cycling more into my life. And in the six years that I've lived here, five of those years I've been able to find employment

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in the cycling industry, which is awesome -- kind of a dream for me. And you know, on the weekends, my primary escape from the city activity is mountain biking. And since I moved to Portland, I've had to purchase a car to be able to do that the way that I like to. And to have the opportunity to ride my mountain bike from my house and get in the exercise and go with my friends that haven't had the opportunity to ever try mountain biking before -- because it's not as easily accessible to them -- there are some hurdles, both with the equipment and with the distance to access mountain bike trails. This is just going to be such a cool thing to be able to take them out and show them around. And not just people of my same age group but also younger, you know, my friends that have children to be able to take them out there as well. So thanks for your consideration on this matter, and thanks for letting me have a few words.

Fish: Can you ask you one question?

Gaudi: Please do.

Fish: If you want to get from Gateway Green downtown, what's the route you would take? What's the safest route that you ride from that area to the river?

Gaudi: OK. That's a great question. I think, you know, you need to consider what type of cyclist I am and what other type of cyclist might be accessing. As a fairly confident cyclist, I would probably take the 205 path over to Mt. Tabor -- I live in the southeast neighborhood -- and go up and over Tabor, and down into the neighborhoods around there. I don't think there is a perfect connector from downtown all of the way out to Gateway Green. I would love to see that happen in the future.

Fish: So that was the soft ball -- [laughter] -- tried to camouflage that, but it is our hope someday to be able to connect Gateway Green to Sullivan's Gulch.

Gaudi: Absolutely, we'd love that.

Fish: And that is a long-term vision. PBOT, Parks, and others have done initial planning around it. Obviously, it's complicated with the railroad. But what a wonderful connecting piece to this legacy if you could mostly come down from Gateway.

Gaudi: It would be ideal. But a note on that. To have easy exit and entry points so that we could access the local businesses along that thoroughfare, so that we could pick up groceries on the way to or from. You know, I tend to get hungry if I have been mountain biking for a couple of hours, so to be able to stop by and get a burger and beer on the way home would be very advantageous.

Fritz: I got hungry and exhausted just listening to you talk about going over the top of Mt. Tabor --

Gaudi: [laughs] Yep -- well, it's wonderful. I love riding my bike in Portland. Like I said, it's the reason why I moved here. So, hoping to be able to ride more of the different types of bikes I have more frequently in the city.

Fritz: Well thank you for becoming a true Portlander by volunteering on the board as well as enjoying the amenities.

Gaudi: Of course. Thank you very much.

Hales: Great. Anyone else who'd like to speak on this item? Then let's take a roll call, please.

Item 902 Roll.

Novick: Congratulations to Ted and Linda and ODOT and Commissioners Fish and Fritz, and everybody who's been involved in this and is continuing to be involved in this. Congratulations on what you've done so far, and good luck on what you will be able to accomplish in the future. Aye.

Fritz: Commissioner Novick, I'm impressed that you didn't ask about the operations and maintenance, which was included in the budget. So that's good. One thing I most appreciate about this particular project is that it's going to be designed for biking. We have a lot of challenges in our natural areas -- in Forest Park and elsewhere -- with mountain bikers creating their own trails and cycling where it's frankly not a good place for them to interact with hikers and other uses of the forest, including the wildlife. So this property is going to be custom-built and could be eventually be a jewel in the crown of connecting sites all up and down east Portland to Powell Butte. So that's great -- to provide something, one in the city in east Portland -- which as Linda said, has not had its fair share of amenities. So thank you to Linda Robinson and Ted Gilbert for your vision and for the

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Friends at Gateway Green for all of your work. I'm just going to read the 21 signatories to the declaration of cooperation in 2010, because it's significant what a diverse group it is, and also, that's how you get things like this done is with patient persistence and with developing partnerships. So, that declaration of cooperation included the City of Portland, the City of Maywood Park -- which is great, we often miss out on Maywood Park except for Senator Dembrow, who is very good at always mentioning that he represents Maywood Park. The Oregon Department of Transportation, Oregon Parks and Recreation department -- who, by the way, will be applying for grants for to help build this out. Oregon Solutions, the Friends of Gateway Green, TriMet, Northwest Trail Alliance, David Evans and Associates, East Multnomah Soil and Water Conservation District, the East Portland Action Plan, the Kings Cycle Group, Oregon Sports Authority, Gateway Regional Center Program Advisory Committee, Aloft Portland Airport at Cascade Station, Eastminster Presbyterian Church, the Community Cycling Center, the Audubon Society of Portland, Gateway Green Area Neighborhood Associations, Portland Sustainability Institute, and Alta Planning and Design -- all of those folks deserve a lot of credit for working together, as do you for coordinating them. Most importantly, Commissioner Fish, who recognized the needs in east Portland right from the start when he got into office. Together, he and I over the last five years have dedicated more than \$22 million of system development charges in east Portland, and we need to continue to do that because they're lacking in the parks that others have. We need other funds to maintain what we have, and we need to keep working on that. But when we have new funding that can only be used for expanding capacity, east Portland -- as long as I am Parks Commissioner -- is going to continue to get the lion's share of that. Today is a great milestone in this important community project, a time for community celebration for a job well done. Thanks to Mike Abbaté and your team at Portland Parks and Recreation, Patti Howard and Tim Crail in my office. Aye.

Fish: Congratulations, Commissioner Fritz, and your team at Parks. I wanted to add three other people and make sure they get recognition -- Jay Graves, and Rex Burkholder, who co-chaired the Oregon Solutions process and really skillfully guided that to the declaration of cooperation. As I've learned from my friends at Oregon Solutions, one of the most important decisions you make is who is the convener and the chair. So we thank them for their service. And Commissioner Fritz alluded to the O&M, and thanks to Mayor Adams for believing in the project and putting the O&M into the five-year forecast. That was a real vote of confidence. We could spend all afternoon saying nice things about Ted and Linda. But suffice it to say, every one of the projects has a community person or persons who have relentless patience and persistence -- I'll throw relentless in there -- relentless patience and persistence. And all of the great things that we have the honor of being a part of take time, and have to overcome enormous obstacles, which makes days like this very sweet. So congratulations to everyone who helped make this day possible. Aye.

Hales: Well, I'll stick with the alliteration theme -- Ted and Linda, thanks for the patient persistent persuasion. Because you have been persuasive about this, as have your fellow board members and community members who worked on this. And it has been awhile in coming, and I don't want to minimize the long effort, but actually it's normal -- unfortunately, it's normal to take a long time to go from dream to reality. There was a 40-year gap between when the Olmsted brothers recommended Forest Park and when the first acreage was acquired by the City of Portland. So fortunately, you didn't have to beat that record. Barbara Walker started to talk about the 40-mile loop I think in the 1970s, and she still is. So you know, we've been at this for a while in these long park acquisition and development scenarios. Fortunately, by historical standards, this one is moving fast. Doesn't feel that way, it's still been a long effort and still a ways to go. Great work. But I bring that up in part because people do need some patience when you talk about these kinds of long acquisition efforts, and this is a great milestone. We really are at a point now where we can execute on the plan with a combination of fundraising and private philanthropy and city resources can make this a great recreational resource. You know, I've been dealing a lot with at-risk young men lately. We have this Black Male Achievement Initiative underway in the city. There's a lot of concern in

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the community about gang activity, and there's a lot of gang activity to worry about. And the more things we can do -- it's not an original idea, Charles Jordan preached this every time I worked with him -- get our young people outside exercising large muscles. You know, it's good for everybody, starting with them. And this is one more way to do that. Not just for adults, as you mentioned, not just for adults that are bikers, but for our kids. I've always thought our park system should have big shoulders and accommodate every kind of recreational choice, whether it's bocce ball or flying model airplanes or playing basketball or swimming, and this is just one more iteration of that diversity of choices that our park system has and should have. So, it's a great piece of work. And then Ryan, congratulations on your new role as the leader of region one. This is a great start not only in the milestone that you and this team have accomplished, but in this cooperation between ODOT region one, and the city, which [indistinguishable] on lots of things, but it is particularly sweet when it leads to this kind of result. So thank you for a great start as our partner at ODOT. Very pleased to support this, and looking forward to another bike ride with you, Linda, sometime soon. Aye. Well done.

Item 903.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor Hales. You may recall we had a special appropriation in last year's budget to fund these services. And as part of that, I called for a report in April and then one in August for a six-month period from January to June. We heard very comprehensive reports from Janus Youth, the Sexual Assault Resource Center, and Lifeworks in April and then again in the budget process. So their report is being submitted in writing. There's some new and exciting developments in the BoyStrength program, and so I've asked the leaders of that program to come give us their final report in person.

Sara Johnson, Bureau of Police: Thank you Mayor Hales and Commissioners for giving us time to present today. I'm Sara Johnson, director of WomenStrength and cofounder of Boystrength. Carlyne and I will briefly go over recent accomplishments -- I got choked up and I just started -- from the final report, as well as a snapshot of data collected from pre and post questionnaires from BoyStrength. Then we're going to hand it over to students, parents, and instructors who would like to share their experiences for the program.

Fritz: For those watching at home who are not familiar with the program, could you just give two sentences on what it is and why it's different?

Johnson: Boystrength was created to be a complementary violence reduction and prevention program to complement both WomenStrength and GirlStrength, which are holistic self-defense programs. So the goal is to -- actually, that's kind of a good segue -- I was going to share what we created as our mission statements. And so the Boystrength mission statement is, fostering awareness, promoting healthy choices, and empowering boys to be leaders in nonviolence. So that's our goal in the community. Does that sound good? OK, good. We also wanted to let you know that currently, the BoyStrength assistant program specialist position is a limited term, part-time position for the remainder of the fiscal year, which is being picked up by the family services division of the police bureau. We do believe it is important for the City of Portland to provide funding for a full-time permanent position in the fiscal year 2015-16. Based on the mission statement we just shared, we think -- just like WomenStrength and GirlStrength -- funding for one full-time position would enable BoyStrength to provide free or taxpayer-supported primary prevention education to thousands of boys in the community. I'm going to give you a quick couple of highlights. I know you have documents with you so that you can review them later, as you'd like. Since we last saw you, we have provided training for seven BoyStrength instructors in violence prevention skills, and this training included a 72-hour immersion program as well as two weeks of teaching, co-teaching camps, BoyStrength camps which we call on the job training. Since May, we've taught three nine-week programs and three week-long camps, teaching over 100 boys. We currently have a wait list of schools for the fall term. And we have two schools that are confirmed and booked, and four in

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the process of being booked for full program nine week in the fall -- and I think we're looking at the winter term as well. And we look forward in the future to when we will have the capacity to meet all of the questions we will get. With that, I'm going to pass it over to Carlyne, who is going to share some statistics.

Carlyne Haycraft, Bureau of Police: Thank you, Sara. And thank you for having me. I'm going to go briefly over the statistics, because you have this and it came out of the data base from pre and post assessment on a rating scale of zero to four. On the page with the bar graph is the breakdown of demographics. We had 128 students enrolled in the programs and camps, 108 completed the course. The highest rates of attrition were in the programs with the highest needs. So in terms of meeting the equity needs of Portland, you'll notice that approximately 50% of the students were students of color. This is important, as we know statistically one in three African American males and one in six Latino males will end up in prison sometime in their lifetime. It's hard for me to read that statistic. I would like to just -- just because it saddens me and I feel that the work we're doing is really, really important to reduce that. I'm going to move quickly to the pie graph with the city quadrants just to let you know that we covered almost all of the city quadrants. East is the only quadrant we didn't cover in the pilot project based on scheduling conflicts. And two of the schools that we'll be starting out that are scheduled already are in east Portland. Then I'd like to move to the sampling of the data collected from the pre and post questionnaires, from April to August. You'll notice under the box that the average overall increase in knowledge and skills for the entire sampling for 108 that completed was an increase of 25%. And I always look at this academically. That's like looking at a mid-level C grade going to a low-level A grade, which is important when you consider that this is only 13.5 hours to 15 hours of instruction time with the boys. So, the first category in the box is violence against women. And one of the questions with the highest gains was, I believe that if I treat women and girls as equals that I can reduce sexual violence against women and girls. So we are addressing a change in beliefs. The overall gain in knowledge was 36.8%. So this is a significant increase when we consider statistics in violence against women and girls. On school property, the area of greatest violence against females is sexual harassment. Nationally, one in four women will experience violence in their lifetime, compared to boys -- which is one in seven. So as you know, the primary reason for creating BoyStrength was to help reduce commercial sexual exploitation of children. So the second question located under the violence against women category is, I know that sex trafficking is a problem. There was a 29.6% increase in overall gain and knowledge and understanding of CSEC. And so during the program, boys gain knowledge of how pimps recruit, the role of johns, and the traumatic impact sex trafficking has on the lives of women and girls in our communities. Moving to the second category, which is trauma and self-care. Statistically, we know that for every one girl that commits suicide -- that attempts -- commits suicide, four boys do. So the impact of trauma and the importance of self-care is covered in almost all BoyStrength classes. Overall, there was a 23% to 28% gain in knowledge and skills of this important topic. The last question in the category addresses gang recruitment. As you know, there has been a 22% increase in gang violence related cases this year. So education on this topic is crucial for the well-being and safety of our boys in our communities. The last question is, I know how to get help if approached by a person, group, or gang revealed an overall gain of 23.8% of knowledge and skills. And I just wanted to share some information that we found out working with the boys. We learned Portland has a gap in services for boys being approached or threatened or targeted by gangs. Currently, there is no 1-800 number to help boys find resources, such as advocates or outreach workers. So in response to our findings, we've started to dialogue with the office of youth violence prevention in the Gang Violence Task Force in June to address this need. And we will continue to address it. And Tom Peavey helped me today with the statistics on gang violence, so I'd just like to acknowledge him. The third category is the bystander intervention and bullying, which is really important. Both questions showed and overall knowledge and gain in overall skills of 22-23%. So BoyStrength taught strategies not only prevent, survive, but also heal

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from bullying, as well as the understanding of the importance of being an active bystander in a bullying situation. This is an area where nationally, there is a big a movement towards becoming an active bystander, not just for bullying but also to prevent sexual assault. The last category, assertive communication. The question here we cited is, I can express my feelings in a non-violent way. The overall gain in knowledge and skills was 36.8%. So this is an important skill for boys, since we know statistically that boys are more reticent to share feelings one, about any experience; and two, share concrete details about an experience in which they have suffered pain or deprivation. In short, boys like to appear tough. So BoyStrength covers verbal and physical assertiveness, healthy choices, and empathy-building skills. As you can see, we believe the BoyStrength pilot has been successful and impactful. And to further illustrate this, I would like to hands it over to parents and instructors and students who have experienced the program firsthand. Thank you. If you have any questions?

Hales: Questions for Sara? Thank you both. Thank you very much.

Haycraft: Thank you.

Johnson: Thank you.

Hales: So we have some parents that are here to speak. Come on up, please.

Christy Wheeler: Thank you all for taking the time to listen to us. I'm Christy Wheeler, I'm a school counselor for the Portland Public Schools, and I'm a counsellor at Vestal on northeast 82nd. We have piloted the BoyStrength program at our school last spring. So I'm here to speak on behalf of that program. For me, it's something that I feel very passionate about. At my school, we see an increased rate of boys being suspended and out of school exclusion, being excluded from the classroom, and then we see deficits in their academics. So our goal is to try to keep our kids in school and not be excluded for behaviors that get them suspended. Where I see BoyStrength is really tying into that restorative justice piece. And if we teach boys the skills to handle conflicts, to see violence and to know what to do, we're going to then in the long term keep our boys in school and teach them skills to have healthy relationships with each other and with their female counterparts. So, I'm a huge proponent of this program and I would like to be able to see it in my school every year. So, I brought one of my former students from last year who got a chance to be in the BoyStrength program, Abdi, and to have him maybe just say a few words about his experience.

Hales: Hello, welcome.

Abdi Abdalle: Boystrength was awesome, because I see problems happening at our school. And then boys, they get, like -- they don't think, they just like to react about it. So BoyStrength helped some of my classmates think before they do their actions and stuff.

Hales: A good thing to know. Abdi, thanks for coming. We appreciate that. Keep helping your friends learn how to think first. That's a good skill.

Wheeler: And on our walk over to City Hall, Abdi said to me that if we get BoyStrength again this coming year, he would like to be able to come back and be one of the class leaders to help the younger kids. And that's really what we want to see. We want to inspire, and motivate, and empower so that our leaders come back and want to help out the next group. Thank you.

Hales: Great. Thank you both. Others that are here? I also see Lieutenant Steinbronn and others from the police bureau here. We'll let the parents come up first and the kids, students, young men. Hi, welcome.

Amy Quist: Hi. My name is Amy and this my son, Colby Quist. And I was very impressed. Every day he came home, and I was like, what did you learn today? I wasn't quite sure what to think or what to know about BoyStrength. I thought -- I had heard of WomenStrength and GirlStrength, but I wasn't quite sure if it was going to be self-defense or what. And the first day he came home, and he was like, I learned about the brain. And the second day, I'm like, what did you learn today? We talked about depression in boys. And then the third day, he was like, I learned how to use my voice. And was like, mom, if my friends aren't making good decisions, I don't have to, I can speak up for

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myself. And as a parent, that's everything you want to hear. He was so excited to graduate and -- I'll just let him tell you about his day.

Colby Quist: Well, I really liked the camp. All I can say is just that I really liked the camp. I really liked the instructors, because, like, they weren't always doing work all of the time and then they would go into break. So they kind of evened it out, which I really liked. And they would help you if you, like, if you're having trouble with something, they will help you with it. So, my favorite part about the camp was the instructors 'cause they were probably the nicest people I've ever met.

Hales: That's great. Sounded a little bit from Abdi like he not only learned a little more about how to manage himself and deal with other guys or other people in the group, but he also learned a little bit about being a leader. Did you find that, too?

Wilkins: Yes, I did. And also, I mean, I learned some stuff that my school would probably learn until I'm in 6th grade, which would be next year, or no, year after that. And like parts of the brain, like the amygdala, prefrontal cortex, and the hippocampus and stuff like that.

Fritz: And you remembered all of those names, that's pretty impressive.

Hales: She's a nurse, so she's especially impressed. [laughter] We're glad you're here, thanks for coming.

Kristin Spear: And I'm Kristin, I'm Wilkins' mom. And I, like Amy, thought they were maybe going to a week of Kung Fu training or something -- I didn't know exactly what it was. And realized he really gained greater knowledge and insight and skills. And as a parent, there are things you're aware to talk about with your kids, but a lot of times it's not until something's already happened that you're dealing with an issue. So these important subjects were taught to them that week. And trying to get that information out of a 10-year-old is a little difficult because they don't always remember all of the details -- so Colby, that was pretty good. But Wilkins really did have a great time and I was really impressed the engagement between the instructors and the kids, and how much fun they wanted to go back. And it could be like basketball camp where by the third day they're kind of done with it. And they were very engaged in the week. They learned, had a good time. It wasn't all work. However they did it, they incorporated a lot of fun. As I'm sitting here listening to all of this, I think the archdiocese should be brought into this. Our kids go to St. John Fisher but this is something that they could ultimately participate in and possibly fund, and they should have it at all the schools, I think.

Hales: Good idea.

Spear: Do you want to talk about your week?

Wilkins: What I liked a lot about it was they taught me how, like, instead of being physical, if you're mad at somebody, you can use your words instead. And like you should always save fighting for last. You can do other stuff like speaking out and yelling to see if anybody's nearby so if they can help. I really liked that. And also I liked doing the camp with all of the other boys in the camp. They were really fun to be with. And I liked how all of the activities that we did were based on what we learned.

Fritz: Colleagues, did you notice how every other adult who sat in that spot has trouble with the microphone, and this young man switched it on, switched it off -- [laughter]

Fish: I noticed that, too, Commissioner. A miracle.

Fritz: Thank you so much for taking the time to come in and tell about your experience. I very much appreciate it.

Hales: It's great. Other parents, students here? Great, come on up, please.

Ann Reed: Hi there, I'm Ann Reed and this is my son, Benjamin. I actually had the opportunity about two years ago to just be a volunteer in one of the BoyStrength pilot programs, right when they had first decided that they were going to try BoyStrength modelled after GirlStrength. At the time, Ben was in a camp, but he was too young to take that particular class. But I was really impressed with the material that they were teaching and just the empowerment that the boys gained from being able to be a part of that class and some of the stereotypes that -- you know, a lot of the boys go into

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the class thinking they are going to learn Kung Fu, but I think they come out with knowledge that is far more powerful and beneficial. When the leader of that class told me that they were having these other classes through Friendly House -- which is where he took the camp this summer -- I was ecstatic that he was old enough and excited for him to learn these tools to go out into the world. So I think it's empowering for the children, but also as a parent. You know, we tend to hold our kids tight, and they do need to learn to be out in the world and the world's a little bit different place than it was when I was a kid. So it's good to have knowledge from the police department with this training. And then Ben was going to say what his experience was.

Benjamin Reed: In this camp, I learned a lot about a lot of things, gender stereotypes, sex trafficking, and what-if scenarios. I thought it was really important to know about these things because in the real world it's dangerous. And like my mom said, you're not going to be with your parents forever. The reason other boys should go to this camp is because of how dangerous the world is, like I said before. Boys need to know a way to defend themselves with knowledge, not power, and -- yeah.

Hales: Well said, Ben. Thank you. I think we all need to know how defend ourselves with knowledge, not power. That's well done. Thank you.

B. Reed: Thank you.

Hales: Thank you both. Yes, come on up, please. Good afternoon.

Kevin Cherry: Good afternoon. How are you, sir?

Hales: Good.

Cherry: I guess I'll start. How is everybody today? My name is Kevin Cherry, and I'm from north Philadelphia, I grew up in the ghetto in north Philadelphia. And a lot of organizations are similar to BoyStrength in Philly like the Police Athletic League, safe streets, inc., the Crisis Intervention Network -- these are organizations that actually reached out to gang members, and they gave us what I call food for thought. This is what I'm saying that BoyStrength will do for our youth here, you know, give them food for thought and aid them in making positive decisions when they are faced with a lot of the everyday situations that they go through in the so-called inner cities. So I've had two children graduate from college and I've done pretty good with the help that these organizations help me and I would like to do the same thing in return. And I can see that the BoyStrength will offer this services to the youth. Thank you.

Hales: Great, thank you. Good afternoon.

Brandon Sayarath: Good afternoon. My name is Brandon Sayarath. I'm 20 years old, and I was born and raised in southeast Portland. In May, I saw a press release for a need of volunteers for a new program called BoyStrength. As an aspiring police officer, I figured this would be a great way to get involved with the city and tackle some of the problems I saw growing up. As I progressed through the problem, I realized that BoyStrength is such a fundamental thing in teaching youth about how to be a contributing, empathetic, and respectful citizen of the city of Portland. In these past three months, I have seen this program transform kids in two ways. Some students -- many of whom are very insightful and caring -- are taught how to advocate for themselves and others. Other students who have room to improve, are able to change their attitudes and finely tune their moral compasses in understanding how to respect themselves and others. An example of the former. I was working with a group of boys two weeks ago. We were discussing gender equality and gender stereotypes. Part of this exercise included the boys walking around the room and looking at advertisements we had clipped from various magazines. The advertisements contained stereotypes and unrealistic images of men and women that are used to sell products. They picked an ad they thought was interesting and brought it to the middle of the room to discuss it with the group. Toward the end of the discussion, one of the boys chimed in with the sentiment that I rarely hear spoken allowed by adults, let alone kids. He said, I don't think anybody should be allowed to tell anybody else that makes them a normal person. If a boy wants to marry another boy, that's perfectly fine. It doesn't matter. If he respects me, then I will respect him. People need to be nicer and not

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hurt others because they are different. These words were spoken by a nine-year-old boy. I was absolutely stunned. I shared glances with the other adults in the room and felt an overwhelming sense of accomplishment as the topics we were teaching him clicked. I only got to work with this boy for a short period of time, but he has left a long-lasting impression on me. He reinforced in me that youth in the city of Portland can be the most progressive and intelligent in the country. BoyStrength is a program which the city greatly needs in order to have civil discourse and a brighter tomorrow.

Hales: Great, thank you very much. I hope you continue that aspiring.

Sayarath: Thank you.

Hales: Thank you. Others?

Moore-Love: I think that's all that signed up.

Hales: Lieutenant Steinbronn, do you have time to speak? You were here to support, OK. Thank you so much.

Fish: You want a motion to accept the report? So moved.

Fritz: Second.

Hales: And a roll call on adopting the report, please.

Item 903 Roll.

Novick: Very inspiring testimony. Thanks, all of you for taking time out of your day to come here and share this with us. Aye.

Fritz: Well, like Sara, I'm a little choked up here thinking, what if every child in our community had this kind of training? Thinking about 10 years ago when my children were in middle school and how it would have been helpful for them as relatively well-off, privileged kids to have had this kind of training, how it would have made the difference in the life of one of their friends who hanged himself in the forest because he couldn't deal with the pressures of being a teenager. So I am really very grateful that you each came in today and very grateful for the program. I think back to those middle school years when I was tutoring a young man, an eighth grader, and I had been tutoring him on a weekly basis on math. And every week, we went over the questions and he figured out how to do them and all of the assignments were clear. He knew what he was going to do when he got home. I'm thinking, this is going really well. And then about two weeks before the end of the academic year, he said, Mrs. Fritz, I've discovered that when I hand in my homework, my grades are better. And I took a deep breath and said, well that will set you well in high school, that's a good thing to have discovered. I thought, why didn't I tell him that at the beginning of the year? To me, as an adult that was an obvious thing. But there are adults that don't connect the dots between cause and effect. So this kind of training -- and it's a training after my own heart, because yes, it's going to take an FTE to coordinate the program, but it runs on volunteers like the two that we heard from today. It's very Portland, and it's bringing in new folks. What I was thinking as I was listening and thinking, well, this should be in every school throughout the state in middle school. It wouldn't work as well if it was done I think by the teachers or counselors in the school. There's something special about outsiders coming in and being able to share and then knowing that you're not going to be running into those folks again in the following weeks after the program. I just think that this is a model that you've hit upon, Mayor, with BoyStrength within the police program that addresses so many of our other needs that we've talked about earlier today. The gang violence, and the achievement, and the prison sentences and such. What if we just taught every nine-year-old boy how to express his feelings? What if we taught every nine-year-old girl how to be safe and to express her feelings? I think we could be a much better society in a relatively short period of time. This is exactly what we were hoping for when we were brainstorming how we would spend quarter million on short-term programs. Everyone said, let's get upstream. Let's not only help folks get out of the life of trafficking they've been put into and help them recover and become tax-paying citizens, but how do we stop that in the first place? Because like the programs we heard about this morning with prison diversion, it's so much more cost effective as well as working better if we care about people and help them understand how to work things. So thank you very much to the staff, to

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Carolynne, to Sara for your leadership; to assistant chief Henderson and all of the staff in the bureau who are really living the work that we do -- the police bureau does care about people in Portland and want everybody to succeed and will provide the tools to make that possible. Thank you for your partnership on this, Mayor. Aye.

Fish: I want to just add and thank the young people who testified. We have a lot of people come before us and share testimony, and I always think the hardest thing to talk about is something personal from your experience. It's what takes courage to sit before us -- many of us are strangers to you and you're on TV and you're saying something that's real and from your heart. And we have a lot of adults that seem very intimidated when they get here. And I just want to say to the young people, congratulations for having the courage and the conviction to come before us and speak so eloquently about why this program works and being such good ambassadors. I couldn't help but think as I was listening -- because I think most of the young men that we have heard from are roughly 10, I take it. My 10-year-old has been away the whole month. I can't wait for him to come back this weekend. And the first thing he'll do is, when we have dinner, he'll call out what he considers the stereotypes that his mother and father are working into the conversation, because he's really good at calling out stereotypes or questioning assumptions we make. And I don't think at age 10 I was as aware as the next generation is. So, thank you all for a very inspiring presentation. Aye.

Fritz: Mayor, before you vote -- I forgot to thank Christina Nieves in my office who coordinated this presentation and is another of the next generation of fine public servants.

Hales: Well, thank you all. This was a really great discussion and really great to hear from you young men about how this program is working for you. Great to have the police bureau here and see how they put heart into this work as they do in supporting Camp Rosenbaum and other efforts that we have to reach out to young people in the city in a positive way. I just can tell you from my conversations with them -- the folks in the police bureau involved in this work 00 it's a labor of love. And I think we know that from hearing from them about these programs over time. You know, in the Civil War, there was a famous letter from a major named Sullivan Ballou to his wife the night before the Gettysburg battle. And it's famous because unfortunately Major Ballou was killed the next day. He was in the Union Army. And we wrote this famous letter to his wife, which was a love letter that talked about her and his love for her. And it's very poetic, but the phrase most people keyed on in that is that what he looked forward to if he were to live through the war was to see his sons grown up to honorable manhood -- that's a nice ambition -- and for our daughters to grow up to honorable empowered womanhood. That's the goal of the programs. I think we see some signs that we are raising up some sons here in the city and some daughters who are going to serve us very well as adults, even as they're serving as leaders among their peers right now. So thank you, Commissioner, for a great report and for a great success story and I love the ideas of finding the ways and means of have this not be the exception but the rule for the kids that grow up in this city. Thank you all very much. Aye. And we're recessed until tomorrow afternoon at 2:00.

At 4:50 p.m., Council adjourned.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

AUGUST 28, 2014 2:00 PM

Hales: Good afternoon, everyone, and welcome to the August 28th meeting of the Portland City Council.

Saltzman: Here. **Novick:** Here. **Fritz:** Here. **Fish:** Here. **Hales:** Here.

Item 904.

Hales: This is a quasi-judicial land use hearing. I'm going to turn it over in a moment to the city attorney for some procedural information and guidance, but first I need to ask councilmembers if any of us has a conflict of interest or ex parte contacts to report.

Fish: Mayor, I have none that would strictly qualify, but I guess I should disclose that I did skim an article in Willamette Week that appeared this past week. And the last time I was visiting the Japanese garden, they had some display set up of their expansion plans that I saw in passing. But otherwise, I have had no direct communications on the substance of this matter.

Hales: And not with the parties to the case?

Fish: And not with the parties to the case.

Hales: Thank you. Anything else?

Novick: Mr. Mayor, I actually did -- to be honest, I can't remember when it was, I think about six months ago -- met with one or more board members of the Japanese Garden and they did mention this matter.

Hales: Does anyone have any questions of council members about our objectivity on the hearing in front of us? If not, then, Kathryn, your points and guidance, please.

Kathryn Beaumont, Chief Deputy City Attorney: Good afternoon. Before I make the opening announcements required by state law, I just want to set the stage briefly. You have two appellants today. One is the Arlington Heights Neighborhood Association, and one is an individual, Hilary Mackenzie. I understand that the neighborhood association intends to withdraw its appeal and there's a representative here who would like to formally do that on the record. So perhaps we could deal with that first, and then I will go ahead with the announcements.

Hales: Prior to the staff report or --?

Beaumont: Prior to opening announcements. Just to get that appeal off the table.

Hales: Alright, that's fine. Can we have the representative or representatives of the Arlington Heights Neighborhood Association come up and tell us where things stand, please?

Joe Angel: Good afternoon, Mayor and council. I'm Joe Angel, I'm a board member of the Arlington Heights Neighborhood Association. After our appeal was filed, we had several meetings with the Japanese gardens about issues concerning what we consider to be livability issues in the neighborhood about the application, and safety issues in the neighborhood about the application, and we -- on several of those items -- have reached an agreement with the Japanese gardens about how to solve those problems amongst ourselves. We have -- when Steve Bloom comes up to talk to you, he can present and put on the record a signed agreement between the neighborhood association and the Japanese gardens.

Hales: OK, so that's in written form?

Angel: It's in written form. We're appreciative of the time and effort that everybody put into this, both on the neighborhood side and on the Japanese Garden side and their architect and contractor. And many of the big, hot button issues have been resolved.

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Fish: Mayor, I do recall hearing we had -- within the last year or so -- the parties reached an understanding informally outside of this process. I believe the position we took at that time was that it would not actually go on the record, because it was an agreement struck outside of our process. So I don't know what the ground rule is on that, but.

Hales: Yeah, I take your counsel on that as well, Kathryn. We can still deal with the substance of the matter before us with the record that we have.

Beaumont: Well, I think any agreement that the neighborhood association and Garden society have reached is a side issue and is a side agreement. It wouldn't be included as part of this hearing or part of this proceeding. That still leaves Ms. Mackenzie's appeal, and any issues that individuals want to testify to with respect to that appeal, they can do that.

Hales: Right. So the neighborhood association is not depending on council to enshrine this agreement you have with the Japanese Garden, because you have an agreement, right?

Angel: We have an agreement. How you want to treat it -- obviously, we want that agreement carried out, but how that is process-wise, I don't know what to tell you either.

Fritz: So what I'm hearing is the neighborhood association is withdrawing the appeal as of now.

Angel: We are withdrawing the appeal based upon this signed agreement.

Beaumont: I think that's probably all you need to know at this point.

Hales: OK, that's good. Joe, thank you. Thanks very much.

Fish: And by the way, let's also acknowledge that this process works best when the parties come to their own agreements, understandings without intervention of the council. So we should acknowledge and applaud the efforts of the parties to reach an understanding.

Hales: Right. And one of the reasons why I was asking the questions about whether it needs to be enshrined in our record is, obviously, the Japanese Garden is a nonprofit organization operating a city park, so those are fairly bankable organizations in terms of people that can make agreements and stick to them. So the need for us to put that in a land use record is probably minimal, if any --

Fritz: Yes, my only concern is if the agreement is still in compliance with the approval criteria in the Hearings Office's decision. But I suppose we would run into that later if it turns out that they say, oh, but we agreed on this, and the city says, that's not what the hearings officer said.

Hales: Right. OK. We may hear more about that. So, Kathryn.

Beaumont: I have several announcements I'm required to make by state law and the city zoning code. These concern the kind of hearing we're having today, the order of testimony, and the scope of the testimony today. First, this is an on-the-record hearing. This means you must limit your testimony to material and issues in the record before the hearings officer. In terms of order of testimony, we'll begin with the staff report by Bureau of Development Services staff for approximately 10 minutes. Following the staff report, the city council will hear from interested persons in the following order. The appellant will go first and will have 10 minutes to present her case. Following the appellant, persons who support the appeal will go next. Each person will have three minutes to speak to the council. The applicant will then have 15 minutes to address the city council and rebut the appellant's presentation. The council will then move directly to testimony from persons who oppose the appeal after supporters of the appeal have concluded their testimony. Finally, the appellant will have five minutes to rebut the presentations of opponents of the appeal. So let me make that clear: 10 minutes for the appellant, three minutes each for supporters of the appellant, 15 minutes for the applicant, three minutes each for supporters of the applicant, and then five minutes for the appellant for rebuttal. The council may then close the hearing and deliberate and take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for the adoption of findings, and a final vote on the appeal. If the council takes a final vote today, that will conclude the matter before the council. My recommendation to the council is that your vote today be a tentative one. Whatever your decision, we will need to revise the findings. Finally, I would like to announce several guidelines for those who will be addressing city council today. Again, this is an on-the-record hearing. This hearing is to decide only if the hearings officer made the correct

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decision based on the evidence that was presented to him. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence that was previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issues, you may be interrupted and reminded that you must limit your testimony to the record. The council will not consider the new information, and it will be rejected in the city council's final decision. If you believe a person who addressed city council today improperly presented new evidence or presented a legal argument that relies on evidence that's not in the record, you may object to that argument. Finally, under state law, only issues that were raised before the hearings officer may be raised in this appeal to city council. If you believe another person has raised issues today that were not raised before the hearings officer, you may object to council's consideration of that issue. One thing I would note for the council is in reviewing the written testimony that has been submitted to the council, staff has identified one issue that was not raised before the hearings officer that is raised in that testimony, and that's the issue of bird-friendly design. So I would simply note that for the council.

Hales: OK.

Saltzman: So let me just clarify, the issue of bird-friendly design is not on the record.

Beaumont: That's not one of the issues that was raised before the hearings officer, and is not an issue that is properly presented today.

Saltzman: OK, thank you.

Hales: Appreciate that clarification. OK, any questions for Kathryn before we proceed? Then let's have our staff report, please, Kathleen.

Kathleen Stokes, Bureau of Development Services: Good afternoon, Mayor Hales and Commissioners. I'm Kathleen Stokes, and this is Rachel Whiteside. We are the Development Services staff for this case. Additional city staff are also in the audience and can answer questions that you may have. The case that is before you today under this appeal includes a major expansion and alterations to the development of the Portland Japanese Garden. The proposal includes increasing the leasehold, adding a new cultural village, and other improvements that are listed on this slide. Developmental and conditional use sites that include increased floor area by more than 10% require approval to a Type 3 conditional use review. Approval criteria for the open space zone are 33.815.100 A through D. Development within the resource area of the environmental conservation zone that exceeds code allowances requires approval through a Type 2 environmental review. The approval criteria for this review are found in code section 33.430250 A and E. The appeal issues are summarized here. The staff presentation addresses each applicable criterion, as the appellants claim that none of the criteria have been met.

Fish: Can you go back to that slide for a second? And to the appeal issues, you refer to the appellants, plural. How is your presentation impacted by the withdrawal of one of the appeals?

Stokes: It truly is not impacted by it because the appeal that remains cited every single one of the approval criteria. It didn't say why the appellant thought they weren't met, it just said, these are not met, and listed all the approval criteria.

Fish: So in other words, your presentation today is not impacted by the withdrawal because of the breadth of the issues raised by the remaining appellant.

Stokes: That's correct.

Fish: Thank you.

Stokes: The zoning map here shows an R7 zoned lot, which is on the north end of the darker red hatched area. That is a former -- well, it is a residential property with a residential house on it that was approved for use as the administrative offices for the garden. There are no changes that are being proposed on that property. The OS zoned portion of the site is the larger 12.56 acre leasehold, shown in the darker red, and that is where the proposed development would occur. Other city-owned property is shown here in pink. The hearings officer affirms that the Japanese Garden

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leasehold, the darker red part, is a form of ownership interest and can be legally defined as the site for notification review purposes. This slide shows the full build-out plan with the existing and proposed development for this review. So we have approval criteria shown on each of the next several slides. For the first criterion, the Japanese Garden has occupied this site for more than 50 years, predating the OS designation which was intentionally placed on the site to protect the character of the garden. The proposal will enhance and expand the garden, which is a use that was found to maintain open space and be consistent with the intended character and purpose of this OS zoned area. Criterion A3 is not shown here, but it addresses the designated environmental resources on the site, and this is fully addressed later in our discussion of the environmental review.

Transportation staff stated that the garden leasehold area does not front on to any public streets but only on to SW Kingston, a private park drive, so the transportation element of the comprehensive plan does not apply to this site. The code lists evaluation factors for this criterion that consists of a variety of different transportation system elements, including impacts on pedestrians. The hearings officer was persuaded by testimony regarding pedestrian safety, and so he included condition G that requires construction of a planting buffer and sidewalk along SW Kingston. We note that the condition incorrectly stated that the sidewalk is required on the north side. There is no north side on this street. The condition needs to be corrected in revised findings requiring the sidewalk to be on the west side of the street, which is what is shown in this picture.

Hales: So in that parking strip that exists now, but behind the curb, right? OK.

Stokes: Transportation can answer that, but it's definitely in that location.

Hales: Sidewalks north and south of there, I recall.

Fritz: That was referred to correctly as the west side on page 12 of the decision, but then it was incorrect in the condition.

Stokes: Yes.

Fritz: So we can just correct --

Stokes: So it is only the condition that worded it incorrectly as being on the north. Because I believe the map showed it on the top of the page, which is traditionally the north, but in this case was the west.

Fritz: Great. Thank you.

Stokes: The Japanese Garden is a partner in the park-wide transportation demand management plan. This plan addresses other factors listed in this criterion, such as parking, transit, and reduction of auto trips. Strategies utilized include expansion of the free park shuttle service and use of revenues from paid parking to fund the park's transportation management association.

Transportation-recommended conditions which were included in the hearings officer's decision. The garden must offer free or discounted TriMet passes to garden staff and encourage them to use the free shuttle for transit connections. Also, the garden must coordinate event scheduling to limit number of visitors on peak days and thus limit parking demand. The access drive shown here -- there were some issues that were raised around this criterion and I do not know whether they are still on the table or not, because the appeals statement didn't specify. The hearings officer addressed the issues that were raised around this drive and found them to be irrelevant in this review. These included concerns about truck traffic carrying soil from the excavation at the project site. Neighbors questioned stability of the access drive to withstand this traffic, but these concerns were addressed to the satisfaction of the hearings officer by the applicant's geotechnical engineer and reviewed by BDS site development staff. The other issue related to this access drive was about losing a connection to Kingston street and the Wildwood trail. Because this connection was never a formally designated public recreation trail or an official pedestrian path under the city's transportation system plan, it is not considered part of the city's designated transportation system, and so it was not considered as part of the conditional use review under the relevant approval criteria. Parks and Recreation can certainly work outside of the review process if they wish to pursue creation of a route to serve as a substitute pathway for this connection. The parking lot shown here that's

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adjacent to the access road and to the garden will be used as a construction staging area, and so it would be closed for approximately 15 months. Excavation work would occur during the first four months, and this is when the traffic would be heaviest. The applicants expect very little construction traffic to occur after the excavation process is completed, so any impacts would be of short duration and are addressed in condition O through a vehicular construction management plan. The garden attracts a large number of visitors and hosts many events which are projected to increase with time. The proposed development is expected to help accommodate these increased numbers, and the hearings officer found that proposed development will not in and of itself create any impacts on livability for adjacent residential area. This slide shows where the majority of the proposed development would occur, which is at the cultural village at the top of the existing access road. And that's shown here with the green circle that's more or less at the center of the photograph. The nearest residences are above that circle to the northwest, along the western edge of the leasehold and the edge of Fairview Boulevard, so they're a fair distance away from this activity area. Because the western edge of the garden is visible from these backyards, the applicants have agreed to build a six foot tall wood fence and add additional landscaping along the western edge of the access road. This would block views of the new buildings and headlights from vehicles on the access road, ensuring that there would be no impacts to these neighbors due to glare from headlights or intrusions on privacy. Conditions of approval address potential impacts on safety. Based on recommendations from the police bureau, these require installation of CCTV cameras and also providing access for emergency personnel through the new proposed security gate that would be at the base of the access road in more or less this location. Finally, opponents had claimed that the proposal needs to be consistent with the Washington Park master plan and the comprehensive plan. This is inaccurate, as you can see by the wording of this approval criterion. The Washington Park master plan was never adopted as part of the comprehensive plan, and the site's not within the boundary of any adopted neighborhood or community plans. Therefore, this criterion does not apply to this proposal. This concludes the discussion of issues related to the conditional use review. Now here's Rachel.

Rachel Whiteside, Bureau of Development Services: Thank you, Kathleen. I will discuss the appeal issues and hearings officer findings as they relate to the environmental review. Opposition testimony implied that adequate alternatives were not considered, including off-site alternatives. The approval criteria do not require consideration of off-site alternatives for proposals that are within the conservation zone, only the protection zone. Regardless, the applicant did initially explore off-site locations as part of their analysis, though all were eventually rejected. For example, a satellite location could not meet their project purposes and is not suitable from an operational perspective. Other closer locations are already occupied, such as the tennis courts or Rose Garden, or are equally or more environmentally sensitive, as shown on this map. We still have a few minutes to go, sorry.

Hales: We'll allow extra time.

Whiteside: The appellant claims the proposed development does not have the least impacts and that there will be significant impact on resources left to be undisturbed. Within the expanded lease area, three site design layouts were considered. Impacts from all three are shown here, with the preferred alternative in green, alternative one in yellow, alternative two in orange. A description of each alternative is found in the hearings officer's decision, but as you can see here, the applicant's preferred alternative impacts significantly less area. The preferred alternative uses targeted expansions of existing development to maximize the use of already disturbed area, such as the top of the access road, and area that's outside or at the edge of the environmental zone, such as between the existing parking lot and the access road. Maximizing use of these areas significantly reduces the amount of new site disturbance and loss of native vegetation. A total of 1.9 acres of impact to the environmental conservation zone are contained within the limits of project work. This includes all proposed structures, site improvements, and temporary disturbance areas. Of the identified impact

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area, 70% is within existing disturbed areas and 30% will be new impacts. Intrusion of new structures and manicured gardens into the conservation zone has been minimized. The preferred alternative also eliminates need to site new buildings across the historical landslide, which is the red dotted line. The hearings officer found that the proposed development minimizes loss of resources and functional values and the proposed location, design and construction method are less detrimental than other practicable alternatives. He included conditions of approval for construction management, conformance with the approved plans, and permit and inspection requirements to ensure that the proposed development is constructed as shown and with the least impacts. The appellant also claims that the mitigation plan fails to compensate for detrimental impacts. As shown on the approved plans, all temporary disturbance areas will be re-vegetated with native plants following completion of development. Those are the green areas on this slide. The new permanent disturbance in the resource will be mitigated by resource enhancements of an area equal in size, which are the blue areas. This mitigation will include both removal of invasive species and re-planting of middle story shrubs appropriate for a fir maple forest. The applicant proposes a total of 692 trees, 1384 shrubs, plus groundcover plants and native grasses to replant the combined temporary disturbance and new mitigation areas. The hearings officer found the mitigation plan will compensate for impacts of the site, because the mitigation area is greater than the area of permanent disturbance. The number of proposed trees and shrubs far exceeds those required by code. All temporary areas will be completely re-vegetated with native vegetation. The interface between the development and protected resource areas will be buffered by those additional mitigation plantings. Removal of invasive species and replacement with native mid-story vegetation and groundcover will increase species diversity and improve wildlife habitat. And finally, ground cover plantings will provide assistance with pollution removal, nutrient retention, and erosion control. The hearings officer did include conditions for monitoring and maintenance of the mitigation areas to ensure their long term success. Based on the evidence in the record, the hearings officer found that all applicable approval criteria for both the conditional use and the environmental review were met or could be met with the conditions of approval in his decision and summarized by staff here. As I'm sure you're aware, the alternatives before council in the matter of the appeal of the hearings officer decision are to either deny the appeal and uphold the hearings officer decision for approval of the proposal, or uphold the appeal thereby overturning the hearings officer decision. Council may overturn all or individual parts of the decision. This concludes the staff presentation. We're available to answer questions now or following the remaining testimony.

Hales: Thank you. Questions for staff? Alright, thanks, and stand by. We will now hear from the appellant. Do you need slides, Ms. Mackenzie?

Hilary Mackenzie: I think we're organized. I had some coaching.

Hales: Alright. Good afternoon.

Hilary Mackenzie: Hi. OK, she's got it all set. My name is Hilary Mackenzie. I'm an architect, licensed in Oregon and Washington. I live at 2722 SW [inaudible] terrace, Portland, OR, 97205. I've been submitting applications to the city of Portland for over 30 years. Prior to being an architect, I worked as a land use planner at the City of Tigard. And this isn't about the Japanese gardens, in a sense. I love the Japanese gardens, I go by them every day. The curator is an amazingly gifted man. His staff that he's assembled, they have made a thing of great beauty that I think everyone in the city enjoys. The slide up there is their antique gate. A friend of mine, or actually a colleague, helped restore it. It's an amazing piece of work. It's about doing something very different up there. These are from the applicant's submittal. They're very hard to read. I had to enlarge these just to see the information on them. They're modern buildings, they have glass window walls, they have plate aluminum roofs. It clearly shows two full stories. This is the garden house. It's also got some sliding wood screens. The village house is again clearly two stories. Modern building. Plate aluminum roofs, sliding window walls. It looks like there's room for a third floor. There's kind of a mezzanine tier of windows. No stairs were shown on the ground floor plans

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that they submitted to the hearings officer. So I think a tremendous effort was made not to disclose the full size and scale of these buildings. In fact, the hearings officer approved 11,340 square feet of building. That is a fairly inaccurate measure of how much building is really here. It's more like twice that. It's closer, somewhere between 25 and 30,000 square feet of building. These are buildings more of the scale of things at the forestry center and at the zoo, where there's a lot of parking, there's a lot of room for traffic. And I submit things to the building department, Bureau of Development Services all the time. If I submitted drawings like this where they were this hard to read without clear dimensions, without square footage dimensions on the floor plan, it would get kicked right back out. Kathleen Stokes has reviewed my stuff. Everyone once in a while, I get lazy like everybody else, she kicks it back. These did not get kicked back. They went through, and so I don't know how they are going to build these buildings. Are they going to build them like a barn and not put in the extra floors? I don't know what that's about. Here's the tea cafe. Same thing, it's a very modern building. Plate aluminum roof, glass window walls, sliding window walls. All these - - and here's the ticket booth, which will be right adjacent to the antique gate. Same thing, it's got a glass canopy roof. They have very good architects. It's not that they have bad architects. And everybody appreciates good architecture. But the scale of this development is so much bigger than the garden, it becomes the tail wagging the dog. The buildings in the Japanese Garden are fully integrated into the site, they add to the whole experience of going to the garden. The pavilion building is integrated into the garden. This is something else. This is, again, the scale that's up at the forestry center. It's not what I think the hearings officer understood, and I frankly don't even think planning staff knows what they approved. This is a sketch I did very quickly. It shows their current leasehold. It's kind of hard to see, it's the blue line that goes around here, it actually goes across the street and comes around here. This is a knoll. It hugs the base of the knoll. And what they want to do I is expand it, clean up some edges -- which nobody cares about -- and go clear over to the back of all these houses. This is the access road they use now to run the shuttles up and down, and this is the main connector trail that hooks into the rest of Washington Park. The hearings officer approved expansion of their leasehold. There is nothing in Title 33 that allows a hearings officer to transfer public land to a private entity. It is all about zoning. It is not about land sale or leasehold or anything. And that's the first thing he says is, they can enlarge their lease, I think it's fine. He has no authority to do that. I would ask for that if I went in for permits, I would ask for right-of-way, or maybe a little extra this, a little extra that. No, you can't do that. Something that would solve a lot of problems for the neighborhood and the people who are here to testify is this connector link. Because people use these trails all the time, and they are official trails. There's new signage, they're on all the maps. If you Google Japanese Gardens to Rose Garden, and Rose Garden to the rest of Washington Park, Vietnam Memorial, zoo, you get two pages on Google of how to do that. If they kept their leasehold where it is now and hugged the base of the hill, they could keep this all open for the public, not transfer that land, build a very short pedestrian lane that would be open the same hours of the park from five in the morning to 10 at night so pedestrians could still use this access road and connect to this main trail link. This wouldn't be hard to do. They could do security gates at the base of the hill here. If they're worried about security for their new development, it's a completely viable alternative. I personally think they should reduce the shuttle traffic, because you aren't building 25 or 30,000 square feet of new buildings and not expecting anyone to come, so you'll have a lot more vehicular and pedestrian traffic conflicts on this roadway. And they could look at an inclined elevator or funicular. This is about moving people through our parks, and you can't just keep adding cars to a very limited system that's supposed to be about open space and pedestrian activity. It's not an urban setting, it's supposed to be the opposite of an urban setting. And so if they did a little short funicular, it's only 100 feet. This roadway is -- I wanna say 1300 feet to get all the way up and down. Part of their new building involves a garage for the extra shuttle buses. I mean, let's dial it back. This is a pedestrian city. We've got livability issues, and these poor people who live fronting on Fairview, some of who are here today, they have nighttime events,

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headlights, traffic, delivery trucks -- all that would be eliminated if they had another short link right up here, to get to the upper part. This is about the trail. This is a sign at the Japanese Garden heading into the trail. They put that up. Here's a sign up in Wildwood showing access to the Japanese and the Rose Garden, and connecting with Wildwood. More signage. These are all through the park. The Hoyt Arboretum just spent a fortune just making these really nice signs, because they have a whole network of trails. And here at the bottom, you can see it says to Rose Garden and Japanese Garden. So this is a major link. I'd say a few thousand people use this every week. And they don't have the data from the new trail counters that have been put up in the park, but they will have that data and you would have that to base your decision on. This is what you see. This was taken in the summer after the Japanese Garden is closed. They took the MAX to the zoo and then whole family, visitors from someplace else, came to walk to the rose gardens. And I see this all the time, and it's what you want. It's a park. You want people walking around enjoying it. I think it's a very important thing. Briefly, I just want to talk about the legal brief that was submitted by Miller Nash. In it, she asked for specific exemption or exception interpretation to the planning and zoning code in the definition of site. Now, every time I submit an application to the city, site is an ownership. It's not ambiguous at all, it says site is an ownership. If you're doing tenant modification in a business park, industrial park, a strip mall and you're asking for conditional use, that's a tenant in ownership, that's trigger for pedestrian improvements, parking lot improvements, landscape improvements that you define. There's a reason you define site as an ownership and not a tenancy. This is typical of the whole application, that their attorney specifically asked council to request that council interpret the definition of ownership under PDC 339110 to include a leasehold interest. That would throw out I don't know how many tens of thousands of applications you've got running through Development Services, but this is the operable definition, the one I'm talking about. They want a special definition, and that's my complaint with this entire application, is that by using special definitions and incomplete submittals -- only 80 neighbors in Arlington Heights neighborhood were even notified of this application. It affects the whole neighborhood. There are representatives from Goose Hollow and Sylvan highlands. People use those trails. This is a regional park. People come from all over town to use this park. They park in the Rose Garden parking lot. I see them on the trails in every morning and in the evening. People come from Sellwood and northeast and north Portland. None of them got notified that they were getting to lose their main link into the park. People come from across the country, they come from other countries to use this park. This is not something where you want to have a lower standard for your application running through Bureau of Development Services.

Fish: On that point, if I could -- is it your position that the applicant doesn't have standing to seek this proceeding, or is it your position that the hearing officer incorrectly interpreted the definition of site, or what?

Mackenzie: Well, I'm not an attorney, and you are.

Fish: But you're the appellant.

Mackenzie: I'm the appellant --

Fish: So you have the --

Mackenzie: So I can go from experience. So yes, I agree. The hearings officer incorrectly defines site. If he had followed the standard usage definition that everybody else uses, I don't know what would have happened, if it would have kicked it back to proper notification. Because if you use the true standard code procedure, ownership is City of Portland. Well, that's Washington Park, and it links to Forest Park, and you could maybe argue. So I don't know what that would trigger. But to me, that so a very important thing that they just blew by. Because this is public land. The Japanese Garden basically leases it for zero. There's a public benefit, everybody loves the garden, but this has to go through regular channels. You can't just barely hit the bar, hit the lowest bar, and say we're all good, we should approve it, when everybody else -- individuals, private developers -- have to follow these rules.

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Fish: Just -- it would help me to know. In the proceeding below to which you filed an appeal, did you make an appearance in that proceeding?

Mackenzie: The hearings officer?

Fish: Yeah.

Mackenzie: Oh, sure.

Fish: And did you submit testimony?

Mackenzie: Absolutely. Verbal and written. And the record was open for a week, and I submitted more stuff.

Fish: Did you offer any legal authority for your position before the hearing officer?

Mackenzie: You know, the neighborhood had Steve Janik, and I don't know if he addressed -- we were trying to coordinate, and so I don't know --

Fish: Well, you have this opportunity to come before us and raise objections and cite legal authority that you want us to review or think about in terms of --

Mackenzie: Oh, so I can cite legal authority.

Fish: You are the appellant, you're the one who's appealing.

Mackenzie: Yeah, yeah, but I'm not an attorney. So sure, I'll cite legal authority to have you look at stuff --

Fish: Well, I'm not telling you how to make your presentation, but you're asking us to overturn a hearing officer's report. So just suggesting that if you have specific legal authority that you can cite to us on some of the things that you're putting in the record, then we then have a chance to ask the Bureau of Development Services to respond to that.

Mackenzie: And I don't have it in front of me, but in my prior testimony to the hearings officer, I basically reproduced exactly what it says in Title 33, with the section, the definition of site. And it's very clear. And then you have an option where you can declare a site as the developed portion of the site only, like if you have a huge chunk of vacant land. And I wrote this all out in detail on my submittal to the hearings officer. And the Japanese Garden's counsel is saying, well, regardless, we're just going to use the developed portion of this site, and therefore it's only this place where we're putting the buildings. And this site is developed, and the rest of Washington Park isn't. That's not a strong argument either, because Washington Park is developed as open space. It's got trails, it's got signage. You can't say, well we have more plants here that have gardeners and the rest of the park isn't developed because it doesn't have gardeners. So, there are two things on site. So I guess I would cite legal authority, and it's all in the zoning code. It's not that complicated.

Hales: And you cited those. Let me pursue -- are you going where you wanted to go there?

Fish: I just -- we're pleased to hear your position. I don't mean to interrupt the flow of your presentation, but to the extent there's points and authorities, it helps then when we bring back Bureau of Development Services.

Hales: But let me make sure I understand the heart of your argument on the site issue. And that is, obviously, if the site included all of Washington Park, then the proportion of the site being covered by buildings would be miniscule, right? But you're talking about it as a notice issue more than as a scale issue. You've raised the mass and scale issue separately.

Mackenzie: Correct, and --

Hales: But the site issue is critical in your opinion because of the number of people affected, or therefore the number of people noticed. Right?

Mackenzie: Yeah, the site issue is very critical because notification is just key. And this goes to getting my start as a land use planner. I was a land use planner right after Tom McCall set up our land use laws, and it was an amazing time. The land use laws came from citizen participation, neighborhood groups, blah blah blah. So, the notification and these pieces in our zoning code are the core of our land use laws. And so if you throw those out, you just threw out the zoning code. Because that's the beginning, who you tell, who's it going to affect. The idea is you tell the people it's going to matter to. Well, these are regional parks. You tell the people it's going to matter to, you

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tell the citizens. You tell people next to the park. That's what it's about. That's the trigger. I don't know technically how that works. If somebody doesn't do the notification, do you just reapply and re-notify properly and see what happens? I mean, that would be an approach, or maybe there are other issue to be efficient, because everybody likes the Japanese Garden and they have to do fundraising and everything to be more efficient. Maybe they could work things out with the neighborhood and the concerned people ahead of time before they reapply or re-notice. Because that was one of the problems with all this, is they wouldn't ever tell the neighborhood what they were really doing. And so nobody knew until we got the final application, and then all of a sudden all these buildings, and they're closing the trail, and only 80 people knew.

Hales: OK, I get it. Go ahead. I don't want to --

Mackenzie: So, I've got 21 seconds. And now I sort of lost my train of thought.

Hales: Yeah, we'll give you a little extra time, because we did interrupt the flow of your presentation.

Mackenzie: But if there are more questions, I'll just finish. The hearings officer didn't have authority to approve the extension of leaseholds. That's a key issue. If they don't expand the leasehold, it really cuts into the effect on the public because they are in this more sheltered area and they do need more space. The maintenance building has all these little pods around it and the office is in a house. So everybody understands that. And then, the ambiguity in the application -- that they were not clear, the bulk, the size and scope of these buildings. The hearings officer for sure didn't, because he approved that 11,000 square feet and the buildings are not -- if you read their drawings. And I don't think staff really knows how big they are either. With that, I will close. Thank you for your attention.

Hales: Thank you. Any further questions for Ms. Mackenzie? Thank you very much. OK, so now we want to hear from anyone who's here to testify in support of the appeal individually.

Moore-Love: I have a list of seven people. The first three please come on up are Joe Angel, Christie Galen and Michael Wallace.

Hales: It looks like Mr. Angel may have left, at least temporarily.

Fish: Mayor, can we just get clarification? You're here to testify in support of the sole remaining appeal before us?

Christie Galen: Absolutely.

Fish: So the testimony we just heard, you're here for that appeal.

Galen: Yes.

Hales: OK, please proceed, whoever would like to go first.

Michael Wallace: Sure. My name is Michael Wallace. I live at 3213 SW Upper Cascade Drive, Portland, 97205. About 20 minutes' walk from the Japanese Garden. I love the garden, but I'm opposed to this expansion. First, the garden area. Japanese Garden proposes to increase its area by nearly 40% by acquiring 3.5 acres of public property, closing a public road and a popular walking trail to both the Japanese Garden and the Rose Garden, increasing vehicle traffic and congestion and paying nothing for it. Nothing. That is not right. Should a private organization be allowed to take and fence off 3.5 acres of public space for nothing? Second, the lease expansion. The hearings officer overstepped his authority in approving the lease expansion. The application is about developing an open space zone, it's not about the lease. Third, public notification. The application for this acquisition was noticed to only about 80 households, and ignored more than 200 households that will be directly affected. This application is about developing public park land, a valuable public resource for the city of Portland. So it is critical to follow the rules on public notification. Fourth, the buildings. The application grossly understates the size of the more than 25,000 square feet of planned buildings, two of which are three stories tall or look that way, like the forestry center. The new buildings do not benefit the general public but are designed primarily to increase revenue. Fifth, the master plan. Developing the trail that links the Rose Garden and Japanese Garden with Washington Park is a key part of Portland's master plan. The Japanese Garden lease

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requires that it uphold and support the master plan. The land use application completely ignores the master plan and the principles on which it is based. As an example of good land use and public stewardship, the garden must follow and uphold the master plan. Finally, a private organization. The Japanese Garden is a private nonprofit organization. It was allowed to develop an authentic Japanese garden on public park land for public benefit. The garden is a valuable asset to the city of Portland, but it should not be allowed to expand its private use areas at public expense, close popular roads and trails without informing concerned and affected citizens. Public space is valuable to Portland residents, and as the city grows, this open space will take on more value. Rather than allow a private organization to consume more public space, Washington Park should continue to exist for everyone as a public benefit. The residents who are most in need of open space are the least likely to pay to visit an expanded Japanese Garden. Who is the garden for? Who is public park land for? This application has not followed proper procedures, and the appeal should be upheld. Thank you.

Hales: Thank you. Welcome.

Galen: My name is Christie Galen, and I live at 2732 SW Fairview Boulevard. Our property abuts the Japanese Garden access road. I appreciate the beauty of the Japanese Garden and the cultural experience it provides, but I believe the magnitude of the proposed development is too large for the site. I'm an environmental consultant with over 25 years' experience, and I specialize in habitat assessment and restoration. I've written numerous environmental reviews for residential and institutional development projects, including Lewis and Clark College and OHSU. For both these institutions, new master plans were required by the city prior to any development applications due to the size of the properties and their location in environmental zone. Accordingly, the city of Portland's bureau of Parks and Rec needs to follow the same rules the city imposes on other large property owners. The Japanese Garden is part of Washington Park, and the proposed project will impact over one and a half acres of public open space. It includes excavating 14,740 cubic yards of material, which is equivalent to an 11-foot deep hole with a footprint of the Portland Building. This in open space, this in our parks? The 1981 Washington Park master plan should be followed, or it should be updated before any development is allowed in the park. This would allow public input and would provide a public vision. There's not been sufficient public notice either for the whole project or for that access trail, but I think that's been covered. I'll get on to the mitigation. The proposed mitigation for forest impacts is inadequate, because the proposed mitigation areas are mostly already forested with a nearly closed forest canopy. It does not make ecological sense to plant the number of proposed trees in an existing forest that already consists of more than 80% tree cover. The submittal from the applicant did not even scribe these existing conditions. If additional trees are planted in the forest, it will be too crowded, and most will not survive. It will definitely not improve wildlife habitat or groundwater retention functions. The proposed plan will not mitigate for the loss of forest habitat. It will result in a net loss of a half-acre of native forest habitat that belongs to the public. The proposed mitigation follows city code requirements, but only in the number of plantings, not in where they are located and not in their function. It disregards the condition of the forest where proposed mitigation would occur. I face similar challenges when I design mitigation for OHSU. We planted as many trees, shrubs, and herbaceous plants that we could on site, but we also removed four acres of English ivy and other invasive species. The Japanese Garden could easily scale back their development by using the forestry center or other existing buildings downtown for their non-garden activities, such as meetings, lectures, and exhibits -- [beeping] -- and by keeping garden-specific activities, such as garden techniques, tea ceremony, and cultural festivals at the garden. This would definitely reduce the scale of the building that would be built, or that they want to build. And they can also actually improve the garden. Add garden, add green space, add plants rather than buildings.

Hales: Thank you.

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Connie Kirk: Mr. Mayor, members of the city council, my name is Connie Kirk. I live at 1132 SW 19th Avenue in Goose Hollow. I have been a member of the Japanese Garden -- it is an oasis of tranquility -- but I urge you to vote no to the Japanese Garden expansion. I echo the concern Arlington Heights neighbors did not receive comprehensive notification regarding the expansion, and they deserve to be part of the larger civic discourse. I have found in experience that neighbors' voices don't always filter through to City Hall through their neighborhood associations, and I'm delighted that I can be here. The proposal elevates commercialization over neighborhood livability. And as a tax payer, I appreciate the wisdom of the comprehensive plan goals six and eight. I do not think they are being met. Goal six reinforces the livability of neighborhoods; should reduce air, water, and noise pollution; and lessen reliance on the automobile. And goal eight requires the applicant to maintain and improve the quality of Portland's air, water, and land resources; and protect neighborhoods and businesses from detrimental noise. Goal six and eight not met commercial expansion encourages automotive use, and additional supply trucks will be necessary to meet the project's commercial needs. Air pollution will increase, land in the environmental zone will be cleared, and these factors do not reinforce livability in Arlington Heights. But this isn't happening in a vacuum. We, too -- Arlington Heights will be affected by increased traffic and so, too, will Goose Hollow. Because Goose Hollow is an artery for MAC traffic, Timbers traffic, traffic en route to Washington Park, traffic en route to the Rose Garden, traffic en route to the Japanese gardens. And so goals six and eight require the reduction of and protection from detrimental noise as well. Arlington Heights will not be protected. Commercial zoning allows 24-hour trash collection, and the city of Portland's noise control task force and noise review board in 2004 found that noise from late-night collection adversely impacts health by raising blood pressure levels and respiratory levels. You can see that on pages two and three. This very impressive study from the city states that noise from late-night collection adversely impacts the sleep of healthcare workers. Residents of Arlington Heights, as well as neighboring King's Hill, Goose Hollow, and other areas will be adversely affected as healthcare workers live in these areas and work at neighboring hospitals. And so I say, please vote no to the Japanese Garden expansion and allow time for a better vision to emerge from this very, very noble institution. Thank you.

Hales: Thank you. Questions for any of these folks? Thank you all.

Galen: I have stu levy's --

Hales: Yes, please, just leave it with Karla and we'll make sure it's in the record. Thank you.

Beaumont: Mayor Hales, I'm informed by staff that two of the issues mentioned in the testimony were not raised below. One has to do with increasing commercialization. The other issue has to do with noise and other impacts of trash collection. Additionally, I would also note that comp plan goals six and eight are not relevant approval criteria for this land use review.

Hales: OK, got it. Thank you.

Mike Dowd: I'm Mike Dowd, 0753 SW Miles Street, miles from the Japanese Garden. I'm one of the few people from outside the neighborhood here today, not because other people don't care, but because they don't know about this. They haven't known, and they still don't. I can't possibly cover all the reasons the decision was wrong, but they're all in the record and he didn't rebut any of my testimony, he just said he didn't agree with it without reasons. My main message for today is that upholding this decision won't solve anything, it will only move the conflict down the road to where the problems and ill-will will be escalated. Here's three reasons why, all of which I've brought up in my earlier testimony. First, the notification was messed up. The staff and applicant agreed that the site was the leasehold, but in regard to the legal reasons for that, it's really simple. You read it in the zoning code. The zoning code says site is an ownership, and ownership is defined very simply in a sentence, and lease is nowhere in there. I've done at least 100 projects with this same situation, and have never been allowed that interpretation because the zoning code doesn't allow it. But if you let it stand, that means thousands of projects involving tenants in every shopping center and every building in Portland must be allowed the same interpretation, and I'm going to ask for it next time I

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go to the permit center. That will throw out the ability of the city to require zoning code upgrades to all remodeling projects. It'll be a disaster. Second, the expansion doesn't come anywhere near to matching what was approved. Hilary Mackenzie spoke about that with the buildings -- the preliminary drawings that were submitted. I've had projects held up, land use reviews held up because I didn't show the size of window mullions. Their square footage is off by thousands of square feet. Third, there's some simple ways of keeping the trail open that wouldn't harm the garden, but those won't happen unless you require it now. By the way, I live next to Willamette Park, and the Water Bureau has done a fantastic job with public involvement for a new pump station. There's at least 20 signs up there right now at every entrance. It's a shame that Parks Bureau didn't do public notification on this, and that planning didn't require the minimum legal notification. So I know voting in favor of an appeal wouldn't be a pleasant decision, but it is the best decision for the city and the parks. Thank you.

Hales: Thank you.

William Newman: Good afternoon. My name is William Newman, I'm a resident in Fairhaven Lane, in the Sylvan Highlands area. I'm a board member and treasurer of the Sylvan Highlands Neighborhood Association. And I'm speaking on behalf of our association to recommend support of Ms. Mackenzie's appeal of this for two reasons. Due to the significant impact in the park, the expanded traffic and commercial activity, and the transfer of public lands for private use, we feel that a much broader process of communication, disclosure, and input needs to happen. The second reason is due to these factors and their impact on one of Portland's prized assets, Washington Park, that any such expansion be integrated and incorporated with a Washington Park master plan, whether existing or new. Thank you.

Hales: Thank you. Good afternoon.

Joe Liebezeit: Good afternoon, Mayor Hales and members of the council. My name is Joe Liebezeit, I'm the avian conservation program manager at Portland Audubon. And I think I heard this when I first arrived, that a bird-friendly building design would not be considered. But I'd like to respectfully disagree and go through my testimony, and I have some reasons why I disagree.

Hales: I think the city attorney has already ruled that that's not a subject of the appeal, right? I know it's an important, but this is a constrained process --

Beaumont: I am informed by staff that this is not an issue that was raised below.

Hales: So it has to have been raised at the hearings officer.

Liebezeit: Well, it was raised by Hilary Mackenzie originally and others at the original hearing through the environmental review criteria. Because if you look at the details in the environmental review criteria, it says that all alternatives must be considered to minimize environmental impacts. And it's great to see that they're working on the habitat mitigation, but I see nothing about wildlife itself.

Hales: Let's pause for a moment. Because we don't want you to go through the motions of giving us testimony that we can't consider. So let's discuss this, please. So staff, why the determination of the environmental criteria? Maybe the two of you could yield your seats and we could bring staff up for a moment. Thank you. And tell us why the environmental review criteria encompass this issue, why can't it -- first question, does it encompass this issue? Second, was it raised by Ms. Mackenzie at the hearings office level, and therefore, why can't it be considered now?

Whiteside: Well, there could be a link through the approval criteria for the environmental review, however, this particular issue was not brought up in the record or by Ms. Mackenzie during the written testimony that was in the record.

Hales: Nor in verbal testimony at the hearings officer?

Whiteside: No.

Saltzman: There was no mention of impacts on wildlife of anything associated with this garden application?

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Stokes: This is Kathleen Stokes. I would say, yes, it is in the approval criteria that one must consider habitat values, since that's part of environmental review. We reviewed the record to determine whether the issue of bird-friendly design was ever raised, and it was not.

Hales: OK. So, sorry to be legalistic here on you. But this a hearing on the record, and it's not an open de novo hearing. Therefore, we have to confine council's discussion --

Liebezeit: Can I just say one thing? In section E2 of the code, it says, proposed development locations, designs, and construction methods are less detrimental identified resources in functionality than other practical, significantly different alternatives. And that's regarding environmental impacts.

Fritz: If you had raised this issue at the hearing, then yes, you could have referenced that approval criteria, but this particular issue wasn't raised. And that's the challenge of these on-the-record hearings. Even if it's a valid point, because it wasn't raised before the hearings officer, we're not --

Liebezeit: So it has to specifically say bird.

Fritz: Yeah.

Liebezeit: Well I would like to say in closing that, for me, we would like to work with the Japanese Garden club. Audubon is greatly appreciative of what the Japanese Garden club has done, and the Japanese Garden itself, and we feel it's an important part of our city's culture and landscape. We would like to work with the Japanese Garden club in this design process to make sure that we see bird-friendly design elements as part of the structure, because it is a big part of your guys' efforts. There's a resolution months ago saying the city would pay a lot of attention to minimizing bird strikes, in and around especially environmental zones, and in areas of city land leased by Japanese Garden club. Thanks very much.

Hales: Thank you.

Stokes: May I add something?

Hales: Sure.

Stokes: One of the things we wanted to note -- staff wanted to note -- is that we did not review elevation drawings or designs, only square footage and locations. And the hearings officer did not approve specific designs. So there is nothing preventing the design of the buildings from being in keeping with the approval and still being a bird-friendly design, and that also applies to the testimony that was talking about the elevations and calculating how big things were and saying how could it be inconsistent with this approval. Well, elevations were not approved, so.

Hales: I understand. We'll probably have more questions about that.

Saltzman: Let me just follow up. So where does that approval occur, then? Of elevations?

Stokes: That would occur at the time of building permit review to determine that the size of the building was consistent with what was -- whatever is finally approved if something is here. The city's policy on -- the green building policy would be implemented at the time that it is consistently implemented by the city, but not through this review.

Saltzman: Because it's publicly-owned property, Japanese Garden would have to meet at least a LEED gold standard for its renovation?

Stokes: I'm afraid that I don't know the answer to that.

Saltzman: I think the answer is yes.

Liebezeit: And I would encourage the Japanese Garden club to work towards that. We can help you. We know architects that can assist with that, and we can assist ourselves. So thanks again for your time, and look forward to hearing from folks.

Fish: What I know from another experience is if it's city-owned property leased to another entity, even a nonprofit that operates it, then much of the city policy still applies. Any development that would apply to anything in the code about birds -- if there is something in the code -- and greenbuilding and other things, unless council said otherwise. Anyway, but that's not before us.

Hales: Thank you. Appreciate your patience with that. We have a process to follow, and one reason why we're fairly religious about following it is we have a good record of not getting overturned on

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appeal. So we like to do it according to Hoyle. Sometimes that means we have to cut short what people want to talk about.

Liebezeit: I appreciate your time.

Novick: Mr. Mayor, can I just ask the city attorney to make this crystal clear? Is there precedent saying that appellant can't site a general rule, a general topic like the environment, and then use that to wrap in a specific challenge like this?

Beaumont: This gets a little into land use law arcana. There's a general rule that if you want to raise an issue at LUBA, you have to raise it below in a local hearing. And LUBA has held that sort of raising a general topic and then going through a very, very specific aspect of that topic is not sufficient to raise the issue for purposes of appeal. One of the purposes of raising an issue is so that local government has an opportunity to adequately address it in making a decision. And simply citing habitat in general isn't necessarily enough to give the hearings officer fair warning that what you're really talking about is bird-friendly design.

Novick: Thank you, that's exactly what I wanted to know.

Hales: Are there any other individuals here to speak in support of the appellant? If not, then we will move to the applicant. Come on up. You have 15 minutes to make your presentation.

Stephen Bloom: Good afternoon, Mayor Hales, Commissioners. Thank you for being here today and hearing us. My name is Steve Bloom, I'm the CEO of the Portland Japanese Garden. Our work addresses are 611 and 369 SW Kingston Avenue, Portland, Oregon, 97205. It is my privilege and honor to be here with you today as we make history for Portland and Oregon. I represent today the Japanese Garden board of trustees, garden foundation board, international advisory board, 50 full-time employees, 600 volunteers, more than 7000 members, and 300,000 visitors annually to the garden. If I just may ask our supporters here today at this moment to identify yourselves. [applause]

Hales: OK, thank you.

Bloom: For more than 50 years, the Portland Japanese Garden has been part of the fabric of Portland, bringing people together in a place of exquisite peace and tranquility. I would first like to offer my thanks to city staff, in particular, the Bureau of Development Services and Portland Parks. We are very pleased with the staff recommendation they bring before you. From the beginning of this process, working with the city staff has been a positive and productive experience. Our sincere appreciation to everyone who's participated. I would also like to express my appreciation to the Arlington Heights Neighborhood Association for their willingness to work with us and come to an agreement on areas of mutual concern. We look forward to continuing dialogue with the association over the next few years as this project unfolds. The project you see before you is a culmination of many years of work which have on the backs of countless hours of community service by thousands of volunteers over decades. The project was born of our desire after 50 years to address growing needs, important opportunities along with practical and safety concerns at the Portland Japanese Garden. We are here before you today as representatives of the community in our roles as stewards for this local and national asset. The Portland Japanese Garden is considered the finest, most authentic Japanese garden in the world and was recently proclaimed by the Japanese ambassador to the United States Sasai to be even more beautiful than any Japanese garden in Japan. This year, in two separate rankings, the Portland Japanese Garden was ranked in the top 10 of public Japanese gardens in North America. Not just Japanese gardens, but of all public gardens in North America. Through this project we'll be creating something that does not exist anywhere else in the world. It will be a project of local, national, and international significance. The Portland Japanese Garden represents a community of neighbors who for 51 years has come together to build and maintain something more important than themselves. It is the community of neighbors who we hear from today who have put their time, talent, resources, and passion to better the community which we all live. That's a value of which I am in awe each and every day. Each team member here today has donated something to this effort, demonstrating this is not just another job for any of us, but indeed part of each of our greater responsibility to each other as citizens of Portland and Oregon. As 50-

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year members of the Arlington Heights neighborhood, we are perhaps the residents with the greatest longevity of any one currently living in the Arlington Heights neighborhood, and being so, take this responsibility very seriously. We therefore undertook a long and comprehensive neighborhood engagement process going back more than 18 months. A process that we're very proud of, a process which after more than 18 months resulted last March in a letter expressing official support for the expansion project from the association as well as an agreement this week on the remaining final issues of mutual concern. We also understand that while we have a responsibility to our immediate neighbors, we also have a greater responsibility to effectively, efficiently, and ethically manage this community resource which in fact serves hundreds of thousands of people each year. We sit here today before you just as they did 50 years ago when neighbors came together and did what they could to create for us what we have today. For some, it was time spent serving on planning committees. For others, it was donating trees out of their front yards -- trees that, in fact, still stand in the garden today. Today, right now, it is our time to make history, and we sit before you as a proud community of neighbors ready to do our part to seize the moment and to make history for the people of Portland, and to leave a legacy for our children and for the many generations to come. Thank you for your consideration. I would now like to ask our land use planning consultant, Beverly Bookin; and our attorney, Kelly Hossaini, to make technical presentation in response to the appeal before you. Thank you.

Kelly Hossaini: Good afternoon. My name is Kelly Hossaini, I'm with Miller Nash and I am representing the Japanese Garden. I'm going to keep my remarks brief. There's just a couple of legal issues that I wanted to address before Ms. Bookin responds to the substance of the appeal issues. And these issues are set forth in my August 15th letter. The first issue is whether or not the notice area was correctly defined. The garden, as you know, has a lease with Portland Parks and Recreation for the property it currently occupies. It's nearing the end of a negotiation to amend that lease to add an additional three and a half acres. And there's approximately 12.5 acres, then, affected by this land use application. Notice of the application was given based on the site being defined as the ultimate leasehold area. The applicants are arguing that the site for purposes of notice should have been defined as Washington Park. And as a practical matter, it doesn't make sense to define the site for this application as the entire 400 acre Washington Park when we're talking about a 12.5 acre leasehold in the extreme north corner. As a legal matter, the lease area is an ownership interest that meets the intent of your code provisions, as I outline in my letter. As well, your city attorney has prepared a legal analysis supporting staff's and the hearings officer's interpretation of the code such that the site is defined as leasehold area. And we ask that you adopt the city attorney's legal analysis as your interpretation of the city's code on the issue. The second issue that I wanted to just talk about briefly is temporary construction impacts. We've worked extensively with the neighborhood to minimize those because we want to be good neighbors, and we realize that even though those impacts are temporary, they can be disruptive. We reached agreement, as you know, with the neighborhood association on those issues, and that's partly why the association withdrew its appeal. But because we still have an appeal of the hearings officer's decision, the garden would request that you make an interpretation of your code to acknowledge temporary construction impacts are not part of a proposed use for purposes of the conditional use criteria in 33815100. As I've set out in my letter, temporary construction impacts are not a use that is examined as a conditional use in the open space zone. Your code doesn't include temporary construction impacts as a proposed use in any of its tables or in chapter 33920 where uses are defined. Proposed uses are just what we think they are, the proposed end use of the land. Temporary construction impacts, I would note, are already addressed in your code and other parts of your code. It really doesn't make any sense to apply conditional use criteria to construction impacts when those temporary impacts don't have anything to do with impacts from the proposed use. I would note that there can be temporary construction impacts from other uses permitted outright which wouldn't undergo any scrutiny in a land use application, even though those impacts might be greater. So basically, we're

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asking you to make two interpretations of your code this afternoon, one to acknowledge the notice area for this application as being correctly defined, and a second to find that temporary construction impacts are not subject to 33815100.

Fish: So counsel, I just have one question on this site issue. I don't know whether we have the city attorney's opinion on that --

Beaumont: Oh, you do not. My apologies.

Fish: Is it your view that the issue of the definition of the definition of site impact only impacts the scope of public notice, or do you believe the site issue also implicates the question of the standing of a party to bring forth a land use application?

Hossaini: Well, as you know, in a land use application, standing is very broad. Someone doesn't have to receive notice to be able to come in and give testimony. So to me, the issue is really one of just who got notice and who was entitled to notice, although that doesn't matter with respect to who can come and testify.

Fish: The difference here is the difference between 80 households getting notice and potentially 200 getting notice if the site was considered the whole --?

Hossaini: It could be thousands, frankly. If you're going to say the whole 400 acre area and you've got to go 400 feet out from the entire 400 acre area, basically you're getting folks who are literally miles away from this site.

Saltzman: So I guess to follow up on the logic of asking us to maybe set a precedent here. I mean, it seems to me that a lot of people beyond the bounds of the Arlington neighborhood would be concerned about the closure of the Japanese Garden trail, a pedestrian connection between the Wildwood Trail and the Rose Garden and the Japanese Garden. And they might have -- had they notice -- might've showed up at the hearing. But to say because they didn't get a notice that they still have standing is all well and good, but the fact is that if you don't know, you don't know.

Hossaini: Right. And we're going to address the merits of that argument at the closing of what is really an informal cut-through. It's not part of the Wildwood Trail. It's not an official part, it's -- well, I'll let --

Saltzman: Yeah, I appreciate your efforts to diminish that trail not being a trail, but I have been up there enough times to know that that trail looks like a trail, walks like a trail, it's a trail. So I guess my point is seems like this narrow interpretation of leasehold versus what the appropriate boundary of notification is really leaving a potential universe of people out of this knowledge of the closure of what I call a trail. So are you asking us to set a precedent here that would apply in other future issues regarding the Parks bureau, where we have a leasehold inside if a public boundary, a public space?

Hossaini: Frankly, what I would tell you is you would not be setting a precedent by defining the notice area for venue within Washington Park, as we have asked you, but that would be new evidence. If I was to bring in the evidence of how you've done it in the past that would be new evidence, which I can't bring in. But I would tell you, as a legal matter, it would not be a new precedent.

Saltzman: You're asking for interpretation only for a venue in Washington Park?

Hossaini: Your code talks about ownership, but -- and I don't know how -- Ms. Beaumont, you might want to handle this based on some analysis you have done.

Saltzman: Well, this can wait until you've finished your time.

Hossaini: I'm done. If you want --

Saltzman: Well, let's have Bev go and we'll continue.

Fritz: Before you move on though, I think, Commissioner Saltzman, you wouldn't have been notified even if it had gone beyond that. If we're talking about ownership, it's really the city of Portland who owns Washington Park. So technically, you might need to notify all 600,000 of our residents.

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Saltzman: Yeah, I understand your point, Commissioner Fritz. I guess my point simply is if there's a larger universe of people within the 400 acre, 400 feet or whatever, you're more likely to capture some concerns, perhaps, about the impact of closing what is a trail or not a trail. But it's an important connection to a lot of people who use Hoyt Arboretum, Washington Park, Wildwood Trail.

Fritz: Right. The neighborhoods were notified. My thought is, this is a regional facility. Yes, the folks who live close by probably walk more often along there but all of us have a stake in what happens in this location. It's a regional park.

Fish: Commissioner, we heard from someone who said, yes, the neighborhood association was notified but I as an individual who had a concern about this didn't get adequate notice. What is the relevance of that to our proceeding?

Fritz: Whenever I have made that argument before a hearings officer, the officer has said, well, you're here now so obviously you knew about it or were able to find out about it. And particularly since this isn't a hearing before city council -- I think, really, the Audubon representative who didn't testify on the bird issue before might have the most cause for not being notified, because that issue could have been fleshed out earlier. I haven't -- we're not going to be hearing new evidence, but the concerns that people are here to support or oppose are the concerns in the record. I don't know that we having more people notified is particularly germane to are the points valid or not.

Fish: And in fact, we do have a document before us that lists who testified at the hearing and Mr. Dowd testified, Mr. Angel -- it lists all the people. So to the extent someone claims inadequate notice but was present and had a chance to testify, then that gives us some confidence they were given the opportunity to put their concerns on the record.

Hales: OK. Ms. Bookin.

Beverly Bookin: Thank you. Good afternoon, everyone, Beverly Bookin, the Bookin Group, 813 SW Alder Street, Suite 320, Portland, 97205. I'm here as the land use planner of record. We are very, very pleased with the very thoughtful, thorough, and well-crafted decision of the hearings officer in this case. Our neighbors collectively raised some 20 objections to this project, and he essentially -- with one exception, a 200 foot segment of sidewalk -- ruled that their issues were without technical or legal merit. In fact, all of the issues raised today were among that group of issues that he rejected as relevant. This is an important finding, that the hearings officer's decision was so thorough and so outspoken in its support of this project. So it is also with a number of conditions of approval, including some added by various development bureaus, some that we recommended to the record, some that he, and we are perfectly comfortable with the conditions of approval so that we just want to go on the record and -- can I go to my -- how do I advance? I'm sorry? Oh, arrows. We want to advance only one change of condition of approval. This is the one for the 200 foot sidewalk -- not the length of sidewalk along the parking lot, because that's part of the project, but the 200 feet north of the parking lot to the north gate. And it has -- this is a very prescriptive condition and in fact there are no standards for sidewalks on public streets. This would be negotiated with the review of the Bureau of Development Services site development review section, and we ask that this condition be skinned down to give us some room to have those kinds of conversations and based on the conditions on the ground. So to go forward now on the points --

Fritz: I have a proposed amendment on that. I don't know if it skinnies it down, but it's on the lines of, that the applicant shall work with Portland Parks and Recreation, Portland Bureau of Transportation, and Bureau of Development Services staff in permitting for design and construction of the sidewalk and landscape plan along the west side of existing parking spaces along Kingston Avenue north of existing Japanese Garden parking lot. Is that what you're talking about?

Bookin: Yeah, that would -- if you want to have an alternative language -- I think the important point is that by dictating a 10 foot wide corridor, we have very steep slope conditions there and the wider the sidewalk, the more potential for losing natural landscape and trees. The purpose of the

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sidewalk is to provide ideally at least six feet of unencumbered pedestrian access, and how we get there can be discussed outside the condition. And we ask for just a skinned down version of this.

Fritz: Yeah, and my other concern is that along where the parking strip is, there isn't a sidewalk there.

Bookin: It is called for in the plan.

Fritz: Is it called for in the plans?

Bookin: Yes, it is called for in the plans. The confusing -- when staff showed the photographs indicated that there was where the new sidewalk -- it's actually two blocks will go in. So it will be from the access road, two blocks to the north gate.

Fritz: I think we're saying the same thing.

Bookin: Yes, we are.

Hales: You included transportation as well.

Bookin: That will be fine. The wording -- [speaking simultaneously]

Fritz: Transportation, Development Services, and Parks will work with you on that.

Bookin: Right. The wording is fine.

Fritz: And I'll check with staff when they come back afterwards, as far as should we deny the appeal, how we then move forward with findings and revised conditions and such.

Bookin: OK. But otherwise, all the conditions of approval are acceptable. So now let me move to the objections, because that's really the core of this issue. First, I must say several references today to the Washington Park master plan adopted in 1982, adopted by reference, not a binding land use document with regard to the land use process. Any comments made by the appellants and supporters of the appellant regarding the master plan should be disregarded. Hearings officer commented this and made that finding on page 19 of his decision. With regard to the building design, there is no design review in this area of Portland. This is a conditional use and an environmental review. The design of the buildings is irrelevant. This is not to denigrate Ms. Mackenzie's talent as an architect, but to second guess the amount of space in the buildings is inappropriate. It is twelve thousand -- the net gain is 12,950 square feet net gain. Our architects stand behind that number, and the plans submitted to the building division of BDS will stand up. And so that really is irrelevant testimony. More over -- [speaking simultaneously]

Fish: Beverly, what is our insurance policy on something like that? So, take another example where someone comes in and says, I'm just going to add on this piece of public land a small shed, and they really want to put a football stadium. At what point does -- do we have the assurance that you can't do that kind of bait and switch?

Bookin: Excellent question. What happens is when the building permit goes in -- especially when there's a conditional use with conditions of approval -- it goes to a planner in what's I believe called site review -- or plan review, where the land use planner reviews the plans for the building division and makes sure that all of the conditions of approval have been met. So if it is approved for 12,950 gross square feet of development, it cannot exceed that amount. Moreover, there's a boilerplate condition that says on all of your plans, or on the plan sheet, A -- it's always condition A -- you will write that you will put all of the conditions of approval on the first page of the plan set, so that everyone knows what the conditional use requirements are, and they can be then carried through the review process even though it moves in divisions within BDS.

Hales: Let me make sure I can clarify that as well. Our staff report says 11,340 square feet of additional site coverage.

Bookin: We came in May, I think May 20th, and we corrected the number.

Hales: OK. So the number was changed.

Bookin: So that was the amount that came forward.

Hales: It was 11,340, now it's --

Bookin: 12,950.

Hales: And that's coverage. That's not --

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Bookin: No, no, no, that's total square feet. I'll talk about lot coverage in a just a moment.

Hales: OK. Total square feet of all floor levels in all buildings.

Bookin: All net increase from the current. Now, two of the three buildings in the cultural village are two stories. It is a green building practice to put -- it is more energy efficient to have more than one story, and it reduces lot coverage -- which I'll talk about in just a moment -- because we are in a sensitive area. So the fact that these are two-story buildings is a good thing. The design is LEED gold so there can be no concern about that.

Hales: I was trying to get to the map here. It is 12,000 in change of new --

Bookin: Well, almost 13 net -- [speaking simultaneously] --

Hales: -- new floor area.

Bookin: Right, mm-hmm.

Hales: Not new site coverage.

Bookin: Right. We'll talk about that in a moment.

Bloom: Commissioner Fish, if I can also re-address your question. Within our lease between Japanese Garden and Portland Parks, there's also a requirement that Portland Parks and Recreation approve any improvements to the garden. And so from the very beginning of design, Portland Parks and Recreation have been part of the design process over the last year and a half. So that also ensures that there's not going to be any bait and switch. City staff are part of the process.

Fish: And let me be clear, I don't assume there's going to be a bait and switch. A concern was raised in effect that for a proceeding like this, you could put a sketch in and then disregard it. So I thought it was useful to have it aired as to what the actual requirements are and the legal boundaries.

Bookin: So, with regard to scale, this is a 12.56 leasehold area. The cultural village will not be visible from the neighbors on Fairview Boulevard, because it sits east of a little hillock. And one of the reasons the excavation is being done to the degree it is because the city requires that the new cultural village be ADA compliant. The cultural village will also barely be visible from SW Kingston because it's so far up the hill and there's so much natural landscape. There might be -- because of the deciduous trees -- leaf lost during the winter a little bit more of a view. But for our opponents to argue this is unacceptable scale really is not based on fact. To answer Mayor Hales' question, today, building coverage is 1.5% of 9.1 acres, OK? At full build-out, it will be 3% of the expanded area, which is to say there will be 97% open space on this site. The issues of scale really have to be taken into that perspective. The next issue is I'm going to -- the environmental. The staff has done a very good job of presenting the environmental justification of this project. And let it be said that we have put extremely detailed information into the record. The findings of staff has been supportive of this. The conditions of approval are designed to ensure that all mitigation plantings are installed, monitored, and maintained in an appropriate way. The preponderance of evidence -- according to the hearings officer -- favors our analysis, and he rejected as not having legal or technical merit arguments on environmental that you've heard today and that were in the record. To just summarize briefly, there's a total of .42 acres of previously undisturbed land, .26 will be temporarily disturbed and fully re-landscaped, .16 will be permanently disturbed and replaced by the mitigation of 692 trees and 1384 shrubs. Let's talk about the trail, because that's really the issue here and I don't have much time. Today -- I don't know if you can see this -- but the main part of the garden is in the center of the page, and it is accessible by the entry gate so that essentially this road here that has been used as an informal cut-through from the Wildwood Trail is outside the perimeter of the garden and therefore it can be and has been used by the public. In the new plan, the cultural garden -- the cultural village will be here at the top of the road, the new entry gate or the new ticketing pavilion at the bottom of the hill. As a result, the entire site must be fenced off, and this includes the access road. It's not just a matter of security. You cannot allow people and have them pay to come in at the bottom of the hill and leave the back door open that anybody can walk into the garden for free. It's just simply not a sustainable model. There are existing -- I hope you can see this well -- the Wildwood Trail is in yellow. It dumps down on to SW Fairview Boulevard.

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There have been a small path in green that have been beaten down, that's where the Xs are. That is the temporary connection to the top of the road, and you'll see then people walk down the road and out into the garden. However, if you choose not to take this, or if it's closed off as proposed, you could walk back to Fairview in the public right-of-way on the east side of Fairview boulevard, walk all the way to its connection at Kingston Boulevard -- Kingston Avenue, where the public TriMet bus stops. You can walk a half block into the park and access all points. So for our folks to commute to say that this is a loss of important pedestrian access -- that is not true. There is adequate access. In addition, there is new trail segment that Parks is putting in and that the garden has agreed to pay for that will provide the secondary access from here into the Rose Garden area. This is important information. I would hope to have a little more time. This is the transportation -- [speaking simultaneously]

Saltzman: I'll ask you a question.

Bookin: OK -- [laughter] This is kind of like a time out in a baseball game.

Saltzman: The new spur trail you're saying will provide access from Wildwood down to Kingston?

Bookin: Kingston, mm-hmm.

Saltzman: Without allowing people to access the garden without paying?

Bookin: Well, there are two things. First of all, the Wildwood Trail dumps down onto Fairview, and that is a legitimate pedestrian access along Fairview. So this has just been human nature. Over the years, people have cut this little trail through the greens, gotten to the top of the road, and walked down. But it isn't because they had no other way. There is a legitimate access in the public right-of-way. Because this is closed -- not because we are required to mitigate it, which we'll talk about in just a minute -- but because Parks is concerned about improving access throughout the park, it has designed the second red spur, the one on your left-hand, as another connection. And the garden, as part of its lease, in negotiations talking about helping to pay or to pay for that, although the Parks will design it, they will permit it, they will install it, and they will maintain it.

Fritz: Beverly, is this diagram in the record?

Bookin: Yes, it is. It's in the application. It is just color enhanced so that the different things can be pointed out. But yes, it is in the record.

Hales: Does the document in the record include the spur trail?

Bookin: Yes, it does.

Bloom: It would be on the left.

Bookin: Mm-hmm. I can give you the specific, it's roman numeral 31G, I believe, I'll have to look.

Hales: OK, I'll look for it.

Bookin: Kelly will look for it and give it to you. Yes, it's in the public record.

Saltzman: OK, thank you.

Fritz: Because I had seen that and I wasn't sure if it was.

Bookin: Yes, it absolutely is. I'm sorry, I meant to mention it's just a color-enhanced version so that people can see. So, what is the basis for closing the road --

Hossaini: Pardon me, figure 3 1 E.

Bookin: Yes, thank you. So you have before you a blown-up version of the transportation system plan northwest Portland map. This is -- the transportation system plan is the only legally binding document with regard to the status of this trail. This came with an email from Bob Haley from PBOT -- this is in the record as well -- PBOT development review is confirming that the location the informal trail proposed for closing is not identified as an off-street path on the transportation system plan of the transportation element of the comprehensive plan. Attached is an enlarged segment of the map 6.40.4 of the northwest district from the TSP depicting pedestrian classifications. There is no dotted line designating the informal trail as an off-street path. The circle you will see -- kind of a question mark -- that is the access road, and you'll notice that the distance between the dot, which is the formal part of the Wildwood, and the end of that access road also is not dotted. This is not a formal trail segment. Kia Selley, who is the planning, development, and asset manager of PPR, says

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in a letter on the record on page two -- this was June 11th, I'm sorry, June 5th, I believe -- although PJG's service road is not an official segment of the Wildwood Trail, PJG has allowed it to become an informal shortcut between SW Fairview Boulevard and SW Kingston Street for many years. Because of the proposed cultural village at the tip of the service road and the new ticketing pavilion at the bottom of the hill on SW Kingston Avenue, PJG will have to extend its security fence around the entire site, which will force the closure of this informal trail spur. PJG is exploring with PP&R a replacement segment nearby to facilitate connection of the Wildwood Trail to the Rose Garden portion of Washington Park. Based on this, the hearings officer's ruling is as follows on page 16 of the decision, the hearings officer finds the trail connection from the garden access road to the Wildwood Trail is not an official segment of the Wildwood Trail. The hearings officer finds therefore that the trail connection is not an official pedestrian connection that must be improved and or maintained. So that is the basis for the closure of the road as an informal trail spur. It would have been irrelevant if the notice were extended on this issue because in fact, it doesn't matter how many individuals want to continue to use this informal spur, it is going to have to be closed as part of the design of this project. We have agreed and submitted a condition of approval that we will post notices six months in advance of the closure for the convenience of the public. That ends our formal testimony. Thank you for the additional time.

Hales: OK. I have some more questions, it looks like you do too.

Fritz: I do. I'm going back to this sidewalk. I'm worried about the sidewalk. So figure 3-3.

Bookin: Yes. Let me go here. OK. So if we go -- this happens to be --

Fritz: I just have a very simple question. To the north of the vehicle parking, it looks like there's a segment of un-sidewalked Kingston Avenue that then should connect up to the -- looks like there's a sidewalk at the far north of the leasehold.

Bookin: Yes. And that is the segment that the hearings officer is requiring to be built.

Fritz: Well that's not with the condition of approval says. Because the condition of approval talks about from the parking to the entrance. I'm concerned part from the parking --

Bookin: To the entrance of the park. The point at which it reaches the sidewalk on Kingston that is the public street, there is a park gate. And he is referring to the park gate. So it's the 200 foot segment from the north end of the reconfigured parking lot all the way to the park gate which will connect up with the sidewalk on Kingston northward.

Fritz: So the net result will be a sidewalk all the way along Kingston along the lease boundary.

Bookin: Down to the access road, yes. And the condition of approval --

Fritz: Is there, along the entire length of the leasehold boundary on Kingston, will there will be a sidewalk?

Bookin: Yes. And it will be that two books. But G applies to the new segment between, because we already had proposed the new segment along the parking lot.

Fritz: Got it. Thank you.

Hales: I have another question, and that is -- both on the record and in the hearing today, Ms. Mackenzie talked about the transportation goal and alluded to the expansion in effect further doubling down on the dependency of the garden on shuttle buses to get people up and down the hill. Can you talk about that issue, given that this is a conditional use in an open space zone and given there is this transportation goal of system impacts? Tell us about that. Why are you so dependent on a shuttle bus strategy?

Bloom: So currently, about 50% of our visitors walk up the path, and about 50% of our visitors take the shuttle bus. We are required for ADA access to provide shuttle bus, some kind of vehicular -- we have to have an operational plan to get people to the front of the garden, they can't just walk up the path. This design is really designed to control traffic better and actually to have less traffic going up the hill, instead of more. Right now, we have all of our deliveries, buses, vehicular traffic from visitors -- not all visitors, but some visitors -- driving up, taxi cabs drive up there, staff drive up there. With this plan, it will be gated at the bottom of the hill so that really only shuttle and staff will

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have -- and at that, we're looking at reducing the number of vehicular trips by staff by providing them with public transportation. So the shuttle service will remain the same, but all the other traffic up that access road will be reduced.

Hales: OK, thank you. Other questions?

Saltzman: Yeah, so you said the buildings will be LEED gold. Will they be independently certified as being LEED gold?

Bookin: Our architect is here and can answer that question. I'm afraid I cannot. Would you like someone else to come forward and answer that question? [speaking simultaneously]

Hossaini: It has to be done independently.

Bloom: The answer is yes.

Saltzman: That was the right answer. Secondly, the discussion about again closing this trail, the connector, the informal connector from Wildwood down to Kingston. You mentioned just a second ago that you'll post signs about the closure of that trail. I guess, will the closure of that trail or connector occur only after the new spur trail is in place?

Bloom: That's correct. Our commitment with Portland Parks was to build the new trail before we began construction and close down the old trail. So the public will never lose access from the Wildwood Trail to Kingston Avenue at any time.

Saltzman: OK, great.

Fritz: And you're proposing to pay for the new trail as well?

Bloom: That is correct.

Hales: Any questions for the applicant? Thank you.

Bloom: Thank you very much.

Hales: Now, we'll take any individuals that have signed up to speak in opposition to the appeal in favor of the applicant.

Moore-Love: I show nine people have signed up. The first three, please, coming up.

Hales: Good afternoon, welcome.

Gayle Mirkin: Good afternoon and welcome to do. Well, my name is Gayle Mirkin and I live at 321 SW Kingston, right at the corner of SW Kingston and SW Fairview. And I could start with that little spur thing, I had planned to end with that, but I think I will, since it is obviously a concern for everybody. Not the spur but the access to the Wildwood Trail. My husband is approaching retirement and he is going to be allowed to get a dog. And one of his big joys in life is to go down and walk the trails. And he will have no problem going from our house, walking up SW Fairview and accessing the Wildwood Trail. Now that I know the spur is coming, that's even better.

Fritz: And ma'am, your husband will be a very law-abiding citizen and keep the dog on a leash at all times, right? [laughter]

Mirkin: Absolutely, yes that's great.

Fish: Commissioner Fritz, what approval criteria does that apply to? [laughter]

Fritz: I'm going to find one, Commissioner.

Mirkin: Certainly, having a window that looks out on both streets, there are people who fail to do that. But we will not mention names. I want to start and be mostly positive. When I first came to Oregon, I was here briefly for a day. And what everybody tells you to do is visit the Japanese Garden if you only have a day. And indeed, that's what I did. And then in 1999, we were privileged and fortunate enough to be able to purchase a home where we are now. I was also privileged in 2000 to become a Japanese Garden guide volunteer. So pretty much I've been a resident of Portland as long as I've been a Japanese Garden volunteer. So obviously, I have an agenda. I just want to say, over the years, the garden has undergone incredible improvements. It's just gotten better and better. Some of the improvements are an increase in the number of visitors, the hiring of some specific people, certainly Sada, our garden curator who I believe is here; and also another wonderful person, Diane Durston, who they managed to get from the Portland Art Museum. And volunteer opportunities in the garden have also grown. They now allow people under supervision to help work

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in the garden, besides being a garden guide. Plus they have people that do things with festivals. They've increased the number of free tours for people. One of my favorite tours -- they went from two tours to four tours and we now have one at 5:30, and that's my favorite time to give a tour. There's many benefits to me living on this street. First of all, I think there's a personal growth as I've learned a lot about Japanese gardens and the Japanese culture. I've gotten to meet people from all over the world as well as -- does that mean I'm finished?

Hales: That means you've got 30 seconds.

Mirkin: It's been a wonderful experience. The current expansion will just increase my opportunities to share. And I know parking is always an issue, but you know, absolutely they have a new shuttle system and that has improved accessibility to the garden. It's really cut down on all the people that used to wait -- not that I mind it -- at the corner to catch the bus downtown. So I just want to say, if I can answer any questions, I'd be glad to. It's just an incredible resource. Having been born in Houston, Texas, believe me, I appreciate the greenery and beauty that's here. Thank you so much.

Hales: Thank you.

Gwyneth Gamble Booth: Good afternoon, Commissioners Novick, Fritz, Saltzman, and I assume that Commissioner Fish is coming back, and of course Mayor Hales. I'm delighted to be here with so many garden friends, and I kind of want to review for you --

Hales: Put your name on the record, please.

Booth: Thank you, Mayor. I'm Gwyneth Gamble Booth, I live at 2161 SW Laurel Street, Portland, Oregon, 97201. I'd like to review some of what you've heard today about the garden. You've heard all kind of things, facts and more facts. But I want to give more of the big picture. I'm honored to be the president of the Portland Japanese Garden. I will tell you that in my many years of involvement in Oregon, and particularly in the Portland community, I have rarely seen a nonprofit -- in this case, the Japanese Garden -- elicit more commitment, passion, and love from its volunteers who are -- as you've heard -- 600 in number. We have a foundation board that watches our endowment. We have an international advisory board of outstanding people across the nation and outstanding people in Japan. There are 30 members on the board of directors representing broad community interests including the business, medical, and legal communities, professional sports community -- we have Mike Golub, from the Timbers, on our board. He's a new board member and we're thrilled to have him, he's a working board member already. The garden has a growing membership of 8000 members. So in short, the Portland Japanese Garden is beloved. Often we hear from visits that once entering the garden their stress level drops. Many speak of the tranquility, the serenity, the peace to be found there. And in fact, I would recommend frequent trips to the garden by members of the city council -- [laughter] -- but I also want to talk about the fact that the garden has a very important role in education, as an educational resource to many. Our Title 1 program reaches out to scores of children, many of whom come from underserved areas -- this would be important to you, Commissioner Saltzman. I defy anyone not to be moved by the beautiful haikus written by the children in that program. Their haikus are printed in a hardcover book, providing a great source of pride to the children who never dreamed that their work would be published. I truly believe the Portland Japanese Garden is great treasure for Portland as well as for our nation. It is highlight respected among Japanese gardens. Our many friends in Japan think it's the most beautiful garden in the world. So, I know my time is drawing nigh. Let me assure you, the Portland Japanese Garden board of directors did not go into this project without doing years of study and planning. The original beloved garden is sacrosanct, it will not be changed. I think this cultural crossing that you're hearing about -- our expansion plan -- is such an opportunity for this community to reach out and teach our citizens and others about a different culture. To have real experience in learning about it. So I urge to you come to the garden, let your shoulders go down and your spirits be lifted. Thank you.

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Hales: Ms. Booth, let me ask you a question. With no disrespect to Mr. Bloom, he's staff to the garden, you're a volunteer. So staff could have an interest, a vested interest in the financial success of the garden -- so would any board member. So, Ms. Mackenzie raised the question in the appeal of a very broad criterion, it's kind of a judgment call criterion in our land use code that says, will it preserve the character of the open space zone? Will the proposed conditional use preserve the character of the open space zone? That's kind of the money shot, the big question here. There are other technical issues that we're obviously dealing with, but that's the big one. This is a sacred place, as you said. And that's why I asked Ms. Bookin to quantify that question of how much site area. So, right now 1.5% of that area is covered by buildings. It'll go to 3%.

Booth: Mm-huh.

Hales: This is sort of a philosophical question, so bear with me. Somewhere up there above 3% is a number that's too great. Right?

Booth: Right.

Hales: We all might pick a number. Are we in danger of crossing that line in terms of your fiduciary responsibility -- not just a board member who cares about the financial viability of the enterprise, but your fiduciary responsibility as a steward of the sacred public place?

Booth: Exactly, and as a citizen of Portland, Oregon -- my city that I care about and love. Absolutely not, in answer to your question. No, it will not go above.

Hales: So your instinct is even at 3%, given the plans and designs that you're anticipating here, that you're still going to preserve the character of the open space zone?

Booth: Not only preserve, but enhance.

Hales: OK. Thank you.

Tamara Kennedy-Hill: Good afternoon, Mayor Hales and Commissioners. My name is Tamara Kennedy-Hill, I'm director of community relations for Travel Portland. Travel Portland was asked today to come in and speak in support of the Japanese gardens from a tourist perspective. As has been shared, the Japanese gardens have been noted to be one of the most authentic gardens outside of Japan. It is definitely a popular top tourist attraction. I've talked to our tourism team, and they say it continues to be one of number one assets that's included on tour itineraries, both domestic and international tour operators. We've seen close to 300,000 visitors this past year, and it's directly related to the growth we've seen in tourism numbers and tourism demand. I know that Jeff Miller shared much of those numbers with you earlier at previous council meetings, so we won't go into that. But one of the things we've looked at is the numbers running around cultural tourism activities. So this past year, cultural tourism activities relates to about \$115 million in spending on cultural and regional activities, which include key attractions like the Portland Japanese gardens. We know that the cultural and heritage traveler tends to stay longer in Portland and tends to spend more, so that's definitely the audience we seek to continue to grow. One of the things that's also been noted is that the Japanese Garden continues to attract and encourage very peaceful, tranquil visitor, as well as one who will stay and spend their dollars here. And so from this perspective, we really want to encourage and support the enhancements at the gardens and ensure that the gardens are growing in vibrant long term.

Hales: Thank you. Questions? Thank you all.

Mirkin: Once again, 5:15 is a really nice time to take a tour. [laughter]

Hales: I need that.

Novick: Ms. Kennedy-Hill, I'm just curious. Is Travel Portland able to target people who seek tranquility? Are there like tranquility zones in the country and the world? [laughter]

Kennedy-Hill: That would be difficult to quantify, but we'll work on that.

Hales: We know they are out there somewhere. Alright, thank you very much. Next three, please. Good afternoon, welcome. Go ahead.

Carol L. Otis: Thank you. My name is Carol Otis, I live at 0836 SW Curry, Apartment 1400. It's my pleasure to be here today to speak on behalf of the more than 600 volunteers at the Portland

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garden. We have been informed from the very beginning about the design and redesign of the garden, and the legacy it will create. And the volunteers enthusiastically support this. 12 years ago when I moved to Portland, one of the first visits I took was to the Portland Japanese Garden. That convinced me not only to move to Portland, but to become a member and go through the volunteer training process. I've been able to continue as a volunteer guide, volunteer in other areas, and now am a board member. Our volunteer core is over 600 people. That includes people from all walks of life, and ages from as young as 20 up to age 80. Being a tour guide means we have the privilege of seeing the effect that the garden has on people. As people enter the garden, we encourage them to leave the stress of the world behind. And now with the redesign of the garden, we're going to be able to start that process at the bottom of the hill, when they first come to the ticketing pavilion and cross the threshold. The experience of being in the Japanese Garden will start there. They willingly crossing through open space that is designed with water and tranquility and peace in mind. And it's being designed by master landscape architects that will create a phenomenal experience of crossing from the outside world, through the garden, and then into the cultural village, and then into the garden proper. Some of our other volunteers participate in roles throughout the year that include being a docent at the art exhibits, assisting the horticultural volunteers in raking the leaves and cleaning the ponds. One of the aspects of the new design of the garden that we are very enthusiastic about is that the volunteers will also have a place where we can store our valuables. And for the first time on those rare days in Portland when it rains, we'll be able to find a place outside of the rain. When we started learning about the Japanese Garden, we learned about the words of our garden designer, Professor Tono. When he was in his seventies, he came to Portland and designed this masterpiece, and he said the true importance and value of a Japanese garden is the sense of serenity and peace and quiet. He felt that the purpose was to realize a sense and to feel being part of nature. And I can assure you that those who have continued his legacy are continuing that design. I wanted to leave you with one visual. This is from some of our Title 1 students who come to the garden free of charge. We have one of our outreach efforts going to the schools where one of our educational organizers and educators goes with volunteers, and we tell children about the Japanese Garden. Then we invite them back into the garden with a camera. They take a photograph, maybe more, and then they write a haiku poem. Si U did not bring slides today, but this little image here is of a young girl who said, mossy green lantern, small waterfall, creeks open, harmony comes here. I encourage you to look with open eyes and all that we've planned very carefully. I am glad to invite you to come to the Japanese Garden. It's our pleasure to give you, your staff, your visitors, or your family a tour at any time.

Hales: Thanks very much. Good afternoon.

Alan Barker: Good afternoon. My name is Alan Barker, I live at 2797 SW Rutland Terrace. I speak on behalf of myself and my wife. Mayor Hales, Commissioner Fritz, and other Commissioners, thank you to allowing us to speak briefly in favor of the Portland Japanese Garden expansion, and we support the decision of the hearing officer. We are neighbors, we live two blocks away. Long time garden members and a garden volunteer. We partly chose our home over 26 years ago because of the neighborhood. We certainly are aware of the abundant summertime neighborhood visitors and traffic that not only frequently at the Japanese Garden but the international rose test garden, the amphitheater for recently successful concerts, the playground, the tennis courts, the zoo train, the hiking trails, picnic areas and much more, all in that area. We actually relish chatting with many of the visitors from Portland, the region, the rest of the country, and other countries. On walks, my wife and I occasionally enjoy pointing confused visitors to a bus stop, explaining where the garden actually is. Or sometimes, we've been known to give a lost soul a ride downtown to their hotel after the buses have stopped running for the day. We've been well aware of the forward-thinking Japanese Garden expansion for several years. We have attended most of the several neighborhood meetings with the garden staff. They have been most open, accommodating, and transparent, responding to questions and concerns and modifying both design

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and construction that might interfere with neighborhood activities. Let me share one example, and it's pertinent because it's the spur that's been discussed over and over again. This was brought up at least two different meetings with the garden staff, and much of the discussion that's occurred today came forward. This was good example of modification and cooperation. It included the garden staff, it included the park staff who designed the innovative relocation of the trail, and it included the neighbors and other interested parties. So the bottom line is this new access to the Wildwood Trail preserves the already trail that occurs from Fairview Boulevard but opens another one so that the Wildwood Trail is not affected at all. The Japanese Garden village will not only create a unique sensual, artistic, and educational experience, but the beauty and tranquility of the garden itself will be preserved and untouched. This expansion will be different for the neighborhood, Portland and Oregon as tourist destinations, and fill an unmet need for learning about Japanese garden design. Thank you for your time and consideration.

Hales: Thank you. Welcome.

Dorie Vollum: Good afternoon, my name is Dorie Vollum and I live at 1000 NE Skyline Boulevard in Portland, Oregon. I'm going to talk a little bit why I'm in support of this project with the Japanese Garden. I was asked to join the board of trustees about five years ago. And I was honored, I think it's my favorite place in all of Oregon -- if not the United States -- to participate in and visit and bring visitors to. I was very willing to devote my time and effort and personal resources to work with the Portland Japanese Garden. But my stipulation to Steve Bloom and Gwyneth Gamble Booth when they asked me to join was that I would do absolutely no fund-raising. I had been on the board of directors for PICA for many years and had struggled with a nonprofit arts organization for longer that I care to remember, and I just wanted to relax and enjoy the beauty of garden and see what I could do to help out. I'm now sitting here as the co-chair of the capital campaign -- [laughter] -- which was quite a shock to me as well as everybody else that knows me. But this change of heart was easy to do. Because when I looked at the project and realized the impact and the scope it would have on the city that I am not native to but I have come to love after my 28 years here, there was no question that I could go out into the community, that I could ask people for their support, that I could talk about this project with the utmost confidence that we had done our research, we had done our thinking. I served on the architectural selection committee. I've worked with this project from the moment -- not the moment it was thought of, because it came before me -- but from when I could put my feet in to today. I hesitate to ask people to support something that I do not feel I've vetted to the best of my ability. And there's no red herrings here. Everything we've done we've done everything with integrity, we've done to the level the garden deserves, and the thousands of volunteers and millions of people that have visited and the contributions of our community deserve. So I ask your support for the future of the garden. I think we can really build something that can go not just for the next 50 years, but the next hundred years and beyond in our city. Thank you.

Hales: Thank you. Questions?

Fritz: I just have a comment. Ms. Vollum, thank you for your fund-raising. I'm the commissioner who announced on November 4th of 2012 that I was never running for anything ever again. And here I am leading the parks bond campaign, which will help fix our parks without raising our property tax rates. And so I share the understanding that sometimes there's a cause that's greater than our own personal desires.

Vollum: Best decision I've ever made. Well, I've made a couple of really good ones before that -- [laughter]

Fish: Mayor Hales, there is an implication on the record that Gwyneth Gamble Booth used either coercion or undue influence on this testifier -- [laughter]

Hales: Yeah, strike that from the record.

Fish: Either strike it or a rebuttal, I think --

Vollum: It only took two martinis.

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Novick: Mr. Barker, I just want to say we appreciate you giving people lost tourist rides downtown. We've actually heard from a number of those tourists, and they were going to complain that you don't have Uber here yet, but you provided a great alternative. [laughter]

Hales: Unpaid but nevertheless appreciated. Next group, please. And that's all you have signed up? Or are there others? Going, going, OK. You two may be the concluding part of this section of the hearing. Good afternoon.

Wayne Drinkward: Good afternoon. My name is Wayne Drinkward, I live at 5570 SW Menefee Drive in Portland, and I'm president of Hoffman Construction Company. So I'm here to talk to you both as a citizen and as an interested contractor. Specifically, I'd like to mention at the beginning, we've worked hard with the neighborhood association about the impacts we've heard as a potential thing. That isn't going to stop with the agreement. We have a long-term deal all the way through this process. Hotlines, information things, and so forth. Construction has some impacts that can happen, but we want them to be known and we want to mitigate them. What we'll be doing won't just stop with the agreement. I've also heard in the appellant's testimony about increased commercial activity and so forth. And what I want to say is the Japanese Garden is a real treasure and the activity is increasing. So it's responsible of the board and the society to find a way to do that in a way that supports that and makes this -- actually over the long term -- the experience that it should be. I can say in working, we've had the privilege -- they brought on Kengo Kuma, a Japanese architect of real renown, to look at this, along with a local team of THA and Walker Macy, all of whom have a great deal of experience in the kind of environment. So while opinions may differ about design, I can say this is a very appropriate and exciting team. Having been a little bit on the inside, what I would say is good for our industry here is within Kuma-san's architecture, it opens into the environment, it's sustainable, it's locally sourced and very environmentally concerned. I think it's a good model for us to have here and explore more deeply. And I think that'll serve as a great example for other kinds of architecture that we'd like to encourage here in Portland. Aside from the aspect of jobs -- which we like in construction -- we're also looking at outreach in terms of craftsmanship and expressing these details and bringing them into future buildings. This project has a lot of impacts beyond simply space and any kind of commercial aspect. And I'm really excited about it because on a scale, this is a real treasure for Oregon and it's a real privilege to be a part of it. So I'd ask for your support in the project and denying the appeal.

Hales: Thank you.

Sho Donozo: Good afternoon, Mayor, city council members. My name is Sho Dozono, 1534 SW Carinell Drive, Portland, Oregon, 97201. I'm probably the oldest member testifying this afternoon. And the reason I'm the cleanup batter is because I was the last one to sign up -- just for the record. I've been visiting the Japanese Garden and the predecessor, the Portland Zoo, which was the current location of the garden was the city zoo. Where the koi pond is now was the bear den, which was pretty smelly and not the best place for bears. So I've been around a long, long time. And as a member of the Japanese American community, I want to express the current board and trustees for having the vision to take us the next 50 years and truly bring the Japanese Garden a world-class architect, Kengo Kuma. If you went to Japan and asked anyone on the street who Kengo Kuma is, it would be like I.M. Pei in terms of design -- a world-renowned architect -- in Portland. This will put Portland, Oregon on the map just by his -- this is his first project in North America that he's ventured into as an architect out of Japan. I think this has been a treasure for our community to bring or fellow citizens, Japanese Americans here, as well as visitors from Japan. I've been there dozens of times, including for Japanese companies. And other national companies have talked about the international aspect of our city. It's not just the cultural aspect of Japan and Portland, Oregon, but really Portland, Oregon on an international map saying this is how we treat different cultures, different people, how we value the diversity in our community. I've always told the Japanese that this was not built by the Japanese American community, it was built by the city and the forefathers. City councilmembers, city commissioners 50 years ago had the vision to change the zoo, which

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would bring a lot more traffic than the Japanese Garden does today. Talking about 3%, and the buildings will be much greater impact, so they had the vision to move the zoo away and keep the center of Washington Park and the Japanese Gardens. So I urge you to support the application and deny the appellant. Thank you very much for your time and your support, hopefully.

Fritz: Mr. Dozono, just yesterday we got rid of the code section that refers to the Portland Zoo. [laughter]

Hales: Yes we did. Thank you very much. If there's no one else to speak individually, then it's time for the appellant to come up for rebuttal.

Fritz: I'm wondering if I should make my motion on the amendment, in case anybody wants to testify on that?

Beaumont: Sure. Just in the spirit of fairness, I was asked to relay to you that testimony concerning the impacts on the construction industry of this project was not an issue that was raised below.

Fritz: So Mayor, I'd like to move the amendment. And I'm going to use Ms. Bookin as the template for it, but with minor amendments to that. So if you can refer to the memorandum we were just given, this is the amendment to condition G. And so I would propose incorporating the applicant's proposed changes, including deleting the minimum six foot wide from the concrete sidewalk, and then deleting the existing curb with a minimum four foot wide supplanting strip, correcting the north to west, and correcting new to redeveloped. And at the end of her addition, to say, that will provide adequate unimpeded pedestrian access; add, and landscaping along the entire frontage of the leasehold on SW Kingston. Then continuing with the previous language, and her language at the end, which says the proposed sidewalk design will require approval of Portland Parks and Recreation, add a comma, and the Portland Bureau of Transportation, and then continue with her language for the Bureau of Development Services site development review section.

Hales: OK. Did everyone get those changes?

Fish: Commissioner, have you discussed the amendment with the applicant?

Fritz: Well, I based it on her's. But that's why I'm moving it, so they can come up and comment on it as they would like to.

Hales: Ms. Bookin, could you just come up and comment?

Fritz: And second it for purposes of discussion?

Fish: Second.

Fritz: Thank you.

Hales: If we're going to adopt that, we'll consider that -- is it acceptable --

Bloom: Just want to make one clarification. The entire length -- we're not proposing that there be a sidewalk the entire length of the leasehold, which would wrap that sidewalk all the way down by the Rose Garden gift shop and up the hill.

Fritz: The entire frontage of the leasehold along SW Kingston.

Bloom: Correct. That's not what we're suggesting, because that would require additional -- from the other side of the access road all the way over to the picnic pavilion, and all the way up the hill toward the hairpin turn. That is again a natural area which we don't want to have to disturb. What we're saying is that we are putting a sidewalk from the access road that would be continuous all the way to the Kingston Avenue entrance to Washington Park.

Fritz: Well, that's what I'm concerned about. I want it to go to the northern boundary.

Hales: He's talking about the fact --

Fritz: No, I agree that we don't want that part, but this is north, which is -- so I want it to go to the edge of that boundary on Kingston, since we're doing it anyway.

Bookin: I might add that it's an important issue here. Sidewalks are not required, because it's a private street. The hearings officer, based on input by the neighborhood -- this is one issue -- let me see if I can find this here. This is the one issue that the neighbors made a demonstration of nexus --

Fritz: I think they made the demonstration.

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Bookin: They made a demonstration of nexus that there was an inadequate pedestrian access under the criterion of approval regarding public services transportation. And they did ask for a lengthy sidewalk, long beyond to the south of the access road. The hearings officer found that the nexus they established was only the segment between the parking lot to the north. The idea being that anybody who wanted to come to the tennis courts or the Rose Garden could across the street, because there's a full length of sidewalk. The nexus is that anybody on the west side of Kingston and wanted to go to the entry of the garden did not have a two-block length of sidewalk to do that. And between the sidewalk that we are now committed -- in front of the reconfigured parking lot and the segment to the north, you now can walk that brief distance. But if you need to walk further south, you cross the street and walk on the east side of the street. That was the nexus and background for the 200-foot addition of sidewalk.

Fritz: So, looking at page 12 of the hearings officer's decision. Instead of the phrase about landscaping along the entire frontage of the leasehold, change it to roughly in the location zone shown on exhibit H21.

Bookin: Yes. And also, there is landscaping on the west side, because that's the natural slope.

Fritz: Right, but --

Bookin: So the purpose of the four-foot was not for landscaping. The purpose was -- we asked PBOT about this -- was to prevent the overhang of automobiles onto the portion of the sidewalk that would block its pedestrian access.

Fritz: With respect, the condition of approval talks about a minimum four foot wide planting strip.

Bookin: Yes, but --

Fritz: [indistinguishable] -- was the landscaping.

Bookin: Yes, but the purpose was -- when we talked to PBOT who advised the hearings officer on this, I believe -- and someone from PBOT may not be here but was here earlier -- Bob Haley was. The purpose of the four feet was not landscaping per se, but was to provide adequate space for the hangover of automobiles so that it wouldn't impede on the sidewalk. One of the discussions -- it's new evidence -- was that we talked to the neighbors about how we could create the six feet without that four feet between the curb and the sidewalk. The reason is, the more you move that sidewalk to the west, the more you cut into very steep natural slope that contains landscaping and valuable trees which would have to be removed only to put additional landscaping on the curb side. So it makes more sense to have from the curb inward a pedestrian walkway that is broad enough to allow handicapped access, which is generally considered six feet. And then there's lots of landscaping on the inboard side of that. So that is kind of the thinking. And this is all open for negotiation with the parties, because since it's out of the public right-of-way, PBOT is not necessarily weighing in. It is really BDS site development review that looks at this sidewalk element.

Fritz: Right, I tend to appreciate the input of transportation on things like sidewalk designs, because they're such experts on it.

Bookin: If that is your desire, they can certainly be included in the conversation.

Bloom: We just want to make sure that we're not destroying a natural area for the sake of putting in the strip when it might not be necessary to achieve what we want to achieve.

Fritz: I think we should leave that open and subject to the design discussions. Because your proposed condition says the proposed sidewalk design would require approval of Parks. I'm just adding transportation. So instead of my last phrase, we'll just add, roughly as shown in exhibit H -- whatever it was. H21.

Novick: What do you think about getting Mr. Haley back here, is that necessary?

Fritz: I always like to hear from Mr. Haley. Oh, is he gone?

Hales: We've got more to do here. So let's put this amendment on the table. We've got a motion and a second to put this on the table. Let take a roll call to put the amendment on the table.

Beaumont: I want to make sure we have the text.

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Hales: Alright. Then we can wait until the end of the hearing. Amanda, let's just wait. We've got to give the rebuttal opportunity and then start working on a tentative decision. So we can save condition language until the conclusion of the hearing.

Fritz: I just want to be sure that if anybody wants to testify on this, they know what was on the table. And it was a little obscured by reading what was proposed in the amendment.

Hales: The general sense of what we're trying to require is understood, which is sidewalk with design approval of those three bureaus that extends from the parking lot -- the new section of parking lot to the north.

Fritz: If linked up with existing sidewalk.

Hales: Design details to be negotiated between those three bureaus.

Fritz: Thank you, Mayor. Yes.

Hales: OK, so we got that general sense of that on the table. Let's not take a roll call on the motion, we'll get to specific language at the end if that's where we end up.

Fritz: We have to take testimony on it, though.

Hales: Yes, we can take testimony on that. Understand that's on the table and the council's considering that. OK. Let's give the appellant the opportunity to do her rebuttal.

Fritz: And then take testimony on the amendment?

Hales: If necessary. We might not need it we might get affirmation.

Fritz: No, the public gets to testify.

Hales: That's what I'm saying, from the people that are here. So, you have the opportunity to make a five-minute rebuttal statement. So please do.

Mackenzie: OK, Hilary Mackenzie returning. Let's talk about size for a minute. Staff was very cavalier when they said that they didn't even look at the elevations for the building and they didn't approve those. All the documents that are in the application packet have now been made part of the application, and they are deemed part of the approval unless specifically called out otherwise. All land use applications -- you show the elevations, you show the floor plans, you show the bulk of the buildings. Those elevations are the official approved elevations, the official approved square footage is 11,340. If they are not in compliance with what is on the record, they cannot go forward. They have to come back in and do a new application. To give you an example how out of the pale this whole application is, my last applications with Kathleen Stokes an ADU, a little garage we were converting to living space. We did the whole application, it's an adjustment for setback because it's in the back corner of the property. The whole building was probably 200 square feet, 300 square feet. We got our approval, clients were happy. He's a painter, truly a painter. He needed another foot in width. I submitted elevations, they were dimensions, we had signed letters from all the neighbor. From Kathleen Stokes, I have the email. No, we must do a full new application because we wanted to increase the footprint by one foot. These people could do increases of 10 or 30 feet, and you would never know it because they didn't put the dimensions on the plans. They can add floors or not add floors, and you would not know it, it because it's not clear on the plans. It's ambiguous. They submitted stuff that is so far below standard I can't even believe we're having this discussion. Beverly Bookin comes up here -- 12,000 --

Beaumont: Mayor Hales --

Hales: I'm sorry. Yes?

Beaumont: I apologize. If we can stop the clock. I'm informed that this is new testimony.

Mackenzie: OK, alright. I'll go back to the elevations. Staff testified that they didn't review the elevations, and they could build whatever they wanted with the elevations. That is in fact incorrect. They have to follow the bulk, that's been part of the approval process. And the fact that those weren't clearly delineated, that the hearings officer didn't understand what he was approving, staff said she didn't even look at it -- to me, that says we really got to talk about this. The next issue, back to the notification. Nobody's saying the Japanese Garden isn't a great thing. All the programs, all wonderful things they do, we're all on board, they're great, we love them, OK. But, they've had

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this project in the works in detail with their membership, with their board, with Parks, I understand, for at least a year and a half. We didn't see in the neighborhood the full effect of what they were doing until 30 days before the hearings officer hearing. 80 people were notified. The people who came here today I had to call personally. It is not my job as a citizen to try to get the word out of what's going down on our public lands because you guys didn't follow the procedures. I shouldn't have to knock myself out for 30 days, because that's all I had, and no budget to tell people, we've got an important issue on the books here and nobody knows about it. They're gifting three acres of land because the hearings officer said it's OK. This is so far out of what our codes allow, I can't even believe it. And I'm sorry to get emotional, but I have to follow all these rules, they are not having to follow these rules. If they would have told people, you would have a lot more people here. If they had put signs on the trails, you would have a lot more people there. There was no notification this trail is going to be closed. Now once they have their approval to close it, they're going to put some signs up so people go this way. It doesn't connect the parking area where people come and park their cars from Sellwood or northeast or any place directly to Washington Park -- it's a frigging mile out of the way. It's a half a mile down the trail, it's down onto a road, there's no sidewalk once you dump onto the road. It's incredibly steep. A lot of older people do this route because it's got a gentle grade, the trail's been laid out. And so it's going to go over this bank, clear up the road, no sidewalk, no connection back to the Rose Garden where this is parking. This is a common thing year-round when it's not at the peak for the Japanese gardens. People use those parking lots along the tennis courts to park and use the trail. PBOT. That map she showed you -- the only trail that showed on that map was Wildwood. It showed none of the trails in the arboretum. The arboretum has a whole network of trails. If you know anything about our trail system, Wildwood is the I-5 of our trail system. It goes from St. Johns clear out -- I forget how far it goes. But anyway, everything else crosses and intersects with that. The map Bookin put up only shows Wildwood. It doesn't show the trail network. This trail was in the 1981 master plan, it's a condition of the Japanese Harden's lease to not block public access and to follow the master plan, not as part of a land use proceeding -- and that's where people are getting confused -- it's a condition of their lease that they need to follow that master plan. And this master plan talks about enhancing and developing this key linkage to the rest of the park, and now, it's going to be gone with no notice. With no notice to the users and the greater park. People from Sylvan and Goose Hollow came because I asked them because I thought their neighborhoods would be concerned. And they said yes, their neighborhoods would be concerned, and they would like to know about this and would have been part of the planning. I'm not saying -- and nobody has said we don't love the Japanese gardens, we don't think they're terrific, and we probably need to expand because they have increased visitors. What we're saying is that it needs to be a process, it needs to be public, people should know what's happening in their parks, and it should be integrated into the rest of the park system, it should be integrated into our transportation system. It should not be because the board figured this out, they know better than everybody and they're going to tell us when they have it all worked out and then we're going to love it. That's not how our government is supposed to work. Am I over time? My light's flashing.

Hales: Yes, you are. We wanted you to get your statement out. Questions for Ms. Mackenzie? Thanks very much. I think there are questions for staff, right? Do we have some? Then we'll return to the question of the decision in a minute.

Novick: I'd actually like to return to the issue of the definition of site. I would actually like to the city attorney hold forth on her thoughts about the definition and what precedential decisions we may or may not have to make on that issue in the course of this determination.

Baumont: Thank you. Basically, the hearings officer looked at two things in the code. He looked at the definition of site and definition of ownership. Generally, ownership is designed as the whole shebang, everything you own. And the code says that site isn't ownership except under certain circumstances. And the hearings officer relied on one of these exceptions, which says that if a

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proposed development includes only a portion of the ownership and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that's currently developed plus the portion proposed for development. What I understand the hearings officer to have said is the part proposed for development is the additional 3.5 acres. The other nine and a half -- or nine acres of the garden is already developed. It's permissible under this exception to the definition of ownership to define this site as the total 12.5 acres that includes both the existing garden and the expansion. That is a plausible interpretation of the code.

Fish: Kathryn, I have the definition of site in front of me, and also the definition of ownership. If we were to deny the appeal and you were to draft findings, do you have the discretion in drafting them to define the definition of site as narrowly as possible within the code?

Beaumont: Ultimately, it's the council's interpretation that will -- the council will be adopting this interpretation. So, yes.

Fish: Right, but there's at least -- I see at least two ways you can define site for purposes of this matter under the definition. So we could direct you, if we chose, in the drafting process to draft it as narrowly as possible.

Beaumont: That's correct. I believe what Ms. Mackenzie is saying is that you have to consider all of the ownership as being all of Washington Park. I believe this language, as the hearings officer understood it, gave him and you the latitude to say the ownership is -- the proposed development is the additional 3.5 acre expansion area, the existing development is the existing garden. You combine those two for purposes of constituting the site that's the subject of this application.

Hales: And are we in danger of making a decision that will have an effect on other land use decisions? For example, the Lloyd Center is a single ownership with multiple tenancies in it. If in a future land application for the site covered by one of those tenancies, let's say -- I don't know if it's still there -- but the Stanford's restaurant goes away and someone want to put in else on that corner of the site. Are we in danger of having that land use hearing -- or that land use proceeding guided by this decision about the definition of a site?

Beaumont: Well, as the applicant's attorney explained it to you, you might be running that risk if you were to interpret a leasehold as an ownership interest. I think this is looking at simply -- this is not going that route. It's basically saying, we're entitled to look at simply the part -- the expanded area that's proposed for development together with the existing development, which is the existing garden. And to consider that as the site under this exception in the code.

Hales: So it's not turning on the lease.

Beaumont: No.

Fish: Mayor, there's the other companion piece, though, that I think either you or Commissioner Fritz alluded to earlier, which is, for purposes of LUBA and their concern in this issue, it's whether someone was prevented from raising an objection. And we have nothing on the record which says that some citizen was prevented from raising an objection because of the interpretation of site and ownership. And that would be the legal issue that ultimately LUBA would look to. And there are a lot of legal niceties, but the values proposition is that someone -- as a result of the way we interpreted -- were they prevented? And someone would have to come here today and say that, or would have to say that during the hearing. We don't have that --

Hales: I would have, right --

Fish: In fact, the folks who objected also had a chance to testify at the hearing.

Hales: Other questions, concerns to raise with staff? And then I think the proper procedure would be to make a motion for a tentative decision that encompasses an amendment if an amendment is to be proposed. Which should we do first?

Beaumont: I agree. I think maybe one step would be to make sure we nail down exactly what the amended condition G says.

Hales: OK. Let's take up that question again, Commissioner, once more with feeling.

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Fritz: Do you have a copy of Ms. Bookin's amendment? It's as written, except that at the end of the sentence that currently concludes, will provide adequate unimpeded pedestrian access, we would add, roughly as shown on exhibit H21.

Beaumont: Got it.

Fritz: And then after Portland Parks and Recreation, a comma and add the Portland Bureau of Transportation.

Beaumont: Got it.

Hales: OK. Does anyone wish to speak that amendment language? Silence equals assent or at least acceptance.

Fish: Mayor --

Hales: I see no one.

Fish: I move to deny the appeal subject to the amended condition.

Hales: Is there a second?

Fritz: Second.

Hales: Further discussion? So a tentative decision to deny the appeal with the revision to the condition that the council just placed on the table with findings to come back in some -- we'll get to that in a minute. So council, roll call on that tentative decision.

Roll on motion to tentatively deny the appeal, uphold the Hearings Officer's decision and add revised condition G, sidewalk segment design on west side of the park road/SW Kingston Ave at the park entrance to provide adequate unimpeded pedestrian access.

Saltzman: I appreciate the work of the Japanese Garden. I appreciate the testimony of those who are presenting the appeal of the hearings officer's decision. I do believe -- notwithstanding the concerns I expressed earlier about the impact of the closure of the Japanese Garden trail -- I do feel that will be assuaged by the development of the new trail that will connect the Wildwood Trail down to the parking lot down below. I also feel that some of the issues surrounding the definition of a site --- as we've just discussed here -- in terms of its precedential value have also been assuaged in my mind, too, in terms of their precedential value. So I wish the garden every success in its expansion programs.

Novick: I appreciate the elegant advocacy of the both garden and its supporters and the appellant. And I vote aye.

Fritz: Thank you to everybody for participating so eloquently and constructively, and for those who wrote in with their testimony ahead of time. Thanks to Rachel Whiteside and Kathleen Stokes for an excellent job from Development Services; Todd Lofgren, Brett Horner, and Kia Selley from Parks. It's interesting from being a quasi-judicial judge in this particular case. I'm also administrator of two of the bureaus that are very directly connected to this. As Commissioner Fish and I are finding in our other big land use case on the reservoirs in Mt. Tabor Park, we have to walk a very fine line between making sure we keep our objectivity, and yet also are good stewards of our role as administering the bureaus. I was particularly grateful to my staff for doing all of the work so that all I had to do was then have this deliberation at council, rather than being in every step of the way. Thanks also to Tom Bizeau, my chief of staff, who is as always very helpful on this. I very much appreciate the outcome. Aye.

Fish: I want to build on something Commissioner Fritz just said. In our rather unusual form of government, we wear three hats. We have an administrative function, we have a legislative function, and we have a judicial function. And that violates things we learned in elementary school about separation of powers -- [laughter] -- but it is a unique feature of our form of government. As legislators, each of us has one vote, and we advocate for things we care about. As administrators, we are responsible for bureaus assigned by the mayor, and we fight like hell to make sure that they are protected during the budget season and other forums. As judges, we are supposed to set aside our preconceptions, look at the code, look at the administrative law, judge's decision, and make sure that the findings and the logic of the decision comport with our code. That's a very clinical function.

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But sometimes we miss in these debates the larger question about what is being proposed and its impact on the community. It is a rare hearing -- in my experience in my six years -- where everyone, even the opponents, the appellants agree on the value of the garden. This is actually kind of a rare hearing, where even the critics of the decision in some of the legal issues made a point of saying how much they treasure the garden. And that's unusual in our proceedings. So I just want to acknowledge that. I thought the advocacy on both sides was excellent. Some of these questions are complicated, and I thought the hearing served to shed some light and help us get to a decision. All of us are proud to live in a city with a great Japanese garden, a great Chinese garden, and a great park system. We're grateful for all the volunteers and board members whose are the stewards of that system and 120 friends groups that help Commissioner Fritz do her job as parks commissioner. And today, our job is more narrow, it is to look at the law and apply the law to the facts. But it is noteworthy that there was broad consensus today about the tremendous gift that is ours that is this garden. And with our action, it will pave the way for an even greater garden. Aye.

Hales: I want to thank not only everyone who came to testify but also the council for careful deliberation on this hearing. There are a couple of levels to this decision. One is technical and legal, and you've been patient with us as we've finessed or thought through those questions. But it's important that we do these quasi-judicial land use decisions the right way. And it's also important that we make the right decision on a moral level, a community level, a stewardship level. That's why I questioned Ms. Booth closely about the big picture question here. Because as Ms. Mackenzie said, the foundation of what we're doing here is Tom McCall and the Oregon land use revolution -- that we should be good stewards of place. And I had to be satisfied in this decision that not only was it technically correct for us to uphold the hearings officer, but it's the right thing to do. That we have to be good stewards of this place in a way that errs on the side of conservation, and errs on the side of excellent design and management of this public space in a way that respects all those traditions and all those values. And I am satisfied. I think there is a point -- I don't know exactly what it is -- at which most reasonable people would say stop, you can do no more to Waterfront Park or to the Japanese Garden or to Mt. Tabor. Probably you've heard from some of those people already. But I don't think we're at that point here because of the scale of what exists and the scale of what's being proposed and the care which I have confidence will be exercised in the execution of this plan by the garden and by its leadership and by its volunteers. So I was very cautious -- as you could probably sense in my questions -- about how we make this decision. But I am satisfied that it's the right thing to do and that it will be well-executed, and upon its completion, all of us will still have good reason to celebrate what a great place this is. Thank you all. I vote aye. [applause]

Fritz: Thank you all for coming. Before we adjourn, I just want to remind everybody that the Oregon Symphony is playing in Waterfront Park tonight. In fact, there's afternoon entertainment right now, funded with taxpayer dollars, so go and get your money's worth out of it and enjoy it. [laughter]

Beaumont: We need to set a date --

Hales: We'll set a date for findings.

Beaumont: Yes. At the moment, council has until September 12th to adopt findings. We've requested the applicant to grant us an additional week, which we need to have that agreement --

Hales: Hang on, folks, we've got to finish this.

Beaumont: We've asked the applicant to grant us an additional week, and we have received that extension. So bring it back either September 18th, Thursday if possible, or September 17th, Wednesday afternoon if possible.

Hales: September 17th, I think, is probably the better. We will set the return of findings for September 17th.

Moore-Love: There is a time?

Beaumont: 2:00 p.m.

Moore-Love: We've got a 2:00 p.m. already.

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Beaumont: 2:30 p.m.?

Moore-Love: They're asking for two hours.

Hales: Oh, my goodness.

Beaumont: We could bring it back in the morning, if there's room on that calendar.

Hales: Let's put it on the morning agenda.

Moore-Love: The morning probably would be better. I can do a 10:15.

Beaumont: Wednesday, September 17th, 10:15.

Hales: Done and done, we're adjourned until next week. Thank you.

At 4:50 p.m. Council adjourned.