



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF JUNE, 2006** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard and Sten, 4.

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

On a Y-4 roll call, the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
814 Request of Bruce Broussard to address Council regarding Portland Schools and the budget (Communication)		PLACED ON FILE
815 Request of Charles E. Long to address Council regarding an urgent petition to Congress (Communication)		PLACED ON FILE
816 Request of Brian Greer to address Council regarding impeachment of the President and Vice President (Communication)		PLACED ON FILE
817 Request of Paul Phillips to address Council regarding Reverse Polish Logic (Communication)		PLACED ON FILE
818 Request of John Haines to address Council regarding what an employment application means (Communication)		PLACED ON FILE
TIME CERTAINS		
819 TIME CERTAIN: 9:30 AM – Accept carsharing pilot program evaluation report and approve carsharing policy recommendations (Resolution introduced by Commissioner Adams) Motion to accept amendment to lift the cap on 50: Moved by Commissioner Sten and there was no second. (Motion Failed) (Y-4)		36418

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<p>*820 TIME CERTAIN: 10:15 AM – Authorize a contract with SAP Public Services, Inc. to provide Enterprise Resource Planning system software and installation services for the Enterprise Business Systems Project (Ordinance introduced by Mayor Potter)</p> <p>(Y-4)</p>	<p align="center">180246</p>
<p>821 Accept proposal of SAP Public Services, Inc. to provide Enterprise Resource Planning System software and installation services for the Enterprise Business Systems Project for an estimated \$1,325,000 (Purchasing Report introduced by Mayor Potter– RFP No. 104736)</p> <p>Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Adams.</p> <p>(Y-4)</p>	<p align="center">ACCEPTED</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p>	
<p>822 Statement of cash and investments May 04, 2006 through May 31, 2006 (Report; Treasurer)</p> <p>(Y-4)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">Mayor Tom Potter</p> <p align="center">City Attorney</p>	
<p>823 Amend an outdated State Law reference regarding forfeiture proceedings (Ordinance; amend Code Section 14B.50.020)</p>	<p align="center">PASSED TO SECOND READING JUNE 28, 2006 AT 9:30 AM</p>
<p align="center">Office of Management and Finance – Bureau of General Services</p>	
<p>*824 Authorize a contract and provide for payment to furnish replacement vehicles (Ordinance)</p> <p>(Y-4)</p>	<p align="center">180236</p>
<p align="center">Office of Management and Finance – Risk</p>	
<p>*825 Pay claim of Eugene and Dawn Knudson (Ordinance)</p> <p>(Y-4)</p>	<p align="center">180237</p>
<p align="center">Police Bureau</p>	
<p>826 Extend a contract with the Portland Business Alliance retroactively to provide police services for the Clean and Safe Program (Second Reading Agenda 789; amend Contract No. 50948)</p> <p>(Y-4)</p>	<p align="center">180238</p>
<p align="center">Commissioner Sam Adams</p> <p align="center">Bureau of Environmental Services</p>	

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827	Authorize a Memorandum of Understanding with State of Oregon Economic and Community Development Department for Brownfield Cleanup Revolving Loan Fund Assistance (Ordinance)	PASSED TO SECOND READING JUNE 28, 2006 AT 9:30 AM
Office of Transportation		
*828	Amend agreement with the Tri-County Metropolitan Transportation District of Oregon for design and construction management services for the North Interstate MAX Light Rail project (Ordinance; amend Contract No. 51409) (Y-4)	180239
*829	Authorize Intergovernmental Agreement with TriMet for design and construction management services for the Portland Mall Revitalization Project (Ordinance) (Y-4)	180240
830	Authorize an Intergovernmental Agreement with the Oregon Department of Transportation for Multnomah St. Sidewalk Improvements-Rose Quarter @ I-5 (Second Reading Agenda 793) (Y-4)	180241
831	Authorize Intergovernmental Agreement with Oregon Department of Transportation to provide funds for the design of the East Burnside and Couch Couplet Project (Second Reading Agenda 794) (Y-4)	180242
Commissioner Randy Leonard		
Water Bureau		
*832	Authorize the wholesale commodity rates for water delivered by the City of Portland during the fiscal year beginning July 1, 2006 to June 30, 2007 and fix an effective date (Ordinance) (Y-4)	180243
Commissioner Dan Saltzman		
Office of Sustainable Development		
*833	Authorize Intergovernmental Agreement for \$20,000 with Metro to fund the development of local outreach and marketing materials to support a Metro-wide campaign to promote residential recycling and improve the quality of curbside recycling and materials recovery (Ordinance) (Y-4)	180244
City Auditor Gary Blackmer		

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*834 Authorize contract with Moss Adams LLP for financial audit and other professional services for FY 2005-06 and provide for payment (Ordinance) (Y-4)	180245
REGULAR AGENDA	
835 Accept bid of Dunn Construction, Inc. for the Burlingame sanitary trunk sewer rehabilitation and replacement project for \$2,553,164 (Purchasing Report - Bid No. 105377) Motion to accept the Report: Moved by Commissioner Sten and seconded by Commissioner Adams. (Y-4)	ACCEPTED PREPARE CONTRACT
836 Accept proposals of Star-Oilco for gasoline, ethanol blend fuels, ultra-low sulfur diesel fuel and biodiesel fuels and Don Thomas Petroleum, Inc. for low-sulfur diesel fuel (Purchasing Report – RFP No. 105220) Motion to accept the Report: Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-4)	ACCEPTED PREPARE CONTRACT
837 Accept proposal of Precise ParkLink, Inc. to furnish SmartMeter receipts and related services for the Bureau of Transportation System Management, Parking Operations Division with an estimated 5-year contractual amount of \$1,240,000 (Purchasing Report - RFP No. 104444B) Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-4)	ACCEPTED PREPARE CONTRACT
838 Impose temporary surcharge on Business License Fees to provide funding assistance to public school districts in the City (Second Reading Agenda 778 introduced by Mayor Potter and Commissioners Adams, Saltzman and Sten; replace Code Section 7.02.500) (Y-4)	180247
Mayor Tom Potter Office of Management and Finance – Bureau of General Services	
*839 Authorize price agreements for motor fuels for city vehicles and equipment (Previous Agenda 800) (Y-4)	180248
840 Authorize contract with Scott Edwards Architecture, LLP and provide for payment for tenant improvements of warehouse for Police Bureau evidence storage (Second Reading Agenda 801) (Y-4)	180249
Commissioner Sam Adams	

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Office of Transportation

841	Declare intent to initiate local improvement district formation proceedings to construct improvements to extend Portland Streetcar from SW Gibbs Street to SW Lowell Street (Resolution; C-10018) (Y-4)	36420
842	Grant a revocable permit to The Burnside Rocket LLC to install, use and maintain a covered arcade over the sidewalk on the north side of East Burnside at 1111 East Burnside Avenue (Ordinance)	PASSED TO SECOND READING JUNE 28, 2006 AT 9:30 AM
Commissioner Randy Leonard		
843	Declare Monday, July 3, 2006 Curtis Salgado Day at the Waterfront Blues Festival (Resolution)	REFERRED TO COMMISSIONER OF PUBLIC SAFETY
844	Approve the Water Bureau Security Initiatives at Hazelwood, Washington Park, Texas St. Tank, N. Vernon Tank and Bull Run Watershed (Resolution) (Y-4)	36419
Commissioner Dan Saltzman		
Parks and Recreation		
*845	Amend contract with William F. Willingham, Ph.D, Historian, for research and final written report on the City of Portland Civic Planning, Development and Public Works, 1851 to 1965 as it relates to Portland Parks (Ordinance; amend Contract No. 36243) (Y-4)	180250
City Auditor Gary Blackmer		
846	Assess property for sidewalk repair by the Bureau of Maintenance (Second Reading 809; Y1058) (Y-4)	180251

At 12:35 p.m., Council recessed.

June 21, 2006

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **21ST DAY OF JUNE, 2006** AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard
and Sten, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Pete
Kasting, Chief Deputy City Attorney; and Gary Crane, Sergeant at Arms.

	Disposition:
<p>847 TIME CERTAIN: 6:00 PM – Appeal of Arnold Creek Neighborhood Association against the Hearings Officer’s decision to approve the application of Greg Rae, Willamette General, Inc., to divide a 2.3 acre site into eight lots, served by a new private dead-end street, located at 11850 SW Boones Ferry Road (Hearing; LU 05-127029 LDS)</p> <p>Motion to set continue to August 3, 2006, 2:00 p.m. and ask staff to come back with a proposed mitigation package based on the principles discussed tonight: Moved by Commissioner Sten and seconded by Commissioner Adams. (Y-4)</p>	<p>CONTINUED TO AUG 03, 2006 AT 2:00 PM TIME CERTAIN</p>

At 8:22 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **22ND DAY OF JUNE, 2006** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard
and Sten, 4.

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

Gary Crane replaced Ronald Jefferson as Sergeant at Arms at 3:00 p.m.

	Disposition:
*848 TIME CERTAIN: 2:00 PM – Adopt budget adjustment recommendations and the Minor Supplemental Budget for the FY 2005-06 Spring Budget Adjustment Process and make budget adjustments in various funds (Ordinance introduced by Mayor Potter) (Y-4)	180252
*849 Adopt the Spring FY 2005-06 supplemental budget in the amount of \$700,000 and make budget amendments in various funds (Ordinance introduced by Mayor Potter) (Y-4)	180253
850 TIME CERTAIN: 2:15 PM – Certify that certain services are provided by the City to establish eligibility for State Shared Revenues (Resolution introduced by Mayor Potter) (Y-4)	36421
*851 Elect to accept funds from the State of Oregon under the State Revenue Sharing Program for the fiscal year beginning July 1, 2006 and ending June 30, 2007 (Ordinance introduced by Mayor Potter) (Y-4)	180254
*852 Merge the Technology Services Fund and the Communications Services Operating Fund and close the Communications Services Operating Fund (Ordinance introduced by Mayor Potter) (Y-4)	180255
*853 Adopt the annual budget of the City and establish appropriations for the fiscal year beginning July 1, 2006 and ending June 30, 2007 (Ordinance introduced by Mayor Potter) Motion to adopt the budget: Moved by Commissioner Adams and seconded by Commissioner Sten and gavelled down by Mayor Potter after no objections. Motion to accept amendment to move \$200,000.00 in one-time funds from excess reserves to the Portland Development Commission Special Appropriations for the Small Business Grant Program: Moved by Commissioner Adams and seconded by Leonard. (Y-4) Motion to accept amendment to reduce Commissioner Adams FY 2006-07 office budget by \$69,659.00: Moved by Commissioner Adams and seconded by Leonard. (Y-4) (Y-4)	180256 AS AMENDED
*854 Levy taxes for the City for the fiscal year beginning July 1, 2006 and ending June 30, 2007 (Ordinance introduced by Mayor Potter) (Y-4)	180257

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855 TIME CERTAIN: 3:00 PM – Consider the proposal of Samantha Dang and the recommendation from the Hearings Officer for denial of a Comprehensive Plan Map and Zoning Map Amendments for property at the northwest corner of SE 82 nd Avenue and SE Bybee Boulevard (Hearing; LU 05-107223 CP ZC)	CONTINUED TO AUG 17, 2006 AT 2:00 PM TIME CERTAIN
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At 4:25 p.m., Council adjourned.

GARY BLACKMER
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.

June 21, 2006
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JUNE 21, 2006 9:30 AM

Potter: This is the Portland city council. The first thing we do each wednesday morning, I ask a question, both for the people in this room and the people who watch this on cable television, and the question is, how are the children? The reason I ask that question is that in many communities around the world, when they greet each other, they don't say how are you, they say, how are the children? The reason they do that is because they know when the children are well, the village is well. So we ask experts to come in each week to talk to us about that issue. And today we have three folks from Portland high schools. So if you three could come up, i'd appreciate it. Jennifer?

Celia Doan: Cecilia.

Potter: Excuse me.

Doan: Jennifer won't be here today.

Potter: That's right. And you're all from benson high school. So we'd like to hear from you. When you speak, please give us your name.

Doan: My name is cecilia doan, i'm a senior going into benson high school. This is tram and that's lam. We're part of asian american team leader. We're a group of students especially asian or pacific islanders, and we come together to do community service, reading books to children, cleaning up blanchett house. Our greatest accomplishment in the past five years and we raised enough money to go to other countries, vietnam and specifically southeast asia where we teach english, general computer skills, and c.p.r. To small middle school or elementary school kids.

Potter: Thank you.

Tram Phan: There's some issues that we want to bring up about the student base programs. Like the no child left behind act. It's affected our school greatly because a lot of students who come to benson don't necessarily want to be at benson and the students who want to come to benson can't go to benson because of the act because we'd have to do a drawing that randomly picks out students. And what that does to our school is that it not only brings us down like academically, but it just brings down our name because of some students who are not prepared to come to benson with our, like, high education program, and they drop out, and they just don't do well on their g.p.a., and their c.i.m. Testing. So a lot of teachers decide to either transfer school, or they retire. So what that does is it takes -- like our health program has -- one of our teachers retired from that and so now we don't have a dental teacher because we specialize in health occupations. And so now students next year won't have a good -- as good an education program as students that came before us. And so we're not as ready for college, or we -- as a career we don't know what we want to do, or what we decide to do later on in college. So that's one of the issues I want to bring up.

Potter: Would you like to introduce yourself to the people here?

Phan: My name is tram, i'm from benson.

Potter: Thank you.

Lam Vo: Hello. My name is lam, and i'm going to be a senior at benson high school. I'm also involved with the asian american team leader. The issues I think that will make my school more successful as well as Portland public school, reduced class size, because the oversize class, there's more student class -- less attention from the teacher the student will get, so sometimes in class, because too many students, some students won't get a table to sit in, to do study in class, so I don't

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think that will help them become successful. The second issue is that because cutting budgets will make a shortage of staff, so they won't have enough teachers to do some class like foreign language, such as german or french o. Or vietnamese. And this -- in my school, benson, we have about over 300 vietnamese students, so if we have some vietnamese class in our school, that would help the students who wasn't born in vietnam or born here, and they don't know a lot of vietnamese, so they can't learn about our cultures and languages. Thank you.

Potter: Thank you for being here this morning.

Adams: Thank you very much.

Doan: I have something to say.

Potter: Yes.

Doan: I just want to talk about, like, some of the money issues, like shortages that we have. One of the biggest thing is our books and supplies. Like, my u.s. History class, we have about 30 students, and we only have about 15 u.s. History books to go around. So we share them, and most of the time all our books are tattered. We literally have to duct tape the books together or find missing parts and put them together. And it's really sad considering that's my favorite class, and our teacher, you know, he has to go out of his own pocket, or use some type of creativity to teach us, because we can't usually use the books. And our graduation this year, we don't have enough money for an auditorium or the coliseum to graduate in because we're short \$10,000 just for that. So we might have to use our own auditorium, which only fits 300 people, and that might even be the size that we graduate. So our parents might not even be able to make it to our graduation because there's not enough seating. I play sports, and i've realized from my freshman year to this year the fee for -- just to play sports went from \$110 to \$180. If you have two children, you know, who play sports, that's \$360 just not counting uniforms, buses, and this year for volleyball team, we have about 50 kids, freshmen, j.v., varsity, and we only have one short bus. That fits 12 kids. So we have to find our own rides, and that might not be safe, because our seniors driving us, kids driving each other to another sports event, that might not be safe for us. So those are some points that I wanted to bring up.

Potter: Thank you very much. I'm glad you said those things.

Doan: Yeah.

Potter: Thank you very much.

*******:** Thank you. [gavel pounded]

Potter: City council will come to order. Karla, please call the roll. [roll call]

Potter: Please read the first communication.

Item 814.

Bruce Broussard: Mayor, bruce broussard. Father's day and mother's day. I got this definition off the internet. It's sort of a follow-up on trying to hopefully promote and motivate young men about the appreciation for father's day and mother's day and hopefully we can get those things in class. Here's the definition I got from the internet. We celebrate mother's day about a month ago and now it's dad's turn to have his special day. Would you believe father's day originated nearly a century ago? There's a lot of debate over when and where the first father's day celebration took place. Some people say it was held in west virginia at a church service in 1908. Others say the first ceremony was held in vancouver, Washington, in 1909. Even though the origin of father's day is not clear, mrs. Dodd of spokane, Washington, was the person who put forth the most effort into making this day a holiday for dads across the country. Mrs. Dodd's mother died during the birth of her sixth child, and her father, a civil war veteran, raised all six children by himself. As she got older mrs. Dodd realized what an outstanding job her father had done in bringing up all of the children without any help. She also recognized her father had made many sacrifices and endured hardships in raising six children. She talked to her minister and others in the community about dedicating a special day for fathers. Because of mrs. Dodd's efforts, father's day was celebrated by many people, though it

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was not until 1972 that the holiday was officially made the third sunday of june. President richard nixon made that date permanent. Though father's day was originally intended for dads only, nowadays many people also honor their step fathers, uncles, grandfathers, brothers, and other adult male friends in their life. Take some time on father's day and do something special for them. I'm just bringing this point out, I think that's something that's -- as far as i'm concerned should be standard in our way of life. Maybe next year we might be able to maybe a proclamation of some sort on mother's day as well as father's day. I noticed this past sunday I realized the biggest thing we had going in town was the gay pride parade, and there were 30,000-40,000 folks. "the Oregonian" mentioned a little bit about father's day, but I think it would be great for media to maybe denote maybe happy father's day on the front page of "the Oregonian," or happy mother's day on the front page of "the Oregonian," during that particular time. Even the rest of the media, for that matter should. Because I think it's very, very important in terms of who we are and what we're all about of the and hopefully I can get together with commissioner Adams and get a sense of what was the rationale of having father's day on gay pride day, and we can work something out, some way, shape, or form, and see whether or not we might be able to do something about that. Appreciate it very much. Thank you again.

Potter: Actually, bruce, commissioner Adams had nothing to do with having gay pride on father's day. It's been that way for the last 30 years.

Broussard: 30 years?

Potter: Yes, sir.

Broussard: Fine. I'm willing to compromise. I am --

Leonard: Sam is only 28 years old, so there you go.

Broussard: Then I will just be the mentor. I'd like very much to sit down with you, sam. Is that ok?

Adams: Absolutely. I just look like hell. I'm 28, I just look like hell.

Broussard: Thanks again.

Leonard: You're welcome.

Potter: Please read the next one.

Item 815. (did not show)

Item 816.

Potter: You have three minutes.

Brian Greer: My name is brian greer. I am proud to be a citizen of Portland, and deeply appreciative of being given a voice in this chamber. We all know that the planet is facing an environmental crisis. The united states is deep in constitutional crisis, and this regime has meyered all of us in a moral crisis. In the six years I have been in this country, I have seen the structure of checks and balances collapse like a pack of cards. I have seen the moral fabric of society rotted by corruption and subversion of justice. I have seen more and more the exercise of raw power and brute force in both domestic and foreign policies. And I have seen too many people sleep walking towards a precipice. I am not alone in believing the united states today resembles germany in the 1930's. Now, as then, all that is necessary for evil to triumph is for good people to do nothing. The unfolding of events has been surreal. It is tragic, it makes me angry, and it should make every patriot angry. Not just angry, but determined to act. Thanks to the foresight of the framers of the constitution, there is a necessary but not sufficient remedy at hand, namely impeachment of the president and the vice-president. Among the grounds for impeachment are four set out by the constitutional rights. Secret and illegal surveillance, an illegal war based on deception, systematic use of arbitrary detention and torture, and irrigation of excessive power to the executive branch in violation of constitutional principles of the separation of powers. Accordingly, I urge you to show moral and political leadership, not only on behalf of the citizens of Portland, but for all the people

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of this sullied and betrayed nation by passing a resolution for the impeachment of the president and vice-president. Thank you.

Potter: Thank you, mr. Greer. Please read the next one.

Item 817:

Potter: Mr. Phillips, before you begin, i'm not sure what you're going to say, but we do not allow bigoted remarks in this chamber.

Phillips: Any what?

Potter: Bigoted. Are you familiar with that phrase?

Phillips: Not totally. I don't think i'll make any reference to it, though.

Potter: You have three minutes, sir. Please state your name.

Paul Phillips: I'm paul phillips. Some people never learn. I wanted to make reference to a news article that was mentioned locally, nationally, and even international some five years. If you remember the holy father, pope john paul, ii -- is this all right? -- commented after summoning -- having some cardinals and bishops come to rome, the vatican specifically, calling him from the united states, he could have made a telephone call or posted a letter, or emailed the people, but he wanted to apparently reprimand, if you remember his comment was -- pedophilia. Apparently he got a little hot underneath the collar. One might say. Do you remember those words? That was in reference to the holy father. Nigel jacquist of the "willamette week" wrote an article june 7, i'll quote this. On page 23, the providence factor, from his article. About the money machine specifically. The policy shift last year by the prove lens health plan, the insurance arm of the city's largest hospital, grew. Because of time I won't read the whole article, but i'll submit this as evidence. I hope that I pronounced his name properly. He was also the same gentleman that wrote about neil goldschmidt winning -- he won a pull it's you're surprise -- prize -- a pulitzer surprise -- prize for news writing, the 30-year secret. This isn't beligatory, is it?

Potter: Not so far.

Phillips: I checked out this tape as you have seen from the 24th, I assume that's the article that -- or time that you're specifically referencing, and on the tape chief rosie sizer was here, I seen her on the tape, I didn't see her in the room myself with my vision. I guess my time is up. I'll talk in reference to this later. At the next time. Thank you.

Item 818.

John Haines: My name is john haines, and before an application of employment even came to me, I had jobs. A job was given to me by my older brother who passed away years later. The situation is being that I was in my adolescence, and through particular people's yards to deliver papers, I need more help and discipline from the person -- it -- the situation is that an application actually means to me, in this particular area of time, is it's a census with different buildings. Social security, d.m.v., food handlers situation, i've had to go through unemployment, i've had to -- I had work mans comp. Myself, i'm a handicapped citizen. I have a bus pass. The situation is that in school I was just passed on. I don't feel -- economically and educationally i'm up there with the grade schoolers. I tried to take -- I tried to take a college written test, and I did not pass. The situation is that there are particular organizations that are into handicap situation, they're volk rehab, and st. Vincent depaul, and goodwill rehabilitation center. People don't pay attention as far as to the handicapped situation. Statistics, statistics, that is where a handicap and the mental hope honor checks -- this will be the last little bit -- i'm part of cascadia, which is a group that some parts are falling apart. The system, I get money from the state, as far as with social security and disability. There's many of us around. We don't want to be bums. The people I want -- we want help out.

Potter: Thank you, mr. Haines. That was the last communications?

Moore: Yes.

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Potter: We'll move to the consent agenda. Do any of the commissioners wish to pull any items from the consent agenda? Hearing none, do any of the people in the audience wish to pull any item from the consent agenda? Hearing none, please call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read the 9:30 time certain.

Item 819.

Potter: Commissioner Adams.

Adams: Thank you, mayor. Today we're going to be hearing a report from transportation regarding the car sharing pilot program. The city of Portland has been a pioneer in partnering to get car sharing as a transportation option. Our efforts began in 1998. The pdot has been a financial partner in this effort. Since 1998 our subsidies to car share equal \$100,000, and I think it has been a good investment. This is part of our larger effort with council support and request to undertake cost recovery to come back to council with options for cost recovery on all of our services during the budget process. Council appropriately directed us to do a study of cost recovery for the free parking permits that we give out, and the various spaces of nongovernmental and government -- to governmental and nongovernmental entities, and we also have a study underway looking at the commercial loading zones, where they're at, are they being used, and is there fee that's need to be recovered there. We recognize that car sharing is a small but important part of Portland's balance, multimodal transportation system. It allows people to commute by bus, bike, or max and still have a car for access to errands. The result is fewer and shorter trips by car. Pdot support for car sharing includes 37 metered and 38 unmetered on-street parking spaces available for flexcar use. Pdot also promotes car sharing on its website and distributes brochures at our events for -- our pdot events in the neighborhood. Based on the positive evaluation that we've given the car sharing pilot program, pdot is recommending that council support the establishment of a formal policy after two years of the pilot program which all 0 indicates public right of way for the exclusive use of car sharing vehicles. Pdot plans to issue administrative rules to formulize policies, including phased-in cost recovery, permit fees on metered spaces only and a cap on a number of metered spaces that can be reserved for car sharing vehicles. Because we can't predict how the car sharing market will change and what the exact impact of these new policies will be, i've asked pdot to come back to the council after the first year of implementation, a year from now, with a report on the results and recommendations for any needed adjustments. And because this is new, we are one of the first cities to allow the extent and the degree to which we do for on-street reservation for cash sharing, and some cities do not allow that, or not to the degree that we do. I'm looking forward to a year's worth of data and research and results from moving into more of cost recovery in this area. We want to make sure we're accurately pricing parking. Parking has been an understudied part of Portland's neighborhood and business district strategies for livability and for business success, and for reducing trips and we're trying to make up for lost time on that with our parking benefits program with our work in this area, and i'm happy to invite eileen argentina and hanna kuehn from pdot to describe these recommendation and some of the background for them and look forward to some of the council discussion.

Eileen Argentina: Thank you, commissioner Adams. Good morning, mayor and council. I'm Eileen argentina the director of transportation system management in the office of transportation. New car sharing policies pdot is presenting represents an opportunity to establish a formal policy that recognizes the importance of car sharing as a transportation option by making public right of way use available. At the same time they need to recognize the many competing uses. Therefore the policies we're recommending will address multiple goals. Formally recognize car sharing and established policies to support their continued growth in Portland. Also to ensure the continued availability of short-term park fog shoppers and people doing business downtown, and also to recover our costs as commissioner Adams noted during the budget process pdot implemented a

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number of reductions in g.t.r. and the direction we received was to look at ways of being efficient, ways to recover our costs, and also service reduction. So this policy was developed in light of the desire to achieve cost recovery wherever feasible and appropriate to minimize direct service reductions. We've done some outreach, work with stakeholders among other testimony you'll hear from bill scott, general manager for flexcar Portland, and lisa schroeder. Our outreach included both these groups in addition to community subscribers to o.n.i.'s notification list, enterprise rent a car and the transportation management, lloyd district transportation management association. For the record we want to point out and correct an error in the staff report. It says that the d.r.c. opposes additional spaces in the downtown metered district. It should read in the downtown retail core. Which is a 17-block area around pioneer courthouse square. I'm sure lisa will speak to this in her testimony. In the written feedback, flexcar members express concern the increased permit fees would be passion the along to them in higher rates. Members feel the public benefits of car sharing reduce congestion, pollution, and parking demand are valuable enough to warrant continued subsidy by the 70. Enterprise expressed their opposition to providing any reserved spaces and hanna kuehn from pdot is here to walk you through the details of the proposal.

Hannah Kuhn: Good morning. My name is hannah kuhn, Portland office of transportation, transportation option the. Mayor Potter, commissioners, it's a pleasure to be here. As you've heard, pdot recently completed a one-year car sharing pilot program and -- project and an evaluation of the cost and benefits of that program, and there's copies of the evaluation report and the resolution on the pillar behind the clerk. The evaluation shows that car sharing provides measurable public benefits, including reduced air and water congestion, as well as increased transit ridership, biking, and walking. The forgone meter revenue and administrative costs associated with flex cars reserve on street spaces were approximately \$60,000 in 2005. Currently pdot charges flexcar a fee for each reserved space that covers only the city's administrative costs, a little more than \$250. Last fall we informally surveyed several other cities to learn how they accommodate car sharing and to inform the development of the proposal you're hearing today. When compared to some other u.s. Cities with car sharing markets, Portland stands out for its early decision to make on-street parking spaces and especially metered parking spaces available on an exclusive bases for car sharing vehicles. For example, in boston car sharing companies do not have access to any on-street parking. And store their vehicles in private lots or garages. San francisco and seattle with the exception of one metered space at the seattle pier, only allow unmetered spaces to be reserved for car sharing. This may be changing now. You may hear that from bill scott, but last fall that was the case. In vancouver, british columbia, parking can only be reserved in residential areas and are not at loud in commercial zones. Following Portland's example, Washington, d.c. and arlington county, virginia, adjacent to d.c., recently changed their policies to allow car sharing companies on-street spaces. Some metered, some unmetered. Previously car sharing vehicles were in private colleges or park and ride facilities associated with transit. We believe these examples demonstrate that flexcar and zip car, the other national car sharing for profit company, have been successful in several u.s. markets with and without access to on-street parking spaces. Today pdot is asking the city council to adopt a resolution to do two things -- one, accept the car sharing pilot project evaluation report. And two, to direct the director of pdot to issue administrative rules that will establish formal car sharing policies and procedures, specifically that resolution recommends the following. Establish a formal policy to provide reserved use of on-street parking spaces for car sharing vehicles. For reserved metered spaces, increase the permit fee to recover the full cost of forgone meter revenue and administrative cost. We propose to phase this in over two years. 50% in the first year, 100% in the second and subsequent years. For reserve, unmetered spaces continue the permit fee that recovers administrative costs only. So no change. Subject to pdot review and approval of specific locations, we're recommending to allow, and this is important, 50 reserved metered spaces each for up to two companies. That's a total of 100 metered spaces for car sharing, and allow requested reserve

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unmetered spaces, no cap. You will likely hear testimony regarding the fee methodology. We're proposing full cost recovery. Rather than set the fee based on average meter revenue for the entire meter district, which currently is about 1700 dollars per space per year, the policy is recommending permit fees to reflect the demand for each parking space. Thus, sending a market signal about demand. Using parking meter data, permit fees could be set and adjusted on an annual basis to reflect changes and demand based on meter revenue for each block face. So to make that more specific, based on average daily meter revenue on this block face method, for this spring the highest annual permit fee for an existing space would be just over \$2700, and the lowest fee would be just under \$200. Again, reflecting the demand for spaces on those block faces. Phased in over two years the total permit cost for flexcar's existing spaces would be approximately \$35,000, that's 50% of cost, and approximately \$70,000 in the second year. Again, this will change based on meter revenue trends as well as the number of spaces that flexcar has reserved. So these are estimations. Finally, as commissioner Adams alluded to, we've made a commitment to revisit and return to the council in a year. Based on flexcar's past rate of growth and in anticipation of a second car sharing company entering the Portland market, we believe 50 metered spacing each for two companies is a reasonable cap for now. However, in order to respond to changes in the market and respond to any unanticipated impacts, the resolution you're considering today would have us return with an evaluation and any needed adjustments after the first year of implementation. Pdot is committed to remaining flexible and open to adjusting our policies as car sharing industry continues to change and our understanding of the pricing for transportation services evolves. We'll look forward to answering any of your questions.

Adams: Thank you very much.

Lisa Schroeder: Lisa schroeder. Good morning, mayor and commissioners. I'm representing the Portland business alliance downtown retail council which I will refer to as the d.r.c. The d.r.c. appreciates the opportunity to comment on the Portland department of transportation proposal to provide permanent use of on-street parking for car sharing program. We understand the public benefit and supports the proposal to increase the car share presence in downtown. However, we have some concerns about the placement of car sharing spaces in the city's downtown retail core for the following reasons. The proposed spaces will significantly impact the number of available on-street spaces in the downtown retail core for all users, including shoppers, visitors, work force, and residents. Parking and city smart park garages raised from 95 cents an hour to \$1.25 in january 2006 and many private garages subsequently raised their rates as well. Overdue parking rates for on-street parkers went from \$16 to \$24 in may of 2006, and downtown retailers are dealing with the increased perception and reality from potential shoppers that parking downtown is at a premium and that it is easier to park in a suburban mall, especially in light of the pending tri-met mall revitalization. This proposal will only heighten that perception and reality. The d.r.c. requests that before approving this proposal, the impact on reserved metered and unmetered sparking spaces for the car share program be further studied by the city. We suggest that existing garage and park lot spaces not on-street parking, be utilized for the car share program for locations in the downtown retail core. Several garages currently offer car sharing spaces and we feel this number could be increased. The d.r.c. is willing to work with pdot to locate appropriate downtown parking spaces for car share programs outside the retail core and we look forward to determining the best options for everyone who lives, works, and plays downtown. In closing I want to reiterate the d.r.c. is very supportive of car sharing. It's an excellent program which allows the opportunity for people who need to get into and out of the city. Our concerns are strictly directed toward the proposal to lessen premium parking spaces in the retail core when there are other reasonable and convenient alternatives to be considered. We hope you will take this into consideration as you listen to other testimony today. And thank you for your time. We've given the council clerk copies of the letter

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we sent to commissioner Adams last week, the letter outlines the issues and proposals for you to consider.

Adams: Thanks for being here, I appreciate your articulate testimony. Is -- to ask you, I don't mean to be too pointed, but is the position of your organization no car sharing spots within the downtown retail core, or just if a less of a concentration than in other areas?

Schroeder: No increased spaces in the downtown retail core, and we welcome other spaces outside of the retail core. And would like to have --

Adams: In the -- within the downtown core, so in a smart park public garage, would you welcome that?

Schroeder: Yes.

Adams: So it's really the on-street parks.

Schroeder: Is our concern.

Adams: Ok. Thanks.

Potter: Please.

Steve Shumate: My name is steve, i'm a lifetime Portland resident, and a flexcar member. My understanding of what was going on here is actually changed now that i've heard some of the testimony. I definitely want to support flexcar, the flexcar program has been wonderful. And I would like to see it continue to grow. My concern was this number was awfully low when I initially looked at it, the 50 spaces seemed low, that there are 37, and if they had to share that with a competitor that would be even lower yet. So I think that's mostly what I wanted to say. I thought that number was low, and I do support this adam plumondore and I want to see it grow. I really think it helps the livability of Portland. Portland is a wonderful city, every time I travel outside i'm so happy to be home, and Portland has really been a leader, and I think we should continue to be a leader in this progressive thinking in car sharing. And thank you for your time.

Potter: Thank you. Mr. Scott, since you have a keen interest in this subject, you can have a few minutes extra, if you wish.

Bill Scott: Thank you, sir. I'm bill scott, the general manager of flexcar in Portland. Flex car staff and members are grateful to the city of Portland for promoting a vision, a rich mix of transportation choices that's been verier in which youring to our infant car sharing service. Thanks to the city and our other partners, especially tri-met, Oregon, environmental quality, and Portland state and Oregon health sciences universities, Portland has been a leader in establishing the fact that car sharing can work in the united states of america. We also now have some very thorough research which hanna already alluded to that demonstrates the theoretical public benefits of car sharing have also been achieved in real life implementation. This new way of using automobiles of course benefits those who use it by reducing their transportation costs or by making automobiles available to them for the first time. But the big benefits come to the rest of the public because those who -- because those who use the service on average dramatically reduce both their ownership and their use of motor vehicles and increase their use of transit, walking, cycling, and so forth, thereby freeing up the available streets and parking spots for those who still own cars. Now that we've shown that it works and it gets results, the challenge is to move it from a niche service as commissioner Adams said, that is a small part of the city's transportation infrastructure, to the mainstream so that the scale of the public benefits begins to make a real impact on Portland's prosperity and livability. I would liken it to where we were 25 years ago on transit and five or 10 years ago on cycling in terms of the development of the infrastructure. So we're happy that pdot is recommending a move from supporting a pilot with reserved on-street spaces to the status of a permanent program with continual reevaluation. And kind of adaptive development as I understand the proposal. But we hope the city will choose to share with us a vision of very rapid growth and the -- in the availability of car sharing to the point where it has a big impact on congestion pollution, energy saving, and parking demand. And I understand that the city and pdot specifically have some ambivalence about

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reducing parking demand, because you're in the parking business. I've been there. And there's a tension obviously between your desire to promote alternatives and to make Portland more transportation friendly and have more choices on the one hand, and your desire to recover revenue on the other hand. But we believe pdot's concerns about the cost of -- and the competition for on-street parking are overstated and that the fee increase and the cap that are proposed are likely to slow down Portland's progress at a time when we could be choosing to accelerate. Specifically the methodology by which costs are calculated assumes all of the revenue that would have been collected at a metered space that's removed has been lost to the city, whereas it's obvious from walking around that at many times and in most places there's excess capacity on many blocks, so the city in fact is not losing any revenue. I don't have a way to estimate how great it is. But I'm guessing it's large. Using the methodology proposed, the increased fees would clearly reduce the funds available to us to add car sharing capacity. The estimated amount of these fees represents more than 5% of our revenue. In favor of whatever other use the city chooses to invest that revenue in. At the proposed fee we would have to increase our charges by about a dollar per hour on metered spaces to recover that cost. We know from experience that that amount of increase will affect the rate at which the use of the service grows, in fact it will probably shrink the use of the service in those areas for a while, at least. By contrast, metered rates would have to be raised insignificantly to generate the same amount of money. Wouldn't it be better to charge those who continue to own cars and benefit from car sharing by having more parking available? My final space is on the -- point is on the 50-space cap. We fully concur that the city needs a method to minimize the competition between car sharing and other demands for on-street parking. And I -- specifically to the d.r.a.'s point, I want to make it clear we have never requested nor do we intend to any on-street parking within the 17-block retail core. So I think our position is completely consistent with d.r.c.'s, though that's not formerly part of the policy, we've always worked with pdot to avoid the areas of the greatest competition. And also to avoid specific locations that interfere with a retail business. And I'm sure that pdot will be willing to work with us as the 50-space cap approaches, but what does concern me about the cap is it sends a message to city staff and to the public that you, the city council, want to constrain rather than encourage the growth of this beneficial service, and I think there's an opportunity right now for you to make a statement that you really want to move in the direction of a visionary transportation future for Portland as opposed to seeing this wonderful development as something that needs to be controlled. Thank you for your attention, and we'll be pleased to continue to work with the city, whatever your decision on the specifics of this resolution. Thank you.

Adams: I want to thank you for your -- taking the job did you and your leadership in this area and helping to make car sharing in Portland a model for other cities to look to. I think that's excellent. So what we're talking about is as the effort becomes more mature, trying to figure out all the balances. I had to, along with this council, cut 17% out of the very fund in which all these revenues go into, and that's used for basic maintenance of the system. So it's a balancing act, and that's the purpose of this conversation, to check on staff's recommendation on that balance. Since you're an expert in this area, could you back up and give us sort of a snapshot nationally on car sharing, how it's going, how is your company doing in terms of, is any company profitable? Hanna in her testimony mentioned another competitor that's not here, I don't think. Do you expect them any time soon? Just sort of a national snapshot, if you would?

Scott: Sure. There are I think two or three dozen car share operators in the country, two of them are for-profit, zip car and flexcar, and I think between us we have 85 or 90% of the volume of what's out there, each of the others is in a single community, is a nonprofit service in a single community, two or three of those are fairly good size. In Philadelphia, Chicago, and San Francisco. The -- there are now about a dozen cities with major car sharing operations, flex car has substantial operations in Portland, Seattle, and D.C., and earlier stage operations in San Francisco, Los Angeles,

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san diego, and just this week atlanta. I think zip car has announced that they're coming to Portland, but it's really on a list of a large number of cities that they're planning to come to, so they did in a press release say they intended to be in Portland by the end of 2006, so far we don't have any information that they're following through on those plans. But we do expect them to arrive sooner or later. They claim to be profitable in every city they operate, which is four cities, flexcar is profitable in two or three depending on the month of the cities where we operate, including Portland. And we're profitable in Portland really only because of the availability of the state business energy tax credit, but we're getting closer to where our revenue supports our service without the credit. The on-street parking situation, I guess i'd say the only cities besides Portland that have a substantial amount of reserved on-street parking are the district of columbia in arlington county, where the -- it is provided without fee. And I think the district probably has at least as many spaces as Portland now and arlington has several dozen.

Adams: Have you tried, and what kind of response have you gotten from the various parking lot operators that have surface parking lots, so in some ways in terms of the advisability, virtually on the street for some blocks in some cases, have you had any luck at partnership there?

Scott: Certainly park zack available to us at a cost, and I would say it's become pretty clear to us through research we've done with our members, plus our hands-on experience that the most desirable space is on-street, the second most is off-street surface as you suggest, and the third most popular with our members is garages. And the biggest advantage of the on-street spaces is the visibility, because that helps the growth of the service, because everybody is asking what is it, how do I be part of it. And I think that it's perfectly reasonable to suppose that when we're -- instead of having 100 cars in Portland we have 1,000 cars in Portland that are proportion of off-street space will need to go up from where it is now because of the certainly in the core areas. But I think we're eager to maintain a very and increased -- a very substantial presence on street permanently so that the benefit of that visibility as well as the convenience of it provides continues.

Adams: Thank you very much.

Potter: Lisa, did I have a question for you. You said the d.r.c. does not object to parking in the garages, just on street. It seems like a parking space is a parking space when you're trying to attract folks to downtown. What's the difference?

Schroeder: You don't have to schlep up steps, go into an elevator. For some people it's perceived as more of a pain. Even bill has said his clients prefer not to have to go into a garage and fight with the steps and the elevators. It is more convenient to park in front of an establishment and walk right in.

Adams: I have one last question. What's the lunch special at mamma mia's today?

Schroeder: We're closed for lunch now, just at mother's. But our mac and cheese is southwest mac.

Sten: A little discussion -- it's in regards to these couple of questions. I guess i'm struggling on what the rationale for capping it at 50 is, given we're going to negotiate anyway. My fear is that this thing takes off, caps take a life of their own. It doesn't come back to us and at some point, what i've seen, the intent was this is about where we want to go, but it's years before it gets back before the council. A cap is a cap, so i'm inclined not to put a cap on it, but to have more policy language saying if it gets to be something that's qualitatively different than what you're expecting it needs to come back to us, but not to put a hard cap on it. I'm curious -- I know it's not magic, but the benefit of having that cap.

Adams: I'd like staff to answer this as well, from my perspective it's not knowing exactly what the competition might do in terms of our we just a name or a -- on a list or are they going to make a move in terms of zip cars. I wouldn't be comfortable with any of these sort of suggestions of these changes unless I built in the one-year, they have to come back, that this is only authorized for one year, then we have to come back to renew it. So it's one of those issues because it's such a new

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industry and it's sort after new application of the right of way and we've only had a couple of years experience with it, I would think we're going to need to try it. For instance, if we try this and the usage of car sharing goes down and you have to raise the rates, that's going to have an impact on my consideration of this issue. So maybe a year is too long, but I wanted to -- I thought it was useful to try it out.

Sten: I just want a little more discussion, the concept of full cost recovery. My sense is to cut to the chase, that this is a big number for car share and a tiny number for us. I would be inclined to give them a little discount on full cost, not so much on the theory that they shouldn't pay full cost, but full cost is in the eye of the beholder, and I think it looks to me like we're charging -- I want to get an idea of what a meter brings in. It serves a thousand customers to bring that in, if we're filling one person, maybe our actual cost is less than what it would actually cost. It's got to cost money to send a cell phone call in, I think credit cards takes a 6% hit. So i'm wondering if full cost is the actual revenue or the revenue minus cost. I'm looking to give them a little more of a break. I'm talking 10%, 15%.

Adams: We can have staff answer that.

Potter: Why don't we wait for the other three folks to testify.

Potter: You each have three minutes.

Kevin Neary: Kevin neary, I represent enterprise rent a car and the car and truck leasing association. I've submitted a letter, but based on the discussion i'll use my time a little more concisely to address a couple of points that troubled me. I'm concerned that the city council is getting into a realm of unfair subsidy to businesses. I definitely support the flex car, it's been given a chance to get started in the city, but I also know recent events are that there are wealthy investors investing money in this operation with the intent of making a profit, and I would caution that your point about giving them a break, I don't think these are charity cases, you should be looking at it that way. That may have been a case in 1998, but I think the landscape is shifting. My own business, we opened in 1990, and i've gone out and carefully researched, found, negotiated property, pay a lot of money and a lot of money in taxes to be in neighborhoods throughout Portland and the state of Oregon. We went in many of our branches on an hourly basis and 11 to achieve a lot of the same goals we're trying to achieve with flex car where people can take public transportation and get a car to run their errands. I'm concerned about this subsidy for one section of the -- subsidy for one section of the business versus another.

Leonard: This is not a nonprofit flexcar. It is a for-profit enterprise.

Neary: That is correct.

Leonard: Ok.i've gotten conflicting information.

Adams: They haven't necessarily made a profit. They're organized as a for-profit.

Neary: It takes hard work. And all the costs need to be recognized. I think that's only fair.

Leonard: This is for anybody to answer if somebody could respond, why I guess why would we pick one firm to subsidize in this field versus opening it up to a number of firms that may provide the same --

Potter: It's my understanding it's the only one in the field.

Neary: That's a very good question. It really at least to a request that pdot publicized other companies that have short-term vehicles available for people to use for errands downtown. I think that's something pdot should look into and not just single out one company.

Potter: I think this resolution allows up to two companies.

Adams: Yes.

Sten: I'm totally open to looking at things that are comparable, I think the reality is this is a groundbreaking business trying to change the actual way urban people approach cars. I've been a member for many years, and it's not a business that's comparable to a rent a car company. Rent a car companies are great, but it's essentially trying to give you an option that are there are cars

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throughout town, you join for a reasonable price and you can live without a car or live with less cars. If you look at it qualitatively, is a very different operation and it's one of the things where it's getting cars off the road. There's no doubt about it. So I think -- I don't think -- if you can quantify that with other similar transportation businesses, I would give them the same piece. When you look at it, Portland drivers who want a parking spot are advantaged that flexcar is in town, because you've got a couple thousand members who are making the roads much clearer for everybody else. I don't think any other business is working on that model. I don't think any other business is providing you the opportunity to live without a car for a reasonable price. I've used enterprise, but it's a different model than what we're talking about here.

Leonard: I agree with you, i've incorporated those kinds of things into my own way of getting around Portland. I don't use flexcar because I take the bus and ride a bike. But i've not -- i'm not familiar with this as a city identifying a particular business that provides a particular service versus drafting out objective criteria that any business can apply for or attempt to get, and I only say that because i'm in the middle of drafting very related kind of ordinance having to do with fuels and we're trying to get to the place you're talking about where we could use Oregon grown companies and north Portland-based companies, but we're finding there are legal issues. So we're having this discussion and i'm thinking out loud, how is it that we are identifying one profit -- for-profit company as opposed to saying any company that provides this service will be considered --

Sten: I think i'm in the same position you are.

Adams: My observation of inheriting this program, this has been a business development effort on behalf of the city fund by pdot. And not only a business development effort, but as you're making the point, an industry development effort. But we'll have to struggle with the question if zip car comes in and asks for a similar sort of deal. And we'll have to -- there's a little bit of struggle around enterprise because your business model is to try to be a neighborhood and a high percentage of your rents are intercity, local people driving locally. So it's not the flexcar model totally, but there's a piece of the argument that I don't want to put words in your mouth you would probably try to make.

Neary: There are at least 13 car rental businesses around the central Portland downtown area. Many of them pick up customers, they're located in those various locations to be closer to their customers. As long as everybody is having the same business struggles and the business costs, I think all models can flourish, and there's a place for everyone. I just worry, those are expenses and they're very real. I pay a lot of money to store cars, and I think it's difficult to offer somebody in the car business the ability to be in business without worrying about where they're going to put their cars. Nobody else can do that. When they're not rented, you need a place to put them.

Chris Smith: Chris smith. As you know, I wear many hats in transportation. Today i'm here as a private citizen. And as as flex car member. My family has 3½ drivers, we'll go to four when my daughter turns in her learner's permit for a license. We only have two cars --

Leonard: I'm sorry.

Smith: I've been through it with the 18-year-old already, so i'm ready. I occasionally use a flex car, probably not more than once a month. It's not -- being a member is not a huge benefit to me, but I think flexcar is hugely beneficial to me because in my neighborhood in northwest Portland where parking is constrained, to the extent the many flexcar vehicles in our neighborhood are taking cars off the street, they're freeing up parking for the rest of us. We don't have a driveway, those two cars have to fit somewhere on the street. So I think flexcar is huge buy beneficial to me, but also to our city generally in terms of reducing private vehicles ownership, the number of vehicles on our streets, and I think almost a de facto corollary, encouraging people to use other modes. If you're looking at \$9, you have a powerful incentive to think about your transportation choice. If your job today is to balance the conflicting policies, I think the recommendation in front of you is way out of balance. And I would like to use an example by contrast. I had the chance to attend the bicycle

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summit this weekend with commissioner Adams and 400 other folks. If I had to summarize the attitude there, it's, let a thousand flowers bloom, let's find as many ways as we can to promote bicycle usage to get that mode share up. I think with car sharing we have a tender young sapping and instead of saying let us bloom, we're saying, we better put a fence raw round it in case it grows too fast and let's make sure we bill for it, for the water it might be soaking up. It seems like two totally different attitudes to me and I think we're rush doing soon to regulate something we should just allow to grow. Looking specifically at the policy points --

Adams: You can imagine what the voice is saying in my head.

Leonard: We don't want to hear what your voices are saying.

Smith: With regard to the cap, the two company cap is inappropriate. I think this is brand-new industry, we will see many business model innovations, we'll see many customer service model innovations, and we want all those to flourish in Portland. If only to keep bill on his toes so he has to stay responsive to his customers. So I think capping the two companies is an unwise policy. There's no reason to reward the first two people past the post. If I could have a minute or so more. The 50 metered space limit is hugely problematic. Commissioner wants to expand the number of meters within the city, that's a laudable goal, that cap will have to expand, it's just silly to put in a number that's arbitrary now and keep adjusting it. I think bill and erik have looked at the cost recovery for the numbers. I'll say as someone the commissioner asked to be on the pdot budget committee and help cut that 17% from the g.t.r. Budget, I think this is penny wise and pound foolish. I would be happy to go back in and find another \$60,000 to cut out to afford this. I hope what you will do is vote no today and send it back for a much deeper look at the policy implications.

Leonard: I need to ask, I may or may not agree with your basic premise. I'm wondering, if we had \$60,000 to spend for transportation needs, how many bus passes can you buy that and hand out to poor Portlanders? Is that a better use of \$60,000? I don't know. But my question to you is, why should we have an ordinance that benefits one particular company and not just have some criteria we allow any company that happens to meet that criteria to benefit from, assuming we did what you're asking and left the program as is? It strikes me as odd we would structure for one for-profit company.

Smith: Right. We should let as many people as want to take a crack at it take a crack at it within reasonable policy boundaries. I don't think the proposed language benefits flexcar by name.

Adams: If there's no cap and a company decides to come in and -- could I imagine a company doing this, wanting to grab territory, mark territory around the city, and we have no cap at all, so therefore I have no way to sort of stop them, and then we would be in a position of reversing some of that after the fact, talk to me about at least at 50, my thought was that if we're at least at a number, if someone wants to go over that I can come back to council with a discussion of that and clearly there's stakeholders on different sides of this issue of where the spot might be, versus one place versus another. Obviously spots we don't charge money for don't have a financial impact on us and we're not seeking to get money from a spot we're not -- from this company we're not now charging for, but the cap is less hard and fast with the review than it was to prevent the land stake rush.

Smith: I appreciate that. I think there are some breaks in the marketplace. To put a car there is a \$10,000 investment on the part of the car sharing company. I think that's a pretty natural cap, they're not going to put it where there's not market demand for that unless somebody has even deeper pockets than mr. Case, because flexcar hasn't pursued that strategy. Steve case of a.o.l. Fame is now a major investor in flexcar, and bill can tell you more than that can I could. I only know what I read in the newspapers. I also think that a more reasonable way to look -- I think it's premature. I don't -- I think you're anticipating a problem that may never hatch. I suspect if it happened you'd have time to respond to it in a timely manner. I would rather talk about a

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percentage of the spaces in the district than a hard number, because we know the number of metered districts will expand and grow.

Adams: I appreciate your comments. By the way, there's no vote today. This is a nonemergency first reading.

Potter: Actually, is that so?

Moore: It's a resolution. We could vote on it today.

Adams: Oh, sorry. You're right, chris.

David Stewart: Good morning. This is the first time i've had an opportunity to address the Portland city council or visit you here. My name is david stewart, i'm an attorney, I work downtown. I was scheduled in a jury trial today that settled, so I had a little opening in the schedule.

Adams: This is much better, isn't it?

Stewart: It's interesting, and I appreciate the work you do and that you care enough to be anding these issues. I am not a flexcar user, but i've been following the business and been interested in it. I live in a two-car household and i'm interested in moving to a one-car household and flexcar to me looks like a very good way to get there. Currently the flexcar has not got a large enough web of vehicles and from where I work and the things I do and where I receive in north Portland, for me to feel like I can make that jump, reduce our household to one car and make use of the flexcar, I think it's a fledgling business. I've rented from enterprise quite often and enterprise is a wonderful model. It's also a much huger business, they're not just renting cars, they're selling cars, they're doing great work. And i'd love to own part of that business. But to try and compare them to flexcar is a little unfair at this stage, and I don't see what the city is doing with flex car as limiting other players coming in to the rent by the hour market. What I would encourage you to do is look at these space and look at it as something that is supporting fledgling business. At a law firm we have to weigh out, do we need to have -- pay employees and give them parking spaces in the garage that cost \$200 a month, or could we let them use flexcar to do errands? And it's a cost saving for businesses. In this downtown so-called retail core, there's thousands of other business these are not retail that have to face the dilemma of how do we get our employees to work, do they have to spend 200 a month for a parking space, and there are trips that come up for business. Flexcar to me is serving a need that compares with having our loading zones. When I heard that you're thinking of charging for loading zones, that is an issue I would think that the downtown retail businesses would be far more concerned about than the few relatively few spaces used up for these flex cars. Businesses have to be able to get goods around. Maybe there's a way to collect some of this revenue. I understand it's a balance can you're took, but I feel with the flexcar it's too early to start putting up time constraint. Thank you for looking at this issue and from hearing from me.

Adams: To avoid all the emails and calls and letters on loading issues, we're looking at the issue. We're looking at every aspect of pdot in terms of cost recovery and entrepreneurial -- we're facing this massive backlog in maintenance and unfund dated regional mandated \$6.4 million on congestion. We've got a big problem we're not going to make up for necessarily all these little fees, but we're looking at the loading zones, how many, how are they used, those kinds of issues. We have to look at everything.

Moore: That's all who signed up.

Potter: Were there questions for the staff? Will you please come forward? Will you repeat the issue, the question you had for them?

Adams: I was curious about the full cost methodology theory. I don't have any criticism, it looks sound. The question was if we wanted to give them a little break, would that -- how do we get to this full cost.

Argentina: Can I respond generally to the comments first? First i'd like to say we've had a wonderful partnership with flexcar as a car share company and we're very pleased with how it's

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gone, and we're looking forward to continuing it. All of the policies we're talking about today are -- we're not proposing to regulate car share businesses. We're not looking to constrain. We hope they grow. We're just looking at the one sort of tangible resource we have that we can work with to support this, and allocation of on-street space assist one key way. But we also partner on a lot of outreach events and there are other ways we're supporting car share. But we all I think are very interested in seeing -- it is a for-profit company in trying to keep balance that with other demands. With respect to the cap, we here in pdot all the time about parking demands. We recognize it is so important to businesses, to residents, but particularly to businesses. And the demand is -- the supply is finite. Coming into this construction cycle we have coming up we're going to lose about 140 spaces permanently in the downtown area, attributable to the transit mall project. We're going to lose about 110 temporarily for the two years of the construction. We hear a lot of anxiety concern, we're constantly trying to balance the supply and allocate spaces to taxi zones, hotel zones, short-term, long-term, it just reflects the facts this is a identify fight resource and we want to let folks know we're going to try to balance it. The 50 was arrived at because in the two years of growth we've had in providing on-street space, they've gotten up to 34, we felt this allowed a healthy buffer for this period, certainly -- we can pretty clearly establish what the revenue was that was produced by a particular space in the prior year. This is a unit of analysis we use for all of our revenue projections. I feel confident that's recognizing there's a partial vacancy rate in any given space in the course of a year, and I think it's a good representation of the value of that space. There was some discussion about the visibility of the spaces. I think there's really no recovery of that, no desire to recover. It's one of the chief desirable attributes, they get advertising out of those spaces. We think it's something the city's uniquely positioned to do. And because of the nature of their business model, they need to have their cars where their customers are located, and on-street spaces -- so we think we're providing quite a bit of high level of service with what we're offering than this question of methodology. There are other ways of estimating the value, we could average it across the system perfect year. The resolution doesn't specify the methodology, the rules would come back that pdot director would adopt that would specify that methodology.

Sten: Is that our net revenue or gross --

Argentina: That's gross revenue.

Sten: It does cost us something to collect that amount, I would assume.

Argentina: There are operate can costs.

Sten: If we wanted to give them a net, that would be one approach? I think you're doing a great job, let me be clear, i'm working around the edges.

Argentina: Pdot, as commissioner Adams said, we're coming back in good faith with the budget direction we had to recognize and make visible the full cost of the various ways we allocate the space. And the reason it's here in front of you is to estimate public value, benefit versus private benefit. So I think it's open for you to consider some -- something less than full cost of recovery.

Adams: Let me sure I remember my own resolution. The first year we would only be partial recovery. So we would be back before council at 50% to decide whether or not to go to 100%.

Leonard: I suppose my view is not unlike the view i've expressed here when it comes, for instance, to tax abatements or anything where we either do not get revenue that we'd otherwise get, or postpone it, and that is it's actually an expenditure of public funds. So my methodology that I go through is, is this the best use of an expenditure of public funds to achieve a reduction in the number of cars on the road. And the question I posed earlier was, if in fact the number is, say, \$60,000 in forgone revenue from parking meters, is using that revenue to incent people to drive a car, albeit a smart business and one that's complimentary to the city, a better use of \$60,000 than, say, providing however many bus passes that would buy for indigent workers or struggling single parents, or people in that income class. I think I have a conclusion about that, I don't have any

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statistics to back that up. I'm inclined to think more along those lines in terms of how we would use those resources than essentially subsidizing a private for-profit company.

Sten: Is in a subsidy if we can map the full cost.

Leonard: I was thinking out loud in general about the discussion we've had.

Sten: I don't think there's a subsidy necessarily --

Leonard: If we pass this the way it is. I guess I was thinking there was some debate as to whether or not we were going to pass this the way it is.

Sten: What I'm interested in is charge them our net revenue rather than our gross. I think we're making more -- there's significant cost to take the credit cards and take the things and collect them, you don't have a -- I don't know what it is, but I can't imagine -- I'd say our net revenue is what I would support.

Adams: We're going to be back, at 50% in the first year we'll be back before we have to struggle with the last net versus gross. We only are seeking 50% cost recovery before we come back. So we'll have this discussion all over again.

Kuhn: You raised a question, commissioner Leonard, about supporting one specific company versus supporting a class of companies. During the pilot program we did have some operating proceedings that were just for pdot's use that described what a car sharing organization is and does as a way to define who we were working with. It happens at the time and currently the only company doing that in Portland today is flex car. Enterprise in their testimony said they're also in addition to rental cars offering hourly rates, which is somewhat similar to what car sharing offers, but not completely identical. I think for our discussion purposes the biggest difference is, as eileen stated, we're talking about on-street spaces. As far as I know enterprise is going to continue using surface lots that they have control over and not looking to use on-street spaces with the city. If that should change, what we're proposing allows an additional 50 spaces for a second car sharing organization.

Adams: Is the only thing that stand between flex car and enterprise in terms of the definition of what's in our resolution in our policies is the request to have an on-street spot?

Kuhn: The definition that we used in the past is specific about the type of service offered, what the fee includes, geographic distribution of spaces. It's not clear whether enterprise in its current form would meet the definition. The reason we're asking at this point in time up to 100 spaces for two companies is because we have a reasonable expectation based on announcement made by zip car that they will be coming to the Portland market. We tried to anticipate what would happen if a third, fourth, or additional company came before we brought you this policy and realized we're getting too far out and our crystal ball is fuzzy. Another reason we're glad commissioner Adams has called us to come back in a year, even subsequent to that to continue to be flexible about our policy is because this is an industry that's evolving, and we think if a third company were to come to Portland that says good things about car sharing, number one, and it also suggests that some kind of incremental 50-50-50 is probably not the solution we would be looking for. We would need to go back to the fundamentals and examine is in the best way to allocate spaces by the city of Portland. I hope that is satisfactory to you. That's as best as we could come up with at this point. We thought it's a reasonable estimate. We also know that things could change, and we need to be able to consider changes.

Argentina: I would like to respond to the concern I had that caps tend to get locked in. I can appreciate that concern. I think that this program has been developed by a transportation options division. Their mission is to facilitate increase in other modes and reduction in single occupancy vehicle trips so it was not intended to give us a simple rule we can organize around, but to look always at the question of how is this working and is car sharing being successful. One of the key questions is trying to understand how critical is this support to the success of car share, and that's something I think that will become more fair.

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Potter: Ok. Thank you. Please call the vote.

Sten: I'm going to make an amendment. I'm going to propose an amendment to lift the cap on 50, keep in mind the policy, we'll have to work out other language, but keep in mind the policy rationale that got us to 50 but not have a hard cap. And instruct staff to bring us back a number when they come back that would show the difference between the net and growth revenue charge. I can take it separately if people felt differently on the two of them, or I can make them as one amendment, or it could die if there's no second.

Potter: I do hear a second?

Sten: That makes the discussion very short.

Potter: Calling the vote.

Moore: Was there a second?

Potter: No.

Leonard: Passed away.

Adams: I want to thank my staff hanna and eileen and their team for putting up with all my questions, being responsive to my desire to have more frequent trips back to city council for policy discussions, because this is really -- at the same time coming up with a policy that will continue to support the success of flexcar and whoever else, whichever other company comes here. I also want to thank bill and kevin and everyone in the car share and rental car business for engaging with us in this discussion. Chris smith is right, there's a lot of competing legitimate policy goals involved in this discussion, and I think that speaks to why we need to keep coming back. The reason I didn't second commissioner Sten's amendment, although he's absolutely raising the spot-on questions, is i'm just afraid without something on the books now, that we might have an unintended sort of land grab for spots in the city, and I don't want to have an open end to that without some measure of control, but I think his desire to have -- to even look beyond the 50th if necessary, I share that, so I view the 50th now cap as a temporary tool to guide our -- make sure we have a place at the table as this industry matures. Aye.

Leonard: Aye.

Sten: This is good work, and I think this is a step forward and i'm going to keep exploring these issues when we come back. Aye.

Potter: Aye. [gavel pounded] please read the 10:15 time certain. There's two items, I think.

Items 820 and 821.

Potter: Could the staff please come forward? I just want to introduce this ordinance. It's requesting approval of a contract between the city and s.a.p. public services inc. for the purchase of planning system software. It is a major step in the replacement of the city's antiquated business system and is the direct result of city council's resolution passed in august 2004 directing o.m.f. to acquire and implement this business software. There's several other notes, but I think ken rust can certainly fill us in very well. Please go ahead, ken.

Ken Rust: Good morning, mayor Potter, members of the council. For the record, i'm ken rust, the city's chief financial officer, but today i'm project director for the enterprise business system project.

As the mayor has mentioned, the ordinance this morning is for a contract with s.a.p. public services which would provide us a replacement for our existing financial and h.r. system. It is the culmination after lot of work over the course of the last year, the phase one of this multiyear project. I'd like to talk a little bit about the proper assist we used to get to this point and some of the benefits of the contract. We had a very extensive four-level evaluation process that started back in october of last year that leads to the culmination with this contract today. We had tremendous representation by the evaluation team representing bureaus throughout the city. We had on-site demonstrations and workshops of the vendors that we short-listed which gave an opportunity for bureau representatives and people that will work with these systems to get a chance to see and feel the software application and the kind of work we'll be doing. We had over 100 people attend the

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workshops. We also conducted on-site evaluations. We looked at two installations of the software for each of the two vendors we short listed, so we saw how the applications were working in the real world in cities like the city of Portland. The recommendation then of the evaluation team was that we move forward with s.a.p. It was unanimous recommendation, it was also endorsed by our steering committee, which has bureau director representation, and it is my recommendation as well as the project sponsor's recommendation as well. Some of the contract highlights we were able to achieve initially the proposal was for \$1.5 million for the license cost. We were able to negotiate a price of \$1,325,000, so we were able to save some money on the initial license. We were also able to negotiate additional software to be included in the initial license that will be useful for us during implementation. We also were able to achieve price protection for ongoing operating costs over the course of the contract, and negotiate savings in that part of it as well totaling about \$220,000.

We've extended the warranty period, making sure the software will perform the business requirements that we're asking it to be able to deliver on. And we are also making sure we can cover all of the employees of the system that will use the software. The city has about 5,000 permanent employees, a large temporary work force particularly in the summer months, so we had to include the license to cover those users as well for payroll and things like that. We have the ability to have some limited use licenses that will allow people who are supervisors to approve work flow, electronic approval of information running through the system that don't need full access. So we have flexibility in our license arrangement as well. Finally we believe this is an important first step and the necessary step to replace the city's long antiquated financial system and integrate financial and h.r. management within the city. It will also allow us to eliminate a number of shadow systems that complicate financial and h.r. reporting. It provides us a modern computing platform that will support continued process change and actually will support continued e-government initiative that's important to many of the bureaus in the city council as well. With that I encourage the council's support of the ordinance and would be happy to answer any questions.

Leonard: What is the total proposed cost of the financial and h.r. system that will replace the current one.

Rust: \$1,325,000. The ongoing annual cost is \$221,000, so it's a total on the operating side of \$1,546,000 over the course of the seven-year contract period.

Leonard: The question I ask, what is the total cost of replacing the system, and you answered what the cost of this contract is.

Rust: Excuse me. I thought you were talking about the license fees for the contract. We expect --

Leonard: My question is what is the total cost of the conversion to the new financial system.

Rust: Understanding that question now, commissioner, we're still in the processes of getting final proposals in for the phase two implementation, which is an important part of the implementation. Our budget estimate right now is that it's in the 24 to 26 million dollar range, a number we've talked with you several months ago. We'll be able to confirm that number when we get final price proposal and negotiation of the phase two implementation. We've received four proposals still in the purchasing offices review right now. I do not have a final cost yet. We still expect that's the cost of the project at this point in time.

Leonard: Is that 24 to 26 the same number you used when we discussed this a few months ago?

Rust: Yes, it is.

Leonard: And how are we proposing to pay for that?

Rust: We are planning to pay for it the same way we had initially planned, which is to recover costs over a period of time using a line of credit or short-term borrowing instrument with a repayment plan in about 10 years. They will be allocated costs based on metrics we have been discussing.

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Leonard: Refresh me, are there efficiencies that make this kind of an expenditure make sense? Are there -- that's how much it costs to create the financial system, are there counter balance can efficiencies we can expect that may reduce our ongoing overhead?

Rust: Yes, commissioner, we believe there are substantial efficiencies that will help actually make this business case a positive return for the city. During the course of the phase we did quite a bit of work benchmarking our process costs. It was determined because of the nature of our existing systems there's a lot much duplicate, triplicate entry and a lot of efficiency that could be achieved. We think it's the -- the system itself will provide us the capacity to save money. It will be up to all the bureaus, the bureau directors and management to make sure we manage to those efficiencies, but we do believe there's a great potential to save money with implementation.

Leonard: And do we have outside eyes involved on a committee or something that's overseeing the construction of this new system?

Rust: Yes, we do. We have retained and they have been working with us since we started phase one a quality assurance firm, pacific consulting group, to actually provide that outside review every step along the way.

Adams: Are they here today?

Rust: Yes, they are.

Adams: Would you mind -- [inaudible]

Leonard: We have quite an agenda.

Adams: Could you make them available for a one-on-one meeting in my office?

Rust: Certainly.

Leonard: And probably all the questions you're going to ask I did ask while you were gone.

Adams: Thank you, commissioner. It's like you're a mind reader.

Rust: This has an emergency clause on it, it would be important to have a fourth vote, I believe.

Potter: Yes, I was going to go to 821 to see what -- if you could read that.

Moore: I already read it. I took them together. I had a sign-up sheet for both, and no one signed up.

Potter: Ok. Do you wish to present information on 821?

Jeff Baer: Good morning, mayor, members of city council. I'm jeff baer the bureau director for the bureau of purchases. 821 is just a purchasing agent report that summarizes the action that ken rust spoke to just a minute ago regarding the solicitation process and selection process. We went through as ken alluded, to an exhaustive review and selection. We did have -- when we began the process there was 134 different firms that downloaded a copy of the r.f.p. and we got four responses received, and did an exhaustive review and selection process. So I don't want to duplicate what ken's already reported on, so i'll stop there.

Potter: Ok. Then we'll return to item 820. Emergency vote, please call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] 821. Ask for a motion to accept.

Leonard: Move to accept.

Adams: Second.

Potter: Call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] we'll go ahead and move to the regular agenda. We have three emergency votes on there. Shall we take those first to have those out of the way in case anybody has to leave? Are you going to be here -- ok.

Leonard: If you wouldn't mind after those, I don't know if there's anybody else in the audience for anything else, but we have a presentation on the water bureau I was hoping to be able to allow our visitors to testify on. So if we could do the three emergency -- we can do the three emergencies to make sure those are done, and if we could do 844.

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Potter: Commissioner Sten said he won't be leaving. We both have an event at 1:00.

Leonard: Maybe I want you to hear this.

Potter: What I was going to suggest --

Adams: Leave while you can.

Potter: Are any of the other folks -- are you folks leaving before the end of the session? Ok. Then why don't we go ahead and go to item 844. Read that first.

Item 844.

Leonard: I bring this resolution to -- today as a result of mayor Potter's request that where bureaus have infrastructure needs that the entire council be involved in that decision. This is a resolution, a codification of a policy that is a sea change of -- for -- for the water bureau in temperatures of its approach to security and protection of its infrastructure. And I don't think that's an understatement to say. What you're voting on today, I'll touch likely on this and then turn it over to our experts who are here, and you're seeing some speaking of alternate means of transportation, you're seeing our security staff using the technology that we're using today out here in the audience to protect our infrastructure. First we're going to do something that I think has caught some people by surprise, but I think as I explain it you'll understand why. We're proposing in this resolution to remove the chain link fence that surrounded the Washington park reservoir for over 30 years. And right inside that chain link fence there is what was known as -- is known as the grand scare case. That has been obscured from the public for a number of decades because it has been overgrown and fenced off, so the public don't think is any longer even aware that it exists. We have restored that. We're proposing via this resolution to remove the chain link fence and allow public access down the grand staircase around the perimeter of the reservoir exactly as allowed currently at mt. Tabor. So if you went up to mt. Tabor right now you'd most likely see runners run can around the reservoir. We will be allowing that kind of access with the adoption of this resolution, but along with some important changes that I don't want to steal dave's thunder, but basically we are going to have more sophisticated surveillance, more cameras, better cameras, we are, the water, going -- water bureau going to take responsibility for shutting the access gate into the park via the road and opening it. Whereas now that's very spotty and it isn't unusual to drive up there at night and have the access gate still open. Our professional staff that you're seeing out here will actually take over the responsibility of making sure cars can't get in after dark and then open it up in the morning. They'll close the access gates to the reservoir itself via the grand staircase in the evening and open it up in the morning. We're going to have water bureau staff who will be the security personnel for all water bureau facilities in the future, versus a contract staff. We believe having water bureau uniformed staff provides the community with dedicated public servants whose career is dedicated to serving the water bureau and its security needs and will therefore become a much more integrated part of a community which is a fundamental difference in our security strategy over years past. We are going to, I'm not going to talk any more about, that I'm going to let dave speak more in detail to that. We are going to begin removing fences from around water bureau property via this resolution that has had been fenced off from the community to maintain the entire property for what may sometimes be just a single water pump. For instance, out of hazelwood we'd have a nearly five-acre site that's been fenced off from the community simply to protect a single pump. We are proposing to open that property up to the community, secure the pump. We've actually -- we are actually having the east Portland neighborhood office that is currently in a police bureau facility move into the vacant building on the site, and the quid pro quo is they provide us security and kind of management of the site during the day. We are improving the site to include a walking track, a community garden. But the idea, which is part of the american water works association strategy, including responsible members of the community to be actively engaged in the property and therefore becoming our eyes and ears. I'm going to let tom clutch talk more about that. That strategy we're bringing not only to hazelwood, but the vernon tank and texas tank and others we

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have identified that we will work our way through in the years to come as our budget allows. Finally, there's a lot to talk about, but i'm trying to give a highlight, finally we just acquired and took possession of in the last few days a piece of property that about the bull run watershed that includes a house. And it just so happens this property and house are just outside the entrance gate on water works road to the bull run watershed. We're actually going to move the entrance gate so it -- so the house is just behind the gate and have for the first time in any of our memories a full-time water bureau security person live at the house. They will actually be -- you can think of as a park ranger. They -- as part of the ability to live there will be really the kind of overall interfacier with the community that we do not have currently at the entrance to bull run. The benefits of that is during days like today and through the summer, we have well intentioned people, but still violating the law trespass into the watershed to recreate, to swim, to have parties, to fish. We'll have a person now there that will monitor that and be available for our people that work up at the head works 24 hours a day, seven days a week, 365 days a week who are currently bynum themselves in the middle of nowhere. Recently we had a frightening security incident occur relative to that which helped reinforce the need to have this person there. Finally, I will close, one of the things i'm concerned about is fire control in the watershed. We have recently acquired, though in very good condition, used, a mini-pumper that we'll have staffed up at the watershed 24/7 throughout the burn season and the rest of the year will be used by the sandy volunteers fire department volunteers as a first responder for them. And the exchange agreement is they maintain this for us, but we'll have a quick response fire vehicles for small fires we may be able to catch quickly. And put out before they cause havoc in the watershed. That's my -- as brief as I could make it, short introduction. I would like to -- eddie campbell is the acting director of the water bureau, david schaff is in jury duty. So eddie, do you want to start off?

Edward Campbell: Good morning. As commissioner Leonard has indicated, i'm standing in for david schaff. Water bureau staff are here to present the resolution that's before you, so my job is to introduce them to my right is dave austin, our security manager, and next to him is tom klutz, the bureau's property and public resource manager. So i'll turn it over to them.

Dave Austin:: Mayor Potter, city commissioners. It's actually a privilege to be here today. And I think the commissioner stole some of my thunder, but a couple things he talked to us early on, we met with the community members about nine months ago, and we left the meeting and he said too me, you know, can we do it? Can we open up the reservoir? He said, I want you to think out of the box. We're thinking out of the box. That's the reason why we have our folks here today. I wanted to -- as I think the mayor probably would remember, i'm probably the wrong person to be talking about thinking out of the box, because we're moving in that area. The segue is a case in point. What's going to happen up at reservoir three, which is the one we're planning to open up and at mt. Tabor, we're going to have folks on segways at mt. Tabor and reservoir three in Washington park. It will be a -- one thing about the segways, you can see, they stand in a high position, they're very visible, and it's a kind of a customer friendly thing where people can get out, talk to our folks, meet and greet, and really the key to what we're trying to do is, we have security folks, like you have police officers for the city of Portland, but you never have enough. So what you want to do is get the community involved as much as you can. You want the eyes and ears out there. That's really the key that we're trying to do. As they come in and they're visiting this site we can educate them about mt. Tabor, about Washington park, and we can invite them to help us to be that security piece, to call in any suspicious activity they see, any issues that come up. We have a 24-hour number that we constantly are giving out. I want to introduce, this is my security coordinator, roger, and I failed to do this, but the two folks back here, the person on the segway is debbie swisher, our security specialist, and the person on the back is chad withrow. The card we gave out is what I call continuous community involvement. We're constantly reaching out, we've done this since i've been here for two years, we're constantly reaching out to the community and asking them

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for their help. This card is given out to members, say we have a 24-hour number, if you see anything at any location, any water bureau resource, please call us. We'll come out, we'll respond, and if it's a police issue we'll call the police. And this is working out very well. We're going to build on that at Washington park. We'll be not only giving the cards out, we'll be giving out the brochure which ed indicates them about Washington park and invites them to call us. The commissioner mentioned something about the gates at Washington park. Washington park is being closed by the police. But of course the police are not always available. They have other things to do and the officer that usually closes them is tom james and officer james does not work 24 hours a day, nor is he there every day. So we're acting in a backup capacity to the Portland police bureau to close the gates. So the gates now are being closed every evening by us, or by the police. And they're being opened by the park bureau. So that's one thing we're doing to enhance the security up at work park. We're also exploring closing the gates at mt. Tabor in the evenings to vehicle traffic. One thing that we're doing also is with our security personnel, is we're enhancing training. One of the things I want our folks to do is do more community outreach, so in the next few days we're going to be doing more training in that area and of course everyone will be trained in the use of the segway, and I think that's going to help with security issues. The other thing I brought over as my other former self from the police bureau was a concept called direct control. One thing we're doing within the water bureau now is we're reviewing calls for service and looking at places that would be considered hot spots. Currently call locations, and we also of course have certain priority areas we want to check on a more frequent basis. Because we have to prioritize. And so we are looking at those areas and we're going to be making sure that our patrols are making sure they're making mere frequent visits to those particular sites. And again, that frees more time up for folks to be at Washington park and tabor because of the directed patrol concept. Another thing that -- I also worked for the office of neighborhood involvement, and one of the concepts which I think is very important to the water bureau properties is what we call crime prevention through environmental design. And what this basically does, one thing that's happening right now, up at reservoir three at Washington park there's a lot of trimming of bushes, a lot of modifications, and what crime prevention through environmental design does is not so much about the fences, but it's about line of sight. We want our security staff to basically have a clear line of sight and also it allows the community to see into the reservoirs to help us be those eyes and ears. So there's a lot going on up there at mt. Tabor -- at Washington park right now with the theory of environmental design. Finally, to try to wrap this up, which I think is probably the most important piece, as far as security, it's that community partnership. It's the partnership with the police, it's the partnership with office of neighborhood involvement, it's the partnership with the parks bureau, and it's the -- most importantly it's the partnership with the community. As the card says, our motto is work can together to protect our water. It's everyone's responsibility, it's not the water bureau, it's the not the police bureau, it's everyone's responsibility to protect our area. -- water. So we need everyone's help. We're trying to do outreach to organization that's are already existing in Washington park. They're already doing events up there. There are phoenix who are doing escorts and ambassadors at the rose gardens, we're tapping into that. There's folks at the holocaust who are also there, so we're trying to identify those groups and we want them involved in helping us to provide those eyes and ears for us. We really would like a model as similar to mt. Tabor foot patrol. That model is unbelievable. They've been given a lot of city awards and recognition. They deserve it. If we could come up with another foot patrol like that, it would mean -- be incredible for the community, the water bureau, and the police. That's basically about it. I would entertain any questions. I guess would we do that later or now?

Potter: I'm not familiar with the fence around Washington park, but I am with the one around mt. Tabor. Are you take down the one immediately --

Austin: No, those would stay. All those fences round the reservoirs would stay.

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Potter: Good. I was concerned about that.

Leonard: Those are iron wrought fences, they're identical in both places. Additionally, Washington park has a cyclone fence that keeps you back from the wrought iron fence.

Austin: And I think part of the proposal, we may want to look at wrought iron fencing versus the chain link fencing. So we're still in discussion on that point.

Potter: Have you allowed commissioner Leonard to ride the segway yet?

Austin: Actually, I was talking to my immediate boss yesterday, and that was brought up, how come we're not invited to this? They are invited. Mayor you can come over too. We still have training to be done.

Leonard: The mayor is trying to get me to ride his. He's been testing an electric wheelchair, and so i'm -- both he and I are going to be using wheeled devices to get around pretty soon.

Potter: Further questions from the council? Did you wish to make a statement?

Tom Klutz: Good morning, mayor, commissioners. Tom klutz, i'm the properties and public resource manager for the water bureau. I'm here on behalf on just adding the point commissioner Leonard and dave talked about in removing fences. And talking about our properties. Again, the theme of the talk is the eyes and ears, our community is the eyes and ears of what we have out there. It's our water as dave pointed out. It's out of the box thinking. When I first came, we started talking about take down fences and utilizing some of these properties, people looked at me like I was crazy. We've had this for years, we've had fences up with no trespassing signs, there's no way you can pull down these fences and let people come on our pump sites, in our pump sites. After looking at our concept and the charge that the commissioner has and the idea of allowing citizens to use our facilities the role that I have as developing hydroparks and allowing citizens to access these properties and facilities makes a lot of sense. And i'm here to point out what we're doing and why that makes sense to take down some of these fences. There's a few properties mentioned here, hazelwood and vernon tanks and texas tank, and the commissioner talked about our water works road that we've just purchased. All these facilities besides the water works road, hazelwood, vernon, and texas all have fences. They have really no access. They have no trespassing. We have gone out to the communities and talked to the folks and said, look, at hazelwood we've got this beautiful facility, but it's got a fence, it's got wells, it's got a building on it. How can we best utilize this beautiful piece of property and make it available to the community? We take down fences, we refurbish the building, moving the east Portland neighborhood office into that building, they'll be there every week starting in august, monday through friday. We're developing and creating security -- better security access points for our folks in the field. At that building. And by taking care of looking at the wells and making those emergency access points in case after catastrophic event, we have also said, citizens, you are the best eyes and ears for our facilities. If we have the fences down and we put parks in there and communities and we allow you to take your dogs out there and run them, you're going to have a better idea of what your neighbor is doing as opposed to just looking over at that fence and saying, there's a stray car over there, it just park there'd for the night, who cares. You know when you're in your own neighborhood you kind of get a sense of what your neighbors are doing, if your next door neighbor's lights are off, and four days in a row and they're generally on at night you're thinking, something is going on, they must be on vacation. Same kind of concept with our parks. You'll see people out there utilizing it, you'll see something is out of joint, how come that box is in the middle of the park. Neighbors will be mobilized and energized by what we're doing. They're taking an input of what we've established in front of them by saying, what can we do, and they've come up with the bad and the good solutions of what can occur if we put in a softball field or soccer field. They're saying, it attracts the wrong crowd. Now they've taken a proactive approach to looking at that piece of property and saying, yeah, if we don't do the soccer field but we put in a community garden, we attract this type of person, it will be better for our community, our immediate surroundings in the long run. So we've listened to what they've said

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and now we're trying to make those things happen. It -- in one instance texas tank, a smaller piece of property, we are doing the same thing except in this instance I think it's going to be more of a community gathering place. We're putting in a picnic table and benches, and I think neighbors are probably talking to one another more than they would have otherwise. Because it's right in the middle of all the homes in the area. And someone will speak on this later, those neighbors are so energized about doing it, they've actually volunteered their resources to put it together. You drop off the mulch for the paths, the trees, but you dig the holes, we'll plant them. We'll put it together. Because it becomes an aspect that's -- that it's mine. We all know with pride comes protection. If I am really prideful about something that i'm going to protect it. A new car, a new house, whatever it is. And that community you can definitely see that that's what's going on. In all assets we have, we've had because of what we've done with opening fences, other neighbors are hearing about things. Just this last week we got a phone call for another piece of property that asked us, can we open the gate for neighbors night out. It's not on the actual night out, which is august 1, but it's a saturday night and the neighbors want a picnic, a nonalcoholic of course program to where they get together, have a big picnic, a barbecue on site, and utilize the park for the community. And of course we're going to allow that, because we're going to make sure it's safe, they're there, they're eyes and ears, they look at that as a nice place to gather. Again, all these activities add up to creating an open environment. It creates a place to come and visit. Instead of having the fences and the barriers and the no trespassing sign, you send a different message. That message is stay out, do not enter. And of course we're trying to change our mode of operation in looking at our properties. So in summary, i'm hoping you'll consider the security plan as a vital part of keeping our communities safe. Taking down fences only allows neighbors to be more vigilant on their total surroundings. In our minds I think that's the water bureau's complete goal. Thanks for allowing me to speak this morning.

Potter: Who can address the financial issues?

Austin: Which part.

Potter: You have stopped contracting for security services, and you're implementing these service the. What is the difference in cost to the water bureau for this?

Austin: Our budget basically, we had in our contract budget it's going to basically about the same, there's really not much difference in the budget between the contract, because we're going to be doing things a little differently and more efficiently.

Leonard: This entire initiative was an integral part of our budget discussion. I see some community budget members here, so this -- these are great questions and they were thoroughly debated and discussed in the budget that came forward.

Potter: Other questions from the commissioners? Excellent presentation. Thank you.

Leonard: Thank you very much. Thank you to our security folks. Appreciate it.

Leonard: The segway is cool.

Moore: We have 10 people signed up.

Potter: Please state your name for the record. You each have three minutes.

Joe Angel: Thank you, mayor and council. I'm here to thank you for this resolution. It's something that our community has requested for many years. We had two concerns, one was the security that was happening in the park and around the reservoirs for years, was spotted. -- spotty. I'll never forget when I wrote bud clark a letter and told him there was drug dealing going on up in the park at night and he said that couldn't be, so I started taking down license numbers and taking pictures, and little by little we got that problem cleaned up as long as the gates were closed. The other issue, as a community we wanted to not only access the trails around work park, but also access the trails around the reservoir. And we felt that we could be your eyes and ears about making sure that that resource was protected. We don't know what decision brought the chain link fence to us, but we think it was ill advised, and we think the way to do it is what is in your proposal

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today. So usually i'm here talking to you about why I think you have fuzzy thinking, but today I would like to simply say thank you, and applaud you for taking this step, and I can guarantee you that the residents of arlington heights will be your partners in making sure that this is successful.

Frank Gearhart: My name is frank gearhart. Mayor Potter, commissioners, I want to thank you for taking the initiative to plan for security for the reservoirs, and in the city and also for including the bull run for additional security, fire prevention, and suppression. Yesterday I received a phone call from a consultant, and he was concerned about some inadequacies of the 2006 fire plan. The public water users have submitted requests for amendments to the draft 2006 fire plan for the bull run, i.e., stepped-up security, fire protection, and suppression. And I listed -- this is a short list here, fire prevention, keep the public out of the bull run watershed management unit during the fire season. And that includes all the buffer areas. Number two, the pacific scenic trail within the unit will be subject to closes doing higher fire danger. Number three, no smoking in the unit during the fire season. Number four, adequate equipment for fire suppression will be within the users at all time during the fire season. The lookout will be staffed during dawn to dusk, seven days a week during the fire season. Number two, ground controls to cover areas not having adequate surveillance from the hickman lookout. Number three, have adequate staff for detection and surveillance during the fire season. Do not rely on public for early detection. Several times in the past the publics have sounded the first alert because no one was on duty. And there was two fires in the bull run area in recent years, bull run lake. And then three here, on fire suppression, helicopter with a water drop must be at the fire site within 20 minutes following detection. The consultants tells me that's a must to get on the fire within 20 minutes. Until two, ground crews will attack the fire as soon as possible following detection. And number three on the suppression, no use of fire retardants will be allowed within the unit. Thank you in advance for updating the fire plan.

Potter: Thank you.

Kathryn Notson: My name is kathryn notson, I am from the south tabor neighborhood association. I'm not going to read my entire letter. I'll try to summarize some of the major points I have. I oppose opening the chain link fence around Washington park reservoir as it will give people more opportunity to throw objects into the open reservoir. I went there the afternoon of june 14, 2006, after the ivy had been removed from the stairway, I saw five glass or aluminum beverage containers on the north slope inside the fence and three beverage containers outside the fence. In recent years in the last year and a half there's been at least three other incidents of object that's have been thrown in the reservoir that I have been told about. I'm concerned about what I call the hurl factor, when people throw things into the open reservoirs. This continues to be ignored and encouraged by opening public access to reservoir three. Secondly, on the mt. Tabor parks security plan, it sin complete. There has not been any written agreement yet between water bureau and parks as to who's going to unlock and lock the pipe gates at mt. Tabor gate as of june 14 last week. I only know after draft plan at this point. My discussions between the parks and water that have not been cleared up yet. I also have some security concerns about the thoroughness of the coverage, particularly in the wee hours of the morning. I plan to discuss this further with the water bureau security. There are three incidents that I discovered in a public record with the drinking water program that concern me, which also have to do with the hurl factor. One was a telephone call which was a threat saying that someone had defecated in the mt. Tabor reservoirs in january of 2002. Second, was the drown can, january 2003, of a man in reservoir five. The third incident was a teenager seeing swimming in reservoir five on -- in may of 2005. These are contamination events. But none of these people, none of these hurl incident factors, no one has been arrested or imprisoned or fined under the 1986 safe drinking water act amendments allowing people to be charged for these incidents. These are not risk mitigation plans that could be acceptable by the u.s. Environmental protection agency. And I feel this is something that really needs to be looked at, it is not. Thank you.

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Potter: Thanks for being here. Please state your name for the record. You each have three minutes.

Jeff Boly: Good morning. Jeff Boly, president of the Arlington Heights Neighborhood Association. For over 30 years as I've traveled past the Washington Park Reservoirs, often on a bicycle, I have been particularly aware of the extremely bumpy road that surrounded it, and I have often regretted both the bumpy road and the fact that the public has been denied access to what is perhaps the most magnificent public monuments that the city has. And it seems to me that there's also been something of a correlation between what I see as the two main problems, a bumpy road and a distance from the public, and the relationship between our city government and our neighborhoods. And I am absolutely delighted that what I have observed over the last two years has been a major change in that relationship, and I believe that has come about because of the major and sincere and great effort of all five of you. And I want to tell you how much we appreciate what you're doing, and so we see of course we are very much enjoying the new paving around Lewis and Clark Circle that has such a joy to travel on, we think that having the public access to these magnificent monuments is going to be terrific. But we are also extremely grateful for how that came about, which has been the major change in attitude and approach towards the wishes of the neighborhoods. And we think it's highly fitting that as we enjoy these changes, as we travel around this wonderful new road and have this public access, that we will be reminded that the reason why it's come about is because of the great work that you have done to improve this relationship. So on behalf of our neighborhood association, I very much want to extend our thanks and appreciation.

Linda Robinson: Linda Robinson, I'm parks chair for the Hazelwood Neighborhood Association. And I want to support this resolution. A couple of points I want to make. Those of us who live in outer east Portland, most of us were annexed to the city in the 1980's, and we are -- we have very limited park and recreation opportunities of the parks that we do have, less than one-third of them have any development on them at all. So opening up these water bureau properties will provide some recreation opportunities that we won't otherwise have. One reason that we have -- we have a number of water tanks and water bureau properties out there because before we were annexed, we had a three or four separate special water districts which most of which have been dissolved and incorporated into the water bureau, so these properties are underutilized, five acres for one well is -- there's a lot of excess property, so we really appreciate that. The other point I wanted to make was that the other -- the one large open space that we have in our neighborhood is the Glendoveer Golf Course, and about 20 years ago when they proposed, there were problems with safety and the woods that surround the golf course, and the county put in a walking trail, and that trail is so popular and so well used, that it really is peer monitored. There have been no problems in the last 10, 15 years that I'm aware of on that trail in terms of people feeling safe and secure. So there really is a lot of merit to the idea that good, appropriate public use of a property really can help with security and safety, and that has been a real prime example in our neighborhood.

Potter: Thank you.

Scott Fernandez: Scott Fernandez, I'm here today on behalf of the Portland Utility Review Board. From the beginning the Purb has supported keeping and maintaining the deep open reservoirs during 2004 during the independent review panel process, the Portland Utility Review Board had a voting member on the board, or during the process. Purb has supported the independent review panel final decision that included keeping the open reservoirs and increasing security. We believe this is a well-timed and necessary step forward to move towards increased security, public availability, and interaction, and we'd like to thank Commissioner Leonard and the City Council for moving this forward.

Potter: Thank you, folks.

Potter: Thanks for being here, folks. Please state your name. You have three minutes each.

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Cascade Anderson-Geller: Good morning, i'm cascade anderson geller, I live at mt. Tabor, in the mt. Tabor neighborhood. I'm a founding member of the friends of the reservoirs. I'm here to thank you very much for this resolution. I think it's as has been said before, a very good move and a really good move in the right direction. I was concerned that we were going to have to wait a lot longer to get the fences in Washington park addressed. Back in the 80's - 1984 the city was given a lot of money to, by the state, to inventory historic properties. Out of that money, some I forget the sum off the top of my head. It was a lot of money. The city came up with an inventory of the historic properties. 51,000 properties or so that should have been listed on the national register, of those 5 - the reservoirs were in the top 5. So were really happy to have been a part of the process in getting the reservoirs on the national register. These properties are some of the best standing public works, waterworks in the nation and probably in the world, I would have to say. I had to do a lot of research on this when I was working on those nominations, and they stand alone, really. They probably could be considered national monuments, not just national registered properties. So I am really happy when we can utilize these in the way they were designed in the city beautiful way. They were designed to get people there, to get the eyes and the hearts of the people. That's why they look the way that they do. In order for us to continue to have that kind of relationship, we do need to continue to have access. Also although I am in favor of other kinds of security that cost a lot of money, this kind of security is very cost-effective with just using the citizens. The feds have spent a lot of money looking into security on the borders, for example, with motion cameras and all kinds of do-dads that cost a lot of money and provide contracts for somebody out there but not best for our taxpayer pockets. But these haven't worked out well. I think this is very cost-effective and a great move on the part of commissioner Leonard and of the city council. Let me just check my notes here. Oh, I thought that the quote that tom klutz had, "with pride comes protection," that's a motto -- that's what inspired the friends of the reservoir to get involved was the pride in the reservoirs and our water system and in our entire water system and to close the move to get that housed, to get somebody living up there on the bull run is great. And I want to remind the city commissioners that mt. Tabor has a house within the park that is a rental house. That is at the salmon street entrance. I will finish up here with that. That we have recommended in the past that that be used for a ranger-type person again as it was built for to increase security at mt. Tabor and the parks has a elevator of these kind of houses throughout the city that I think should also be looked at in these days and this security climate. Thanks a lot.

Chris Dearth: Hi. I'm chris. I am here in my private capacity as a neighbor of the texas tank, although we would prefer not to call it the texas tank. We would prefer to call it the lowdon crest park because of the bad connotations texas brings to our neighborhood these days. [laughter] but that said, commissioner Leonard, we would like to thank you for your initiative here to open up these parks. It's not very often that in our neighborhood, anything is unanimously supported. But in this case, it's safe to say it is unanimous and the support is ecstatic for this. We have been trying for decades to get this park property open up and you have made it happen very quickly. Your staff has a been a pleasure to work with. They established a great partnership with our community. We have engaged dozens and dozens of people in our neighborhood in planning this park. And I think tom klutz is absolutely correct that this is absolutely the best security we can have for this tank in our neighborhood because the moment those fences came down a couple of weeks ago, the park was filled with kids and families. That park is used almost all hours of the day. It's the best security you could ever hope for. The neighborhood owns that park now. And will be there all day, every day and so it's terrific idea. We thank you for it.

Floy Jones: Good morning. I'm floy jones. I am a mt. Tabor resident and I am also a founding member of the friends of the reservoir. First of all I would like to thank commissioner Leonard for all of his efforts over the last year as water commissioner for taking time to understand and appreciate our unique and wonderful bull run water system. It's clear to me that you have

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developed a great respect for bull run and for the water bureau personnel who work very hard to take care of this great system. This is reflected in the water bureau's new motto and forgive me if I don't get this quite right but I do believe we have delivered the world's best water at the best possible price. Very much appreciate your efforts. To educate the broader community and I want to thank you for the recently held community field day. It was a great effort, a great success. And bull run is one of our most precious resources and we should all take the necessary steps to preserve and protect it. And I look forward to the day when I see all of you only drinking bull run water while sitting at the council bench. It will truly be a day of celebration when the gates at Washington park reservoir are open and it sounds like they may already be so we can all enjoy and appreciate the beauty and engineering marvel of our open reservoirs and be participants in securing and preserving this most precious resource. And it will be another opportunity to educate the larger community. Water quality, security, preservation of historic resources and costs, these were the four areas of focus of friends of the reservoir for the independent review panel. And I think that today's resolution, positively addresses those areas of concern. Commissioner Leonard knows getting the best value for each dollar spent is very important to me and I think we have balanced cost and benefits here. For years, the friends of the reservoirs have advocated for additional security and water quality protection measures. Specifically have supported real time, a real time monitoring system that would protect the entire system and you will continue to hear my advocacy for that in years to come. Perhaps next year at this citizen budget committee. So in closing I would just like to again thank you. I think this is the right direction and I look forward to seeing you all strolling around the reservoir.

Moore: That's all who have signed up.

Potter: Questions from council? Call the vote.

Adams: Community based security of the reservoirs combined with better access to green natural open spaces. I would say it's a brilliant proposal and want to commend commissioner Leonard for moving it forward. Aye.

Leonard: Thank you. I certainly want to thank dave Austin who I don't think has been clearly stated as a retired portland police bureau lieutenant. So he brings with him not just the ability that he's demonstrated to think outside of the box. But really vast experience in public safety so I really appreciate his focus and work on this because without his help we couldn't have brought this altogether. Tom klutz has come on board in the last year and has really for the first time caused the water bureau to focus on its properties, its assets and how to best utilize them and I appreciate very much his work. And eddie campbell as the acting director is also the head of our resource protection program has brought really a refreshing different approach to that area as well. I am going to thank very much the community, their patience with me as I got up to speed on some of these issues, and the support that they have given in this new direction. I think the water bureau is, has chartered a new course for itself that hopefully will not change, notwithstanding the political changes that may occur up here on this side. My goal is to make it a bureau that runs the way you are seeing it run whether I am here or any of us happen to be here. But that it is a culture within the bureau to work the way it has been in the last year with the community. And I appreciate the water bureau very much and the new approach that they have taken on all of these issues. Aye.

Sten: I want to thank you commissioner Leonard and the team and the community members. It's been a lot of years you have been working on this and I think it's all been said so I will say it's a much better approach and I will excite the about it. Aye.

Potter: I certainly want to thank commissioner Leonard for his leadership on this. The discussions about the water bureau are a lot more pleasant than they used to be. And I appreciate his leadership. I appreciate david austin's leadership on making these sites community police safe and as he was great a assistant to me when I was police chief. I can tell you he is a great assistant for you. Thank you dave and all whole staff. I want to see the grand staircase I have never seen.

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Leonard: I want to apologize. I overlooked one thing when you said that reminded me. We continue on the passage of this we are having a grand opening of the grand staircase July 10 at 1:00 p.m. at Washington park. So I hope everybody can get that on their schedule. I have the distinct pleasure of also letting you know that we will have a bagpiper there, a water bureau person who plays bagpipes who has chosen to play the uniquely Portland song, "Louie Louie" on the bagpipes to commemorate the opening of Washington park so it doesn't get any better than that.

Potter: You know, Handel also wrote a piece called "Water" so you could always play the water part from Handel and appease the rest of the people. But anyway, good job, folks. Vote aye. Now we are going to revert back to our original schedule. Could you go ahead please and read item 835.

Item 835.

Jeff Baer: Good afternoon, Mayor Potter. I'm Jeff Baer with the Bureau of Purchases and before you I will make my remarks very brief and I have had a full morning. Is the purchasing agent report for the Burlingame Sanitary Trunk Rehabilitation Replacement Project for the Bureau of Environmental Services and the contractor has been selected as Dunn Construction Company at a total amount of \$2,553,164. And one of the things you will probably notice on the report is a fairly low participate pans of subcontractor at about 2.2%, and we have had a couple of discussions with the contractor and they have already committed to doubling the amount of trucking to the subcontractor, who is a minority-owned firm and a number of different firms they are looking at in the different clearing, grubbing, erosion control and exclusion zone fencing so we are actively working with them to continue to increase that number. So with that I will stop. We also have representative from B.E.S. here in case there's any technical questions that might come up.

Potter: Questions from the commissioners. Thank you.

Baer: Thank you.

Potter: Motion to accept the report?

Sten: So moved.

Potter: Second?

Adams: Second.

Potter: Call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 836.

Item 836.

Jeff Baer: Good afternoon. Jeff Baer with the Bureau of Purchases. Mayor Potter, members of city council, and before you is a purchasing agent report to award two different contracts. One is to don Thomas Petroleum for the low sulfur diesel and also to Star Oil Company for the remaining gasoline ethanol blend fuels. The ultralow sulfur diesel and also the biodiesel fuels and working with in conjunction with city fleet, we issued a request for a proposal and had a five-member evaluation committee look at this. The responses that we received in the R.F.P. It did talk about the preference for the city to support agriculture grown in Oregon, and to continue to work with the suppliers to increase as we found it, there wasn't a large area in Oregon in which that was available. But I think it's in its infancy stage which we want to continue to work with them and boost that up. With that I will stop and address any questions. We have a representative from city fleet in case there's any questions.

Potter: Questions from the commissioners?

Adams: This covers transportation, obviously?

Baer: Right.

Potter: Thank you. Hear a motion to accept the report?

Adams: So moved.

Leonard: Second.

Potter: Call the roll.

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Adams: Thank you, jeff. Aye.

Leonard: Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 837.

Item 837.

Jeff Baer: Mayor Potter, city council, jeff baer with the bureau of purchases. This, too, is a purchasing agent report to request awarding a contract to precise parklink and this is to furnish the smartmeter reader receipts for the smartmeter reader operations for providing parking customers with a receipt after they purchase their time for the parking on the streets. This went through a two-stage solicitation process. We went through a qualification process which we looked at the different forms and then once we short-listed those firms we went to a request for proposal process and we are requesting awarding the contract to precise parklink of toronto, canada. And one of the things that we took advantage of was to using the request for proposal process was to look at the requirement to have the prime contractor work with or create a joint partnership or a strategic alliance with a local firm and in this case they have chosen to joint venture with a, with featherlite industries who is a local minority business enterprise to perform part of that service. I think you might have, we have bruce feathers here to address that. I think he will provide some testimony later on.

Potter: Thank you. Questions?

Adams: And these are edible receipts as you promised earlier?

Baer: Not edible yet. Perhaps recyclable. I think that's been brought up at the last council meeting and ellis mccoey is here from p-dot who can address that in terms of being able to go to a recycled content.

Potter: I think they are considered pass through thermal, aren't they?

Adams: They are? No, we had that discussion earlier. Thank you.

Potter: Bruce, did you want to make any comments?

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

Potter: Good morning.

Bruce Feathers: I'm wearing a few hats this morning. I am the owner of a minority owned firm here in Portland. I am also a member of the small business advisory council, and I am a co-lead on the bureau innovation project number 13, which seeks to increase procurement opportunities for minority and women owned and emerging small business. But I wanted to just take three things in relation to this contract. Notwithstanding that impart of it, I just want to support it in this manner. Number one, initially, the contract for these receipts were sole-sourced. And today, as you know, sole-sourced contract are clearly the enemy of small business development. And with this process that the city engaged in, created an opportunity to turn into a subcontracting opportunity whereby large national prime contractors were required to, weren't required but were strongly encouraged by the point allocation in the r.f.p. process to utilize local minority businesses. And the second thing I want to say in regards to that, that this is very consistent with the recommendations which are forthcoming under the bureau innovation project number 13, where we are taking a look at again an increasing opportunities for minority and women-owned emerging small businesses and those recommendations seek to create bona fide, programmatic supplier diversity program where, again, in r.f.p. structures, that there are points that prime contractors are competitively seeking to obtain if and when they utilize local minimum-owned, women, and emerging small businesses. And I want to say that historically, being deeply involved in this bureau innovation project as a co-lead, we all realize that the city has a dismal record in this area. And that's for all kinds of reasons. But I believe that we have discovered an -- a way to revolutionize the performance of the city in contracting with this constituent base. And not because this small group could become prime contractors, but because of our now found ability to ask the current large prime contractors to carve out some of that contract for local, again, minority and women-owned emerging small businesses.

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So in this particular case it was very successful and I think you will hear more about that in forthcoming. Thank you very much. And by the way, thank you, mayor, for having the courage to make this one of your number 13, because again, you are going to see a lot of progress we have made in this area.

Potter: Good. Thank you.

*******:** Questions for me?

Potter: Is there a motion to accept this report?

Leonard: So moved.

Adams: Second.

Potter: Call the vote.

Adams: Aye. **Leonard:** Aye.

Sten: That sounds great. Aye.

Potter: Aye. [gavel pounded] please read item 838.

Item 838.

Potter: This is a second reading only. Second reading means vote only. Please call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: I want to thank the business community for working with us. This is a significant amount of money, \$9 million over two years, and they're voluntarily going along with this recommendation and I appreciate it. Aye. [gavel pounded] please read item 839.

Item 839.

Potter: O.m.f. staff? Could someone ask o.m.f. and have someone come over for this? This is a large amount of money and I want to make sure we're -- let's move to -- oh. Ok.

Jeff Baer: Since impart of o.m.f. I am just address this real quickly. This is just the ordinance that supports the purchasing agent report that was accepted as item 836. So it's just the ordinance to do that.

Potter: Thank you for the explanation. Emergency vote. Please call the roll. I assume you will remind me if there's some signup sheet or anything but looks kinds of sparse out there right now.

Moore: I'll try.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] item 840.

Item 840.

Potter: Second reading only. Oh.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] item 841.

Item 841.

Potter: Commissioner Adams.

Adams: Thank you, mr. Mayor. Vicky diede is here to provide a quick overview and answer any questions.

Vicky Diede: Good morning, for the record I am vicky diede with the office of transportation. I am the city's project manager for Portland streetcar. Excuse me. The approval of the resolution of intent before you will initiate the local improvement district proceedings for the lowell extension project. We will send out notices to property owners on the preliminary assessments and then indicate there will be a public hearing on july 28. I think I will try to keep it brief. The total assessment it calls to be a maximum of \$4.8 million. And it will be used for streetcar capital improvements only. The total estimated cost of those streetcar only improvements is \$8.2 million so the l.i.d. is providing a little over 58% of that total. The project, however, includes an additional \$5 million so we can complete the build outs of the streetcar improvements. Assessment rate is, and a provisional rate of \$3.23 per square foot of land area times the distance factor which goes from one, if you are immediately adjacent to the alignment and zero if you are quarter mile away.

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The other salient factor of the resolution is that there is a provision for allowing a property owner to assign a portion or all of the l.i.d. assessment on one or more properties within the district to another of their properties within the district, or even between property owners if they agree to this in writing and they do so under terms and conditions that have been developed by the city. And those conditions call for specific time lines, requirement that the reallocation does not exceed 50% of the true market value of the property, and that there be a disclosure of any environmental issues with that property. And those are the salient features of the resolution.

Potter: Could you explain why they would have that agreement between a property owner assigning to another piece?

Diede: It has to do with the fact that this is, this request came specifically from an north macadam investors. It has to do with the fact that they believe that the people who were buying residences in there, their sales price of that residence should cover any of the developer's l.i.d. Commitments. I'm sorry. Say that backwards. They believe the sales price of the condominiums within the district already includes in that sales price any requirement for l.i.d.s for the district. So they believe it's their responsibility as the developer to pay that money and not pass it on to the condominium owner. And by being able to give them this ability to reassign the l.i.d. It stays within the district. The amount doesn't go up or down and they will pay it that way. Did that make sense?

Potter: It does. What would be the result, though, of them building a developer building a condominium and assigning the tax to another property that won't be developed for 10 years? Does that then mean that we won't collect the l.i.d. For 10 years?

Diede: No. The l.i.d., the assessments will be made when the project is done. And that assessment will add up to \$4.8 million regardless of the properties where it's ultimately lands. So we will collect that amount.

Potter: Are there any other participants in the payment for the streetcar?

Diede: From what standpoint?

Potter: Is any federal monies being used?

Diede: Yes. We have -- there are a number of different sources besides the local improvement district. There are for the central district streets there are p-dot p.d.c. resources that had already been assigned to do those streets. We are taking on that work just to make this more efficient. There's additional money from housing and urban development grants. We had some savings from the gives extension project that we are applying to this property or to this project. And then the big one, of course, is the connect Oregon grant. And the connect Oregon grant will be announced on july 19. We did find out yesterday that the consensus committee has made a recommendation to the Oregon transportation commission and we are on that list. And I am paranoid enough I went and added up all the numbers for all the people who on the list and it adds up to the money they have. So I think that's good. They are not looking for additional cuts.

Adams: That is good.

Diede: They will have a public hearing in boardman next week and then at the o.t.c.'s regular meeting in salem on july 19, they will make their final selections.

Potter: Thank you. Thank you very much.

Diede: You bet.

Potter: Further questions? We have any signup?

Moore: I did. No one signed up.

Potter: Ok. It's a resolution. Please call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 842.

Item 842.

Potter: Commissioner Adams?

Adams: Go ahead.

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Bob Haley: Commissioners, I am bob haley with the office of transportation. What you have before you is something that usually comes on a consent item. And that would be for sky bridges or major encroachments. Should the city engineer recommend approval and the design commission recommend approval. In this case, we have approvals from both of those bodies but this arcade on east burnside raised some issues that the current policies don't really clearly address. The encroachment policy the city has from 1982 really looks at tunnels and sky bridges, and sort of discourages private use of the public right of way. However, we had in 1982, a design guy line in the central east side that encourages arcades on east burnside. So our codes are kind of a little schizophrenic. One says discourage, the other says encourage. The applicant has had to go through quite a lengthy process to get to this point. So while we are reasoning approval, there's a second part that the design commission felt strongly about as well as staff that we wanted to ask the council to direct office of transportation staff in the design review staff of bureau of development services to sort of take some time and come up with very specific guidelines and standards for arcades on east burnside only. The only standards that are out there is one paragraph long and it really says "encourage them." some of the issues that came up were what do we do with street lights? We have arcades. There's no room for the street light near the curb. This project resulted in removal of a couple of good-sized street trees. We want to take step back, take a look at all the planning that's going on for burnside, sort of wrap this arcade and where they are appropriate, how many of them should there be spacings. And then amend title 17 to create a simpler process. Currently we have one for oriole windows which are essentially bay windows over the right of way. There are clear standards of those. If you meet those standards and the design commission approves them, you can just, you get approved through your design review. We want to create something similar for arcades on this limited section of east burnside where you meet the standards, you get design review approval you don't have to go through this major encroachment review which ultimately needs city council review. So there's two actions before you. One is to approve the arcade and the other is to direct transportation staff to come up with clear standards to arcades.

Adams: I want to thank you for being responsive to the direction that I gave you and the bureau about a year ago. This was controversial within the bureau. But I believe that is in keeping with the city council's approach to support the unique attributes in every neighborhood and a key and very unique at tri-beauty for east you were side is the arcade buildings. And my understanding is that they were the result of widening of burnside and so the arcades were actually carved out of the buildings as part of widening it all the way to the edge of the buildings. So I think this is in keeping with what's there. It will be unique to this neighborhood. We have got a great project moving forward. This allows an arcade project to move forward and the further work that the council will direct to you do will make it easier for everybody in the future. Thank you for your work.

Haley: You are welcome.

Potter: Questions from the commissioners? I personally like those arcades along there. I think they look nice and they certainly fit within the community. This is a nonemergency. Moves to a second rita. So we won't be voting today. Is there a signup sheet on this?

Moore: I did and no one signed up.

Potter: Ok. Please read item 843.

Item 843.

Leonard: This is to be sent back to my office. I want to say a couple things first. Make sure that everybody knows who it is we are talking about, curtis salgado is, for those of us who have lived in Portland for any amount of time, is a world class rhythm and blues artist who is one of the most outstanding singers notwithstanding the fact he comes from Portland, you will ever hear. He has been diagnosed with liver cancer. And as a result, is in an intense fund raising mode. So if you look on his schedule on his website, curtissalgado.com you will see on the date, today's date he is at a concert. So because of that miscue I wanted to, we are trying to coordinate with this very, very

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busy man who is at the same time trying to raise the money he needs for his medical treatment, and this -- we will not be doing this justice if we can't have curtis here at the same time along with some of the Portland's most prominent blues artists and fans of curtis so I am asking that we sent this back to my office until we can get a firm date that curtis himself can be here and we can all celebrate curtis and pray for his recovery, which I am quite confident that, given the amount of support that he has received, he would be the first to tell you is overwhelming but also financially been very helpful. So if we could refer this back to my office I would appreciate it.

Potter: So done. Please read item 845. It's an emergency vote.

Item 845.

Potter: Is anybody from parks bureau here?

Moore: We do have someone for public testimony.

Potter: We do. Ok.

Moore: Cascade anderson geller.

Cascade Anderson Geller: Hello again. I'm cascade anderson geller. Mt. Tabor neighborhood. I just happened to see this item on the agenda and thought I would stay for it to speak in favor of it. And I also wanted to mention that part of the reason that this move has happened within parks is because of the work that the friends of the reservoirs and mt. Tabor neighborhood association did with getting the reservoirs and the consequently after that mt. Tabor park on the national register, so it's a good, I should maybe thank commissioner Sten for starting us out on the reservoir replacement project, that garnered a lot of energetic volunteers within our community to get involved with the very important resources that Portland has. I think that the work that -- i've looked at 9 draft that mr. Willingham has done, dr. Willingham has done and I think it's a move in the right direction and I think it should be broadened. I think that his, this kind of record could be, in other words, the water bureau properties could be included in that. It doesn't have to be just parks. Also one of my concerns that I have raised with the people involved in this is that landscape, historic landscapes are not really being addressed. They feel that landscape is very difficult to work with and I believe that there should be more -- the landscape piece should be strengthened where using the federal guidelines that are in place with the national parks service. And so, you know, I am talking off the top of my head here because I didn't know about this resolution but I think it's a really good thing to have Portland understand its history and look at its resources carefully and have a plan, a master plan that helps us to care for our very important historic resources. So thank you.

Potter: Thank you. This is an emergency vote. Do commissioners have any questions they need answered before we vote? Please call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 846.

Item 846.

Potter: Second reading. Vote only. Please call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] recessed until 6:00 p.m.

At 12:35 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.

Key: ***** means unidentified speaker.

JUNE 21, 2006 6:00 PM

Potter: Karla, please call the roll.

Adams: Here.

Leonard: Here.

Moore: Saltzman, Sten.

Sten: Here.

Potter: Here. Please read the 6:00 p.m. time certain.

Item 847.

Potter: I will ask the city attorney to describe the process.

Pete Kasting: Be provided at the outset of any judicial hearings so I will quickly read through that. This is an on the record hearing. This means you must limit your testimony to material and issues in the record. During the hearing, you may talk about the issues, testimony, exhibits, and other evidence that were presented at the earlier hearing before the hearings officer. You can't bring up anything new. This hearing is designed only to decide if a hearings officer made the correct decision based on the evidence that was presented to him. If you start to talk about new issues or try to present new evidence today, you may be interrupted and reminded you must limit your testimony to the record. We will begin with a staff report by the 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. First the appellant will go first and have 10 minutes to present his or her case. Following that will be people who support the appeal. People have three minutes. This applies regardless of whether you are speaking for yourself or on behalf of an organization such as a business association or neighborhood association. The principal opponent will have 15 minutes to address the city council and rebut the appellant's presentation. After the principal opponent the council will hear from persons who oppose the appeal. If there is no principal opponent the council will move directly to testimony from persons who oppose the appeal after supporters of the appeal conclude their testimony. Again, each person will have three minutes each whether you are speaking for yourself or on behalf of an organization. Finally the appellant will have five minutes to rebut the presentation of opponents of the appeal. The council may then close the hearing, deliberate and take a vote on the appeal. If the vote is a tentative vote the council will set a future date for the adoption of findings and the final vote on the appeal. If the council takes a final vote today, that will conclude the matter before the council. There are a few additional guidelines. First, the evidence, first this is an on the record hearing. This means you must limit your remarks and 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 the council will not consider it and it will be reflected in city council's final decision. If you believe a person who addressed city council today improperly presented new evidence or presented illegal argument that relies on evidence that is 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 the city council. If you believe another person has raised issues today that were not raised before the hearings officer, you may object to the council of consideration of that issue. That's all.

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Potter: Thank you. Do any members of council wish to declare a conflict of interest? No council members have a conflict of interest to declare. Do any members of the city council have any ex parte contacts to declare or information gathered outside of the hearing to disclose? No council members have ex parte contacts to declare. Do any members of the council have questions or preliminary matters that need to be address before we begin the hearing? Staff, please come forward. You have 10 minutes.

Eric Engstrom: Good evening, mayor Potter, commissioners. My name is eric engstrom. I am here representing the bureau of development service. I will give a brief presentation with a slide show and outline the appeal issues. The proposal before you is a subdivision of a 2.3-acre site into eight lots served by a new private dead-end street. The lots range from 9300 square feet to over 15,000 square feet. The relevant approval criteria from the zoning code that apply to this case are found in section 3.660.120 approval criteria for land divisions in open space or residential zones. On the screen now is a zoning map which shows the site in its proximity to other properties. This is a site is located just south of the intersection of southwest stephenson and southwest boones ferry road. It's surrounded on several sides by parts of tryon creek state park. The site is zoned r-10 which is residential 10,000. There is an environmental conservation zone to the south of the site but not affecting the site itself. This is a vicinity map just showing a little bit larger area because traffic is one of the issues here. I just want to point out that boones ferry road follows past the site coming from lake oswego. And then stephenson is the red dotted line at top coming from the west. And because this road is one of the primary roads between lake oswego and central Portland it does have reasonable amount of traffic. This is a site plan of the proposal showing the new street layout and the eight lots surrounding the cul-de-sac. And on the just to the north edge of the site plan you can see the intersection of stephenson and boones ferry which is you are going to hear testimony about. This is a site plan showing the trees on the site. Another one of the issues you will hear about has to do with storm water. And I included this slide just to show that where the location of the storm water outfall is off of boones ferry road. So I may return to this slide if there's questions at that point. Show a few slides of the site. This is the entrance from boones ferry. Showing excavation where there was a former house on the site. Just looking north. Towards the entry to the site. This is looking towards undeveloped right of way adjacent to the site. And a few slides of some of the trees on the site and on the slide I showed a few minutes ago that showed the trees, some. Trees on site are being preserved by conditions of approval via a tree preservation plan. Others will be removed. This slide is a picture of the intersection of boones ferry and stephenson road, which you are going to hear more testimony about. You can see that it's kinds of at an acute angle and there are several roads that converge in the same location here. Another factor is that boones ferry makes a fairly steep curve right beyond that point and so there is, you may hear testimony about visibility. This is just looking again at the same intersection. One of the, one of the things that folks may talk about is that there's a fairly large expansive pavement at this intersection so sometimes there's some confusion about where one should be placed waiting to get into traffic here. The appeal issues in question are basically three items. The first one has to do with transportation impacts. Specifically at the intersection with stephenson and boones ferry. The second issue has to do with whether the storm water system meets the relevant criteria and the environmental impacts associated with the discharge of storm water from the site. And then the third issue has to do with a videotape entitled "punch and pray" which is I understand a videotape of the intersection and interactions that occur at that intersection. I will go into that in a moment. First the traffic safety. As I said the intersection is the primary concern. That did submit a site distance analysis and a traffic impact analysis describing trips generated by this development. And site distance was found by Portland transportation to be adequate with the additional trips generated from the eight-lot subdivision. And this is just an aerial photo showing the configuration of that intersection. The site is on the southern edge of the slide so the site doesn't directly abut the primary point of the intersection but it's very

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close. And the east-west street here is boones ferry and the other one coming in from the left side of the slide is stephenson. Regarding the video that the issue there was that there was not an opportunity to view the videotape during the initial hearing before the hearings officer, although the video was made part of the record by the hearings officer, and it is available here. If council decides to watch it, it's, Karla has it here. Finally the storm water issues in question, I will briefly describe the drainage system. Water from the roofs and the new paved streets will be directed to a storm water system that includes pipes going out to the public street and a veg take theed swale along the side of the new street. There will be what's called flow through planter boxes handling the roof water from the homes. Both of those facilities are designed to detain and slow down and treat storm water. After it exits that system water goes to a pipe that eventually finds its way to an existing outfall which goes into a drainage way which is into tryon creek state park and there will be a culvert that will be reconstructed under boones ferry road at that discharge point. The applicant has obtained permission from state parks for this work because some of the work will go into state parks property. That work is very close and partly within the environmental overlay zone. However, it is, can be characterized as replacement of that existing structure. Very briefly the hearings officer approved the proposed subdivision with conditions of approval which address right of way dedication, street improvements, provision of drain on systems and tree preservation. The hearings officer specifically cited the applicant's traffic analysis and concluded that the system was capable of supporting vehicle traffic after the subdivision was developed. And found that the frontage improvements proposed by the applicant would enhance the safety of pedestrians and bicycles in the area. Finally, council's options tonight, there are basically three option. You can uphold the hears officers's decision and reject the appeal arguments thus approving the subdivision as it's been approved by the hearings officer. You can choose to mod fight hearings officer's decision, presumably to respond to the traffic or the storm water concerns by imposing additional conditions of approval related to those issues. And finally you could choose to overturn the hearings officer's decision based on these concerns or the issue of the videotape not being seen. So that is the bulk of my presentation. I also have for your reference the approval criteria which relate to these two issues. 33641.020 related to transportation and 33.653.020-b represented to storm water managed. And if you decide to impose additional conditions or reject the proposal, these would be the code references that are relevant for your discussion. Thank you. And with me tonight are representatives from the bureau of environmental services and Portland transportation. We anticipate there will be some testimony that staff may want to respond to and we will be here to answer your questions if you need us.

Potter: What's the appropriate place for the viewing of the tape if we choose to look at it? What's the length of the tape?

Engstrom: I think you could choose to listen to the tape at any point. I will have to ask the appellants what the length.

*******:** Four minutes and fifty-five seconds.

Potter: Good.

Engstrom: Do you have any concerns about when we watch the tape?

Kasting: I think that can be done at any time.

Potter: Thank you. Will appellant please come forward. When you speak, please state your name for the record and you have 10 minutes total.

Nancy Hand: I am nancy hand, chair of arnold creek neighborhood association.

Sam Imperatti: My name is sam imperati. I am a neighbor of arnold creek association. I am not appearing as an attorney thin matter nor in my normal capacity as a mediator but simply as a citizen.

Hand: Ok. First of all, I would like to start out by saying that we are not opposed to the development. I was really glad to see that they will be making the street improvements, which we

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definitely really need in our neighborhood. And they have not asked for any variances or anything like that, which I really appreciate, too. So I just want to make that clear that we are not against the development. The applicant has not and cannot meet its burden of proof that each element of the approval criteria is satisfied. Three major grounds of the neighborhood concerns are, the transportation impacts and need for mitigation, two, storm water outfall to tryon creek state forest park and the hearings officer failure to consider all the evidence in his decision.

Imperatti: By way of a brief overview of the site we have provided a map from metro maps that will give you a more clear definition of where the subject property is. And the lower left-hand corner of the screen you will see an x by an existing driveway. That approximately represents the location of the proposal driveway. You will see two bus stops above and in the middle of the intersection where it says r-10. And you will see the various streets and how they come together along with existing driveways, all coming in or in close proximity to the intersection.

Hand: Issue one, traffic impacts and need for mitigation. This, the code states that it must be capable of safely supporting the proposed development in addition to the existing uses in the area. And we feel that it fails to safely support the existing area, especially at that intersection.

Imperatti: The next slide on page five of your handouts show the visual complexity of this particular intersection where we have cars coming north on boones ferry, we have the new road for the proposed development, we have the two bus stops, we have traffic going east on stephenson turning north and south, we have traffic coming off 6 stephenson court turning left on boones ferry and traffic coming southbound on boones ferry all coming together. The next two slides are drivers's view slides so if you are on stephenson street, you are heading east. And they are self described as to the visibility. One is from in front of the south line and one is from the stop line showing the visibility, too, if you will generally the north and south. The right turn site distance from the subject properties appears in slide seven. And this is from evidence in the record that shows that from that approximate driveway to the stop line from stephenson it's approximately 96 feet. So it is very, very close to that particular intersection. Looking at it, if you will, from stephenson street you would be heading east now, you have the opportunity to turn left northbound on boones ferry or turn right, southbound, and it shows the approximate location of that 96 feet. Next slide shows the left turn distance from stephenson road from the subject property. And there we measured at 131 feet to make that left-hand turn. The next slide shows again slightly different view of the same phenomenon. Here on slide 11 it shows the problems. First problem cars turning right, car number two is trying to turn right. It passes and blocks the view of car number one waiting to turn left and often time the cars don't stay in line. So there is jockeying back and forth between the cars to get positions to make their sometimes conflicting turns. The next slide 12 shows the problems with cars turning left on to stephenson on the wrong side of a car, waiting to turn left on to boones ferry road from stephenson.

Hand: Ok. The developer's own evidence shows failure to meet the criteria. This is from the lancaster engineering traffic report dated 4/27/05. Current posted speed equals 40 miles per hour, requiring at least 445 feet of intersection sight distance for eastbound traffic. The intersection sight distance was found to be 380 feet to the northeast. The independent intersection and spot survey designations used to justify compliance give a false impression of the actual traffic speeds and resulting sight distances. This study illustrates that the sight distance for the proposed project is inadequate for the current posted speed. Our second or -- if they cannot meet the criteria in 33614.030 they can fix that by including mitigation. Possible mitigation options, that they could do and you can read those, but the neighborhood really isn't trying to tell the city how to do their job. We would just like the, that intersection to be safe. So those are some possible solutions.

Imperatti: I candidly don't know if this was argued below so if it is I apologize. There is a concern about people crossing the street to go to the bus stops in this intersection. I will leave it at that.

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Hand: The second issue is the storm water management system outfall to tryon creek state park. The applicant must show a storm water management system will be designed that will provide adequate capacity for the expected amount of stormwater. We don't feel that the assessment was done, impacts to tryon creek state park, the assessments were not done. The storm water manual, the city's policy is to ensure the runoff leaving the post development site does not exceed the capacity of the receiving water body, doesn't increase the potential for stream bank and stream channel erosion, salmonid warrant the use of retention systems and retention techniques are required to the maximum extent practicable. Tryon creek is a salmonid bearing stream with one of the only urban runs of threatened steelhead trout. Recent studies describe rapidly increasing erosion and habitat degradation and system due to runoff volume. Hundreds of new units currently under construction on tributaries to tryon creek including this project. Project proposes two small flow control elements. A tree through planter and a small swale connected to a new 400-foot storm sewer draining into an existing cull verdict dumping directly into tryon creek state park and the already overburdened water ways. According to staff report and hearings decision the additional volume into the cull verdict is so significant it requires rebuilding the structure with improved materials. Applicant has responsibilities to demonstrate project satisfaction of city requirements. Record doesn't indicate whether more effective retention or infiltration techniques are practicable with the impact of increased volume would be on the stream system or alternate points such as wide focus dispersal into park rather than point source transmission into already growing stream beds. Improvement of existing culvert requires approval of the state park. The state park letter based on applicant's claim that an environmental review of the impact of the new drain would be completed. Such review is not in the record. Required assessment of impacts must proceed prior to the approval of the project and it was not done here.

Imperatti: Two additional points on this. The first we heard that this project was not required to get a permit because it was an existing use was today at this hearing. So that is news to us. The applicant's own letter to the state forester clearly indicates that they believe they need to go through an environmental assessment. And that should be considered a probative evidence by their own admission that they need to do that. Now we are hearing they don't.

Hand: Ok. The third one is the failure to admit our evidence at hearing. We got the ok from staff that the hearings, and hearings officer's clerk to show the video. We couldn't use the city equipment so we brought our own. We offered to leave the equipment for public to use. Offered to use the swirl office for public to view and he still refused to watch it. The state documentation showing -- one of our exhibits to prove our points was the state documentation which you have, exhibit 1, 42% of all accidents on boones ferry between 19th and arnold during the last 10 years are at this intersection. A map showing the cumulative development along boones ferry, that's exhibit two. We had a police officer testimony that cars exceed 40 miles per hour, that was not recognized or mentioned in the decision. And 42 letters from neighbors noting safety issues not recognized in the decision. Neighborhood association should not be penalized because we have no funds to do our own traffic study. The city should do their own unbiased traffic studies.

Imperatti: I realize that our time is up. I only mentioned one type graphical error for clarity. On our slide 27, item 3b it says at least 184 five00, at least 23 new lots. That should read approximately \$184,500. And the other sides basically we note what we are requesting here. Thank you for your consideration. We are happy to answer any questions you have and thank you for considering us.

Potter: I think this would be a good time to watch the video?

Imperatti: I do. Yes, sir.

Potter: Go ahead and start that. Pardon?

*******:** Yes. "punch and pray." [video shown]

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*****: If you are going to be going south it's not a dangerous intersection because the road curves around enough where you can get a fairly good view of traffic that's going south. If you are trying to go north on the intersection because it's a t-intersection, if you are trying to go north, then, you can't see the traffic that's coming south and you can't gauge speed because you can't see the traffic. So it's just -- it's kinds of a guess and go type deal. You can't -- you can't prepare for what may be around the bend. I think it's extraordinarily dangerous.

*****: Well, there's a certainly way to pull in there and you kind of -- you make people pretty mad when they are coming around this way because sometimes you feel like you are getting in their traffic line. When I pull up as far as I can whether 12 years so I have kinds of figured out my spot to get. I look, look, look, and then I punch and pray that I make it across. I literally punch it and hope that I make it across. And every time i'm like, yeah, I made it across. I have had some close calls.

*****: Very dangerous. If I was describing it to somebody that I was suggesting to go that way I would tell them not to turn from stephenson on left turned on to boones ferry. I would take them a totally different route. But it's extremely dangerous. It's a blind corner. Dangerous, yes.

*****: You know, it's very frustrating when people are going 50 miles an hour and I pull out and I have looked and I have looked and I have looked, you know, three or four times and I finally pull out, you know, I thought it was safe and all of a sudden I look in my rearview mirror and I see the whites of somebody's eyes.

*****: I have several times had seriously close calls. Even though I continue to use it out of just sheer stubbornness that I am going to make it every time, but I do find it extremely dangerous and if I had a child driving and there's times when I have kids in the car that like why did I risk that? Why did I risk doing that when I could have gone down the side street? But, no, it is extremely dangerous intersection.

*****: So this population in this area, we have more and more teenaged drivers. Just because of the neighborhood. There are many families that have lived here. This has been their first or second home and they have stayed here. Because it is a wonderful neighborhood. So it's very upsetting to me when I see all these kids and I think, you know, we are not providing for them a safe way to leave their neighborhood. And they are depending on somebody to be obeying the speed limit and that is not the case down there.

*****: Knowing there's couple major developments coming in on to boones ferry with some pretty large amounts of homes, I think we were quoted 144 homes, obviously that is going to increase the traffic. It's obviously going to increase the need to go to i-5 that way back and forth. And I actually my home actually is backs to boones ferry and I have -- I have heard the increased traffic on boones ferry so I can't even imagine what 144 homes, cars will mean to that intersection. It will make it extremely dangerous.

*****: With as many people that are coming in to that new developments there, they are going to be a lot of extra cars that are using little back neighborhood streets that my kids are playing on for a thoroughfare when really there's no reason for that.

*****: Well, the infrastructure of the roads that are in this community are going to be bearing more traffic because we have two kind of larger developments going on about one mile south of that particular intersection. So what's going to happen there's going to be a lot more traffic going, using both stephenson as well as boones ferry, and as the traffic increases, the ability to try and hop across that intersection, if you are trying to go north, is going to get increasingly dangerous. And quite frankly, it's just, it's an accident waiting to happen.

*****: I would love a stoplight because that would just take away that whole punch and pray theory and take away the risk that everybody takes every day trying to get across there. And I know every one of my friends I spoke to about this, with you contracting me, everybody has the same feeling that they either avoid it or take it when they have to but it's the same thing. It's extremely

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dangerous and nobody really likes it at all. So traffic light is has to happen at that intersection. Otherwise we are going to have something that's we can avoid now if we do get a traffic light there.

*******:** Thank you very much.

Leonard: I did have one question as a result of the video. I couldn't help but notice that there was a yellow sign that said 25 miles per hour and the sign and your slide 13 indicates that posted speed is 40 miles an hour.

Imperatti: The issue, the 25 miles an hour sign is a cautionary sign. The actual enforceable speed limit there is 40 miles an hour. It was a surprise to me and I had been driving that road for years. I thought it was 25. But it's not. It's actually 40. And that's just a cautionary sign.

Leonard: Is that a state highway?

Imperatti: It is our highway. But odot sets the speed standards as I understand it.

Hand: The 25 is for the curve. It's suggested you go 25 around the curve.

Potter: Thank you. Your mic is on. Ok now we will hear from persons who support the appeal. Could you please come forward.

Moore: We have a signup list of 13 people. If you come up three at a time, we have ron mcdowell, kara mcfall, and ellen I believe it's newman. They will be followed by karen crouse, jenny owen and tasha park.

Potter: Thank you folks for being here. When you speak, please state your name for the record and you each have three minutes.

Ron McDowell: Thank you for hearing us. My name is ron mcdowell. I have lived in the neighborhood for almost 17 years. I have been fairly active with the arnold creek neighborhood association for the last couple of years, and such, serve on a couple of committees. One them being the public safety and the crime prevention committees for our neighborhood. And our monthly meetings we have a very small group that shows up consistently. But I would have to say over the last two years, the number one issue that I hear, I should say we have the luxury in our neighborhood of having one of the low it is crime rates in all of Portland and we are very proud of that and we are very happy about that. One of the benefits we have. So we don't have a lot of crime or public safety issues, per se. But what we hear and what I hear constantly at these meetings is traffic, safety issues mostly speeding and the intersection of stephenson road, stephenson court and boones ferry road is predominantly the issue. I myself have lived on stephenson and what you saw on the video represents exactly how I feel about that intersection. My family and I have lived in the neighborhood quite a -- we take that intersection quite a bit. And I have seen several accidents over the last 16 years. And what you see almost every day there are near misses. And I am happy to see so many of my neighbors in the audience, people I haven't seen for five years are here because I think they feel exactly the same way that I do. That if we have an opportunity to mitigate this intersection we could do so. Because somebody, one of our families is going to be in a terrible accident some day there. With all of the new development that you saw on the video and what we have talked to in the appellants talked to the increase in traffic in this neighborhood is more than it's been in the last 17 years. I mean in terms of volume. We have opened a new, the monroe parkway, boones ferry road intersection now has a new enter market. It's very popular. We have a lot of people using that market. And that's added to the congestion of that intersection. And also we have a commuter basically artery between lake oswego and Portland, and I think you saw a little bit of that. And there are two or three hours in the morning, two or three hours in the afternoon and certainly Saturdays where you do not want to cross that intersection. I think all of us that live in the neighborhood we avoid that intersection on those particular times. Because there's, it's just there's no way you can do it safely. The reason I am here today is because I am alarmed that when we had our hearing we were not given the opportunity to show the video. And we felt like we were not

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aply represented. So we are asking today you take look at what we are presenting to you and offer some mitigation. And that's really all we are asking for at this point. Thank you.

Kara McFall: Good evening. My name is kara mcfall. I am a resident of the arnold creek neighborhood. I am also the captain of our neighborhood watch program. As a resident of the arnold creek neighborhood, I am extremely concerned with about the fact that despite a planned eight-lot subdivision at the intersection of boones ferry, stephenson street and stephenson court there are no plans for the city to mitigate the intersection. This intersection as you have seen in the video and as you have heard from my neighbors is already extremely dangerous. The fact that a fatal accident has not occurred really is quite simply just luck. There are plans for at least 82 new lots that have been proposed or are already under construction along boones ferry road alone. Surely the city could see the need to mitigated this intersection given the certainty of increased traffic and the fact that the intersection is already very dangerous. I am asking you to do the responsible thing by mitigating the intersection. Please let me know if you have any questions and thank you for your time.

Ellen Nawrocki: Good evening. My name is ellen. I have lived in the neighborhood for four years. We were really delighted to find such a wonderful neighborhood with large lots and a real rural feel. Due to the amount of the building and subdivisions in the area as mentioned, we feel that the livability and desirability for families in this area and the safety of this area is threatened. And as mentioned we have the intersection of boones ferry and stephenson street, stephenson court, stephenson court as people go in and out basically you have three streets coming in together with the new development, that would be four streets where people turning on to the basically boones ferry would have to negotiate the cars. Basically this makes a very unsafe intersection and we have also concerns that with this last development, the situation at the intersection will be aggravated to the point of being extremely unsafe for anybody. As this area has developed, we feel that a comprehensive view needs to be looked at as far as streets and the impact of developments and the amount of traffic and during each of the developments, we have had a representative requesting that the attention that the intersection and boones ferry needs to be addressed as to the amount of traffic and the safety of it. We feel that a good solution is needed for this intersection. And that the basic considerations as a safety the visibility and the speed. We would like to see that addressed. With this intersection and going forward any further, in this developments that will be planned. We are looking for something that's not a band aid fix or but something that will actually really address the situation. And we would like to have a solution that would rebuild the safety of the residents of Portland deserve. Thank you.

Moore: Next we have karen crouse, jenny owen, and julie luther. They will be followed by andrew crouse, scott westerman and brad anderson.

Potter: Thanks for being here, folks. When you speak, please state your name. You each have three minutes.

Karen Kraus: I am karen kraus. I have been a lived in this neighborhood for seven years. And I live very close to the intersection actually so it's something if I am going to go Portland that's the route I need to take. And similar to what ron had said earlier, at rush hour, it's quite frightening. In fact, myself, and other neighbors, take alternative routes and that's not the intent of those routes. Those are neighborhoods. But you can get to a safer intersection to the out of our neighborhood if you take alternative maths. So I can certainly vouch for personally avoiding that intersection at times. The thought there would be additional development at that intersection without first mitigating it truly seems unconscionable. If any of you have been there, if you haven't I encourage to you come see it. It truly needs help before it needs additional development right there. I did want to talk to you about these issues at this intersection but out of respect and for understanding of this whole process, there was no meeting ever requested or any contact with sam or his office and I do hope that after this there could be some dialogue when it's appropriate. Addressing something

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that Randy brought up, the intersection has been a problem for long at some point they put up yellow caution light and a 25 miles an hour suggested rate or traffic speed. It's been there for years. Decades. I talk to neighbors. They think it's been there for years. It might have worked at one point. That might have been the solution then but it's not the solution anymore. It's difficult the day or night, to try to make a left-hand turn, which would take you north on Boones Ferry, and there just isn't sufficient time to be able to look left, look right, look left and pull out and in that one second you turn your head, a car can approach seemingly out of nowhere. Having to watch yet another entry point, it really I don't think anybody will really get the capacity to really watch one more lane of traffic and safely get out of, get off of Stephenson Street. The cumulative effect of all of the developments in our area on traffic and safety particularly at this intersection have not been factored into the decision-making process. Since the city does receive system development charges from each development, now would be a great time for those funds collected from new construction in our neighborhood to alleviate safety issues generated by these developments. There are many good options. You have heard some of them discussed. I am not here to be an expert on that. You guys are. What I do ask is that this development not be approved until the intersection can be improved. It will be for safety for all of us. Thank you.

Adams: If I could just interject and I don't know if I am allowed to do 2 or not. One of the frustrations I have with S.D.C. Charges we by state law are only allowed to spend them on projects that increase capacity not improve safety and I would like to get that state law changed. In the next session so we can spend S.D.C. Resources on projects exactly like this that would improve safety. So I just wanted to let you know.

*****: Thanks.

Jennifer Owen: My name is Jennifer Owen and I came to this meeting today basically using a different entry way to 5 but as I saw that video tonight, I had trepidation about what it feels like to go through that intersection and I just like to restate for the record something that's already in there on September 20th, my husband and I submitted a letter to Ms. Grinda and we were writing about our ongoing concerns about that intersection and we have lived in the neighborhood for over five years and our daughter who was then now and now 10, experiences this every time we find ourselves there. As you have seen here, and it's been well shown, Boones Ferry runs from southwest Portland through Lake Oswego on to Tualatin and for the most part the speed limit is seemingly in a seemingly uncongested area 40 miles an hour. Despite warnings on each side of the intersection of Boones Ferry before Stephenson Street of an upcoming turn and a decrease speed limit sign of 25 miles an hour, which is actually often covered by foliage from overgrown trees, many drivers fail to slow down. Consequently those drivers trying both right and left on to Boones Ferry from a stop on Stephenson are faced with two disadvantages. Number one, a blind turn each way given curves in the road without good visibility and, two, approaching vehicles operated at excessive speed for the conditions. It's an accident waiting to happen. I often will slow down to 25 miles an hour and there will be drivers behind me pushing me to go a faster speed, flashing not expecting me to decrease speed. Personally we can attest that at least two to three times a year we have had close calls with serious accidents at that intersection turning on to Boones Ferry. We always vow to ourselves to use alternate routes to avoid that intersection, yet as we head to Willamette Park for kayaking with a boat trailer or to our daughter's friend on a residence off Boones Ferry we find ourselves using that intersection out of convenience despite the known risk. We fear not only for our own family's safety on that intersection but also for the safety of our entire community. In addition to posing a danger to drivers and cars, public transit users many of them high school students trying to get to Wilson, try to cross Stephenson over to the bus stop on Boones Ferry and they face a scary proposition. Furthermore drivers do not necessarily expect pedestrians at that spot. And many of those public transit riders are students. That's really important to us, as we have these issues facing us. So the options that the city can pursue, this is an excellent opportunity with the assistance of

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chapter 33.641.020 to look at this as an option for a traffic circle or any series of sensible things and commissioner Adams, with regard to potential for increasing traffic there, if we had safer patterns could potential be increased and not just made more safe. So please consider that and thanks for your time.

Adams: I don't want to increase traffic.

Owen: But you said the funding and oftentimes things will only be looked at if it involves increasing traffic.

Adams: State law does not you allows us to use s.d.c. For increasing capacity. So it's not -- it's something we have to get changed in salem. Because the state, the system development charges are a state creature.

Owen: But the point being though that if it were a safer route known for all it could potentially increase capacity. Not that we are encouraging that or I would say we want increased capacity but if you are looking at using any funds in a way that I think people avoid that route in its decreased traffic on that particular intersection through there because people are trying to be safer. So if you were saying the state would only come through with funds, was that the point? If there was an issue of increased capacity?

Adams: For instance using s.d.c. charges from that area for the obvious traffic light at that intersection, I can't use s.d.c. Resources because it doesn't increase capacity. But we need to change state law so that we can use s.d.c. Resources for such things as traffic lights. We have intersections all over the city that are crying out for traffic lights. I usually talk to two or three people a day who have legitimate needs for traffic, some sort of traffic signals and we don't have the resources right now. We would if we were able to use some. S.d.c. Resources.

*****: Thank you.

Julie Luther: I am julie luther and I have been in the neighborhood. I live on the court. I have been there 18 years. I have called the city a number of times about complaints about that intersection. And I have written several letters and even in the response to this one, this developments that are going on on boones ferry, the video does the intersection justice but not completely. If you live on the court, you go alternative routes or you go a different way to swing around because nobody come go off boones ferry, if you drive down there, ever considers anybody coming off that court. And punch and pray is a great name for that video because I was going to church one day, and I was going out there, somebody was probably going 45, 50 coming around the corner and if I hadn't been going fast enough and they accelerated, and flipped me off. So that makes me nervous and now I take alternative routes if I am going northbound. Or, yeah, northbound. I go lan caster and there's developments going there. And it's putting additional traffic on lancaster and other ways to get out on safer intersections. We have a lot of elderly in our neighborhood on stephenson and on stephenson court that use the bus along with the high school students. And that to me is a concern for them to cross boones ferry on both of those sections. And I guess i'm just considering that there has to be some money in all the taxes we paid and all these new developments that something that the city can do to make us more safer and then intersection would be really appreciated. Thank you.

Potter: Thanks, folks.

Moore: We have andrew crouse, scott westerman and brad anderson. They will be followed by brian farrell, sharon keys and john rush.

Potter: No. Just sam. Thanks for being here, folks. When you speak, please state your name and you each have three minutes.

Andrew (Andy) Kraus: Andy kraus. I have just put up a board there which is the same thing that was passed out to all the commissioners. The audience can see what we are speaking of. I am fairly visual so it helps knee look at numbers and things. I want to point out that all of the information that I am showing here is part of the traffic report that was already submitted and

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reviewed. I would like you to look at a few the basic facts that that traffic report points out. The first is that the recommended intersection sight distance from this new proposed driveway development for a posted speed of 40 miles an hour is 445 feet. Recommended for the posted speed. The actual intersection site distance was found to be 380 feet, inadequate. The full intersection site is less than recommended for the posted speed. How can that be? And yet it was approved? Well, the traffic study enters into this. So the traffic study was conducted as a spot speed study. What does that mean? How does that apply? In that study they essentially concluded that the 85th person season tile speed is 33 miles an hour with a recommended intersection sight distance of 365 feet. So there's the answer. The spot speed survey concluded 33 was actual 85th percentile speed and hence they didn't need 445 feet but rather 365 watts sufficient. Well, please keep in mind the proposed access point is 196 feet south of the center line of boones ferry or I am sorry, of stephenson street so whether you want to consider the 445 feet per the posted speed, the 365 feet per the spot speed survey, for the 380 feet of actual intersection sight distance it doesn't really matter. The point is that stephenson's intersection is nearly centered within the northeast site distance from the new driveway. Yet based on these intersections being approximately 150 feet apart it was determined that they function independently. There by justifying a spot speed survey versus a more comprehensive study. Well, who cares? What's the big deal? Well, everyone should care and pdot certainly should care. As independent intersections, using a spot speed survey, there's no distinction between cars that are coming on to or off from stephenson, on to boones ferry. There's no distinction between those cars versus through traffic. What that means is, if I am on boones ferry and I am slowing down to turn on stephenson, which is right in the center of my recommended viewing distance, I have slowed down already. And that doesn't matter. Or a better example is that if I am at a dead stop on stephenson and then I am sell operating out of that intersection a mere 195 feet away is where I got clocked. I have hardly accelerated by that point. What all of this means is that as independently functioning intersections, these accelerating cars become a legitimate part of the survey. And hence the more traffic that's turning on to or off from stephenson, the more favorable the spot speed survey is to the proposed development. It's not at all an accurate depiction of through traffic speeds. The last couple of items that you will see on there are simply a statement hoping that the or stating that project has been approved despite the actual intersection site distance being less than recommended for the posted speed. I hope that you can help us with that. You have heard the testimony about what a dangerous intersection it is. We need your help.

Scott Westerman: I'm scott westerman. I am response team responsible for southwest Portland. I was asked to come today by nancy hand, the president of the arnold creek neighborhood association. To start with, the recommendations that you have in front and I know you are going to hear from pdot later there are significant numbers of intersections throughout the city much worse than this in much dire need, and while able to defer all of the priorities to them, what I would like to say is the information that you have in front of you is that this eight-lot project is not going to have significant impact on traffic. However, with all the development that's there, that's happening throughout the neighborhood, it's happening within proximity to this intersection in totality, it has a huge impact on traffic and it needs to be considered. It will make a bad intersection significantly worse. The speed on boones ferry road looking at the spot speed survey I can attest to you that perhaps maybe during rush hour when there's a number of vehicles and the lead vehicle happens to abide by the 25 miles an hour cautionary sign, the traffic will slow down. However, there's an entire different population out there who see the recommended 25 miles per hour speed limit seen as a challenge to see how fast they can go through the intersection because of their vehicle and their high performance vehicle or motorcycle. And that is something that we have seen frequently on boones ferry road. I believe from my personal experience and my 10 years in southwest Portland, as a police officer, that the number of accidents that are being relayed to you occurred on boones

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ferry road specifically the location, is being underreported for a variety of reasons. Most officers who get out there use the closest or they use 100 blocks and different things of that nature. This area of Portland is typically served by officer horse not frequently familiar with the location. And so they will write down different locations so you be you could have a 500 yard spread or a thousand yard spread of accident locations plotted throughout the data you are given. So let's see. Then to address something that you said, commissioner Leonard, like we said the speed limit sign is 40 miles per hour, so any vehicle to traveling around that 25 is obeying the law. They can stay at 40 and round that corner at 25 and they are obeying the law. And then the last thing I was going to say is, as a neighborhood response team officer, I end up dealing frequently with poor planning decisions. I can rattle off a whole bunch of things that of differ project that is have occurred from southwest Portland from years ago. Prior to anybody here on council that I am still dealing with. And I believe that in a totality of this neighborhood and this location this intersection needs to be mitigated before any future development is completed that's all I have.

Leonard: Scott, since you have come here, I need to ask some questions and maybe you can help this, maybe it's the staff. But I am, you know, we are constrained with not fixing the intersection as it is now. But whether or not this proposed development fits our existing criteria. I am looking at where the proposed street is being recommended to be built. Which I am thinking is south of stephenson street. Coming out on to boones ferry. Correct? And I am trying to.

Potter: You are off.

Kraus: The proposed driveway is within the yellow lines. The videotape the majority of the videotape was taken from the propose the driveway location.

Leonard: Right. I am trying to get a -- ok. Distance, did you say 96 feet -- 96?

Kraus: 196. Per the study.

Leonard: It's 196 feet. So in 196 feet, scott, are you saying that cars that come out of there will accelerate to 40 miles an hour?

Westerman: No. I am saying the vehicles that are coming around the corner from -- the, in my opinion, the overwhelming danger in this particular intersection is that vehicles who are traveling southbound on boones ferry road who are rounding the corner in a vehicle coming out on stephenson has now got an added point that they have to pay attention to with this development and this street. Now, I realize that this particular development is only eight houses. Thus anywhere from four to 16 vehicles during rush hour depending on how many people are living there but when somebody who is on stephenson street, if you look on stephenson street where they are trying to stop for the stop line and where you actually to pull out to see traffic, people who are coming southbound on boones ferry road are coming at 40 miles per hour, essentially much faster than that and right now they are only have to look left and right. Now they have to look diagonally across the street so I recognize that your constraints are this bun eight-lot development isn't going to be that significant as far as traffic impact and I concur with pdot on that. But when you have multiple eight-lot developments throughout and each individual one taken in its individuality doesn't cause a problem and it's totality it cause as huge problem.

Leonard: So just that I am clear you are not arguing that people that come out of this development will reach 40 miles an hour.

Westerman: Absolutely not.

Leonard: You are saying basically that the unrelated traffic coming the open sit direction may --

Westerman: Show you this real quick. My opinion, that just doesn't happen. There's no way you can do that. They pull at the way out here. The vehicle is coming through here higher than 40 miles per hour. Or at 40 miles per hour for that matter. Which is the speed limit 6789 the time they see is right where this white car is. They are here. Instead of just having left and right they have to look left, right and facing this street also for traffic. That's why this particular development unlike

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the others down the street has the impact that has us to be here. Where like I said, the development here, you put in 25 here, 14 here.

Leonard: What if the driveway is further towards the intersection towards the edge of the development.

Westerman: Here?

Westerman: This is one lot here.

Leonard: The proposed outline. So go all the way to the boundary right there. What if the driveway was there.

Westerman: If the driveway what is here pdot has some response to that as well. I mean, i'm not -

Leonard: I am asking you from your perspective. What if the driveway was there?

Westerman: In my perspective, the best mitigating option was leave it here because it's like sight stances and then have this here so more reaction time here and more cross intersection and it could be possible without a stoplight. I will defer to pdot on that. They are the experts in that and I know curt has a whole bunch of different.

Leonard: That's helpful. Thank you.

Brad Anderson: I have used that intersection for 11 years. I live on stephenson road I would like to add that the previous mention of people using alternative routes to get out of our neighborhood include going by stephenson elementary and jackson middle school. There by increasing traffic in schools zones which is something none of us parents in the neighborhood want either. We would prefer them to kruse this routed to be able to get downtown. I go on this route every day on my way to work. And I have three boys, one who is going to be 15 in september going to wilson high school waiting at the bus stop there and then. I would like to have something done about this intersection. First time I saw it 10 yours ago I was a little shock. I was unbelievable that as people have said punch and pray is the perfect description of this intersection. So we would really appreciate your help in this. Thanks.

Potter: Thanks, folks.

Moore: Sharon keist and john brush.

Adams: Little known fact but nancy and the transportation folks at arnold creek know is that the state, we have to go to the state to get permission on speeds. And we sought to get the speed lowered on this. Not that that would be a panacea but something we could do. In a resource constrained environment and the state said no.

Potter: You each have three minutes.

Brian Farrell: Thank you, mayor. My name is brian farrell. I am a resident of woodlee heights. Its down stephenson street. One of my past capacity in my employment was a safety manager. And any of you that know about statistics know that the pyramid for potential accidents, you know, you have a lot of accidents that are not injury accidents, or fatality accidents, so you get to that one point where do you have a fatality accident. You have heard a lot of testimony tonight about the condition of this intersection. I want to point out that the addition of the new entrance, if you had someone who was traveling south on boones ferry that stops to turn left into the new entrance, that creates a stopped vehicle in a 40 miles an hour zone and it is a blind curve approaching that potentially stopped vehicle. Add to that the punch and pray from stephenson on to boones ferry going south, and you have the potential of somebody looking north, to avoid an accident and someone that can't see, punching their accelerator to go south, only to pile into somebody who had stopped to turn left waiting for traffic traveling north. So that condition has got great potential for multicar pileup. And I think we need to do something. The other thing that I didn't realize until I sat and listened to the testimony was, there's, this is a pedestrian, a great pedestrian injury potential, because there's no crosswalk and the bus stop is on the east side of the road. So you are crossing the road against the traffic to get to the bus stop. And I am surprised that, you know, in the nine

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months of the year when we have wet and dark environments, that's a real potentially dangerous thing to do as well. So I don't think there's been much evidence to put on that -- emphasis put on that and I know there are a lot of people that use the bus. Thank you for your time and I hope we can come up with some kind of solution to mitigate this traffic issue.

Sharon Keast: The intersection is dangerous. The intersection is on a curve making left turns from stephenson street on to boones ferry unsafe. I have two small children and refuse to use this intersection if I can avoid it. Many of my neighbors have made the same decision. We go out of our way down lancaster to arnold to make a left at arnold and boones ferry. Even this route is dangerous. Many people and animals walk on this winding, hilly sidewalk-free, narrow road. Please do not approve any additional congestion at this intersection without addressing how to make the intersection safe first. There are many possible solutions. Please act now to hold off on the approval of additional homes at the intersection of boones ferry road, stephenson street and stephenson court until the intersection can be made safe. Thank you.

John Brush: My name is john brush and I work with tryon community life farm, a sustainability education center in arnold creek neighborhood and I really appreciate this opportunity to speak here in front of council. And I first like to emphasize and reinforce all the testimony you have heard so far. This intersection is a dangerous intersection and this additional development at the intersection would increase the danger for traffic and for the families that live here in southwest Portland. I can attest to that personally to attest to the fact that the high traffic, high volumes of high traffic -- sorry -- high speed traffic on that intersection because I frequently hear cars peeling out and screams of tires living right next to that curve. And I have come upon accidents at least twice over the last year and a half at that intersection. Which however, I would like to speak about the other issue at heart of this and that's storm water management. It's already highly impacted by the amount of development in the area. Numerous studies particularly one done by pacific habitat services in the last couple of years have indicated that erosion and increasing separation of the stream, the water bed, course of the stream flow and the surrounding channel is creating a situation in which the natural resistance to high volume flows and erosion is being undermined. And the impacts on the steelhead trout in the creek are already being noticed by scientists with lewis and clark college as well as with tryon creek state park. It's really important. We take this opportunity to create new paradigms for how humans and human development can effectively work together with natural systems that both can work together functionally. There are incredible opportunities to do that here in southwest Portland along the stretch of boones ferry with hundreds of new developments that are on the way. The sustainability storm water group of b.e.s. as well as the e.s.a. issues, section of b.e.s. know of significant new technologies that would allow for minimized peak flows from this kind of a situation, and this study, I mean this, the analysis on this issue has not looked at the possibility of additional infiltration. The geotechnical report did simply stated there was no the possibility of or did not indicate there would be landslide issues on this site and did not indicate that infiltration was not possible. We need additional study. We need to look at this carefully and the overall context of the development in the area. We have that opportunity. We have resources to do that. And I invite city council to follow the guidelines of the storm water management manual in implementing this decision.

Potter: Please state your name for the record. You have leave 3 minutes.

Tammy Jones: I am tammy jones. A resident of the area of arnold creek and there's two issues that as I sat here listening I would like to make sure that you guys consider. I think reducing speed signs may have a small impact but will not significantly improve the safety of the intersection. If you are even if these studies were correct and 85% of the people went the appropriate speed, that leaves 10 to 15% that don't and 10 to 15% is enough to get a pretty severe accident going. Also there is not sidewalks on boones ferry so the pedestrians are going across a dangerous intersection out to the safety of a sidewalk. One of the alternate routes that have been alluded to is southwest

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lancaster. And it certainly is the infrastructure certainly didn't allow for that to become a significantly traveled road, yet I know a lot of my neighbors are using it. There's no sidewalks there either. And when you start making that route an alternative route, it's going to very negatively impact the quality of life for those individuals living in that area. And that's all I have to say. Thank you.

Lucille Beck: My name is lucille beck. Live on englewood drive nearby. And --

Leonard: Are you chris beck's mother?

Beck: I am.

Leonard: I'll be darned.

*******:** Yeah.

Leonard: Welcome.

Beck: I have been involved with tryon creek for many years. I am not well informed on this issue, I am sorry to say. I have known vaguely about it but I haven't been involved in it. But I am very concerned about the storm water drainage. When I look at this, it really scares me to see all that much water coming down in this one place. They saw a four by eight-foot configuration. I have no professional knowledge of how they treat storm water but anyway I can tell you this, bringing in a hole lot of water there is going to have to be dispersed way, way out to be effective. There is a small creek called park creek which runs the drainage to it runs all the way along boones ferry clear from a 19th avenue all the way down is becomes park creek further down to the west of this but there are as recall 25 homes and 21 homes. So you are just asking for, there's already going to be a huge amount that has to go in this park creek. But why send all of this down there, too, I don't know. It would seem to me that where this development is, the park around it is all downhill from the development itself and I would think that maybe there's some way to disperse it in more places around the perimeter of the development but, you know, I am sorry. I am this is just out of my head. I don't know enough about it but I hope you will do all of I hope the city will do everything possible to minimize the storm water damage and really consider some other alternatives whether they have been or not. I don't know. I just think putting all that street water and everything into that one place ask is asking a lot of thank you.

Potter: Thank you both. We will hear from the principal opponent who is the applicant. State your name for the record and you have a total of 15 minutes.

Carrie Richter: My name is carrie richter. I am the attorney representing the applicant. I am an attorney at garvey schubert barer. I am going to close up our rebuttal. I am going to first introduce, I got his name wrong. Art. Art. Sorry. Who is going to speak to the traffic issue because that's the one that's we have heard the most testimony about.

Mike Ard: Good evening. I am mike ard. I am with lancaster engineering, a professional engineer registered in state of Oregon. I want to talk about the impacts of the subdivision as well as the safety aspects that have been talked about. First of all we are talking about an eight-lot subdivision so we are not talking about adding a significant amount of traffic to the transportation system. In fact, when you look at existing traffic levels that are in the surrounding area, versus traffic projected from this development, we are talking about approximately an increase of 1% in the traffic volume.

That 1% increase is also going to be generally slower traffic because the vehicles associated with this development will be pulling out from or pulling into the site access driveway. They will be generally traveling slower to do that. Under congested conditions that means that those vehicles may actually be slowing down the mainstream traffic as well. When the traffic conditions are not congested, those will be additional vehicles on the roadway but again they will be slower vehicles on the roadway. Second, I would like to talk about the approach a little bit so going to move over to the map. There's been some testimony regarding the site access location and adding to the visual complexity of the intersection in terms of vehicles that pull out here and people go to the look to the left and right and across and at this intersection. From the position where vehicles generally stop, if

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you look at the site access driveway, this is approximately the angle. If you are looking at the on coming roadway this is the angle. You are not really talking about looking a whole new direction. Talking about something you could see as you were looking to the south anyway. So there is another location where vehicles can approach from. Those will be slow moving vehicles. Generally if they haven't pulled out on to boones ferry road already, they wouldn't be a vehicle that would be in conflict with vehicles pulling out from stephenson anyway. As the spot speed study there was testimony regarding that and I would like to talk a little bit about the vehicle speeds there. The standards that were used. As was previously testified base on the posted speed limit, we do not have adequate intersections site distance at the development's driveway location looking to the north. So when we found we didn't have the sight distance based on the posted speed we posted a spotted speed study. That focuses on the point at which investigation first as posted in this case it would be as vehicles first come around the corner, southbound, heading toward the subject driveway, we are looking to see how fast they are going, as they appear. That appearance point is the point at which those drivers would be making a decision as to whether they need to continue at speed accelerate or slow down and so that's the critical speed location. The spot speed study was actually performed by hand and using a radar gun and it was done in such a way that vehicles that were turning on to stephenson street were driveways in the vicinity were discounted. They are not included in these speed analysis. So the through vehicles that are on boones ferry road right only ones represented in the spot speed study and the 85th percentile speed was 33 miles an hour. Based on that 85th person seal tile speed, the intersection sight distance is adequate and this development needs the applicable standard. Now, having said that there are also some sight distance limitations associated with the intersection of stephenson at boones ferry which is an adjacent but separate intersection. Intersection sight distance is not available at that intersection. And hence there are some concerns regarding sight distance and I think in many respects those concerns are very legitimate. I also wanted to speak, though, specifically about what the sight distance criteria is. There are two sight distance standards. The first one is stopping sight distance. 1207ing sight distance is based on the idea that if I were to pull out from stephenson street and my car stalled, in the roadway, and a vehicle was coming either northbound or southbound on boones ferry road, stopping sight distance allows the driver approaching two and a half seconds of reaction time to begin breaking -- braking and a comfortable deceleration rate and allows them the ability to stop without a collision occurring. Stopping sight distance is the primary measure of an intersection safety. And stopping sight distance is available at this intersection. Intersection sight distance, in contrast, is an operational standard and generally what it means is that if I approach an intersection and I look to the left and to the right, to try to determine when there's an adequate gap in the traffic stream to enter boones ferry road, if there's adequate intersection sight distance I can confidently pull out knowing that no one will have to slow down or stop to avoid a collision. In this case that is not available and you get the punch and pray effect that was talked about in the video. What it means is that if a driver pulls out from stephenson at an inopportune time, drivers on boones ferry road need to slow down or stop to avoid a collision. That makes it very uncomfortable oh for drivers on the stephenson approach but it doesn't create necessarily a safety hazard in itself. The accident history was also spoken about at this location and it was mentioned that 42% of the accidents, and I am not sure what area specifically they had said, but from some point to some point on boones ferry road, 42% of the accidents had occurred at this particular intersection. Total number of accidents that have occurred at this intersection in the 10-year history from odot was 13. Of those 13 collisions, five were rear end accidents on boones ferry road that did not involve any vehicle from stephenson. Five more were vehicles that ran off the road from boones ferry road and again did not involve any vehicles from stephenson. One of the accidents was a vehicle traveling on boones ferry road that hit an animal. And one was an accident between two side swiping vehicles traveling on boones ferry road. That leaves one more accident and that accident did occur

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on stephenson. It was between two vehicles that were approaching boones ferry road, one of which rear ended the other. There are actually no accidents in the 10-year history that occurred between vehicles trying to pull out from stephenson and vehicles that are traveling on boones ferry road. The accident history simply doesn't demonstrate a severe hazard and probably as a result of that, this intersection has not been given particularly high priority in terms of the fix. That's all I have.

Greg Christianson: Greg christian. We are the design engineers on the project. And what I am going to address is the stormwater issues on this project. We are going, in developing this project you are required to do water quality and retention in accordance with city of Portland standards. And there by we have the flow through planners and the veg take theed infiltration swale which is, in effect, water quality treat and detain at the same time prior to release. So that way you release your water at an existing flow condition. According to, there was one thing I want to address here. It says according to staff report in the hearings decision the additional volume, so we are rebuilding, that is not an accurate statement. We had to come, we are coming down with our storm water to connect in to the cross cul verdict. In order to do that we are required to put in a manhole. Once with the manhole was put in they would not require us to leave a core gated pipe in place. So therefore, we had to replace the core gated pipe. That's what ways requiring the rebuilding of the pipe. As for erosion, currently, the culvert is significant amount of erosion at the pipe where it is discharging. And what we are proposing to do is to put in a bubble-up, basically an energy dissipater of the velocities and put riprap at the outlet of this to cause the water to bubble up, slow up, disperse out and flow through the rock to slow it up and we are proposing that, that will improve the erosion conditions that are occurring at that outlet. As to the, brought up an infiltration. It is not recommended infiltrate when you got steep slopes. You do not want to infiltrate anywhere close to a steep slope. You just have safety consideration that is not preferable to do that.

Potter: Is that it?

Richter: I would like to make a couple closing remarks if it's ok to you. Carrie richter for the record. We have submitted a memo that outlines sort of the legal issues. I just want to raise one. The subject property is zoned for residential development. This means that the city believes it is suitable for such development and it qualifies as what the statutes define as needed housing. As needed housing. The city may only apply clear and objective criteria to reviewing it. Determining the boundaries of an impact area for determining where you are going to gauge safety, what kind of standard you are going to use to evaluate safety, and determining storm water impacts are not clear and objective criteria. So I may suggest that those criteria may violate o.r.s. 197-303 sub 6. So you know, to close, we feel for the neighbors. And I personally have gone out and walked around with mr. Imperati and ms. Hand. We brainstormed solutions. We method with pdot. We went through those solutions one by one to try to find something that would work, a band aid fix a. Long term fix, something that will work. We are not sitting here saying we are not contributing to this problem. We are a diminimus contributor to this problem because these eight or 14 cars will travel along boones ferry. They will not be going nearly as fast because they will be accelerating or decelerating but they will be there. And as such we are willing to pay our proportional share of whatever solution pdot comes up with. We are more than happy to pay the 1% or whatever pdot determines we are proportionally responsible for. And we have made that offer to the appellants.

Imperatti: Excuse me. She is testifying and it's her time. I understand but I am saying that that's -

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Potter: I'm sorry.

Richter: So my closing remark is we are willing to pay a proportionate share of whatever improvements pdot recommends. I think that this is a problem that must be fixed through capital improvement planning and the transportation system plan. But it is -- it is something that we are willing to participate in and work with pdot to come to a solution. Thank you.

Potter: Commissioner Adams had a question.

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Adams: So mr. Art --

Ard: With a d, yes.

Adams: You are a traffic engineer?

Ard: Yes. That's correct.

Adams: Ok. And you would -- would you agree that a four-point intersection adding another road in this particular configuration is, if not, if the history of traffic accident crashes or injuries is not evident, that it, from a design point of view is far from optimal?

Ard: I am not sure that I understand the question. The approach --

Adams: If you were to design an intersection would you design it like this?

Ard: Oh. Just the existing intersection without respect to our proposed driveway?

Adams: Right.

Ard: It certainly is not optimal. Particularly the way that stephenson court comes in to stephenson street at very close proximity but not exactly at the intersection and so you get sort of an ill owe defined blob area and as a result you get people that pull up to a legal stop bar but need to proceed forward to essentially the point at which passing traffic would become an obstacle and once you are at that secondary unmarked stop bar, virtual stop bar, full, that's where the decision is made. And you can see that in the punch and pray video.

Adams: In terms of people stopped going south on southwest boones ferry road to make a left-hand turn into the proposed development, as a traffic engineer, do you have concerns about that?

Ard: As far as people that are stopped waiting for a gap in traffic to make a left turn into the propose the development?

Adams: Uh-huh.

Ard: Sight distance is adequate for that movement.

Potter: I want to ask you about, you said that spot check on the-

Ard: Spot speed survey.

Potter: 85th percentile?

Ard: 85 p-per season file speed represents the speed at which 85% of vehicles are going at that speed or slower. And it is the standard that's used in evaluating design speeds. Generally, in any situation, 15% of people or three out of 20 are assumed to be traveling at a speed that is not reasonable and prudent to driving conditions. So the 85 p-percentile speed represents what is reasonable and prudent or what is the maximum that would be reasonable and prudent. That would also be an enforceable standard under the law in terms of citation for violation of basic rules. So the 40 miles per hour posted speed wouldn't necessarily be the only enforceable limit there.

Potter: In effect every seventh car would prescribe be exceeding the speed limit?

Ard: Exceeding the reasonable and prudent speed. The speed limit per se would be the 40 miles per hour.

Potter: Ok. Other questions? Thank you, folks. We will have an opportunity for people who oppose the appeal. Do we have a signup sheet for that?

Moore: We did. No one signed up.

Potter: Now the appellant has a rebuttal opportunity. You have five minutes.

Imperatti: Several things. I just like to ask by a show of hands who else is here today that would support the testimony of knows that did testify? But for whatever reason chose to not? If you just raise your hand. Thank you. If we are lacking at the 33 minor notation that the last gentleman was speaking to and like most favorable to the developer, and without conceding the point, at best what he is saying to you is that this intersection is technically compliant but not functionally adequate. The choice of words they use is very precise. They are talking about adequate. It is at the nominal minimal level of adequacy, assuming the facts most favorable to them. It's hard for us to believe, sir, that where the speed limit is 40 miles an hour, that with a straight face, they can say we are going to pick 33, because we did a spot survey, as I understand it, at one day, for one day, in one

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correction, at 11:00 in the morning. Restated the 40 miles an hour faster is the facts that have been testified to here. And this development does, in fact, add another visual conflict. If you are looking for reasons to say no to this development, 40 miles an hour is the speed limit. You need to design to that limit. Using 33 miles an hour is a fiction of convenience for purposes of allowing a subdivision to sneak in. And we are not opposed to infill. We are not opposed to affordable housing although I doubt these houses will be affordable in the normal sense of the term. Their own letter on stormwater issue, december 9 letter to ms. Karen houston from ken cox, says, and I quote, "because the culvert removal and replacement at discharge is outside of boones ferry road right of way, and property under your authority, it is necessary for us to contact you. Because the area of the discharge is in the city c zone, environmental review of the project is also required." their own admission in the record. That has not been done. Your own manual talks about three steps that they have to look through to see if the water can be maintained on the property or mitigated in three ways. Not referenced. The initial -- the traffic person that testified moments ago, and the lawyer acknowledges that 1% increase approximately 1% increase at the intersection. 1% increase at an intersection that is at failure or barely hanging on to adequate see from their own perspective is enough to trigger failure of the intersection. The visual complexity issue defies logic. If I may approach the -- it is indicating when you at stephenson, because the angle is very slight, it doesn't create another place to look. The reality is, when there's no traffic coming northbound on boones ferry, that's exactly when a person from this development is going to be making their right-hand turn. So it does add another point we have to look here, here, here, and then when normally clear, when we would normally go, that's when this car is going to make its right turn. So it does, in fact, add a very real level of visual complexity to that intersection. On the issue of using a radar gun, I can testify without regard to the various amendments I will be waiving that when I see a radar gun, I slow down. And several cars have radar detectors and so cars are going to be slowing down when they see a radar gun standing out there. At 196 feet sight distance, you -- at 40 miles an hour, you are driving 48 feet a second. It is a matter of seconds before impact will occur. Several of the accidents you heard were unreported. The police officer testified just indicated to me there was a fatality at this intersection last summer. And it was, tornado according to what he told me if I am getting this wrong, tell me, approximately right here. So there was a fatality at this intersection. So unfortunately, the traffic engineers are misspoken. There may be reported closer to on arnold street for the reasons of officer said, not familiar with exactly where the particular materials are. On the adequacy of the storm water the hearings officer report says that the discharge at outfall with any more storm water into the cull verdict will require upgrading that pipe. The testimony from as far as what we would like you to do -- may I continue or would you like me to stop?

Potter: Go ahead.

Imperatti: Thank you, sir. We believe unfortunately even the rules you have to play with that the only thing you can do is really deny this application because of the 40 miles versus the 33 and because they didn't get what they needed to do for the stormwater permit. If you choose otherwise which is certainly within your discretion, we ask that you modify the decision or reopen it, return it for a city conducted traffic and stormwater study along with requiring consideration of all the evidence submitted to look at requiring mitigation for intersection safety. To return -- require necessary studies to protect the state park, and at a minimum make sure the amount and manner in which storm water goes in the park is not worse. Fix, perhaps fix the intersection outside this appeal. We understand that this whole boones ferry is in t.s.p. Plan number 90062 and it's a several million dollar project going in, good portion of boones ferry. One conceivable option to make it more viable is split it out of just the intersection portion out of the bigger project, and mover it up. It's currently at the as I understand it the 11 to 20-year level and it's been there as long as I have lived in the neighborhood the best I understand it. And it really needs to be in the zero to five time frame. The problem is, we are outgunned in these hearings. We don't have sophisticated lapped use

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lawyers like they did. Ed Sullivan is her boss. We don't have the resources to hire a traffic engineer. And so we are left at the mercy of the city's traffic department. You guys don't have the resources unfortunately to do the rebuttal work that is necessary. And while I did misspeak saying at least versus approximately, 184,000 and I understand the S.D.C. issue, it is really somewhat counterintuitive, Commissioner Adams, that if we do fix this intersection with a roundabout that will increase capacity because you have heard testimony that so many more people are avoiding this, in fact, would use this. And this is especially true given what's going on in Lake Oswego. We are almost literally on the border with Lake Oswego. With the new developments. And we would ask that if you could work with Metro perhaps to mitigate the impact of increasing Lake Oswego development, using Boones Ferry as a major road to Portland, that would be appreciated. Thank you so much for your consideration.

Potter: The commissioner have questions of staff?

Adams: Yes.

Adams: Hi, Curt.

Kurt Krueger: Good evening, commissioners, Mayor Potter.

Adams: Could you share with us, following up on the earlier question of Commissioner Leonard, can you share with us sort of your thoughts and how you went about the study, your thoughts on configurations? Options, what the data shows, what the data doesn't show, speak specifically to the crash. The injury accident or death that was mentioned.

Krueger: My feelings are I am frustrated and I will fully put that on the table today. Having been in development and transportation in the last four years there's been two intersections in town that I have constantly heard from neighbors as development has been occurring. We recently resolved one of those in a process with a much larger development outer southeast Portland. The other one was this intersection. I personally would like to see this intersection fixed. I am not the one that guess to make that decision. There are a number of options we have looked at. I have got a number of creative ideas how we could fix this intersection. They have all their pluses and minuses. Those aren't in the record. I am not sure what I can provide as far as those pieces of information. What we are limited to is the traffic information that was prepared by the applicant. The black and white criteria we do have they met. We reviewed that. We found it was adequate and I realize adequate is not what the neighborhood wants to hear. But it's what we are limited in reviewing. As in regards to the fatality the fatality that we are aware of occurred approximately three years ago. It's an unfortunate situation. Ms. Jefferies to my right was the traffic engineer with the city who reviewed that particular case. It was not -- it was an indication where somebody was driving too fast for the conditions around the curve in the road, not attributed to the intersection itself.

Sten: I guess I'm -- do I have --

Leonard: I was going --

Sten: I would ask you to follow up on what you think the mitigation would be. We are down to the deliberation where I am debating in my own head before I vote what kind of conditions I want to add so I can ask that question, I believe. I would like to know, you know, what possible mitigation you would consider.

Leonard: That's what I was going to ask.

Kasting: According to the code the issue is whether the approve criteria are met. If they are not met, the council is directed by the code to approve. If they are not met with conditions, the council can impose conditions.

Leonard: Get to decide whether they met or not. We get to ask questions as to whether or not there are modifications that --

Kasting: Conditions that may be required.

Leonard: I'm sorry?

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Kasting: You get to consider whether there are conditions that may need to be imposed in order to achieve compliance with the approval criteria.

Leonard: Commissioner Sten observed I am less delicate than he is. [laughter] I will stipulate. All possess.

Krueger: I will try to be delicate as well. You have heard from the neighborhood. They don't want a band aid fix and unfortunately, looking at this intersection, over many, many, many hours, there's either a band aid fix for a few thousand dollars that does minor improvements or a much larger fix that's on the order of a half million dollars to do something that is going to solve the problem here. Separate from this land use case we were already working with the neighborhood association, ms hand and I and others have met to talk about potential retyping of the intersection. That's something transportation can do within our current budget it's a minimal expense. There's alternatives that are provided to the neighborhood. It is a band aid fix. It will not solve every problem at this intersection but it may help get drivers in the right locations so as you saw in the video some of the displays that have been presented, some of those conflicting movements with people pulling to between, behind other vehicles, some of those items can be resolved with a restriping plan. I would take it a step further and suggest some additional asphalt and regrading occur around that intersection. It's one thing to put markings on pavement but neighbors and residents that have used that for many years will eventually work their way over that and wear those marks as way so I suggest we actually clean that intersection up by removing asphalt.

Leonard: When you are describing that, i'm sorry, specifically when you saying that you are describing which intersection? The southeast stephenson court? Street? And boones ferry? Or the curve?

Krueger: The current stop bar is probably not placed in the best location.

Leonard: I'm sorry? That's what I was saying. I didn't hear you.

Krueger: I am sorry. I didn't hear you.

Leonard: And I didn't hear you:

Krueger: The stop bar -- [laughter] the stop bar on stephenson is not placed at the ideal location. That's not where people are getting the most intersection sight distance.

Leonard: A stop bar?

Krueger: Yes.

Leonard: Stop bar?

Krueger: It's the painted mark go on the asphalt indicating where to stop and that's where it's legally enforceable. What we would suggest is restriping the stephenson approach to the intersection putting cars where they should be to get the most open at this mull.

Leonard: Stephenson street or court?

Krueger: Stephenson street.

Leonard: Ok.

Adams: So there's less, by doing that we basically are trying to narrow the variety of per mutations in which a car can be found and therefore it makes it slightly easier for people who come upon the intersection to know where to look. The car is there or not.

Krueger: Correct.

Adams: But it's far from the perfect fix.

Leonard: But you were mentioning a half million dollar. That isn't a half million dollar fix.

Krueger: No. [laughter] I could walk through some of my suggestions that would be a half million dollar fix.

Leonard: Is that that you just described responsive to commissioner Sten's original inquiry?

Krueger: I think mitigation that commissioner Sten might be alluding to we think we could ask the developer --

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Sten: I am still making up my mind what's reasonable. I want to know the whole range. That would be very quick search of the half million and I would asked to see the what you expect the inadequate fix would cost. The one just described.

Adams: Run through your list.

Krueger: Ok. The proposed striping plan and asphalt removal is probably on the orders of \$10,000. A roundabout has been discussed is roughly in the half million dollars. We would have to apply for right of way. There's a number of grading issues. Things that may have to be built. I propose if I had my way to design this, actually taking stephenson and directing it south about three or 400 feet west of this intersection and having it connect to boones ferry at a different location. There is -- if you give me just a moment I will show you what I am talking about. Rerouting stephenson at this location and you theeing it into boones ferry at this location ask you have much better sight dances. Per mutations of that might be to limit this as an ingress only and egress only. Certainly one option might be the data showed we had problems significant safety problems, serious injury accidents. City traffic engineer will not hesitate to block off this access. Doing that obviously has a number of connotations and problems with it. We would be cutting off a secondary means of emergency access to this neighborhood. I can continue to go on. We have been looking that the for a long time but to answer your question, the more important fix that we will addresses the problem is on that order of \$500,000.

Potter: How about a traffic signal? [applause]

Krueger: A traffic signal would not be the answer at this location and here's why. You have heard from the neighbors talk about the sight distance problems around the corner on stephenson. By placing a stop signal or stop sign at this location what we would create is a situation where you would have stopped cars now at that intersection. And at certain times of day you would have cars that would back themselves enough around the corner those people that are driving those 33 to 45 miles an hour would not know that there's cars parked there. We could put warning signs and other things there but you could not physically see around the corner and you could literally make the situation worse than it is today. It's definitely something we considered and certainly enter into discussions with the developer if theed a quad see of services of capacity of stephenson and boones ferry weren't at watt we would look at this but this would make the situation worse.

Adams: Go ahead. Question.

Sten: Question for eric. The criteria in terms of adequacy is that both the existing situation is adequate and the additional capacity does not tip it into being inadequate?

Engstrom: We have actually, if we can pull up the --

Sten: You had the slide up.

*******:** Yeah. I'm not sure the best way to pull that up.

Krueger: I don't want to dismiss the fact the applicant will have to improve the pedestrian and bicycle the entire length of boones ferry. We have been doing this with recent developments up and down boones ferry so where we have had no areas for pedestrians, or bicyclists we are slowly but surely getting incremental development to put those large dollar cost items.

Sten: That's what I was looking for, eric. I can read it but you can explain it. Do we have pending applications for additional subdivisions in the near vicinity?

Engstrom: The largest somebody divisions actually that 70 pending have already been approved up the street farther. There was at least a couple that were 15 to 20 lots that are already through the approval process. I am not aware of any other ones that are pending that are larger beyond this one.

Adams: There is -- you and I have had this conversation but general area likely speaking arnold creek has witnessed a heck of a lot of building permits in the last three years and loy it's not widely known to the rest of the city, some of the most aggressive single family infill is happening in this neighborhood. When -- the policy, our policy or the legal framework in which we can take action

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before there's a death, before there's, you know, a major crash or an injury, our ability legally to use that, our predictive abilities, common sense, you know, when do we get to interject and prevent bad things from happening before they do as opposed to only being limited to after someone is hurt?

Krueger: That's a good question and I think that probably is addressed by the one word, safety for all modes in the approval criteria. It's a del lat approval criteria because it is discretionary and very gray. There more concrete numbers that allude to what is safe and what is not safe.

Leonard: I would like to bore in a little bit on some of your specific suggestion. So when you were talking about reconfiguring the egress-ingress to Stenson street and you were talking about the outlet, as you pointed on stephenson street a little bit further south -- I can't remember how feet that knicks 500 feet?

*******:** Approximately.

Leonard: Would we have to, we, the city, acquire the property in there to do that?

Krueger: The city has a 10-foot drainage reserve easement over one of those properties. That could be used. I have had conversations with staff from b.e.s. We could combine that as a public right wave and do a green street approach here. There's a number of opportunities.

Leonard: I guess I am trying to figure out, so -- the what the cost would be of that so the cost of that wouldn't necessarily be acquiring property if we already have an easement? Just approving the site?

Krueger: We would still have a cost of acquiring property. We couldn't do what we need to in the 10 feet. We would need mere 30 feet to adequately fit pedestrian and vehicle movements along it.

Leonard: Let's just assume we were discussing that. Then were you talking about actually rerouting southwest stephenson court on to stephenson street? So stephenson court doesn't come directly out on to boones ferry as well? Is that part of that?

Krueger: Part of my recommendation if we were suggesting a capital improvement project to council would be to close stephenson off to boones ferry but route stephenson street around and continue to it loop into stephenson court.

Leonard: Ok. So you would no longer have that ingress or egress right there at the curve. And then so you would have a stop sign there on boones ferry coming out of stephenson court and stephenson street? People would be coming out to turn left or right on to boones ferry? Yeah. Why don't do you that. That would be helpful.

Krueger: If we had the funding available and could make this project happen and route the traffic here, what I would ask us to do is move the asphalt here. Make this connection permanent connection but no longer allow axe says from boones ferry. One iteration would be only allow axe says in and this would be the access out. That would reduce some of our cost in acquiring property.

Leonard: That's what I was going to does. That would be cheaper?

Krueger: It would but it would be on the or the of maybe \$50,000 cheaper.

Leonard: Versus how much if we decided to do that fix? [inaudible] that's the \$500,000? I see. That's -- ok.

Potter: I have a question. And it has to do with a previous hearing. It was up off of sylvan and 26 behind the fire station.

Krueger: Correct.

Potter: That was my understanding that as we were talking about this, that we could only consider the traffic that was as a result of the new development as opposed to the traffic that was on the highway. Or on the roadway.

Krueger: When we have an ability to ask for a traffic study like we do thin case we look at existing conditions and then we look at the impact by the new development. Primarily what we are looking for is the level of service the operating capacity of that intersection. So in a case like that if we had an intersection that was currently failing to today, we would need to mitigate that back to an

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acceptable level of service before we would allow that new development to put traffic into that intersection. For this particular case, the level of service is not the issue here. We have adequate capacity at this location.

Engstrom: I want to interject one thing to add to curt. One of the factors and the distinctions we also need to be aware of is that the approval criteria on the screen are fairly broad and give us an ability to look as curt said about to interpret what safety means. But the another overriding principle that is a factor when we are evaluating this is, if we come to the conclusion that mitigation is required, there is this principle that we, in the law that we can't ask for mitigation that's disproportionate to the direct impact caused by this development. So while we consider, we can consider the existing situation and whether we approve or deny the project, if we are talking about mitigation, we can't ask for mitigation that is, goes terribly much further beyond what the impacts are created from the project. So that creates kind of a dilemma when you are reviewing it.

Leonard: It does. In one sense and another we define our findings here what those issues are.

Engstrom: Right. What we have, what you are faced with is what is proportional to the impact of the development and then what is safety in this case.

Leonard: So what is the amount of s.d.c.'s that this project generates?

Krueger: Eight lots at approximately \$1700 per lot.

Leonard: Just that much.

Adams: So combine that with how much would they be spending more or less and if you don't know the answer maybe we should ask them on the sidewalks. On boones ferry road and the improvements to the street and just in front of their development.

Krueger: Shooting from the hip I would say it's \$100,000, \$7500,000 to \$100,000. Commissioner Adams if I may you brought up an s.d.c. Issue and I want to put a couple things out there on the table for consideration. The transportation system plan has identified a project on stephenson. It is on our 11 to 20-year period. That is a project that includes pedestrian improvement the on stephenson as well as the specific intersection itself. One option council could have would be to have those two projects separated so priorities could be spent on just the intersection and the pedestrian improvements along stephenson could be deferred to a later time.

Leonard: What's the projected capital improvement cost of that project?

*******:** Jamie, do you have that?

Jamie Jeffrey: I believe -- my name is jamie jeffrey with the office of transportation. Good evening. I believe the estimated cost of that project is \$1.4 million.

Leonard: What is the current time frame for doing that project?

Jeffrey: It is in the 11 to 20-year time frame. I understand from the planners, transportation planner, who deals with the t.s.p. Updates that there can be arguments made to try to justify moving it forward in priority. It could be moved to something more imminent. There's no defined category of what you would put that in. You can advocate for anything. It can also be -- i--- i'm sore. It can be broken into smaller pieces so, for example, the intersection improvement alone could be broken out away from the multimodal improvements for pedestrians and bicycles.

Potter: Can I make a suggestion. It's one mr. Imperati is to separate out the traffic irk from the development itself and also he suggested, I do believe, that cutting it down to zero to four years, mr. Imperati?

Imperatti: Zero to five.

Jeffrey: That's correct.

Adams: Zero to five what?

Jeffrey: Years. The first block of the t.s.p. is zero to five-year package.

Adams: I have another suggestion just to throw out there. They have never done this quite before but if we were to take the s.d.c.'s, we were that take the value of foregone sidewalks, which will be just a piece on an otherwise unsidewalked road, if we were to take the value of what we could

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legally assign them with dealing with the intersection, does that get us to the 250 to \$300,000 range?

Krueger: It's probably on order of \$150,000.

Adams: \$150,000 range.

Adams: And if we moved up the -- that would help us move up, move it up the list. Because we will have sort of localized funding.

Leonard: How hard would it be to add another \$400,000 out of the transportation budget to accomplish the fix you are talking about to that concurrent with this project?

Krueger: Correct.

Leonard: I guess I am asking. I am thinking I don't know the right one to answer that. But that is what you are thinking, commissioner Adams?

Adams: Instead of it being on 11 to 20 year I don't think we can do it concurrent but we have project that is have been on the list for 11 to 20 years that are finally making their way to the top of the list as well. And southwest and all over town. But if we could maximize the amount of money that would go towards the things that the neighbors, if what I interpret the testimony correctly if we could maximize the resources off of this, going towards what the neighbors care about most for the short-term, we all want sidewalks and bike lanes on boones ferry but more important than that is to fix this intersection. And then we prioritize and try to get the project done within the next four years as opposed to the next 11 to 20 years, as you suggested, and we require other related development in the area to not do their sidewalks, not pocket the money for, for not doing the sidewalks which they can do right now, and devote it to this as well, then, I think we can get this done in the time frame of two to four years. That would be my -- that would be my commitment. [applause]

Jeffrey: May I clarify something. I believe I misspoke on the total dollar amount for that full project. And mr. Imperati had a kind of the transportation system plan. It's closer to \$3.5 million. But because it includes installing bike way and pedestrian facilities along stephenson from boones ferry all the way to 35th, there's a significant cost involved in road widening due to topography and things like that. So the line I don't know's share of is probably the multimodal improvements and the intersection costs are probably still within the range that curt has alluded to.

Adams: If I interpret your clapping and shaking the heads that this intersection is more important for the moment than intermittent sidewalks and intermittent bike lanes in front of intermittent development along boones ferry and other streets, then, I think we pdot will commit to focusing all of though resources on this intersection and working with developers to make that happen.

Leonard: We have to -- I mean, we have to talk about how we are going to condition --

Adams: Absolutely.

Leonard: The condition the development on that. I need to hear some thoughts on how we do that. At approval process that defines a future council to commit to doing the project and the two-year span we are discussing.

Engstrom: I can address that, there is a condition of approval in the hearings officer's decision requiring the sidewalk frontage improvements in front of the site now so what you would be doing is presumably modifying that condition to redirect that energy.

Leonard: It's the -- but I am asking, I am saying the next step that's the easy part.

Engstrom: Right. What you can do is condition the applicant to require you to do what you said.

Adams: But it's a good start for following up on my commitment if we can have as a condition of approval that curt signs off on the value, the savings of the developer would achieve by not doing the sidewalks or paving for the intermittent bike and sidewalk lanes, and we can commit, we will try commit, it will be hard to commit s.d.c.'s because of the nature of this project, and then you get to come up with an assessment. Right? Who comes up with the 1% mentioned by the attorney? Who comes up with the assessment to fix the intersection?

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Sten: My sense would be, I mean, my personal view is that the intersection is inadequate and so I get the argument that I would make, too, if I were representing the adequate that 1% is a fair number but I don't necessarily conclude it is.

Adams: Who makes that decision?

Sten: I think we need to take a tentative vote today with a concept and then ask staff to work with the applicant on the mitigation package based on these principles where they come up with the number because otherwise that's going to be -- I am not satisfied that they have met the criteria -- that the intersection is adequate. Therefore just offsetting the sidewalks. I think the applicant needs to make that reasonable contribution whatever it is but I think there needs to be more negotiation on what that reasonable contribution should be. I am not prepared to accept the notion that 1% is necessarily the fair number.

Adams: Neither am I and fore give me who neighbors that decision? Staff level? Curt?

Leonard: I don't know.

Adams: We just finish the --

Krueger: When we are reviewing application and we are looking at improvements, we are weighing the approval criteria versus lat applicant should be proportionally responsible for and that typically in the past has been limited to strictly the, their sight frontage unless we have a capacity issue at an intersection. And in the past we have asked developers to allow them to move forward to fix an intersection.

Sten: And my personal finding is that I am one vote that the capacity is not there for this development. So it seems to me that the choice I am wrestling with is coming up with a mitigation package if there were two other votes or turning down the development.

Leonard: Well, and my --

Sten: I'm just one vote.

Leonard: Perspective on this it's pretty easy to outgun the applicant as well. I respect that everybody is here and is feeling pretty strongly about this but I am also pretty sensitive to their rights to their property so I wanted to keep some balance in this discussion. I am less concerned about the dollar amount at this point because what I have heard you say we have already committed at least notice long term capital improvement plan 20 do work on this intersection. It's starting to ring my unfair bone to all of a sudden shoulder them with the cost of doing something we were planning on doing, something like anyway. I guess I am thinking more in terms of, and I appreciate very much commissioner Adams' commitment for pdot. But I would like to see that in writing and somehow part of this deal. So I am thinking, in terms of for my vote, having a plan, a specific plan that's a commitment to actually do this work and I am not as -- I am not sympathetic necessarily to burdening the developer with the cost. Or unfair cost. If there's a way we can do what commissioner Adams talked about apportionment on the sidewalk or the other kinds of things they have to pay anyway, that's fair. If there's some other fair contribution to mitigate in, I am open to that. I am not open to just because we can hitting them with an unfair share of the cost of doing this. I am committed to doing the work. And I am saying I would probably not -- I am with commissioner Sten I will probably not vote to approve the development unless this work happened. I would like to see it monetary committed sooner than what I am hearing from pdot to get this work done.

Adams: Just to be clear, I appreciate both comments but just to be clear what I want to see is from the area development that has a nexus to this interchange that might be coming forward as well. So in addition to the list you got here, again as opposed to our normal requiring of sidewalks and intermittent sidewalks and bike lanes, if we were to have the ability to forego those intermittent stuff and devote it to the costs of moving this up sooner in the list I would like to see that as well.

Leonard: I mean what I am hearing is we have about \$150,000 on the table that the applicant is going to spend anyway. I am very open to agreeing with the majority to dedicated those resources

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to this. What I heard was that the total cost is \$450,000. Approximately. So we are \$300,000 away from a true fix.

Adams: And that's why I want to look at other developments going on in the area. See if we can forego.

Leonard: I got that. But what I heard is there isn't. The --

Adams: There is other.

Sten: I was saying it was I think there's some number between the missing 350 and 5,000 which is 1% that would be fair for the applicant to mitigate. I think it should be fair. I don't think it 350. The premise here of my vote is that the intersection is inadequate. If the intersection is inadequate, the application doesn't get to build period. I would like to find a fairway.

Leonard: I am saying exactly what you are saying except I want in our final vote a specific date by which this plan will be completed including the commitment by the city of the money necessary to do it. Not just we take the money from the applicant, we promise to do it at some point in the future, and, you know, elections happen, people change, and it doesn't happen. So I want it to be part of this deal. And I am open to -- i'm sorry?

Adams: Are you predicting something?

Leonard: No. I mean you can't predict. That's the problem.

Adams: I think that's a useful suggestion. I mean that's certainly is what I intended with my earlier remarks. And we will come back to you with a plan showing how we can get it done or not. I certainly condition it on that.

Sten: Do we have any time constraint?

Kasting:: I was about to mention that. I understand that the 120-day deadline for the city making a final decision runs out Friday of next week. Is that, Eric?

Engstrom: That's my understanding.

Kasting: And the applicant at this point has not extended it. So the council really needs either to get an extension from the applicant or to make a final decision no later than Friday of next week.

Sten: How long would you need? Two, three weeks to make the plan we are talking about? More? Six weeks?

Krueger: I think six weeks would be a good start. There's some challenge, Commissioner Adams, on the approach you are taking and I have got some managers in the back of my head that are screaming right now. [laughter]

Leonard: You have managers or voices?

*******:** Maybe both.

Leonard: Voices that's two that says different things.

Krueger: Can I offer one more excellent? Right now we are under an s.d.c. Very view we are throwing projects out. We have put this project on a recommendation for the list that both pdot and the consultant will be looking at over the next six months. I hope this project made it on there. I am not one who gets to make that decision where that falls but I think there are some avenues if we are looking at new connections here, to apply s.d.c. dollars as new capacity. So we might not be limited on those s.d.c. dollars.

Leonard: Why can't we direct that as parts of the findings we do here today that that just happen?

Adams: If we can.

Leonard: And just, you know, i'm sorry?

Sten: I don't think you can direct it as a land use finding but you can direct it.

Adams: The option we can't use s.d.c. For traffic light but we can use s.d.c.'s on the new road. Because that we can argue with the state does create capacity.

Sten: I would make a motion that subject to the applicant's approval and die want to say the applicant. The goal here is to try to come up with a package that will improve this intersection that will be better for the development and includes speeding up development. Subject to the applicant

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giving us a six-week extension we set this over and ask staff to come back with a proposed mitigation package based on the principles discussed tonight.

Adams: Second.

Engstrom: I want to mention one thing that regarding the time line, that if we do get an extension there's also in the 120-day law a maximum extension that the applicant is allowed to give during any project and I am not sure where we are on that number. So I think six weeks falls within what we are allowed but if we go too much beyond that we may run into the maximum end of how far someone can extend.

Adams: They're consulting.

Leonard: I am actually not wondering why it takes so long for us to put this, why it takes six weeks.

Adams: A fare amount on our plated now. If you would just you the cut us some slack. Not like I am the commissioner of water bureau on vacation. I have 4,000 roads and streets to take care of.

Engstrom: Ok. I believe what we determined is that august 3 is as far out as we can legally go under the state statute.

Sten: That acceptable? Is that acceptable to the applicant? The applicant come up?

Richter: Somebody tell me what six weeks is? From today?

Moore: Wednesday, august 2.

Richter: We will give you until august 3. We will extend the 120-day limit to expire on august 3.

Adams: Thank you.

Leonard: So just to be clear, when we come back with a package so we don't misunderstand one another, I would -- I need to have it for my vote to be a package that when we approve it includes a commitment by us even if it ends up being some other document that we have to do it in that we actually construct this project that we are, which is our responsibility, concurrent with the development of this project.

Jeffrey: May I ask a question to clarify then? So this, the details of this package would, in essence, potentially include some time lines that we are trying to achieve the improvement in?

Adams: It would I think what we are talking about is directives from council to pdot to complete the improvements by a particular data that would be part of the package and that's extraordinary than we normally do but I think that's absolutely appropriate.

Potter: Is a state highway?

Krueger: No. It's a district collector.

Potter: What was commissioner Adams's discussion about trying to reduce the speed limit to 25 but the state refused?

Krueger: The state actually regulates speed limits both on their own roads and within jurisdictions roads so to adjust the speed limit we have to go through the state review process.

Adams: Can you believe it?

Potter: Any of the discussions we have had to this point we would have to get permission from the state of Oregon to alter the roadways, make any appropriate changes?

Krueger: Actually, no. Because connections to our local streets are reviewed by us and our city engineers, city traffic engineer of that jurisdiction.

Adams: But I would ask everyone in the audience who cares about how our hands are tied with speed and use of s.d.c. charges to please join me in the next sex of the state legislature.

Leonard: What if we accumulate signs and didn't tell them? [laughter]

Potter: Can we -- I would like to ask clarification.

Leonard: Self revealing.

Potter: Excuse me. I would like to ask a question from the city attorney. Do we have to make one of these motions on the sheet?

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Kasting: The council could vote to continue this matter to a specified future date.

Adams: I believe I have a motion that was seconded to do that.

Kasting: You need specify the date.

Sten: I would --

Potter: What is the date?

Moore: August 3 at two o'clock p.m.

Sten: I accept that as a friendly motion.

Adams: Second it again.

Potter: Call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] council is recessed until 2:00 p.m. tomorrow. [applause]

At 8:22 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.

Key: ***** means unidentified speaker.

[The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript.]

JUNE 22, 2006 2:00 PM

[roll call]

Potter: Please read the 2:00 p.m. time certain.

Item 848.

*******:** Good afternoon, mayor and commissioners. Today we have a whole variety of --

Potter: Will you state your name for the record?

Jennifer Sims: Jennifer Sims, financial planning. I always forget that. We have two actions related to fiscal year '05-06 and following that we have five actions for '06-07. So to start with the current item, this is regarding what we call the spring bump and minor supplemental. I'm going to be talking from this memo which should be in your packet, or was in your packet filed regarding the spring bump. We previously provided the council a complete review and analysis for all of the bureau requests for this action, included in that analysis was a review of financial performance for the year, what all of the '05-06 budget requests were, the year-end balance projection and budget notes status report. What I will do now is go through just those primary items that are being changed. These include items that have no net increase in the budget, but have adjustments of moving money from one category to another for spending, or where the total fund may be increased, but it is for less than 10% of the total budget of the amount of the fund or less than 15% of the contingency. We also have authorization for some vehicle purchases and authorization for two interfund loans. So to begin with a couple of areas that have technical changes, in pension debt redemption fund and various internal services funds, we have revisions that don't include really major increases, but they're just changes to accommodate business needs between funds. For the transportation operating fund, we do have increase of approximately \$13.5 million. This includes an interagency increase with city fleet to cover additional fuel and repair and services costs, increase in the capital improvement program for \$2.2 million, bond expense increase for the streetcar, and Gibbs extension project and a temporary loan from the sewer rate stabilization fund to cover cash flow requirements for approximately \$6 million. This will be repaid next fiscal year, including an interest amount. This was included in the approved budget. The sewer operating fund is recognizing additional bond proceeds that have been sold this year and appropriating those for capital improvement program costs of the year. This does not reflect any increase in project costs, just the timing of work. The L.I.D. construction fund requests an increase of \$22.5 million, and its cash transfer to PDOT for costs associated with the tram and streetcar L.I.D. projects. Again, these are all in accordance with previously established project costs. For the insurance and claims operating fund, we -- due to changes in the way that expenses are accrued, we are anticipating that claims, payments in the current year may exceed what is budgeted, and therefore we are proposing a loan from the parking facilities fund to the insurance claims fund that will be executed on the 30th of this year, June 30th, and repaid the following day so that there is no interest charged, just an overnight loan to cover cash flow, possible cash flow requirement needs. For the general fund, we have a net increase in resource and requirements of \$2.1 million. Most of this is attributable to new grants

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revenue. If you're following me i'm now on page four of this package. The two other primary areas I would like to highlight before I report for you on the budget notes are the allocations from the general fund compensation setaside. As you know, we budgeted amount there that is estimated to be needed for a cost of living increases and other negotiated and required pay increases, and then based on spending needs, we review and determine what is actually required year end. And we have an allocation of funds to various bureaus, and i'd like to highlight the largest areas, because they have a couple of notable points for the fire bureau from comp setaside, we're proposing to transfer \$2.1 million, and significantly that includes \$600,000 to cover a higher than normal projected number of retirements. Normally there are about 24 retirements, and this year it is projected there would be 36. And later we have a budget note that the council has asked the fire bureau to prepare a plan for recovering retirements, and they believe they'll be able to cover \$1 million of those retirements, but because they're so high this year, they've asked for this additional amount from comp setaside. Also, in the police bureau, the total amount that is required to cover projected personal services for this year is \$4.2 million. And we're proposing that \$2,657,000 come from the compensation setaside, which is the entire amount in that account for police. And then the balance of that be taken from contingency. Moving on then to contingency requests, we have several, and these are -- because they are from general fund discretionary resources, i'll just quickly note what those are. For mayor's office school funding coordination, \$46,000, \$63,000 for personal services and materials and services for commissioner Adams' office. Office of government relation, \$30,000 for personal services expenses and legislative transition -- legislative session. For the office of neighborhood involvement, \$50,000 for vision, p.d.x. grants, and \$17,000 for neighborhood inspection team reserve, and \$58,000 from beginning balance to the n.i.t. reserve. This is a part of moving those programs back and forth. \$10,000 for b.t.s. costs that were unanticipated. I already mentioned the police bureau, personal services. This is that special amount that the council has set aside in contingency encouraging police to manage and monitor and use their overtime carefully. Fire bureau, \$125,000,700 for advancing their -- \$125,700 for advancing their connectivity project. And we've had corresponding change for next fiscal year. Health fund, \$455,000 to finally pay back interest on a back-due premiums. And finally, from the campaign -- for the campaign finance fund to cover the share of the health fund transfer for that program. Moving on, for the budget notes, there are many budget notes, and what we have done for this report is to separate the ones that are already finished or there is nothing new to report, so i'm just going to briefly go through where we are with the ones we do have something to report on. If I don't say anything about a budget note, that would mean there is nothing to report. Fire bureau, fire delivery system, results reported in march 2006 and in april, council adopted a resolution for the fpd&r to move forward on relocation and constructing station 18. Retirement payouts plan, already mentioned that earlier. The fire bureau has managed to cover a million of the \$1.6 million payout, and they are requesting \$600,000 to cover this extraordinary number of retiring firefighters. And others. Police bureau, leave of service, we've asked that the police bureau report back on overtime and on-call pay expenditures. The report is that the bureau requires \$4.2 million to cover their anticipated personal services expenditures. As of accounting period 10, which is last -- actually it would be in april, they have \$550,000 of overtime -- of on-call requirements, and overtime expenses of \$5.9 million is projected that over time requirements will exceed budget between \$1.5 million and \$2 million. Additionally, the bureau has incurred \$3 million of compensatory overtime costs. The next item is regional public safety coordination. There were three teams that were put together for this project. For a variety of circumstances, only one is continuing work, and they are wrapping up this week. That is on the river safety team. That report should be issued sometime next week. We do intend to reconvene this group at a time yet to be determined to work on recruitment, training, fleet services, and other what we're calling back of house-type functions. So there's still an intent to move forward there, but on a different focus. Problem oriented policing strategies. The

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report -- this cover memo includes a report that shows what all of the strategies are for the use of those funds, and what the dollar allocation is, and because work took time to organize and get started, there is not -- not all of it is completed and it will continue into next fiscal year. For the parks bureau on pier park, there was \$100,000 provided for skaters to match, and they've come up with about \$90,000 so far. We are fully expecting that the skaters will reach the \$100,000 goal. On additional parks maintenance funds, there was \$1.4 million provided to parks for projects, and there is a list, detailed list in this memo of all of those projects and their budgeted amount and status. They are reporting that by the end of this fiscal year they expect to have about half of the allocated funds spent. They are either have or very close to hiring -- they're working on hiring a position that will aid in speeding these projects along. They have additional monies budgeted in next year for parks maintenance projects. Interstate firehouse. We provided \$80,000 for one-time funds to be matched. They've raised about \$44,000 so far. Limited term funding for parks facilities this is where we have successfully this year provided partial one-time funding to transition some operations to different funding sources, that's been successful and those facilities are budgeted at the lower level of city money next year. For the bureau of environmental services, we have a note to have it to -- to work on green streets development avoss bureau team has been inconvenienced, a phase one report is complete, and phase two is scheduled to be completed in september of this year. Consolidation of public information functions. That work is part of the bureau innovation project assigned to team number three, and they are beginning their work now. We have been doing some background research. Bureau innovation project is noted here, and work continues through the, I don't know, we call it the big -- the regular team meetings. Office of the city auditor was asked to assess whether managing for results, management auditors is needed for improved performance measures or ongoing performance measure audits, and the position has been extended for second year next year, and will spend a quarter of their time on customer service initiatives. I'm almost done. Office of neighborhood involvement, \$80,000 for one-time general fund resources is available for match, and to date we have not been able to raise private donations for match, instead the funds have been directed to the o.n.i.'s crime prevention manager to be used for enhanced graffiti abatement services. On bureau of planning reorganization, this has been assigned to bureau innovation number 10, and work on this is currently bending. On -- river renaissance is to provide a status report to council that was completed in february of this year. Under office of management and finance, budget note on 800 megahertz and computer aided dispatch systems to develop financial plans for the replacement of those. A request for proposal has been released for a consultant to review the computer aided dispatch system for recommendations on replacement strategy. There's various other work going on related to the grants and all of this will be reported to council with the consultant recommendation in july of '06, so next month. Also, through the subcommittee there's been a preliminary agreement on a multicounty replacement strategy for the 800 megahertz radio system. Additional planning efforts are underway to tie the c.a.d. replacement upgrade, 800 megahertz, fire, and working it into a comprehensive project. Stakeholder involvement and strategic technology plans, the chief technology officer advisory council has been convened, and there's work being done to update the strategy plan reported to council in spent of this -- september of this year. O.m.f. Business operations complete add focused review and the report of findings and recommendations is available on the o.m.f. Website and result and recommendations will be incorporated into their organizational work plan for '06-07. On maintenance consolidation, there is work being done through bureau of innovation project number 12. To date a total of 19 positions have been cut since '04-05, another five positions are expected to be reduced as part of the '06-07 budget. And additional reductions are included in the b.e.s. and water financial plans. Summer youth employment program, the expansion -- this is -- this program has been expanded and continued, has the new minimum wage, 70 participants, and has been extended by three weeks. And i'm happy because i'm going to get somebody through that. Revenue

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bureau. This is the formation and implementation. Started in october of 2005, and has three divisions, a fourth division called business solution assist being formed july 1, so only a week away, to focus on systems support enhancements, and a report on police alarms program will be delayed until december '06. R.a.c. Check-off system. The revenue bureau is working on code revisions required to implement this, and was anticipated to come to council this month, but will be instead presented in october of '06. Multnomah county i-tax is sunseting after this year, and the bureau is updating its financial plan by december of this year to explain how they're going to address the transition, and because there will be a reduction to approximately 20% of current service level for the final collection, and if the revenue bureau moves to columbia square building, about half of the estimated \$400,000 shortfall would be mitigated. That is on all the budget notes. And everything related to the bump and the minor supplemental for '05-06.

Adams: This is on the bump report? These are for next year.

Sims: This is for fiscal year -- for the current fiscal year.

Potter: He had an amendment. It will go on to the '06-07 budget. Ok. Any further questions, or any questions from the commissioners?

Adams: You were very thorough. [laughter]

Sten: I had a lot, but you got them.

Potter: Ok. Karla, please call the vote.

Adams: Thank you. Aye.

Leonard: Aye.

Sten: Thanks to the team. A very good budget. Aye.

Potter: I want to thank o.m.f. And ingrid and all the good folks who worked on this budget. You folks do a great job, and I really appreciate it. Aye. [gavel pounded] please read item 849.

Item 849.

Sims: We're still on '05-06. The difference between the bump and the major supplemental is that these are bigger changes to the budget. So these are things that require transfers from contingency of over 15%, or increase of fund by more than 10%. We have four funds that are affected by this, and this was also part of a public hearing that was held with the t.s.c.c. on june 15. The four funds that are affected are the --

*****: Fire.

*****: I'm sorry. What's b.f.r.e -- fire and rescue emergency services facilities bond construction fund. Ok. I knew that.

Sims: This is to provide funds for capital outlay for fire station construction, work that was budgeted -- work that was budgeted but not completed in the prior fiscal year. So we need to appropriate these funds -- I am sorry. Reducing equipment cash transfers to provide \$1.5 in capital outlay. The other fund, another fund is convention and tourism. We have received more lodging taxes than we expected, so we need to pay those to pova in accordance with our agreement, and that increase is \$700,000. The parking facilities fund, we mentioned earlier, is doing an interfund loan to the insurance claims fund, and this allows for that, and finally, the loan from the sewer system rate stabilization fund to the transportation operating fund for \$6 million. That's it. Major supplemental.

Potter: Questions? Karla, please call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded]

Potter: Please read the 2:15 time certain.

Item 850.

Moore: We need to do the hearing on your -- in your script there.

Potter: Yes. I thought you read it and then I --

Moore: Do you want me to read it first, then?

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Nancy Hartline: I think you can start, mayor, i'm nancy hartline with financial planning.

Moore: I'll read it after.

Potter: This hearing is being held by the city council of Portland, Oregon in compliance with the provisions of the state revenue sharing regulation. This to allow citizens to comment on the proposed use of these funds in conjunction with the annual budget process. As proposed for council adoption, the fiscal year 2006-07 budget anticipates receipts totaling \$4,372,254 from state revenue sharing under o.r.s. 221.770. As has been in the case in prior years, it's proposed this revenue be allocated in equal parts to support fire prevention and police patrol services. Is there anyone here today that wishes to be heard on this? Ok.

Moore: Do you want to take these one at a time?

Sims: There are two items here. First is a resolution that certifies that the city meets these requirements to receive revenue, and you have to pass a resolution saying as such, and then your next agenda item is an ordinance accepting the state shared revenues. So basically this action is required in order to receive these funds.

Potter: This is a resolution? Karla, please call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 851.

Item 851.

Potter: This is an emergency vote. Please call the roll.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 852.

Item 852.

Potter: Will you explain that, staff?

Sims: These two operating funds have been in existence with similar purpose. They're now being totally managed through the technology -- bureau of technology services, and for ease of operation and management we're proposing that these be merged together and that the former communication services operating fund be closed.

Potter: Questions? Emergency, call the vote.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] please read item 853.

Item 853.

Potter: Is this the section where you're going to enter some amendments?

Adams: Yes. Do you need to say something first?

Sims: I can promise to be fairly brief, I can give you a report of what the things are we're proposing to change between the approved and the adopted.

Potter: Oh, ok.

Sims: We have a document we refer to as the change memo, which outlines changes, attachments b -- b, c, d, and e to the memo. And the first item that I would like to explain a little bit about is the -- what we're calling our programmatic changes. I'll mention -- there aren't a whole lot of them, so i'll explain what those are from attachment c i'd like to highlight a few of what we're calling our technical adjustments, because some of those are large or notable. I'd like to call them to your attention. And then finally there are a few budget note changes. So starting with the programmatic changes, the first one is to reduce the cash transfers from the 29 funds that contribute to campaign finance and reduce that to half of what is in the requested -- the approved budget. And then move \$445,000 of that to contingency, because expenditures are expected to be lower, and then take the savings from that for the general fund portion, which is \$261,000, and apply that as ongoing resources to fund positions, \$6-- 6.75 f.t.e. In boec, fire, and planning, these are currently funded with one-time or p.d.c. funding in the approved budget. Two are in fire, one is in boec, and these are changed from being limited term to permanent ongoing. In housing and community

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development, we are proposing to use \$200,000 from one-time funds for methamphetamine clean-up. Hydropower, minor change with no net fiscal impact to change of position from full-time to part-time. Officers office, add a limited term six-month position for visioning project, and reducing m and s to cover that cost. Also in the mayor's office, increasing one limited term position from part-time to full-time for bureau innovation, again, using m and s to cover that cost. And in the mayor's office, transferring monies that are currently in special appropriation in the approved budget for gang reduction to the mayor's office to limited term full-time position, no net impact costwise. That's \$160,000. For the police bureau, they have what has been a trust account holding resources that have earned interest on forfeited assets, and we're proposing that those be recognized in the budget and appropriated for the police bureau with all funds expenditure being subject to approval of the mayor's office. That totals \$343,000. In special appropriation charter review carried forward \$200,000 of unspent funds to complete work next year. And finally, under a special appropriation for downtown marketing, this is a program that we have historically allocated \$400,000 a year, \$100,000 coming from the parking fund, and \$300,000 from general fund discretionary, and we're proposing that those funds be transferred to -- for downtown marketing for p.d.c. To manage. Shall I go on to the technical adjustments?

Potter: Yes.

Sims: Just to highlight a few of these, one is for the fire, police, and disability retirement fund. They have estimated since we officially put the budget together, that they will have a higher beginning balance. So we're working with them to recognize that balance which allows us to reduce the levy requirement, and that -- so the extra balance is \$2.4 million, \$1.9 million will be used to reduce the requirements for taxes and the rest will be re-- will restore the contingency to a 3% level, which is adding \$426,000 back to contingency. Under housing and community development and the housing investment fund, we have about \$350,000 of unspent risk mitigation funds that would be carried forward and transferred to bhcd. We also have \$380,000 that is shifted from the special appropriation for inmate treatment services under the -- what we call the jail bed special appropriation, and that would be transferred to bhcd for homeless and public safety services. I'd also like to highlight that we have capital projects to be carried forward in o.m.f. Facilities services for \$6.5 million. Under office of transportation. We have a clarification regarding positions for the key Portland moving program. There was some inadvertent cutting and adding incorrectly and we wanted to clarify that's for five limited term positions. Under the parks trust and golf fund, we have in parks what's called the youth trust subaccount. And this is funded from a 50 cent surcharge on golf greens fees, and it goes directly from the -- where it's gathered straight through the parks trust fund. What we're proposing to do is instead have that retained in the golf fund so we can have adequate cash flow for golf. It has no effect on this program, the funds would continue to be monitored and accounted for separately, and would be spent for the same purposes it is intended to as it is collected, but because the golf fund is so close on its cash flow capabilities, we thought by -- capabilities, we thought we could address that cash flow problem by putting those together. And I wanted to point out that poem has received extensions on its 2003 wasi initiative and critical infrastructure grants, and is requested \$523,000 carryover for that. That's all the technical adjustments i'd like to highlight for you.

Adams: I have two amendments. I have a --

Hartline: Excuse me, commissioner. Before we -- before you entertain amendments the mayor has to call for a motion to adopt the budget as amended and then you can introduce your amendments.

Potter: Can I have a motion to adopt the budget?

Adams: So moved.

Sten: Second.

Potter: Ok.

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Adams: Thank you. Keep us on the right track here. So one is a hand written amendment. It fulfills the intention, this is the technical issue we had, a misunderstanding between my office and the mayor's office, both of which intended to move these forward. So this would move the 200k one-time funds be transferred from the excess reserves to the p.d.c. special appropriations, and this allows for the two rounds of the business grant program that has been underway. And then the second amendment, during the past year as we had to deal with storm water discount program, the big pipe, the tram, my office had to staff up and now that we still have a lot to do, but those projects are underway, i'd like to amend my own budget so that it's reduced by \$69,659 and the details on that are in this amendments.

Potter: Do I hear a second?

Leonard: Second.

Potter: Do we vote on the amendment first? Ok. Karla, please call the vote on the amendment.

Hartline: Excuse me. It would be helpful if you'd vote on each amendment separately.

Potter: We'll vote on the 200k going into small business grant program.

Adams: Aye. **Leonard:** Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] now vote on the personnel service reduction in commissioner Adams' office.

Adams: Aye.

Potter: Do we need a motion?

Adams: You moved.

Potter: Ok.

Leonard: Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded] now we'll vote on the package.

Moore: We have public testimony.

Potter: Please state your name when you testify. You each have three minutes.

Dan Handelman: Good afternoon, mayor Potter and city council members. I'm dan handleman with Portland cop watch. I'm testifying about something I heard about at the citizen review committee. I couldn't find the specific line item in the budget about this, and so forgive me if this has changed since I heard about it. The auditor's office did not have a breakdown of the police bureau budget. I'm here on behalf of my organization to relate to you that we're concerned about the Portland police bureau preparing to generate \$1.2 million by implementing a 2002 city ordinance that allows impoundment of vehicles for traffic infractions. Our understanding is the justification is these vehicles will be brought to so-called seizure world, the lot where the police seize vehicles and will be administered by the asset forfeit which your division. We feel an Oregon law, miranda versus the city of cornelius make it clear proceedings should be limited to circumstances involving criminal activity, meaning felonies and misdemeanors, but not traffic violations. In fact, the maximum penalty for a violation is \$720 with no jail time. This seems unreasonable to change the status of these tows which we understand are handled as impoundments to being asset forfeiture announcement we're not sure it's constitutional to seize property based on an infraction. While the court case dealt with towing a vehicle from private property, as a whole -- community care taking function to clear the streets of the vehicle to it will not cause a public nuisance. I have included several relevant sections to the decision on the other side of your page. In particular it notes, quote -- while the supreme court has accepted a deterrence rationale for civil forfeitures used for criminal activity, it's incompatible with the principles of community care taking doctrine. The purpose of community care taking function is to remove vehicles presently impeding traffic or creating a hazard. The need to deter a driver's unlawful conduct is by itself insufficient to justify a tow under the caretaker rationale. This means even Portland's ordinance providing for automatic impoundment may face constitutional challenges. In addition we're particularly concerned with the general policy of balancing the bureau's budget off the backs of those who may

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already be poor. The infractions in question, driving while suspended, without a license, while uninsured, are public safety issues, however, in many cases people who are cited for these offenses are not people who can pay the release fees of \$325-\$375. The onset of these fees are intended to reimburse the plus for the time they have to spend processing the towed vehicles, follows a trend of pay to play city servicing where only those who can afford it can receive police protection. While there are probably many more items buried in the budget regarding the priss which are of concern, because of tow issue is being considered by the citizen review committee, this particular fund-raising scheme came to the forefront of our concerns.

Adams: Thank you.

Michael Anderson: Good afternoon, mayor and members of the council. My name is michael anderson, i'm with the community development network in the affordable housing now coalition. I'm a very pleased with your work on this budget. This makes the third consecutive year where the council has made significant allocations to increase housing opportunity for working families, seniors, and people with disabilities in Portland. And it's quite an honor to have a council that really gets it on this housing issue. I was just recently at a conference with some colleagues of mine from up and down the west coast, and when I talked about the last couple years in this council, suffice it to say they were quite envious to have a council that does have this type of understanding.

So it's greatly to your credit. I definitely appreciate your ongoing support of housing, and I also look forward to the beginning of this next legislative session. One of the things we've said all along at affordable housing now is this is not the city's job alone. There is no way with the volume of housing need that this can fall upon the city to solve. As commissioner Sten has long identified, getting an ongoing, reliable source to begin to fund the housing need must be our goal. We have an ambitious agenda in salem which includes one such ongoing source, and we feel increasingly optimistic that we will have some success. So I look forward to coming in front of you during the next budget session to talk about that we have some help on the way from salem. But again, thank you very much for your work on this budget.

Potter: Thank you, folks.

Moore: That's all who signed up.

Potter: Call the vote.

Adams: I just want to thank everyone and o.m.f. for being part of my 13th budget, 12th or 13th budget. I'm trying to see amongst you if there are any original cast members. There's drew, larry, yeah, mark, so there are a few. I really am impressed with the caliber of work that you did on our behalf for the Saltzman-Adams team. We felt very well served, so thank you very much. For the folks in the bureau of environmental services, jim and your team and the folks in pdot, ken and his team, I want to thank you as well for all the work you did in preparing those very complex and difficult budgets. Aye.

Leonard: This is only my fourth budget. So I have a lot to learn. But it was certainly my most enjoyable since coming here. I really appreciated working with commissioner Sten on our team this time. Our focus generally is usually on the same areas, and as a result we came up with the package the entire council has supported, I would say including, and especially the mayor on this alternative fuels proposal that the office of sustainable development will be implementing over the next year to develop an economic development strategy for ultimate fuels, particularly biodiesel and ethanol strategies. And in combination with a hearing we'll have next week, Portland in this particular area is going to once again I think be a national model for developing alternate ways to use our resources on this planet so we can figure out a way to be able to live on this planet in a way that we have grown accustomed without destroying it for future generations. So this budget really goes a long ways, and I think as we see this play out in the next year, we'll appreciate more how much this budget goes a long ways to help us all achieve that goal. I appreciate everybody's help. It was a tough process as budgets always are, but very, very rewarding. Aye.

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Sten: I want to agree, and thank everyone. I think we really made a fair amount of progress this year in terms of getting many of the citizens priorities implemented. You all did the analysis, and helped figure it out, and I think that if -- the new process, which I was skeptical of last year when commissioner Leonard proposed it, but I enjoyed it this year on implementing it, I think it worked well and allowed me to spend time in the bureaus i'm not overseeing. You give it that extra push, and I think having a team and a council that are working together, we all have to balance things, but I think a shared sense of trying to make Portland better, it really worked very well. You should be proud of yourselves. I know many of you worked long hours, and I appreciate it. Aye.

Potter: A lot of those long hours involved weekends, and towards the end it was pretty full time around the clock, and we really appreciate it, folks. And I also want to thank all the citizens who were involved in this process. Because there were many. You had citizen budget advisory members, many citizens came to our budget meetings around the city, and gave us feedback on what they thought was important, and we did incorporate a lot of the feedback we received into the budget itself. So thank you all. I vote aye. [gavel pounded] please read the next item.

Item 854.

Sims: This is our final item. This authorizes property tax levies for an estimated total amount of \$314 million. This includes the permanent rate, the children's local option levy rate, the parks local option levy, the fire and police disability and retirement fund, and urban renewal accounts. All included.

Potter: Questions of staff? Call the vote.

Adams: I forgot to thank the mayor for your leadership on this and the proposed budget, taking all the input. I appreciate it very much. Aye.

Leonard: Aye. **Sten:** Aye.

Potter: Aye. [gavel pounded]

Leonard: We have a land use hearing.

Potter: We're going to go ahead and proceed with the 3:00 p.m. Time certain. Karla, please call the -- please read item 855.

Item 855.

Potter: I'm going to ask the the city attorney's office to describe the process.

Kathryn Beaumont: Before we begin the hearing I have several announcements to make concerning the nature of the hearing, the order of testimony, and some guidelines for presenting testimony. These announcements are required by state law. First, as to the kind of hearing today, this is an evidentiary hearing. This means you may present new evidence. The evidence may be in any form, such as testimony, letters, petitions, slides, photographs, maps, or drawings. Any photographs, drawings, maps, or other items you show to the council during your testimony should be given to the council clerk at the end of your testimony to make sure they become part of the record. In terms of the order of testimony, the purpose of the hearing today is to review the hearings officer's recommendation to the council. The testimony will be heard in the following order -- we'll begin with the staff report by b.d.s. Staff for approximately 10 minutes, following the staff report the city council will hear from interested persons in the following order -- the applicant will go first and will have 15 minutes to address the council. After the applicant, the council will hear from individuals or organizations who support the applicants' proposal. Each person will have three minutes to speak. Next, council will hear from persons or organizations who oppose the applicant's proposal. Again, each person will have three minutes. If there was testimony in opposition to the applicant's proposal, the applicant will have five additional minutes to rebut testimony given in opposition to the proposal. The council may close the hearing, deliberate and take a vote on the hearings officer's recommendation. If it's a tentative vote council will set a future date for the adoption of findings and a final vote on the hearings officer's recommendation. If the council takes a final vote today, that will end the matter. Because this is a recommendation from

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the hearings officer, if the council upholds the hearings officer's decision, the council can make a final decision today. And adopt the hearings officer's findings. If the council were to reverse or modify the hearings officer's decision, the council would need to take a tentative vote today and continue it for the adoption of findings and potentially an ordinance. Finally, some guidelines for those presenting testimony and participating in today's hearing. Any testimony and evidence you present must be directed toward the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code which you believe applies to the decision. The staff will identify the criteria as part of their staff report to the council. If you fail to raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue, you'll be precluded from appealing to the land use board of appeals based on that issue. Fine -- that's the extent of the guidelines I need to present today. That ends my announcements.

Potter: Do any members of council wish to declare a conflict of interest?

Moore: Maybe we should wait until commissioner Adams returns.

Potter: Ok.

Potter: Will someone call commissioner Adams' office?

Potter: I'll read it again. Do any members of council wish to declare a conflict of interest?

Adams: No.

Potter: No council members have a conflict of interest to declare. Do any members of the council have any ex parte contacts to declare or information gathered outside the hearings to disclose? No council members have ex parte contacts to declare. Do you have any questions or preliminary matters that need to be addressed before we begin the hearing? We'll begin the hearing.

Staff, please come forward. You have 10 minutes for your report.

*******:** Did you say two minutes?

Potter: 10.

Mark Walhood: Thank you. Good afternoon, mayor, members of council. This is -- i'm mark walhood, we're here for council hearing on a comp plan and zoning map amendment. I have a real brief presentation, and i'm inviting pdot and odot reps up here to give a couple minutes after i'm finished, because the issues are transportation related. In summary the proposal is a rezoning of a 2.2-acre site at 82nd and bybee. We have comp plan and zoning map changes from r2a to c.g. for a little over 52,000 square feet on the east portion, an area in the center of the site, a little over 21,000 square feet upzones to r.h. High density. A small portion on the west stays r2a. You can either request the zone change based on a specific project in this case no specific plan is proposed. And we're at an evidentiary hearing, of course automatically through the type three comp plan process. And I do have the case file with me here today. The standard approval criteria are from chapter 810 of the zoning code. The first and biggest criteria to jump through are the comp plan criteria requiring that the proposal be equally or more supportive, that's the language of the city's comp plan goals and policies. And it incorporates the metro functional plan, goals, and the state planning goals. There's also in chapter 855 zoning map amendment criteria that focuses on the adequacy of public services and another set most of mostly related to the overlay zone. The site sits right at 82nd and bybee. It's three parcels, they're all three zoned r2a today. In the proposed zoning you can see sort of a reverse l-shaped area of c.g. on the east along 82nd, a little area of r.h. in the middle and keeping the r2a on the west. There's a couple different conceptual development programs. They're just sort of illustrative of what the applicant is looking at. Commercial development on the east side fronting on 82nd, and apartment building at the middle and -- middle and townhouses on the west. This is their concept a, which retains in the middle of the site sort of facing 82nd the existing house. Another proposal is the same except for sort of reconfigured commercial along 82nd. A few site photos. This is looking into the site northwest from the opposite side of 82nd. The foreground left is the mobile home park entry. There's an office home with this addition behind it to the north. This is the big home with office addition. I should note

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because the hearings officer raised it as a note to city council in his decision, just as an f.y. I., this site, because of this building is under enforcement because it was determined that the building is not residential in character or use, and the size of the structure and appearance of the structure don't meet the home occupation permit restrictions, the applicant runs a law office out of her home which would normally be allowed, but it's essentially on hold until the commercial zoning issue is figured out, otherwise it has to be converted to apartments or some residential use. The northern most parcel this, is looking in from 82nd, it's basically a fenced vacant site, pretty deep, goes back to those newer two-story apartments you see in the distance. On the west edge of the site, there's a partially completed street, southeast 81st place. The site is beyond the fencing in the distance straight ahead. These in the next three slides I have included as a handout, they may be things that council wants to consider or look at again in their deliberations. The hearings officer found that the proposed rezoning is generally more supportive of the applicable goals and policies with the significant exception of policy 6.18, the transportation adequacy issue. And because neighbors, not all potentially affected neighbors have been notified also in terms of policy, actually that's goal one public involvement, that's a typo. My fault. As I mentioned, the h.o. Found additional traffic generated by the site and diverted to southeast 78th and duke streets is significant. We'll get a little further to this cut-through traffic issue in a second. The hearings officer found it was necessary to provide impacted neighbors an opportunity to comment before council. Essentially the hearings officer issued a recommendation denial for denial because much the lack of input and the potential traffic impacts. The issues before council do essentially boil down to transportation related issues. The overall question is, do potential detrimental transportation-related impacts which would impact the neighborhood goal three and the transportation goal six as well as the zoning map service issue, do those impacts on balance outweigh the potential positive impacts. Odot has found that there is not adequate capacity on 82nd avenue to add additional trips associated with the nonresidential uses, and in the event the city were to approve it, has requested conditions of approval for our raised curb median on 82nd avenue for frontage improvements, and getting any necessary odot approvals and permits. Pdot, whose target is a level of service of e or better, also has recommended input from neighbors and the school, and may potentially find that transportation services are acceptable with conditions limiting retail square footage and the odot recommended median. The hearings officer and both transportation agencies are concerned about neighborhood input from this cut-through traffic. This next slide explains what's going on. The green doughnut is the site. The blue node in 82nd is where the raised median would be, what that would do is restrict traffic going east on bybee from turning left and heading north up on 82nd, people coming up from the south on 82nd could still turn into bybee, but people going out on bybee could only go south, not north. So the red line is the direction of that cut-through traffic. So folks who wanted to go north on 82nd from bybee will now have to go west on bybee, up on 78th, over on duke, and up to 82nd. The yellow doughnut is woodmere elementary school. So because basically everything passed about 400 feet pass the site on bybee, it wasn't previously notified, and the cut-through traffic issue came up late in the process was the reason for additional notification before council. The last slide, we don't have to go over, I just wanted to let you know it's here in your handout. It's the specific clang want for the odot recommended conditions about the median. I have in red some questions that we should come back and look at if council is going towards approval, just in terms of how and when to require this work. This is pretty straightforward. Pdot is looking at condition of approval limiting the retail square footage. With that, i'm going to invite jamie jeffrey from pdot to speak for a minute or two.

Jamie Jeffrey: Good afternoon, mayor Potter, city council. 82nd is an odot facility as mark has alluded to, and it's subject to odot performance standards. The left turns on to 82nd are the primary critical movement that is failing, and that is the case along most local intersections along 82nd. Odot has recommended the median to address this failing capacity condition, and when the median

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condition was brought in to this proposal, pdot reviewed it and determined that it would have impacts into the neighborhood because not only would all of the zone change trips be required to find another way to go northbound, but it will also affect those that already live on bybee and won't be able to make that left turn on 82nd. Pdot generally looks at the broader neighborhood impact when we're talking about median island or things that restrict certain movements. So in looking at what could be done to approve some conditions on limitations for square footage, the retail component makes up about two-thirds of the trips of this proposed zone change, so we focused our efforts there to determine if we could recommend reducing the retail square footage to something that would provide fewer impacts on to the neighborhood street system. With a limitation to 20,000 square feet of retail for the site, in addition to the 50,000-square-foot of office and the residential units for the site, it appears that this would probably increase the existing 450 trips that are on 78th near the school today to a neighborhood of about 700 to 750. That's still within reasonable traffic volumes for local service streets. However, we are interested to hear if the neighborhood and the school district are in support of even adding that many additional trips to the system. And that's where our concerns lie.

*****: I have a short minute from odot.

Ross Caron(?): I'm ross, Oregon department of transportation, 123 northwest flanders. I won't reiterate what's already been said about transportation. I do want to say odot supports micked use development. We work really hard to get the yes, but sometimes it's difficult with all the trade-offs. This seems like one of those cases. Our analysis showed that given the background traffic on 82nd avenue in the 20-year planning period we have to look at as few as three additional trips turning left onto bybee would exceed the transportation -- the performance standards, which are just this sides of what we consider failure. So any additional density and trip generation will be hard to accommodate here. I wanted to let you know we looked at some other solutions that we couldn't say yes to, those included a driveway connection directly into the site from 82nd, that didn't meet the 20-year trip capacity test. We also considered a signal at bybee, but we had to -- we couldn't approve that because it didn't meet odot signal warrants, it's too close to existing signals and there are other issues that we're prepared to bore you with at your request. In closing, there's some hope for redevelopment on 82nd, but we would suggest that the corridor be looked at in -- on a corridor-wide basis, where we could look at land use trade-offs to balance trip demand and look at alternative modes to meet a lot of trip demand. It's one of many corridors that needs attention like that, andway hope to work with the city to prioritize how these get addressed. Thanks.

Potter: Thank you. Will the applicant please come forward? City attorney, they get 10 minutes now and 5 minutes later. Is that correct?

*****: Yes, that's correct.

Potter: When you speak, please state your name for the record. You have a total of 10 minutes.

Samantha Dang: Good afternoon, mayor Potter and city council. My name is samantha dang, my partner is tim win, we're the applicants in the zone change proposal. We've been working on the zone change for almost a year and a half, two years now. We have different development concepts, and we've been working to address the approval criteria for the zone change. What the city has stated is that the approval criteria contained in the p.c.c. 33.810.050 requires that we demonstrate that the requested amendment to the zone change be equally or better supportive of all of the applicable goals and policies of the city and the comprehensive plan map. We have met or exceeded those standards for all of the application that we've submitted. But for the transportation goals of the city and the state. So the hearings officer said that on balance that one particular criteria might overwhelm all the other 11, 27 criterias we're able to exceed, such as goals for our urban development, goals that we have for our neighborhoods, housing, economic development goals, and urban design plan. What tim and I have proposed and our vision is to develop 82nd avenue into a really beautiful place called the plaza of roses. We've been working on it for a while.

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Our concept is the first of its kind on 82nd, and we believe that because tim and I have lived there and we work there, we've been involved in our community, we've joined the brentwood darling ton neighborhood association, i'm on the board of directors for southeast uplift, we really know what our neighborhoods need. We've been working with the local police to reduce crime, and have community policing. We also have members of our board here as well as I believe 12 letters of support for our project for the surrounding neighborhood addressing some of the concerns as well as the traffic impact. We understand that there is going to be an impact on traffic, but 82nd avenue is owned by odot, and the local streets are owned by pdot, and they kind of put us in the middle where it's really hard for us to actually find a way to have our development as well as meet the standards. There was testimony earlier that the level of traffic is actually acceptable on -- given our development plan, but that it's not something that they really want to take a look at. So I don't -- I don't agree with the hearings officer's recommendation because he focuses on only one criteria, and not considering all of the other relevant criterias when balancing out what is the best approval for our development plan. In addressing some of the approval criterias, I believe that our proposal is going to greatly benefit 82nd avenue and our neighbors. We've actually taken a lot of consideration for what our neighborhood needs. What we've proposed is new housing, retail, office space, we want to generate a nice community and kind of be the trend setter for this development on 82nd. And we would be the first of our kind to do this. And we're kind of stuck evaluating what would happen with the traffic 20 years down the road if we're not able to use the odot street and that traffic is redirected through the neighborhood, there would be additional trip generations. And that's understandable. And we have evaluated that, and resubmitted that with our engineer. And after doing that, the trip levels that would be generated through those streets are still operating at levels of acceptability. It might not be ideal, and the impact of the traffic in the neighborhoods as well as through the school district is something that we are very concerned about, but we would do a lot of planning to see if we can mitigate those impacts. And that would be the only thing that would be holding this development from moving forward. All of the other criterias have been really met or exceeded. Like I said, my partner tim and I have really taken this and developed -- tried to develop this and make it into a better neighborhood at our own cost and our own expense and our own time as well, and I believe that if taken overall, the first goal is the metropolitan coordination, which from the hearings officer we have also met. Urban development, our design plans are geared towards a more urban living, and working, as well. What we propose would improve the neighborhood that would be the third criteria. We also propose housing, so there would be no net loss in housing with our proposal. As the fifth criteria, economic development, given what we would propose, it would help really revitalize the area. So that criteria is met. As well as all of the other criterias except really for the traffic impact. And overall I think given the evaluation, the hearings officer at the time he made the recommendation, wasn't able to hear some of the neighborhood's concerns or one of the things that he said was -- it was not adequately addressed at that point. And since then we have written letters to the neighborhood, we have expanded the scope of notification for the neighbors around the area, and I have stated, we have gotten back a dozen more support letters as well as two of our brentwood darling ton board members are here today to give their support as well. We did receive a letter from the school district, and not supporting the development, but the letter said that they are very -- they applaud what they're doing, they support what we're doing, however, they're just concerned that it would impact the safety of their schools. But they're -- let me get that letter.

Potter: We have a copy of that letter.

Dang: Thank you. It said that they support our development and they applaud our initiatives, and we work to improve the livability of the neighborhood and provide jobs and improve pedestrian circulation and reduce crime. And this is a worthy note -- worthy undertaking. We have undertaken that, and we have been working towards that. And to deny our zone change proposal

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based on the fact that there would be some impact in traffic is -- wouldn't benefit anyone overall, and I don't think that one factor should overshadow all of the other great factors that we could do with this development. And traffic is going to be bad in the next 20 years. Odor hasn't figured out how to address those concerns. Pdot hasn't figured out how to address those concerns, and we're just kind of stuck. And the only thing that we can say is that we will be responsible in our development, and rather have it be with us and have us develop it in the way that we've we have already proposed that we would like to do it, versus giving it over to someone else who might or might not give the same care and consideration. Because tim and I have lived there since 2002, and we will continue to live there and do business there. And be a contributing member to our neighborhood. We really would like to see this area improve, and I think that overall -- we're still willing to work with the city and work with the state to mitigate any impact the traffic has on -- for this proposal. So I think -- I hope that mayor Potter and the city council takes that into consideration, and balances everything, and in the end, hopefully our -- we meet all of the approval criterias and overall it does -- the benefits do outweigh the negative impact that traffic will have on this development. Thank you.

Potter: Thank you, folks. We'll get back to you in a little bit. You can return to your seats and we'll call you up shortly. Now we'll hear from persons who support the application.

Moore: We have four people who signed up.

Potter: Thanks for being here. When you speak, please state your name for the record. You each have three minutes.

Dick Hazelton: Good afternoon. My name is dick hazelton, i'm a lifelong resident of brentwood darling ton. I was born and raised there, and i've been there ever since. I really appreciate people like tim and samantha for stepping in and doing what they're doing to try to improve their neighborhood. They're attempting to not only improve it visually, but they're going to provide jobs, they're going to provide housing, mixed use, make you might compare it on a small scale with what's going on down in lents in the big major improvement down there. We have precious little commercial land in brentwood darling ton, and over the past five years we've lost little parcels to more housing. We're really -- we have no business people to support our neighborhood as a rule, and we just really don't want any more commercial land go away from us, and this would help establish a good useful purpose for commercial land. It's going to provide senior housing, and i'm not an engineer, I do have some limited common sense, but I really question, why is the need for a raised median even necessary? When other businesses up and down 82nd probably generate a lot more traffic than this project would ever generate, and I don't have a need for raised median. The raised median would just throw more traffic into the neighborhood if of. If they didn't have that, we have a left turn lane going down the center of 82nd. Through that area it runs -- i'm not sure how far, but I know it runs from duke street to flavel street, and that's where this project is located. I've been in the property, i've driven off of it, there's place all over town, if you want to make a left turn out of a location, you have to make your left turn and stop in the turn lane in order to get into the flow of traffic. And I have done that in this location. I've been on the neighborhood association for more years than I can remember. I've been involved, it really excites me to see young people come along like tim and samantha and get involved, because we need -- i'm about ready to go away. Thank you very much.

Potter: Thank you.

Bob Carron: Good afternoon, mayor and council. My name is bob, i'm a retired city employee. I looked at the area tim and samantha is on, and it used to be a nice -- an eyesore, which possibly most of you would know that if you drove it. They've cleaned it up, they're trying to do a good deed, and i'm also on the board of directors on the brentwood board. I've been on the rose development board for many years, which I had to get off. You only could stay so long, and they put you off for a while, but i'll be going back. I'm very supportive of what they're trying to do. I'm

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also on the crime prevention program for the police department, and they used to be a lot of crime in that neighborhood, and since this has taken place, it's really straightened up, it's helping to clean the neighborhood up, and I would love to see them proceed on what they're doing, and I ask for all your support. Thank you.

Potter: Thank you.

Bill Bradley: Bill Bradley, I reside at 5434 Southeast Nehalem, I also serve on the neighborhood association. I'm pleased to be here expressing the unanimous support of the board for this project. This has been, I don't know -- I don't want to be repetitive, this has been a problem area and the Dangs have done nothing but good in their involvement close to 82nd, and their project couldn't be more in alignment with what we'd like to see as an association. We see this kind of traffic as commerce, as vitality itself. And it seems like it's actually a little puzzling to us why this such a positive project would uncore transcript as much difficulty as it has. So it really is just about as simple as that for us. We've looked at it over seven months, and I'm sure the traffic folks have reasonable concerns I'd like to see addressed, but I see the Dangs -- we see the Dangs as addressing those in any way they possibly can, bending over quite far backwards. I think it would be sort of a travesty to not allow what they're wanting to do to go forward. But I trust the council will support this positive project. I thank you for your time.

Potter: Thank you, folks.

Moore: That's all of the supporters.

Potter: If there are people who oppose this application, do we have a sign-up sheet?

Moore: We have four people.

Potter: When you speak, please state your name for the record. You each have three minutes.

Who would like to begin?

Melba Dlugonski: Well, my name is Melva, I live on Southeast 78th Avenue. I'm asking the city council to reject the proposed traffic diversion on to 78th Avenue, making it an extension of 82nd Street. 78th Avenue is a residential street with about as much traffic as we can tolerate. If we wish to preserve the livability of the neighborhood and the safety of the children at the school. Our street is also a refuge for pedestrians who can't safely use 82nd, and have little alternative as 82nd is the only through street for many blocks between Duke and Flavel. Coming to something like this, I have no idea what other people are going to say or what the issues really are, because I've gotten such a kind of vague impression of what's going on. I have heard a lot of good things about this development at this meeting, but when I call, someone from the neighborhood association I did not hear that they were in support of this, so I don't know how and why I was misinformed. I thought they had the same concerns. The applicant has stated the benefits would outweigh the negative effects, and I think it's not unusual for the benefits to accrue to one person or group of people and the negative effects to fall on others. I don't know if I'm allowed to ask a question of the applicant?

Potter: Not at this stage. But if you wish to give the question to the council clerk, we can ask it on your behalf.

Dlugonski: Ok. I would recommend that unless the department of transportation can figure out something else to do with the traffic, that this proposal be rejected. Thank you.

Elva Charlson: My name is Elva, my address is 6717 Southeast 78th Avenue. I live across the street from the school grounds. My objection to this is the median be installed at Southeast 82nd Avenue directing, redirecting the traffic down Bybee, 78th, and down Duke Street to 82nd and Duke. This to me in the official letter that we got from the Bureau of Development Services, estimated in that letter that there would be 900 additional cars a day coming down our street. I cannot even fathom what kind of conditions, living conditions we would have and the effect it would have on us in the neighborhood, the livability of our neighborhood, and the children at the school. This is -- 78th Avenue is a residential street with a 25 mile-an-hour speed limit up to Cooper Street, and then it

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is a school zone with 20-mile speed at all times. Speed bumps were installed in order to keep our children safe. Because 78th avenue is the only through street between flavel street and duke street. And it also already encounters heavy traffic because of that. The area between southeast cooper and southeast 78th avenue to duke, duke to southeast 80th avenue are extremely congested during peak hours of the day. This would be during the time children are being dropped off for school in the morning, noon, and afternoon. There are so many cars parked all over around this area by parents depositing children or retrieving them, that it blocks the flow of traffic. In the evening little league teams practice at the school and there's parking everywhere, causing more congestion. The kids in the neighborhood play at the school all evening and weekends, so children are crossing the streets constantly to leech the school. So it's a very congested area. We know what it's like when there's an accident on southeast 82nd, somewhere up between duke and flavel because the traffic then gets rerouted down 78th avenue, detoured down there, and you cannot even back out of your driveway at that time because of the extra cars coming down 78th avenue. And I feel this zone change and median place at southeast 82nd avenue and southeast bybee boulevard would have grave consequences on our immediate neighborhood and school. This would cause greater congestion than we already experience and the impact of livability of the neighborhood. I therefore object to it. I also want it known that rerouting this traffic down to 82nd and duke, there is no left hand traffic signal there, and that was -- is going to back up traffic also, because there's a lot of people that go down there and make left-hand turns there. I did go around to the neighborhood and I have about 12 signatures myself from other people in the neighborhood that are against this that i'd like to submit to you. I have a letter also from another neighbor that is concerned about this. Is it all right for me to bring these up and bring it to you?

Potter: Please give them to the council clerk.

Leonard: Can I ask you a question about that? You're not objecting to the development per se, you're objecting to the traffic?

Charlson: That's right. It's wonderful for that neighborhood to improve, I can see what an improvement it would make, but what is it going to do to our immediate area?

Leonard: That's what i'm concerned about.

*******:** Ok.

Doug Capps: Doug capps, representing Portland pueblo schools today w me in the audience is dave phillips, who is with the district's transportation department, and he works very closely with the safe routes to school staff at pdot. And so we were retardanted -- alerted to this issue after the hearings officer report was filed, and there was greater public notice to the neighborhood. Out in front you have to sign up to say are you in support or are you in opposition, and there isn't a sign-up that says "it depends." that would have been the one I would have signed. The applicant has already mentioned the correspondence that we submitted to the council. Of course we encourage good economic development in that area. We applaud the efforts and the initiatives of the applicant to upgrade the property, that's a good thing for any community in a -- and particularly close to a school. And for the commercial development and the housing development, especially if there's more housing than currently exists there results in more population, particularly family housing that contains kids that would populate our public schools, so what could be wrong with that? That's the plus size ever side. The problem of course is what you've already heard, and that's this odot requirement as I understand it, on 82nd that would divert all of this traffic on to 78th. So it's just -- let's talk for a minute about 78th. The condition of 78th, it's an unimproved, i'm not sure that's the technical language, unimproved street. That means it has -- while it has paving down the middle, it has gravel edges and no sidewalks. The length of the school and the playground together, because glenwood running east and west doesn't go through the school district property, makes for a very long street. That means there are crossings by kids mid block. A large percentage of the school population lives west of 78th, meaning most of the kids have to cross 78th to get to school. About

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75% of the kids we think. It's about 350 children every morning, every afternoon back and forth. As has already been pointed out, the street is already dangerous, the school has made special provisions for safe crossings, even with the somewhat more limited traffic today with the speed bump that was mentioned. So there seems to be like there are two things that impact the traffic in this -- in the applicant's appeal. One is the scale of the future development, the applicant admits its proposal doesn't meet transportation standards, that was held by the hearings officer. And as has been mentioned, as many as 900 additional daily vehicle trips would travel down 78th. I think that's the -- that's the "it depends" part. If the development is significant and largely commercial development, then that would occur. And then the last thing I would say is, why on 78th you have already heard that the reason it would be on 78th is because if this requirement by odot, there may be a way for the city council to deal with that particular requirement that would be up to pdot I would guess to give advice as to what might be done about that. But it's from our standpoint and of course we're in the education business, not the transportation business, but it is fairly obvious I think for us to conclude that commercial traffic -- commercial traffic in particular should not be forced off of commercial streets on to neighborhood streets, particularly neighborhood streets in front of schools. So I guess in conclusion what we'd say is if the council is inclined to support the comprehensive plan amendment for what is otherwise a very good proposal, then we'd urge your consideration of pdot's recommendation for some kind of traffic mitigation that be addressed by the city council in your approval. So we thank you for the kids in this area. Thanks very much.

Potter: Thank you very much folks for coming in.

Adams: The nomenclature is nonstandard street.

Capps: Thank you. I'll write that down.

Leslie Bendjouya: Hi. My name is leslie bendjouya. I am an associate director with bridges to independence. Which is a local nonprofit that's in southeast Portland. I live right between elva and melba. I live right across the street from the school. I just wanted to add something. I agree with everything they said and the school district that the street is very narrow. Its very unimproved and in addition to the safety of the kids there's safety of adults and elderly people that live in the neighborhood. One being my husband who has disabilities and walks with a walker. Because there's no sidewalks he has to walk in the street. He's like really worried about what's going to happen if there's like 900 extra cars going down that street. I also have a three year old grandson that lives with me who'll probably be going to that school. He goes across every night with my husband and plays over there and, you know, the kids are just crossing back and forth and playing there all night long until 8:00 at night every night. Some other solution should really be found to the traffic problem. And like the other people, i'm not against getting a development. Although I haven't lived in the neighborhood a long time, just a year but most of my neighbors have been there 40 years and 25 years and some people have lived there for 60 years in the neighborhood and they have been very good to me. And I haven't had any problem with crime on my street. I know people keep talking about the crime and I know there's, you know, crime going on around that area, but we haven't had any problems with crime so far at our house. Anyway, that's all I wanted to say and please consider to not do that to our street.

Moore: That's all that signed up.

Potter: Could the applicants please come back up.

Potter: You have five minutes to rebut the information and there will probably be some questions from counsel as well.

Dang: Yes. Listening to the opposition and there isn't much that we can say except that we have been trying to work. Initially, when we had done that proposal, our main concern was to improve the neighborhood and make it a better place. We had no idea later on there would be a requirement of the median off 82nd that would divert the traffic throughout neighborhood streets and would put such a, would put so many trips through the neighborhood. We never wanted to do that. We still

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don't want to do that. That is a requirement that o-dot wanted to impose on our zone change. As you heard there isn't anyone opposed to the proposed development that we have. It's just the fact who is going to bear the burden of the traffic that's going to happen here, is it going to be o dot off 82nd or pdot and the local neighborhood and the school district? So it's a hard position for us to be in as well, working so hard to change this. But I have with me jeff jud from engineering and we evaluated and evaluated again the different levels of service and the impact that traffic would have on the proposed development. And some of the things that we have found is that there would be an acceptable level of service, given some kind of trip or minimizing the retail space that we have proposed. And we are open to doing that and that might help reduce the level of traffic that would go through the streets. And I will have jeff jud explain a little bit more about that.

Jeff Judd: I'm jeff judd with lancaster engineering. The accounts that we did remember primarily bybee boulevard and duke street at a later date. Looking at the counts, it's pretty clear that there is some sort of diversion already happening without the median barrier. That traffic is rerouting itself to the signalized intersections to avoid the long delays experienced at the unsignalized intersections. The vehicles that are at the unsignalized were observed to pull into this lane and merge into the through traffic. As was described by one of the board members previously. We have done analysis to show that the operations at duke, with the additional trips and the 20-year future, would be acceptable, according to odot standards, according to city of Portland standards. We have also done analysis to show various levels of retail use upon the local neighborhood, anywhere from 10,000 square feet to 50,000 square feet. The trips are not necessarily in a linear fashion due to concerns with office space as well as the residential spaces. Just increase in the retail and how the whole site impacts that neighborhood. In that letter. The median, it's a self-enforcing situation where as residents get familiar with the area, they tend to know, well, ok, if I go there at 4:00 on this intersection, it's going to take me 15 minutes to get out. Or if I travel along some local residential streets, I can possibly get out to a signal, make that left turn. So I think that for the time being it has been an enforcing, self enforcing thing as well as the future it will be continue to be self enforcing issue. With that all entertain any questions that the council might have.

Leonard: Well, I don't know if you are done.

Tim Nguyen: I have a couple minutes to explain about this plan a little bit. On this plan here, if luke at pictures, I am working on this project with p.d.c. Also and like samantha mentioned earlier we are going to be live here and the project will be developed, we are very selective of the tenant we are going to put in. As you can see on the west side of 82nd there is a building right here, three level. Michael is to put in like a pharmacist store, dentist office and bottom opt retail. I don't want big restaurant that will attract a lot of cars to drive in. And the second level we are going to have a law insurance office, insurance office and stuff like that. And on the top, that also is office. And on this side in the middle of the site you will see 64 units apartment. But this one right here and work with p.d.c. will put in retirement home for elderly people. So they can just walk over to buy medication or visit doctor office and dentist office so reduce a lot of traffic driving into the neighborhood. And on the, as you can see the street going in first on west side of that is five row home. Those row home is the three level. And on this row home here, I wanted to offer to whoever have the business here like a doctor or whoever lease the space will live there and work around the neighborhood. So don't have to drive into the neighborhood. That is my goal for this.

Potter: Ok. Commissioners.

Leonard: Well, I am very familiar with this part of Portland. And I would share with those listing that it is not a part of Portland that is more economically distressed than this part. I don't know if anyone has said that clearly yet but I think we need have this discussion in that context. I appreciate the project as it is being proposed because it is by far, and I am trying to think in which direction kind of character of what you see in that area begins to change and it's quite a ways. So this is by far one of the most optimistic ideas I have seen for that part of the Portland in a long time.

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I know this is a hearing and I know we need to consider these issues based on the facts. But I want to make it really clear that I wanted to, my support as one person is going to be strongly influenced by the character of this development and the positive asset it brings to the community. I haven't heard anything, including the objections, that preclude this from happening if we can take into consideration the objections and come up with a traffic plan that doesn't impact the neighborhood any more than it is. In fact, I don't know why we can't be as creative as we were to at a separate hearing last night where we could actually make livability better than what it is today. And allow this development. So I guess I'm looking to have our creative staff help me as we help, as they helped us last night, think about what we can do to help this project proceed. But do it in a way that addresses the concerns that have been raised. So I suppose that was a comment, and maybe if you - if the council wouldn't object I would like to hear the staff, from staff if they have thought through some alternatives to what is apparent so far from what we have before us and the testimony that may allow us to do this project but address the safety concerns as well.

Potter: I do have a question for you folks, however, before we do that. I drove out there the other day and I saw your place. And it appears as if the house or that the building behind the house is built on to the house. Is that correct?

Nguyen: Yes.

Potter: When you started the building, did you have the permits to build it as a residence or as a commercial establishment?

Nguyen: As resident and office.

Potter: Resident. But it was resident so the office will be part of the residence?

Nguyen: Yes. It's on the third level is going to be, we going to be live there and the second level will be to be an office, my office and samantha's office. But the phase haven't complete yet. So we have a little problem with the zone. The city recommend us to stop the project and change the zoning because of the restriction on the home office use. That's why we stop the project and we change the zoning for the whole area also.

Leonard: But you had gotten the permits necessary before you started construction?

Nguyen: Yes.

Potter: For a residence.

*******:** Yes, for residence.

Leonard: Are you clear, mayor, why that got confused? Because I'm not.

Potter: No. Well, I heard the discussion by some of the city staff that it has started out residential and it changed along, they were requesting the change. The zone.

Leonard: The applicant was requesting the change?

Potter: And the hearings officer denied that. That's what our statement indicates. Is 78th avenue -- maybe you folks know -- is 78th avenue a through street? Ok. That's a question I have for you if our staff could come back up front. If you folks return to your seats we will be back to you in a minute.

*******:** Thank you. Could you explain this residential versus commercial?

Walhood: The r-2 zoning would only allow a residential home occupation. They have a home occupation permit. And they actually did get a building permit approved for a residential addition. The building permit drawings showed an addition that came back straight flush with the two that north and south walls of the house. It did go back and up behind the house. But what was actually built was wider, going out on either side of the house. So it was the foundation was a little bigger and therefore the whole building got a little bigger and was at that time the inspectors put a stop work order and said it's too big. When we look at this it doesn't look like a residential use. Which goes to the home occupation regulations, say the structure must retain a residential opens appearance so it was adding on to that extra width and size that the call was made in the enforcement section that was no longer house-like.

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Potter: Driving by it, it looks huge for a residential addition.

*******:** It's large.

Potter: You know how many approximately square feet that turned out?

Walhood: I don't know what the square footage is.

Potter: Do you know what the square footage was in the original residential addition?

Walhood: I don't. But I think --

*******:** I don't. The original addition and the --

Potter: Hang on. We will invite these folks back up here.

Walhood: I don't know exactly the size.

Potter: Any other questions?

Leonard: Well, so, what are some options that we may consider that may not have been appropriate? I'm thinking much like the hearing we had last night. We heard some ideas at the end of the hearing that some of the staff had been contemplating that weren't part of the record. So is there anything like that, that may be possible with this that could allow this project to go forward that isn't apparent from what we are looking at so far?

Jeffrey: Well, I think when we look at things a little more on the big picture scale, the current traffic volume on 78th is about 450 cars per day. There may be a couple of things. You heard some testimony about the school children having to cross the streets, about school children not having sidewalks to walk on, on 78th. So infrastructure wise, something that would address the impacts and provide safer places for the school children to be would be things like sidewalks. Whether they have curbs or whether they are an offstreet type path, you know, as a sort of an interim concept. There may be different -- different ideas there. I think we would typically look at what the parking impacts would be with setting things up a certain way and try to keep the parking available, do a design that accommodated that as well. Speed bumps already exist on 78th. So the livability factor in terms of people driving quickly is being addressed. Typically, a median island that redirects traffic would increase the delay people are feeling it takes them longer to get around, those that live on bybee today. So right now there's about 45 homes on bybee, between 82nd and 78th, including little private streets that have additional homes on those. With that, that might have an additional 400, 450 trips that have to at least half of that may have to deal with going a different way through the neighborhood. If the median island goes in. So you are increasing traffic from the zone change and one way to allow some traffic to occur but try to keep it in a range of reasonability, in terms of maybe of amount of increase, is to look at limitations on, for example, the retail. We've looked at, from the 50,000 square feet they have, which would generate about 2200 trips a day, a 20,000 square foot retail would drop that to about 440 trips a day. You would see about half of those, potentially diverting through the neighborhood. So those, in conjunction with the folks who live on bybee today who want to go north, who have to also divert, if you were looking somewhere in the neighborhood of 20,000 square feet of retail, keep the 50,000 square feet of office and then, of course, you have your residential component, then, we're in a range of volumes that people that currently live on 78th may not feel such a significant increase that it would really feel poorly to them.

Adams: That's current traffic, you said?

Jeffrey: About 450 trips.

Adams: So this would increase that again by --

Jeffrey: About two-thirds.

Adams: Two-thirds.

Jeffrey: And that would be mostly northbound because people can come southbound and get to bybee and turn right on to the site.

Adams: This is to get on 82nd?

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Jeffrey: This would be if you want to continue north, whether it be 82nd or if you were eventually working your way to the west.

Adams: Do you recall off the too much your head another street that sort of that we could think about with the volume as proposed, if it were built?

Jeffrey: I'm not sure I understand.

Adams: Is there a street in town that would have a similar volume that would result from, if this zone change was approved with the square footage?

Potter: A similar condition, no sidewalks or no edges?

Adams: Just volume for now.

Jeffrey: I think many of the streets in a grid system, we see typical volumes in a grid system of four or 500, 600 vehicles a day and that's considered very average, very typical. 78th by nature of there aren't any more north-south streets between 82nd and 78th, probably carries, you know, a little high are than it would if you had other streets. One other thing to note on that is this applicant is expecting to improve 81st up to the limits of the property they own. We would expect a future connection to Cooper street, which would also help distribute some of the traffic. Cooper and 82nd still has the same left turn difficulties that bybee does. And as jeff judd noted, we also tend to feel that there are self-enforcing times of day when left turns are probably not made. People are choosing other routes because it's difficult during the peak hours.

Adams: So you are not asking for parking on 82nd. Right?

Jeffrey: No.

Adams: And have they agreed -- I forget the term of -- but have they agreed to the sort of preagreement to the assessment if we do an l.i.d. to improve streets? What's that term of art, Karla?

Jeffrey: For an l.i.d., their assessment for that?

Adams: We get developers to agree ahead of time that they will say, they are an automatic yes vote for an l.i.d. street improvement l.i.d.

Jeffrey: Typically the l.i.d. Would be for the properties that front on the street.

Adams: So we don't need anything for by me?

Jeffrey: Nothing would be expected for bybee similar to the water leaf subdivision, where we had a development that was off of 152nd contribute to that. That may be an idea.

Adams: I would be interested in that. I share commissioner --

Leonard: Leonard.

Adams: Leonard's desire -- [laughter] -- desire to bring some quality development to this part of town. And I obviously am sympathetic to surrounding neighbors about the impact of traffic. That's why we exist, to try to balance these two. And I am afraid that if we don't at least try to do some mixed, fairly robust mixed use, that it won't be commercial -- it won't be feasible. Do you have any advice for us on how to strike the balance?

*******:** Well, I think it would seem to be appropriate that if the median island is required, which is going to take the impacts from this project and put them into the neighborhood, that it would be appropriate for some sort of financial contribution or requirement to maybe mitigate some of their impacts, not the existing diversion that the median would create but the trips that they would potentially have, to figure out a contribution they could make or maybe a section of sidewalk, for example, that could be built that's equivalent to what a financial contribution would be. Difficulties with an l.i.d. Would be that if we had them set up to participate in the l.i.d., I think we could say, you know, a proportional share of that could be determined. I think that's a very appropriate vehicle for this. But whether the property owners along 78th would choose to participate in that, we don't have certainty on that.

Adams: Catherine, could we have as a condition of approval their agreement to participate -- as a yes vote? Could that be a condition of approval that they would be an automatic yes vote on an l.i.d. in the future?

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Beaumont: I think what we typically require is what's called a waiver of remonstrance.

Adams: Thank you.

Beaumont: We could require that for any future l.i.d. That doesn't guarantee the l.i.d. Will actually go through. It does guarantee they will not oppose it.

Adams: I understand.

Leonard: They will not oppose the l.i.d.? And what if the neighbors don't agree to the l.i.d.?

Adams: It doesn't go forward.

Beaumont: Depending on the extent of the proposed local improvement district and what share of the vote this property would represent, it wouldn't go through if this property wasn't sufficient percentage.

Leonard: I guess my concern is this isn't in an urban renewal area. Is that correct? It is not. So I mean, a lot of the things that we normally spend public dollars for to have developments like this happen are not spending, and the project is happening. And I would -- and I want to recognize what's happening for what it is, which is a dramatic improvement in an area that needs improvement. So i'm a little reluctant to agree to something that may not be predictable in terms of its outcome for the developers. So --

Jeffrey: The predictability would have to be a condition that probably required a specific offsite improvement that would be their share. That would be contribution and it's something that --

Leonard: I guess if the council is interested in pursuing that, that I am, but, of course, it takes three of us to be interested, I would be open to setting this over to allow some discussions to occur to see if some package could come together that everybody could live with.

Potter: I would like to ask a question about odot. I think your correspondence indicated that they would have certain conditions if it were approved.

Walhood: Correct. Odot has listed one set of conditions for the median and related frontage improvements, the necessary odot permits.

Potter: I would assume odot wouldn't pay for it. Is that right?

Walhood: No. The applicant has to design and engineer and permit and pay for --

Potter: The applicant would have to pay for it.

Walhood: Correct.

Adams: I don't want to -- the fact that the original approval was for a different dwelling that was being built --

Walhood: Their permits are on hold because -- it's been determined that the appearance and that much home office space is beyond what we consider a residential use.

Adams: Clearly.

Potter: Yes.

Walhood: So they either need the zone change or they have to revise their permit significantly to make it an apartment building or --

Adams: And since this is this particular issue is new to me since I have been on the council, what's the accountability -- what is your normal approach to holding permit applicants accountable to build what we approve and when they don't do it what is the restitution?

Walhood: My understanding was that there was a foundation inspection that went awry, so in other words, the big pour for the wider plate got approved and then like on the next inspection they realized it was too big. They were -- received a stop work order on the permitted. They have been told -- maybe I am not answering your question. Ok. I'm sorry.

Adams: My question is, they came in, they were approved. The fact that one of our inspectors didn't catch it when the foundation was poured, still doesn't obscure the fact that the foundation was set, much in a much different way than the city signed off on. And so I want to know, what's the city's normal sort of request for restitution?

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Leonard: They should have stopped work order and the applicant is subject to having it torn down.

Adams: I see.

Walhood: They would either fix it and in this case we have put a further enforcement actions in abeyance because they are in the process of resolving it by getting a -- attempting it to resolve it through the zone change.

Potter: So I guess I would like to talk to the folks that, owners of the property again, the dangs. Could you please come forward. Is it a four-story building?

Nguyen: It's a three-story.

Potter: How many square feet?

Nguyen: It's each level 3,000 square feet. Close to 3,000 square feet.

Potter: So total of 9,000?

Nguyen: Close to the 9,000 square feet.

Potter: How did that happen?

Nguyen: The first revision we have was submitted to the city just like he explained, behind the house, straight up and I sent in my changes, I do submitted to the city for changes. I have that plan at the office. And after we did call the inspection, it passed up to the up to the point and I have the pictures of it. It passed all the inspection. And then later, somehow ours, I think our license was expired so we had to renew the home office license. So they came out and they --

Leonard: Permit?

Nguyen: Yeah, permit. And at that point they asked us to change the zoning. But this allow restriction for home office, and we plan to live on the third level. Build as a residential. And the that second floor is office. And the first level is just a garage. That's the original plan that we submitted.

Adams: Was it your intention to build something different than what you got permitted?

Nguyen: No. We do have the revision one. I don't know somehow the city didn't sieve receive it but I do have a copy we submitted to the city.

Adams: It's been stamped as received by the city?

Nguyen: Yeah. It been stamped and it's been approved sheer wall up to the three level you see there on my inspection card. But at this point, now we change zoning and we work with the p.d.c. And they do recommend us to take this building in -- take it down and on the plan that we change --

Leonard: Take it down?

Nguyen: We don't plan to keep the building.

Leonard: You are going to tear the building down?

Potter: The one you just built?

Nguyen: Yes. To put in this one along 82nd.

Potter: Wow.

Adams: Wow.

*******:** It's recommend --

Leonard: I don't think that was clear to us.

Potter: So you're --

Nguyen: That building that you see there that existing, that building later, when we develop this site, that building is not there. It will be demolished down.

Potter: As well as the house?

Nguyen: As well as the house to put in -- that's four option design for this project. And the option d recommended by p.d.c. and us.

Potter: How did p.d.c. get involved? Are you borrowing money from them?

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Dang: No. They started out just, they have a development behind our property. It's kind of -- I don't know if it's called rose development or something. It's a nice living quarter. And when they got ahold of what we were trying to do, they came by and gave us some suggestions and some guidance as to kind of what would be nice along 82nd and gave us some different predesign fundings so that we could get that started and in hopes we would be able to carry it through and be in line with what they hope is their vision for 82nd, and the store front. Make it something really nice and kind of --

Leonard: Are they giving you any financial assistance?

Dang: Not at this point. At this point because we don't know where our zone change is going to be.

Leonard: If you get the zone change, are they offering you some financial assistance?

Dang: There's different programs that we could apply for. We haven't started yet. But I am sure that they would be willing to work with us and help us with something. That's kind of where we're at. But in the beginning when we started building the office, it was just really a home that was an expansion of my law office. And we are going to live there. And then it just became a little bit bigger than what it was. But it's stilt design that was submitted to the city what is we based our building on. It's just I think there may be a few feet bigger.

Beaumont: Mayor Potter, I would like to suggest that we are probably straying beyond the scope of the land use issues involved in this matter.

Potter: We could accept any new information?

Beaumont: You can. Although it really is supposed to be relevant to do approval criteria and I think we are straying a little beyond that.

Leonard: I think we misunderstood, I think all of us misunderstood that the current structure was somehow part of what's being proposed. I think we are trying to clarify what the issues are for ourselves. I know I didn't understand.

Adams: And if I could then ask staff another question then and you might have said this and I might have totally missed it. So the notion of entrance and egress off of 82nd avenue, if we were to say no entrance and egress into the neighborhood from, what, bybee?

Walhood: To restrict traffic traveling on bybee from the development? I'm not sure I follow.

Adams: To ask for a redesign of the site plan so that the entrance and exits to the site are off 82nd avenue and not into the neighborhood.

Walhood: That is one of the -- I don't think he heard you say it but that's one of odot's primary concerns is restricting the driveway access on to 82nd. In other words, they want the driveway over on bybee.

Adams: Again, you say that the lights were on --

Walhood: Traffic, nearest traffic light is up at duke.

Adams: Right. Is it possible an odot, using 81st avenue, so 81st odot has signed off on this 81st avenue?

Walhood: There's a little 81st place, the little partial street on the west edge of the site.

Adams: Yeah.

Walhood: That will continue for the north end of the site but that's, between the site and the corner, are developed that that street would go all way the way through.

Adams: My advice is - - my feeling at this time we continue this and work with applicants or the developers to try to see if there's some additional creative solutions. And we can sit down with transportation to try to do that.

Potter: We hold this over for a period of time?

Sten: I certainly have no objection. It appears to me that this is a zoning map amendment and we are really debating, have you met a development standard to build the building? I get, there is any way we could, if the votes to do it approve a comp plan amendment but put some extraordinary

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conditions that they couldn't move forward building it until they had done a lot of the neighborhood outreach and collaborative work that the hearings officer essentially if you read between the hearings officer which is dangerous to do. He seems to think they have met it but the way it came about isn't fair to the neighborhood. And I hear some neighbor the saying we are not into 500 trips.

I haven't heard anybody object to the argument that the underlying zone is not or the. I am just curious if you could craft something that might allow them to get the zone change without having to redo everything but not force us to debate. Solve a transportation problem, there's absolutely no reason to believe that this is actually what will come in to get a permit. I think you have to finance it, you got to figure it out. I have never seen something at this stage at this level of complexity, the concept isn't what's going to get built. It seems to me like they are over the hurdle for changing the zoning, not for building this building and diverting 900 trips.

Adams: That's well said.

Sten: And the question in front of us is the zoning.

Walhood: The condition of approval you build a sidewalk or limiting the retail. It's very difficult to enforce or force staff to determine when that acceptable point where everybody has come together and reached a solution has occurred and so probably if you are looking for further dialogue and further work, I know that staff and the applicant and everybody's going to be available to do that. Probably better just to continue and have us come back with a fully revised consensus or new package.

Potter: Is that acceptable?

Leonard: Yes.

Potter: 30 days?

Adams: 45.

Potter: 45. Is that agreeable to you folks?

*******:** Sure.

Potter: Ok. What is 45 days out scheduled?

Moore: Roughly about august 31. That's another thursday. Does that work? August 31 at 2:00 p.m.

Potter: August 31st.

Moore: Uh-huh.

Potter: That's 60 days. Ok. August 31st.

Moore: I'm sorry. I said --

Potter: You mean july?

Moore: You will all be in on 17th of august. All commissioners will be in.

Potter: Pardon me?

Moore: August 17th, everybody is in for the commissioners.

Potter: Ok. August 17th. We are adjourned. [gavel pounded]

At 4:25 p.m., Council adjourned.