



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **25TH DAY OF SEPTEMBER, 2013** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, and Novick, 4. Hales arrived at 9:43 and Fritz presided.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraguirre, Deputy City Attorney; and Mike Cohen, Sergeant at Arms.

Item No. 911 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
895 Request of Pavel Goberman to address Council regarding announcing his candidacy (Communication)	PLACED ON FILE
896 Request of Michael Krupp to address Council regarding Blue Water P.A.C./Lobby (Communication)	PLACED ON FILE
897 Request of Mark Hofheins to address Council regarding ending the homeless occupation and end police aggressive tactics (Communication)	PLACED ON FILE
898 Request of Bruce Feathers to address Council regarding the City's fairness in dealing with a minority contractor (Communication)	PLACED ON FILE
899 Request of Robert E. Shannon to address Council regarding transportation and parks in Portland (Communication)	PLACED ON FILE
TIMES CERTAIN	
900 TIME CERTAIN: 9:30 AM – Accept report from Illegal Gun Ordinance Oversight Committee (Report introduced by Mayor Hales) 30 minutes requested Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-4)	ACCEPTED

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901 TIME CERTAIN: 10:00 AM – Proclaim October 1, 2013 to be Build Gateway Green Day in Portland (Proclamation introduced by Mayor Hales) 15 minutes requested	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION Mayor Charlie Hales Bureau of Police	
*902 Pay claim of Orion Cavins in the sum of \$8,887 involving the Police Bureau (Ordinance) (Y-4)	186254
*903 Pay claim of Jenny Flory in the sum of \$18,349 involving the Police Bureau (Ordinance) (Y-4)	186255
Office of Management and Finance	
*904 Authorize a contract with Arbitrage Compliance Specialists, Inc. for arbitrage compliance services for a total not-to-exceed amount of \$200,000 (Ordinance; Contract No. 30003398) (Y-4)	186256
*905 Create a new Nonrepresented classification of Citywide Recreation Supervisor and establish a compensation rate for this classification (Ordinance) (Y-4)	186257
*906 Authorize a sole source contract with Online Enterprises Inc. dba Online Business Systems, Inc. to implement an enterprise service bus and associated interfaces to the RegJIN Records Management System for a not-to-exceed amount of \$525,000 (Ordinance) (Y-4)	186258
907 Authorize Intergovernmental Agreement between the Office of Management and Finance and the Portland Development Commission for debt management services (Second Reading Agenda 881) (Y-4)	186259
908 Authorize Intergovernmental Agreement between the Office of Management and Finance and the Portland Development Commission for banking services (Second Reading Agenda 882) (Y-4)	186260
Commissioner Dan Saltzman Position No. 3 Portland Fire & Rescue	
909 Accept donation of Code-Stat 9 and LIFENET software and licenses from Physio Control, Inc. to transmit data from emergency scenes to health care providers (Second Reading Agenda 883) (Y-4)	186261

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<p style="text-align: center;">Portland Housing Bureau</p> <p>910 Certify the Director and the Compliance Coordinator, or anyone acting as the Director or the Compliance Coordinator, of the Portland Housing Bureau as Certifying Officers for federally required environment review certifications (Resolution)</p> <p>(Y-4)</p>	<p style="text-align: center;">37033</p>
<p style="text-align: center;">Commissioner Amanda Fritz</p> <p style="text-align: center;">Position No. 1</p> <p style="text-align: center;">Portland Parks & Recreation</p> <p>911 Amend provisions relating to duties of the Golf Advisory Committee and lifetime passes to golf program employees (Ordinance; amend Code Chapter 3.86 and 20.20.030)</p>	<p style="text-align: center;">PASSED TO SECOND READING OCTOBER 2, 2013 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Nick Fish</p> <p style="text-align: center;">Position No. 2</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>912 Amend contract with Hillsboro Landfill for multi-bureau contaminated media disposal in the amount of \$1,000,000 (Ordinance; amend Contract No. 31000155)</p>	<p style="text-align: center;">PASSED TO SECOND READING OCTOBER 2, 2013 AT 9:30 AM</p>
<p>913 Authorize a Letter Agreement with the Oregon Department of Transportation in the amount of \$10,000 to provide traffic control during work to abandon sewer facilities on I-84 at the NE 12th St crossing (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING OCTOBER 2, 2013 AT 9:30 AM</p>
<p>914 Authorize the contract and provide for payment for construction of SE 62nd & Morrison Sewer Rehabilitation Project E09049 for \$1.5 million (Second Reading Agenda 886)</p> <p>(Y-4)</p>	<p style="text-align: center;">186262</p>
<p style="text-align: center;">Water Bureau</p> <p>915 Authorize a Joint Funding Agreement with U.S. Geological Survey in the amount of \$801,208 for Streamflow and Water Quality Monitoring (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING OCTOBER 2, 2013 AT 9:30 AM</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Charlie Hales</p> <p style="text-align: center;">Office of Management and Finance</p> <p>916 Authorize revenue bonds for urban renewal areas (Ordinance)</p>	

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<p>917 Amend the Visitor Facilities Intergovernmental Agreement with Multnomah County and Metro and the Intergovernmental Amended Agreement Regarding Consolidation of Regional Convention, Trade, Spectator and Performing Arts Facilities with Metro (Second Reading Agenda 893; amend Contract Nos. 51557 and 25921)</p> <p>(Y-3; N-1 Novick)</p>	<p>186263</p>
<p>Commissioner Steve Novick</p> <p>Position No. 4</p> <p>Bureau of Transportation</p>	
<p>918 Vacate a portion of SW Fairview Blvd at SW Champlain Dr subject to certain conditions and reservations (Second Reading Agenda 888; VAC-10081)</p> <p>(Y-4)</p>	<p>186264</p>
<p>919 Authorize the Director of the Bureau of Transportation to issue a quitclaim deed for a portion of SW Fairview Blvd at SW Champlain Dr (Second Reading Agenda 889)</p> <p>(Y-4)</p>	<p>186265</p>
<p>Commissioner Amanda Fritz</p> <p>Position No. 1</p> <p>Portland Parks & Recreation</p>	
<p>*920 Approve findings and authorize exemptions to competitive bidding requirements, waive performance and payment bonds, authorize execution of a Development Agreement with Peregrine Sports, LLC and authorize Portland Parks and Recreation funding for the Delta Park Project (Ordinance; repeal Ordinance No. 186059 and Ordinance No. 186142)</p> <p>(Y-4)</p>	<p>186266</p>
<p>Commissioner Nick Fish</p> <p>Position No. 2</p>	
<p>921 Revise Pay and Park and Non-Pay Private Parking Facilities regulations (Second Reading Agenda 890; amend Code Chapter 7.25)</p> <p>(Y-4)</p>	<p>186267</p>

At 12:00 p.m., Council recessed.

September 25, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 25TH DAY OF SEPTEMBER, 2013 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz and Novick, 4. Fish arrived at 2:15 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Chief Deputy Attorney and Linly Rees, Deputy City Attorney; and John Paolazzi, Sergeant at Arms.

<p>922 TIME CERTAIN: 2:00 PM – Consider the proposal of Don Goldberg of The Trust for Public Lands and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Open Space to Industrial Sanctuary and the Zoning Map designation from OS Open Space to IG2 General Industrial 2 for the Northern Parcel, and a Zoning Map Amendment to modify Environmental Protection and Environmental Conservation overlay zones on the site known as the Colwood National Golf Course, in the vicinity of NE Alderwood Rd and NE Cornfoot Rd (Hearing; LU 12-213885 CP ZC EN) 2.5 hours requested for items 922 and 923</p> <p>Motion to tentatively accept the Hearings Officer’s decision with the ordinance amendments previously adopted and potentially some amendments to the findings after further consultation with the Sumner Neighborhood Association: Moved by Fritz and seconded by Fish. (Y-4)</p>	<p>Disposition:</p> <p>CONTINUED TO OCTOBER 23, 2013 AT 2:00 PM TIME CERTAIN AS AMENDED</p>
<p>923 Amend the Comprehensive Plan Map designation and change zoning of property in the vicinity of NE Alderwood Rd and NE Cornfoot Rd, the northern portion of the site known as the Colwood National Golf Course property, at the request of Don Goldberg of The Trust for Public Lands (Ordinance introduced by Commissioner Fritz; LU 12-213885 CP ZC EN)</p> <p>Motion to accept amendments from the Hearings Officer to amend Directive 'a' with added Condition K, replace Directive b.5.B and C, add Condition K from PBOT, amend Finding 2b and Directive b2 to substitute General Industrial 2 for General Industrial 1: Moved by Fritz and seconded by Fish. (Y-4)</p>	<p>PASSED TO SECOND READING AS AMENDED OCTOBER 23, 2013 AT 2:00 PM TIME CERTAIN</p>

At 4:29 p.m., Council recessed.

September 26, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 26TH DAY OF SEPTEMBER, 2013 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn
Beaumont, Chief Deputy Attorney; and Wayne Dykes, Sergeant at Arms.

<p>924 TIME CERTAIN: 2:00 PM – Consider the proposal of Legacy Health System and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Industrial Sanctuary to Institutional Campus and the Zoning Map designation from IG1 General Industrial 1 to IRd Institutional Residential, with a design overlay for property in the vicinity of N Kerby Ave near N Stanton St (Hearing; LU 13-146707 CP ZC) 1 hour requested for items 924 and 925</p> <p>Motion to accept the Hearings Officer’s recommendation; continue to October 2, 2013 at 9:30 am: Moved by Fritz and seconded by Fish. (Y-4)</p>	<p>Disposition:</p> <p>ACCEPT HEARINGS OFFICER’S RECOMMENDATION; CONTINUE TO OCTOBER 2, 2013 AT 9:30 AM</p>
<p>925 Amend the Comprehensive Plan Map designation and change zoning of property in the vicinity of N Kerby Ave near N Stanton St at the request of Legacy Health System (Ordinance introduced by Commissioner Fritz; LU 13-146707 CP ZC)</p>	<p>PASSED TO SECOND READING OCTOBER 2, 2013 AT 9:30 AM</p>

At 2:20 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 25, 2013 9:30 AM

Fritz: [gavel pounded] I don't usually bang the gavel, but that was kind of satisfying. Good morning, everybody. This is the Portland City Council hearing for Wednesday, September 25, 2013. The Mayor will be arriving shortly, but we have one thing before the gavel, actually, it was after the gavel, but, before we call the roll. The City of Portland would like to recognize and welcome Oregon's Partners of the Americas. So please come forward to the table, Oregon Partners president, Karin Grant.

Karin Grant: Also coming with me is Edwin Araya. He is the leader of the group coming here to visit, and Oscar Arrieta, who is the past president of Oregon, Costa Rica in Costa Rica. Partners started in 1964 as part of the Alliance for Progress, where parts of the U.S. were paired with parts of Latin America based on similar interests, and Oregon was lucky to be paired with Costa Rica because of our fisheries, forestry, eco-tourism and now we have Intel in common as well. So I would like to introduce the other Costa Ricans and their American host. Would you please stand.

Fritz: Welcome. [applause]

Grant: The Costa Ricans are here for a month, and they will be leaving Portland after a wonderful tour today and learning about city government here to go to Salem, Bend, and Hood River. They hope to see snow and the changing leaves before they go home. So, we thank you very much for your time and your consideration this morning. Thank you.

Fritz: Thank you very much. Would you like to say anything, add anything?

Grant: Would you like to say anything?

*****: Buenos dias. Agradecemos profundamente el grupo de costarricense que el hoy estamos aqui por recibirnos en este precioso lugar. Sentimos que --

Grant: Excuse me, he's giving very deep appreciation for receiving us, and in this beautiful location.

*****: Completamente, agradecemos y lleno de verdaderamente de felicidad de haber conocido un lugar hermoso como este.

Grant: They are very happy to be able to see this beautiful place, and share the time with you. Thank you.

Fritz: Thank you, and welcome to our city and our City Hall. Thank you very much for the presentation. And the Mayor apologizes that he was not able to be here for that. And so, Karla, could you please call the roll?

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

Fritz: And Commissioner Saltzman is on city business at the League of Oregon Cities. We all appreciate his service on that committee.

Item 895.

Fritz: Yes, please come Mr. Goberman. State your name. The sound is not very good, we'll see what we can do. Thank you. Please state your name for the record and you have three minutes.

Pavel Goberman: Ok. Thank you. Thank you for giving me the opportunity. You have no good light here. My name is Pavel Goberman, I live in Beaverton. It's too bad Mayor Hales is not here. On Januray 26, 2013, I was arrested in Portland Building by the Portland Police and placed in jail. What I did wrong, I don't know. I did mean to investigate [inaudible] and not allow Trimet user in city property. I have a plan to create a few jobs, balance budget, improve heavy traffic on all

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highway and cities, therefore I announce [inaudible] federal election [inaudible] U.S. Senator on Merkley. In 2008, [inaudible] elected me for U.S. Senator, but not Merkley. Also to change the black robes on many United States and state judges to black and white robe for [inaudible] Constitution in United States. Supreme laws in the country. Commissioner Novick, as a media [inaudible] and you name it Merkley, terrific. [inaudible] bound by us to support this Merkley but [inaudible] has no respect and does support this Constitution [inaudible] for government employees. On base of article six, to [inaudible] must be removed from [inaudible] does not qualify for any office. On September 9, I filed a lawsuit with the United States District Court against Merkley. Merkley support crimes of the United States district [inaudible] And you, Mr. Novick, are in charge of transportation committee. I ask you to investigate why I was illegally [inaudible] by Trimet but you did nothing. Also, perform your job or leave this office. President of Oregon Broadcast violated my freedom of speech, violated Constitution of yours. All of you bonded by office to support the Constitution. Just do your job. [applause] [inaudible] Oregon, [inaudible] Oregon Public Broadcast practice business on city property. My message to Mayor Hales, appoint me as your advisor and I promise to save city, create city, a few thousand jobs, improve heavy traffic. Don't spend money on [inaudible] is that all or a couple minutes more?

Fritz: You are done, that's it. Thank you very much for your time.

Goberman: Ok, thank you.

Fritz: Thank you, Mr. Goberman. 896, please.

Item 896.

Fritz: Mr. Michael Krupp. Yeah. Go ahead.

Michael Krupp: Just Commissioners. Good morning, everybody. I'm going to read to an empty chair then.

Fritz: It will be in the record, Mr. Krupp, thank you. And if you could state your name, As usual, you have three minutes.

Krupp: As words of reason fail to pass your rudimentary reptilian ears, it becomes clear, my purpose here is amplification of your stark naked personal ambition and insatiable greed. Having been given the pin for our city's treasury, you don't even pretend to represent our people's fiscal interests. The corrupt charter under which you function, riddled with loopholes, allows you to lie without fear of perjury, amply demonstrated by the angry Sam Adams, retired, and his buddy, Randy deep pockets Leonard who rode into the sunset on a stolen horse. And when advised by our Ombudsman which of the projects to be undertaken by the city will be audited, dazzled by god money, it practically begs you to steal from the ones that won't be. You are only human, of course, the temptations are inexorable. I ask you only do this: stop, thief. The vulture's nest view as chief executive of dialing for dollars is surely a heady experience. Up until now, a petty one corporation, military industrial crook, you seek to plummet our great city into a made for tv depression. Ripe for rape. Piss on your plans to privatize. This is not the roaring '20s. And you are not Boss Tweed. The people are watching. We are not pleased. Even with your little whipping boy, the ore-goof-nian, ringing your praise, it is clear to us that the sky is falling. If not a capital d democratic country, we remain a democracy. There are many of us fair-minded folk, and few of you and yours. Go rob a Plaid Pantry like Senator Issa. Not us. We, the many, are citizens of the United States of America. You are most assuredly a denizen of unbridled snakes of demonica. You disgust me. [applause]

Fritz: Good morning, Mayor. 897, please.

Item 897.

Mark Hofheins: How are we doing, Council? Good morning. My name is Mark Hofheins, I'm with UCARE. It is my pleasure to address the Portland City Council in regards to the homelessness issue. Here I will address many ethical valid, ethically valid issues involved in, and in turn offer trustworthy and morally based solutions. In prayer for greater solutions for our dear citizens of Portland, and the U.S. as a whole, let us be an example to the world and make a positive change for

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those in need. Instead of the usual sweeping under the rug or injustices. Portland is the mecca for today's pioneers. They walk about among us, seemingly forgotten or looked down upon. To most they appear as mere vagrants, not someone looking to find their -- not someone looking to find their place to settle. These pioneers carry with them their items required, let alone, carried by the pioneers who founded this city and, mind you, this country. Those same items the city criminalizes for them to use in order to save themselves from suffering and even death. Tell those pioneers back then they were unable to do those activities and find your response to be what? I think that that would be obvious. Ask yourself, what would you do if god put you in our shoes? They are citizens just like you or I, rich or poor. Make no decision as to whether they are guaranteed the same protections as any of us under the Constitution. They most definitely are regardless of race, region, gender, or economic class. Make no mistake that it states we, the people. We are the people and it very expressively and explicitly speaks about it. Where would you choose to sleep if you were out with the same people you punish? When all of the shelter beds are full pouring down rain for six months straight in freezing temperatures that kill. How would you find work carrying your entire home on your shoulders and zero place to put it because there just aren't enough lockers or safe places to keep anything? And that's all that you have, and it won't be there when you return. Take the roof from your home even, and see how well you fare. Can you imagine? Especially during acts of god beyond your control. Did you know that the great number of drug users are only using to cope with having no way out? Open your eyes and most of all, your hearts. Set aside the same amount of time that you use to go to sporting events and boast on something more dire, like getting to know some of those people you work for, citizens. We employ you as taxpayers, in the city, state, and country. Are you for the people or maybe we need to find us a new Mayor and Council that aren't just for the dollar signs. When was the last time you fed the homeless community? I never see that in the media.

Hales: Michael, you need to wrap up.

Hofheins: I've got two more paragraphs, sir. You have failed miserably to fulfil your singular promise made to the media, the citizens Portland, with regards to homeless outreach and having even a minuscule amount of sympathy for those in need. Instead you send the police bureau in an all-out attack after the homeless, to intimidate and criminalize homelessness in order to oppress and repress them. Using fear and violence and duress on daily basis, and nightly basis, especially when no one is around to hear our cries and pleas for help and actual justice from those who are sworn to protect. Where are those outreach workers that you tell the citizens and the media are going to assist? When will you stop lying to our community about how you are doing everything that you can to assist? Is putting homeless through a living, breathing hell in Portland your goal? Putting them in jail or writing them prejudicial citations must be your actual plan to end homelessness or outreach plan. I invite you all and the community to join me and those suffering in poverty day by day to UCARE, United Coalition Against Repression for Equality on Facebook. And in the community, let us expose the truth that arises out of the travesties and inhumanities felt by our people. We are god's people, an army against the oppressors. You and the police bureau are no better than the hypocrites and soldiers who persecuted christ. End this war and persecution you bestow upon god's children. Stop forcing us to carry our own crosses in the form of burdens placed upon our lives, for god loves those who are weak, meek, and cast out by society like rodents. He made us into many nations and tribes so that we could come to know one another, not hate or fight one another. Do you fear god? If not, maybe it's time that you should. Because in god we trust.

Hales: Thanks, Michael. Thank you. Next, please. [applause]

Item 898.

Hales: Mr. Feathers, come on up.

Bruce Feathers: Good morning. Top of the morning to you.

Hales: Good morning.

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Feathers: My name is Bruce Feathers. I am the CEO of FeatherLite, a minority business enterprise for the past 16 years in this city. In 2007, this very body approved what's called a supplier diversity program, which is designed to increase procurement from minority women and emerging small businesses. This is the same program used by 75% of Fortune 500 companies. Why did they approve this? The findings of a city-sponsored committee involving city employees and community members, which I co-chaired along with the former director of purchasing, Jeff Baer, we discovered that of the \$123 million of annual purchases made by the city, 0.24% was with state certified MWESB firm. This, we thought, was a serious breach in the city's public proclamations versus the institutional roadblocks being created by staff. And I was here last month, and I mentioned I would be back because I don't believe you want to, and I surely don't want to allow the celebration and adoration for last month's MLK day turn a blind eye to the economic empowerment of small businesses, particularly minority businesses, which is another form of the civil rights era. To be sure, watch this. The city was allowing large first-year companies to commit to using MWESB firms on their RFP submissions. They would receive extra points to win the bid. But, later, they found ways to get rid of the MWESB firm, which obviously increased their profits. That was a going concern of activity that was happening. But, as part of the supplier diversity program, Commissioner Leonard, and this is a copy of the resolution made, made a resolution that aborted that practice but neither the supplier diversity program or the resolution was able to take full effect. You might ask why. Because of the FBI investigation, and I will close of Ellis McCoy's mishandling of smart meter contracts, which by the way was first reported by me in the media, which led to the launching of the FBI inquiry. It shut down all city communications as they cited FBI investigations. But, in revenge and greed, McCoy and Cale's President George Levey conspired and succeeded in getting rid of my contract that I had with Cale. The director of purchasing, Mr. Baer, was aware, but again, the FBI investigations halted it all. Consequently today, our firm is in debt, and just a stiff breeze away from a going out of business sale. Just for the record, so we can record, I was an MWESB subcontractor to both Cale and Precise ParkLink, the two meter providers. For Precise, we warehoused the receipts that we use in our windshield, and we delivered them to the city. We also participated in the upgrade contract where we upgraded 1100 of the meters that are on the street. We hired two minority employees, trained them, they were full-time making over \$60,000 a year, it was perfect model of what we want this program to work. That contract was over. The Cale side, which we invested tens of thousands of dollars in warehouse upgrades to maintain the meters, to provide storage for them, and predelivery prep -- so, we were very involved in this contract. And as I close, I'm simply petitioning this \$30,000 of unfulfilled contracts that was with Cale that got lost in the shuffle that I didn't create, you didn't either, but it certainly was created by the city. And, I'm also seeking to be restored as a minority women emerging small business subcontractor on any upcoming, and I believe, there is one being worked on, smart meter contract. Thank you very much.

Hales: Thanks for bringing there to our attention. I appreciate coming. Thank you. Ok.

Item 899.

Hales: Mr. Shannon, come on up. Good morning.

Robert E. Shannon: Good morning, Commissioners and Mayor. I have two issues here, one is on Holgate between 92nd and 122nd that has been closed. They told me yesterday, they called me, since August of '09 -- I don't know the reason why. Well, I mean, I know the reason why. The two outside lanes have been turned into bicycle lanes, and there's businesses along there that are hurting. And, I will read this off to you. The City of Portland Commissioners, Holgate was built and funded by taxpayers, gasoline taxes, as a four-lane road, heavily traveled, not only by auto but buses. Two of these lanes have been sacrificed to bicycles that pay no taxes and are not licensed. Not only has it disrupted the traffic flow, it also impaired businesses along the route. Some have complained during the Sam Adams, administration, but to no avail. I feel this is unjust, and the bikes should be -- have

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no preference over automobiles. I have spoken with Steve Novick staff and they disagreed, saying, no change will take place. Okay. And another article here on Lents Park needs a port-a-potty room at the northwest corner of the park for visitors, and ballplayers, and the like. They keep telling me they have done something there, but there hasn't been anything done. It's a northwest corner of the park, it's a pretty good sized park, you know. And anyway, I've been there during the summer and this fall. And there's been people playing ball out there, maybe 50 or 60 or more people, and there is no -- the farthest up on 92nd is quite a ways away, and there is no reason that they could not put it in there at least temporary and if somebody needs to lock it up, that somebody, or the groundskeeper can come back and lock it -- or, you know, if there is going to be vandalism. I have called your office, I don't know how many comes, and they just ignore me.

Fish: Mr. Shannon, an I ask you a question? You are listed as having a Damascus, Oregon address, is that your home?

Shannon: Yes. I live at Clackamas County.

Fish: You live in Clackamas.

Shannon: **But** I use the road all the time.

Fish: I understand, but, do or your family have a business in Portland? Or a business address?

Shannon: No, I don't. I'm a retired teamster.

Fish: Ok.

Hales: But use that park a lot, obviously?

Shannon: Well, we go down there, like in the summertime, there is a park back there, and you can sit in the shade, and watch them play ball and what have you. I think it's only fair that they put some, some facility there, for the public, I mean, you get 50, 60, or how many people that come in there and picnic, too, you know, that kind of thing. I think it's only fair that they have something.

Hales: We appreciate you bringing this to our attention. We appreciate you bringing there to our attention, and we try to make the street system and the park system work for everybody. It's a challenge.

Shannon: Yes. If anybody wants a copy this --

Hales: If you could leave that with Karla, that would be great.

Fish: We previously did a master plan -- the Council previously adopted a new master plan for Lents Park and we've been secretly hoping that a former park aid that used to work there would come to our rescue and help us to fund it, a guy by the name of Phil Knight. But if that does not work, it is in the queue for a future bond measure.

Shannon: I don't have any idea what they charge for one them. I don't know.

Hales: Phil could afford it.

Shannon: There is facilities up at the other end of it, and that's too far away.

Hales: It's a big park, you're right. Thanks, thanks very much. Leave that with Karla for us. Do leave that with Karla for us, if you would, thank you. Good. All right. We are to time certain, number 900.

Moore-Love: Do you want the consent agenda?

Hales: Sorry, yes. Did it again. I think that we've had a couple of requests to pull some things from consent, is that right?

Moore-Love: I have 911.

Hales: Ok. Any others? Then let's take a vote on the balance of the consent calendar.

Novick: Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye. [gavel pounded]

Hales: We'll hold 911 until after the time certain on the regular calendar.

Item 900.

Hales: Mr. Mike Verbout is here, the chair of that committee, as well as other committee members, and Chad Stover from my staff. Welcome. Thanks for being here with us today. It is important work that you are doing. Chad, are you leading off?

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Chad Stover, Office of the Mayor: Yes, sir. Good morning, Mayor Hales. Good morning, Commissioners. My name is Chad Stover, I'm a policy advisor to the Mayor, assigned mostly to public safety. On December 1st, 2010, Portland City Council passed ordinance number 184274, ordering Council to add new and amend existing city code provisions to address illegal gun use and violent gang activity in the city ordinance. It reads in part: now, therefore, the City Council directs a committee established by Council shall monitor the implementation and enforcement of the firearm use hot spots code for Council. The committee will collect and analyze data to determine whether management of the hot spots one, serves the safety needs of the community, two, is fair and equitable, three, has generated improper disparate treatment. The committee will report to Council every six months. Since that time, it's changed to every year. So this is now an annual report. The illegal use of firearms is a long-standing community problem in the United States and in Portland. Every year, more than 30,000 people in the United States are killed by guns and over 66,000 are injured by gunfire. In 2012, there were 12 homicides and 36 suicides involving guns, and in 2013, up through July 31, there were three homicides and 19 suicides involving guns in Portland. Firearms are used in approximately in 40% of the homicides in Portland. Close to half of the firearms used in unintentional shootings of children were acquired by children from their parents who have the firearms loaded and unsecured in a place accessible to children. The African American community has seen the greatest toll on its youth as a result of the illegal gun use. Young African American males are killed by guns at a much higher rate than any other segment of the U.S. Population, according to the Violence Policy Center 2007 reports. Stolen guns represent a major risk to the community at large because they have, by definition, entered criminal hands. Ensuring law enforcement's early awareness of every lost or stolen gun will enhance law enforcement's ability to recover those guns and reduce gun violence. To combat gun violence and deaths in Portland, Mayor Sam Adams pursued local policies and enforcement that limit the ability for individuals to use guns criminally. On December 1st, 2010, Portland City Council passed an ordinance enacting three new gun control laws, and five changes to city code aimed at curbing gun violence particularly among juveniles. The laws hold adults responsible if their guns get into children's hands, penalize gun-owners who do not report the theft or loss a firearm, and designate illegal firearm use hot spot zones that allow the city to exclude criminals from them. Implementation, stage one, upon adaptation of the ordinance City Council established the Illegal Gun Oversight committee, known this point forward as Committee, to track the implementation and enforcement of the changes to city code and the enforcement of new firearms violations. The committee's rule is to provide oversight on the five pieces illegal gun ordinance. This oversight includes determining whether available data supports the continued designation of illegal firearm use hot spots, assessing the use and need for this ordinance, and making certain that there is no disparity of treatment as a result of this ordinance. Specifically, City Council asked the committee to collect and analyze data to determine whether implementation of the ordinance serves the safety needs of the community, is fair and equitable, and has generated proper, disparate treatment. In addition to ensuring the implementation of the ordinance achieves the goals of the City Council, without discriminatory practices, the committee can also make recommendations to change the policies they see fit. The committee reports. The first of these reports was accepted by City Council on August 10, 2011. Since that time, the committee has tracked and analyzed the Stage 1 implementation of the new legislation through the Portland police bureau in partnership with the district attorneys and Mayor's offices. The stage one of the implementation has provided an opportunity for the police bureau to work with its own employees and public agency partners to determine the integration of new policy into an existing system of public safety. Implementation of these new laws is continually finessed based on the experience of the officers and agency partners enforcing the ordinance as well as recommendations from the committee during the stage. At this point, Mayor, and Commissioners, I would like to briefly introduce our committee. Mike Verbout is the chair. Dave Smith and Rosanne Lee, members from

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the oversight committee. And this year we would like to welcome and announce that we have two new members, Susanna Pai and Juan Muros are joining this committee as well. Unfortunately, they were not able to make it here today, but we would like to make that formal announcement that they are joining the committee. And we also have two departing members we want to thank Temo Alvarado as well as Gahlana Carolyn Easterly who served on the committee in years past. In addition to our illegal gun ordinance oversight committee members, also serving as committee staff and advisory members is myself, Chad Stover, I work for the Mayor's office, and Sergeant Cathy Kent of the Portland Police Bureau Gun Task Force and Lieutenant Art Nakamura, Portland Bureau's Gang Enforcement Team and Gun Task Force, and Deputy District Attorney Eric Zimmerman, who are here this morning. And with that I would like to turn it over to Mike Verbout of our committee chair.

Mike Verbout: Thank you very much. Good morning, Mayor and president of the Council, and Commissioner Steve Novick. I would like to thank the liaison to the committee, Chad, who has done a superb job in assisting the committee members. Also to the support staff. When, as citizens, we agreed to serve in this capacity, we promised then and continue to promise to you that we will be our own people and call things the way that we see them. We feel that's the best way to be helpful to you. And then, of course, you are able to decide what you agree with or what don't agree with or however you would like to proceed. But, we do want to pledge to you again, that we are -- we'll serve you as our own independent individuals, and give you the best counsel and advice that we can do. You have in front of you, but I would also like to make an announcement so that those who are listening or might hear is that this oversight committee meets on the third Tuesday of each month at 11:00 a.m. at the north precinct. And we have always had and will continue to have an open door policy and welcome anyone who would like to come and attend and participate and make comments and suggestions to feel free to attend and to be of assistance to us in this process. Also, in that we may not be reading all of what is in the documented material, these are public record and anyone can access and obtain these materials. The committee examined, in this latest report, an implementation four of the five portions of the illegal gun use ordinance. We looked at the illegal firearm use hot spots areas, we looked at endangering a child by allowing access to a firearm, we looked at failure to report theft or the loss of a firearm, and possession of a loaded firearm in a public place. For this report, the committee did not examine the implementation the amended curfew section of the city code. However, the committee plans to review information on the implementation of a more restrictive curfew as it becomes available. The majority of this report is devoted to the analysis of the illegal firearms use hot spots. Supporting statistical information can be found in the exhibits to this report, as well as the graphs and figures cited throughout the body of this report. It's our intention to share with you the four areas that we looked at and then, the second phase will be a question and answer time in which staff will assist us from the bureau, and from the district attorney's office. It's a pleasure to introduce Dave, who is going to share our findings and our thoughts regarding the illegal firearms use hot spots. Dave?

Dave Smith: Good morning, Mr. Mayor, Council members. My name is Dave Smith, and as a volunteer, I am the president of Madison South Neighborhood Association. I coordinate a community policing program that we call EPIC, East Precinct Involved Citizens. I am also the president of a 501(c)3 nonprofit called ASHA-INC, which is a spinoff of the Portland Police Bureau Bangladesh program that the Mayor's office supports, which I would like to thank you for. In relationship to the illegal gun ordinance oversight committee, three original illegal firearms use hot spots, we call them hot spots, were designated as such in 2010, based on historic rates of gun crimes within those boundaries. These include crimes that can be specifically attributed to the illegal use of firearms, including aggravated assaults, and attempted murders with the firearm and shots fired called as well as anecdotal evidence from the Portland police sworn personnel street level gang outreach workers, staff at the district attorney's office, and crime prevention specialists. For this

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report, the committee examined the same inputs of information for the same hot spots, as the 2012 report to determine whether the designation of these hot spots continued to be warranted in 2013. To compare appropriate information, the committee looked at the concentration of gun crimes in these areas from 2012 and matched that data with the same areas up through July 31 of 2013. Based on this data, and updated anecdotal evidence, the committee made the following findings about each of the current hot spots. Downtown, the committee voted unanimously to maintain the designation. Gun occurrence increased 1% since 2012. Mostly, happening between the hours of 11:00 p.m. or a.m., around bars. Anecdotally police found more guns on female suspects and more guns than cars in this area over the past two years. Portland Police Bureau's working with bar owners and security staff throughout the summer to ensure continued safety. The nature of this location is a place for congregation and entertainment, coupled with the continuation of crime, lead the committee to determine that people who commit gun crimes should continue to be excluded from this hot spot. I-5 corridor, the committee voted unanimously to maintain this designation, also. Gun crimes decreased 2% since 2012, but data shows that the problems still are centralized over the Albina-Killingworth area. Gang enforcement team and crime prevention anecdotal evidence have demonstrated that there are many gunshots fired at residences within this area. The 160th and Stark, committee voted unanimously to maintain the designation. While the percentages of low for this hot spot, this is a geographically smaller area, so the concentration is high. Gang outreach receives a high number of calls to this area. Anecdotal evidence suggests gun and gang violence within this hot spot, a self-initiated activity by police in this area, is higher than in other parts of the town. So, the committee's recommendations. The committee recommends an extension of the boundary of this particular hot spot to 181st, which crosses the Portland Gresham boundary. Evidence suggests that there is a high frequency of gun activity along the MAX line that runs there, also allowing for the transportation guns. The committee further suggests that the Portland City Council work in partnership with the City of Gresham in this area. And a bit a challenge, but that is a recommendation.

Fritz: Can I interrupt and ask a question about that. I thought when we first did this, that there was a challenge about having the boundary go over, and we amended the hot spots, so it didn't go over. Or am I thinking of a different process?

Smith: You may be thinking of a different prospect. To our knowledge, the recommendation was made, work has been initiated with the Gresham -- the district attorney's office, and the police bureau, but that would actually require an ordinance from the City of Gresham to coordinate -- we realize that that is a challenge, but, it is a challenge that we would like to offer to the Council because our experience is that those people who are committing gun crimes in that area can easily go into -- between the various boundaries. And escape --

Fritz: You would like Mayor Hales to work with Mayor Bemis to do an ordinance to establish the hot spot policy --

Smith: We would like that very much, yes. That is our recommendation.

Stover: Commissioner, if I could say one thing on that. As this committee looked at recommendations throughout this report, what we really tried this year, and this is the third report to Council, and so the first couple years we were, I think, trying to get our bearings trying to find the right areas for data collection and measurement. And coming in this year, we worked hard to take data from last year, so that we have a good apples to apples comparison from last year. So some of the things that may have been recommended before, we're noting they are still of concern and we are recommending them, and that further action be taken.

Fritz: Some of the things that we just can do and some of them we have to ask Gresham to do.

Hales: And we need the cooperation of the DA and, and yeah.

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Verbout: And, we acknowledge that, but, we strongly recommend that because we see it impacting what our mission and goal is. And y'all are so astute at these things, we have no doubt that it will probably come to fruition.

Hales: Thanks for the confidence. [laughter] We'll see what we can do.

Smith: I have just two more brief items to refer to in terms of hot spots. We think that focus should be placed on specific hot spots within the larger designated I-5 corridor hot spot, due to the large size. So, also, it is recommended that the I-5 corridor hot spot boundary be extended to include 33rd but maintain the current north-south boundaries to include Woodlawn park and northeast 15th and Killingworth. Thank you. I would like to introduce Roseanne Lee.

Rosanne Lee: Good morning, Commissioner, and Mayor. The section I'm going to talk about is the part about endangering a child by allowing access to a firearm. And this is on page 14 of the report if you have it. The legislation was enacted to prevent and hold adults accountable for shootings, accidental shootings of youth, including suicides. So our local and national statistics about those tragic consequences of gun negligence continue to validate the need for legislation in the city code. Looking at our statistics, over half, sometimes as much as two-thirds of the suicides in Oregon -- or, accidental gun deaths, are suicides by young people under the age of 17. So, this portion of the ordinance holds adults accountable for the actions of juveniles, also, let me state that one over. This portion of the ordinance also holds adults accountable for the actions of juveniles within their care, related to their firearms. It is extremely difficult for the Portland Police to identify adults responsible when juveniles are willingly seeking out or using firearms. In the cases that involve juvenile possession of firearm, the weapon does not belong to the juvenile's parent, so there is other adults involved. And based on anecdotal evidence from the police bureau, and street gang outreach, establishing reckless intent by the parent for the adult, in this case, it is difficult. A, parents are not going to -- they are going to say that they did not know, and second, youth charged with gun crimes don't tell officers where they got the gun. And third, even as a juvenile claimed he or she acquired the gun from a specific adult, it's difficult to prove without the admission of the adult in question. And on the suicide end of things, people need to lock their guns up more securely than putting them on the top shelf of a closet or a bedroom drawer, or under the bed. Especially if you have teenagers. Especially if you have family members with mental illness. They need to be locked up more securely, or stored at another location. That's my personal opinion. The committee assessment, is, as previously stated, the importance of the legislation is to target accidental shootings and negligent gun storage. The committee concludes this portion of the ordinance acts as a deterrent for accidental gun injuries and deaths, and supports its continued implementation. We have only one case this year that comes under this section. And it was the 11-year-old in the east Portland area near the hot spot there, and it was his father's gun, so, even though that one did not go to court under this ordinance, because he was a felon, he should not have had a gun in the first place, it went to federal court, and I'm not sure how that turned out but DA Zimmerman probably could you. And that's my section. Thank you.

Hales: Questions for committee members or Chad? Anything else need to cover before we bring up the resource people here?

Stover: I'm sorry, we have a couple more sections to briefly go through.

Hales: All right, good. I was not sure if you were going to re-rotate through the lineup here.

Verbout: I am going to share with you the committee's last two portions. This one is the failure to report theft or loss of a firearm. Firearm registration laws vary from state to state, across the country. And under Oregon law, when purchasing a gun from a dealer, or at a gun show, dealers must do each of the following. One, see identification. Two, obtain a fingerprint. And three, do a criminal background check. This information is only recorded for the first purchase of a firearm from a registered gun dealer. There is no waiting period to buy a gun in Oregon. No limit to the number of guns you can buy or own. And there is no registration. Once a firearm is privately owned,

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background checks are optional. Additionally, Oregon does not have, have straw purchase laws which prohibit person from buying a gun for a felon. To address the problems associated with not being able to track guns in our community when they are stolen or lost and used in crimes, Portland City Council passed the failure to report theft or loss of firearm portion of the illegal gun ordinance. If a firearm gets into the wrong hands, either through loss or theft, Oregon has no expectation for tracking that firearm through its continued existence. It is important for law enforcement to be able to identify the history of a gun once it is recovered from a criminal so that one, the firearm can be returned to the rightful owner. And two, Portland Police Bureau personnel can examine trends associated with the firearms in our community. The failure to report the theft or loss of a firearm portion of this ordinance requires that a gun owner report to the police bureau when he has lost a firearm or has been the victim of a theft. In the report, the owner is required to supply the serial number each stolen or lost firearm. There are fines associated with the failure to report a loss or a theft as well as the failure to report the serial numbers. City Council passed this legislation with the expectation that gun owners should track the serial numbers of their firearms. To date, this legislation has yielded the following results. In 2012, 360 stolen firearms were reported of which 176 serial numbers were provided. In 2013, through July, 154 stolen firearms were reported, and which 70 serial numbers were provided. The committee agrees with the intention of this legislation, and emphasizes that an improved method for tracking guns would be beneficial. However, public education regarding this new requirement and the associated fines could be improved as well. The committee is aware of the release of information about this legislation to the public following the adoption of this ordinance in late 2010. However, the message about this specific requirement and the associated fines may have been lost in the broader message about the new gun crime legislation in the city. Without a more thorough education campaign, Portlanders may feel that they have not been made full aware of the consequences of not recording the serial numbers for the firearms. A more comprehensive campaign with service. An effective education campaign would have some, some or all of the following elements. Public service announcements, announcements through neighborhood association meetings and office of neighborhood involvement networks. Creating a flier for distribution, both electronic and hard copies, sent out along with the water bills, distributed at shooting ranges, gun clubs, trade shows, and stores that sells guns. And makes sure that the Portland store managers know that the ordinance exists, educate insurance companies, national night out schools, libraries, to name a few. The committee recommendations in this area, one, for the successful implementation of the failure to report theft or loss of a firearm portion of this ordinance. Citizens must know about the fines associated with the requirements, within the legislation, and associated penalties for violating this new city code. The City Council should, therefore, engage in a more comprehensive education campaign regarding the new requirements and the fines associated with failing to adhere to city code section 14a, 60 050. They discussed the root problem at hand in order to assess other potential solutions. What our community really needs is a way to track guns back to their owners, so that our public safety system can prosecute the people who burglarized community members, even if the suspect is not caught for that specific burglary. The committee explored the option of a voluntary registration for gun owners, and while it is illegal in Oregon to force registration of firearm ownership, Portland City Council could provide a voluntary registry to community members who want to track serial numbers and other information about their firearms. The committee will also continue to explore potential changes of state laws that prohibit a mandatory registration on every sale of a gun. Two, the City of Portland should explore a voluntary registration for gun owners. Additionally, Portland police officers have an opportunity to support the success of the legislation to a greater degree by investigating the origins of the guns used in crimes that they respond to. And three, through worldwide implementation, Portland Police Bureau officers must be trained to always ask suspects involved in a gun crime about the gun in question. Moving to the fourth area of the ordinance. The possession of a loaded firearm in a public place. The police

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bureau reports that the implementation of this additional charge in city code is most helpful when police cannot establish other charges for an individual based on evidence at hand, but suspect him of greater crimes. The misdemeanor charge helps to build up a criminal history, demonstrating a person's course of conduct. This misdemeanor charge has also been used as leverage to ensure a plea deal on more serious charges including felonies. Ultimately, the multiple misdemeanor convictions demonstrate a pattern of criminal behavior that supports convictions of more serious crimes when committed. The committee assessment -- based on this anecdotal evidence, the committee assessed that this portion of the ordinance appears to be working as intended, and helps to ensure that those intent on committing gun crimes are effectively criminalized for their behavior. Additional recommendations. Number one, the gun task force and gang enforcement team and Portland Police Bureau are the divisions within the bureau that arguably have the highest impact on the most serious violent crime in our community. Much violent crime in Portland stems from gang-related shootings and stabbings, and the gang GTF and the GET respond to those crimes with partnered prevention, collaborative intervention, and targeted enforcement. The success of the illegal gun ordinance, as well as the city's efforts to make our city safer for all, relies on the work of these divisions and their partners. The City Council should commit to continued funding for the Portland Police Bureau's Gang Enforcement Team and the Gun Task Force to ensure continued or improved implementation of this ordinance. In conclusion, the Illegal Gun Ordinance Oversight Committee strongly recommends that the City of Portland and the Portland Police Bureau continue to work towards the fair and the equitable implementation and enforcement of the City of Portland 2010 Illegal Gun Ordinance. And we will report back to the City Council in 2014. The last phase of our presentation to you is the question and answer time. And we have invited support staff to join us in that time.

Hales: Great. So first, questions for these volunteers, and thank you for your service.

Fish: Question.

Hales: Mr. Fish.

Fish: Thank you very much for an excellent report. Chad, I am trying to link up a couple of documents, and I'm going to ask for your help. So, in the packet of materials we have in exhibit c, you have the 2010 census data. You see that, it's towards the end of the packet before you get to the financial impact.

Stover: Yes.

Fish: So, it shows that, that African Americans are about 7.6% of the city's population. On page 12 of the report, you have the statistics on gang membership by racial category. And you have about, about 55% African American. And if add Latino you get up to 80, 85%. So, then on page 13, at the top of the page, it says the committee reflected upon the following information. And there is a piece of data here that I find alarming but it's a little buried in the report. It says, offenders in gun crimes in Portland in 2013, were roughly 30% of -- excuse me, victims, victims of gun crimes in Portland -- so, 29% is offenders, 25% is victims. Is that correct?

Stover: Correct.

Fish: According to this report, about a quarter all victims in our community were African American. The census numbers are it's about 7.6% of the population. So, significantly above the percentage of the population. We have victims of gun violence. But, what I can't track is page 13, you say 25% are victims of gun crimes. But, in exhibit c, where it says the race of persons victimized, the percentages are higher. So -- and there is obviously a reason why they don't correspond. Because you have 39% African American victims involving aggravated assault or attempted murder. So the number is significantly larger. But you might be looking at a different subset. Am I missing something on that?

Stover: Well, Commissioner, I think that we have Rob Jackson in the room who is a statistician working with the police bureau and I might refer to him for the hard numbers. We tried to get as much data through 2013 as we could, going up through July 31st. So, on the second --

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Fish: To clarify, I thought the figure of 25% of victims were African American was alarming. When I look at exhibit c for 2013, it appears that at least in the area of aggravated assault or attempt murder with a gun, it spikes to at least 40%. And that's alarming. And it's one of the data points that jumped out, so if we could have some explanation of how we reconcile those figures.

Hales: Other questions for the committee members, and then we'll get you to surrender your chairs, and get our resource people--

Novick: One question, thank you, Mr. Mayor. On the other statistical question, on pages 12, 13, it says that 83% of the exclusions are of African Americans. What the report says is that 55% of the identified gang members were African Americans and, anecdotally, the police say that white gangs use baseball bats, and Hispanic gangs use knives, and Black gangs use guns. And I'm a little worried about using anecdotal statements like that as sufficient explanation for what seems like a really disproportionate impact. So, I'm curious as to whether you consider -- whether there was some way to rely on anything other than anecdotal evidence as an explanation of that.

Hales: Go ahead.

Smith: I can address that. This committee has been working for three years on this ordinance. And for the first 18 months, we were just getting a baseline data. Until this summer, the work with the Portland Police Bureau that we were doing was exclusively with gang enforcement and the gun task force team. This summer, the ordinance was rolled out to the rest of the Portland Police Bureau. So, our statistics should be slightly different when we report to you next year, because it will be city-wide. But at this point, our statistics are based on pretty much gang activity.

Verbout: Would like to pursue that?

Novick: Yeah. It just -- it strikes me as troubling that you have 83% of the people subject to exclusion who are African American. And -- the African American -- as Commissioner Fish pointed out, African Americans are disproportionately represented as victims of gun crime, but not nearly that disproportionately represented. And it just troubles me to see we have a program that results in 83% of the people excluded being African American, and the explanation is well, the police say that it's the Black gangs that use firearms. And it just -- it just troubles me, and I wonder, I mean, I ask you to trouble with me.

Verbout: I don't think that you have to ask us to trouble with you because we've been troubling with it from the very beginning. And I think that anyone who has attended any of our meetings or any of our support staff, will realize that almost from the beginning, we have not enjoyed relying on anecdotal information. But, I'm sure the reason's unknown onto you as to why it has been difficult for us to get the statistics. I also don't think that you can underestimate the concentration of statistics that occurred in the first 18 months until we got to such place, which was not an easy road to get to, to get it rolled out bureau-wide. And I can't help but believe from our work, we're going to find some pretty significant differences in statistics once we look at bureau-wide statistic looking. But, I can assure that we don't have to begin troubling with you. We've been troubling over these and continue to trouble over them, and we're the kind people that will not rest until we get the answers that, that I think you're looking at because they are the answers that we want as well.

Novick: Thank you.

Hales: Appreciate that.

Fritz: These are obviously important statistical analyses and data-driven questions. Mine is more subjective. And that is that I've heard community concerns that when police officers entered these identified hot spots, that there is a different attitude in terms of kind of going in to a war zone. I'm wondering if you have heard those concerns, and also, has there been discussion about how to do enforcement in these areas in a way that also involves the community and is sensitive to the community's concerns.

Verbout: Part of our process is that we allow each committee member to be their own person, so I don't want to speak for them unless we have had a chance to do that. I think that we do hear these

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things from time to time. Obviously, and what we do, and continue to do, as we hear them, is to express our interests and concern in talking with the support people within the police department and within the district attorney's office. I guess the thing that I can assure you, and I want to give Dave and Roseanne a chance, is that anything, and I mean almost anything that comes to our attention, we ask the questions about it, and ask for answers to it. We've done that after the last meeting, and fortunately, from time to time, Maxine is able to make our meetings, and we had conversation with the folks from Cop Watch and the ACLU. And we encourage, as I said opening, we encourage people to, first of all, communicate with us, and secondly, to attend the meetings because we're trying -- our approach is to try and problem solve on accurate information and to find some kind of consensus. So, I don't know if that responds or if either one wants to respond differently.

Rosanne Lee: I agree with what Michael was saying. And part if it is that we don't hear back a lot from community members. And at the beginning, back in 2010, we had a few comments, but since then, other than after we present the report, then we hear from people. So we're thoroughly expecting it hear from people again. It's been really difficult dealing with these statistical numbers and disparities. But, it's kind of -- it's the information that we've been able to get. We're down a crime analyst that helps get us statistics. It would be grateful to have some, some of the October bump money get us some statistical analysis. We would welcome anyone who has a concern to contact us, probably through Chad or the Mayor's office. Or come to us at the gang task force meetings, Michael and I are almost always there. And raise these questions. But we can't speak about what we don't know. If people don't tell us, we're not going to know what's going on out there.

Verbout: And I think that people are more apt to write to you, and communicate with you. And if that doesn't violate your procedures and philosophies and policies, if we could be made aware of the issues, then we can help be a part looking at those. I don't think that we're in the business necessarily, of advocating for allocation of resources and budgets and so on and so forth. But, I can share with you as a committee member, and knowing how keenly, even from your questions today, are about the statistics. And how concerned that we are about the statistics. I will say that the removal of the crime analyst has not helped us be able to get at the core of a lot of these statistics that we have questions about. I would assume that you have questions about it, as well.

Fritz: Thank you again for that, for those answers and for your service. Mr. Verbout, you said at the beginning that you meet every month at North Precinct, what was the date again?

Verbout: The third Wednesday -- a third Tuesday, I'm sorry.

Stover: Third Tuesday, 11 a.m.

Fritz: 11:00 a.m. And it's at the corner of Martin Luther King, Jr. Boulevard and Killingworth. One of the reasons that we do this report is to look at these issues and to bring them, to highlight them on everybody's to-do list. So, one thing you might consider doing having an evening meeting in one of the hot spots. Because although people do write to us, some of the people who are concerned are not necessarily particularly trusting of government, and might not want to put on public record in an email to me, whereas you are our eyes and ears and the citizen voice and oversight on this. So if you were to -- and if there's a way, Chad, to have an email box that goes to the committee, I think that might be helpful. That people could even bring up anonymous concerns because I think that, that there is some, some -- this is dangerous life and death stuff. So, that's a suggestion that I -- because I'm particularly interested in your recommendations when you come back to us next year on how could the community involvement piece be enhanced, how could, in the work that the Mayor and the rest of us are concerned with, with the department of justice settlement and changing the way that our police operate, there may be some suggestions that you have, specifically, for how they operate in these hot spots that I'm sure Chief Reese and his team would be very glad to hear those observations from community members, because sometimes we don't recognize how we come

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across with a simple word or an action or a way that we do things. And your suggestions on that would be very welcome.

Verbout: That's an excellent suggestion and thank you for that opportunity. It would focus me back again onto the education piece. We feel very strongly that -- I think that ties very carefully into what you have suggested, that we need to pay far more attention to the community education piece.

Fritz: You might partner with both of, or either of, the human rights' commission or the citizen -- what's the independent police review, citizen -- CEC

Hales: The police review committee?

Fritz: No, that's in the human rights commission too. The CRC, what's CRC? The Citizens Review Committee. Thank you. In the auditor's office. I think they are also doing some outreach, so partnering so the people to come to one meeting might be a good thing.

Stover: Thank you.

Hales: Thank you all and thanks for this really important oversight role that you've stepped up to play. We look forward to this report, its successors, and following up on the things you've recommended this year.

Verbout: And thank you to you and the Council for recognizing the importance the committee's work. Appreciate it.

Hales: Thank you. All right. Let's ask our resource folks from the bureau and I see the deputy DA Zimmerman is here. Come on up and give us your reflections on this before we take public testimony. Good morning. Welcome, I'm not sure if you have prepared statements or whether you are just here for questions but put your names in the record, and if you have anything to add to the discussion that we have heard from the committee members.

Cathy Kent, Portland Police Bureau: Good morning, Mayor and Council, I am Cathy Kent, a sergeant with the Gun Task Force for the Portland Police Bureau.

Robert Jackson, Portland Police Bureau: Good morning, Mr. Mayor and Council. I am Robert Jackson. I am a crime analyst with the Portland Police Bureau.

Eric Zimmerman: Mayor and Council, Eric Zimmerman, Multnomah County DA's Office.

Chuck Sparks: Good morning, Chuck Sparks, District Attorney's Office.

Hales: Thank you all for being here, and again, I don't know if you had statements you wanted to add or just answer questions. But, we obviously depend pretty heavily on these statistics. So, your work is important. And on the partnership with the DA's office in doing this work and the bureau. So, sounds like we have some work to do to get Gresham and Portland teamed up on the recommendation here. Obviously that will be something that I and the bureau need to follow up on. Other thoughts about our ability to gather and have available to the committee the statistics they are looking for?

Kent: And I will address that because we have in the past at the gang enforcement team, tactical operations, had employed a crime analyst that we were able to use, and in-house at the same place that we are located. And we are down to this gentleman to my right, and he provides statistics for the entire bureau. So, when we make request to him, it take sometimes well over a week because he has, obviously, many people within the bureau requesting statistics. So, definitely it is a help to have that person available in-house where we are at.

Hales: Is technology helping us make your work more efficient? And I don't mean you make your work efficient, but mgt replacements and other things that we're working on giving you the ability to gather data more automatically?

Jackson: Yes, sir, I believe the new records management system that we are looking -- or, that we're working on implementing currently, that will address some of those issues. However, we do have some manpower issues where we have lost, within the last year, lost two analysts.

Hales: Point taken. Other questions?

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Fish: Can I take another crack at my question? I am trying to reconcile the data that's in the report. It says in 2013, one quarter of victims and gun crimes were African American. In exhibit c, on the page, that's the first page of exhibit c that has the census data, there is a different percentage for 2013 on victims of crimes with guns. How do I reconcile those?

Jackson: Sir, and in those -- you are looking at two different things there. In the first one, the lower percentage, you are looking at all crimes with guns. So that would include robberies with a gun, and any crime where a gun or a firearm was used or implied, as opposed to the higher number is actually for aggravated assaults with a firearm and attempt to murder with a firearm. So, that percentage actually goes up when you exclude everything else and you're looking just at what would be the shootings. In that case.

Fish: Just for what it's worth, it wasn't intuitive for me reading it, and just if a member of the public is reading it trying to match the numbers, it might be helpful to have, in the exhibit, a document that actually is the support for the percentage in the report, and some explanation that you can, I don't know, disaggregate the data, or you can scrub that data different ways to get different percentage, but, I just -- I had a hard time reconciling the numbers. The numbers are alarming, because they are so out of proportion to the percentage of the population. But, I think we should start, whenever possible, just to have the data point backed up with something, with a chart so we can understand it and then it can maybe prompt us to ask for additional information. But, I appreciate your answer.

Hales: Thank you.

Novick: I just want to reiterate the question I asked the committee. When we see an exclusion percentage for African Americans that's so much higher even than the percentage of victims and offenders for gun crimes in general, how can we feel satisfied that that's not the result of disparate treatment? What steps would you recommend to go through to reassure the public that this is not a matter of disparate treatment?

Kent: Well, first, as the committee reported, when the ordinance came out it was -- the hot spot exclusions were only going to be given out by our gang enforcement team. So, our gang enforcement team's sole priority is gang enforcement. So, that is why you are seeing that percentage, because the exclusions were only being given out by our gang enforcement team up until July of this year.

Novick: But even the statistics on gang membership aren't -- I mean, I realize this is a rather small sample size, but even the statistics on gang membership, are like 55% African American, not 83%.

Kent: 85% of gangs. We have documented gang members that make up 85%.

Novick: Not of that -- the way I read the chart that was not African Americans, that was African Americans plus Hispanics, and I thought that the percentage of exclusions was --

Kent: The total was 85%.

Novick: Right. But, of African Americans, it was 55%, but the exclusions are 83%. So, again, recognizing this as a small sample size, but putting that aside for a minute, there is a significant difference even between those numbers.

Jackson: And sir, in the future, I can take a look at -- I know what you are looking at is how do we pack up the anecdotal with some sort of statistical, if I'm reading you right, sir. I can take a look at our gang violence response team callouts. Those are particularly Measure 11 crimes to include shootings, and if I look at the demographics, through those callouts, I think those would be more in line with the exclusion, the percentages with the exclusion, and would match up more a little more than just the gang member designation. I don't know if that answers your question, but I could provide that in the future. I think that would kind of answer that question a little better than the anecdotal evidence.

Novick: Any additional non-anecdotal evidence would be helpful.

Kent: And we were looking at that yesterday but, again, the request takes some time to get the numbers. But last year, we had 118 gang violence events, and this year we are at 77. So what we

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want to look at, not all of those are going to come out as an aggravated assault because need to have a victim. And there are many -- a majority of these calls that we go out and there is no person willing to step forward and be a victim. So, what we end up with are suspect descriptions and gunfire casings in the street. But those are gang events that we are investigating, so that is something that I'm going to ask Rob to pull out: of those 77 this year, what are the suspects and what is their racial makeup of those calls?

Hales: It would be helpful.

Fish: Maybe we're missing something here. But if someone is arrested, there will be some notation as to if they were arrested and then there was a knife -- they had a knife, a baseball bat, or a gun. And they are then subsequently charged in the indictment or the charge it says whatever the crime is, but it specifies you used a knife, a gun, a bat or something. So, the data that we're looking for to move from anecdotal to a little more rigor, seems to me just in the arrest data and the charging data. I understand the situation where there is a victim but you can't find a perpetrator, and you have difficulty locating. All you know is that the person was shot but you cannot find the shooter. But, on everybody else it seems to me, you are at least going to have an allegation of what they used as a weapon. Whether they have it on them or not. And that will make its way into the charge. And that would, at least, give us more rigor than the anecdotal about what people are likely to use by gangs, which seems to me, as Steve said, is a little thin gruel to operate on.

Sparks: If I could take a crack at providing an observation that may partially, at least, address what Commissioner Novick and Commissioner Fish, you are both talking about. When hot spot exclusions are issued, I suspect -- and the District Attorney's office is not involved in the issuance or the adjudication of the hot spot exclusions, those happen separately. The charges involved are the lesser charges, because if somebody commits a measure 11 offense and they use a gun or a bat or a knife, or a serious assault that's not measure 11 offense or an attempted assault, they are not going to get a hot spot exclusion. They are going to go into custody and they are going to be facing serious charges. So, I suspect, without knowing, and our crime analyst could provide us this information, that if you have somebody who is actually successful at shooting someone -- and you've pointed out the disparity, the 25% versus the 39% -- when you have serious offenses like that, they probably aren't being excluded under the hot spot exclusion program because there is really no point in it. They are in custody. And so, you've got this substantial cohort of cases that are not receiving exclusions. And so I would -- and again there falls into the anecdotal, and to that extent, I apologize for it. But it was a thought that I had, and it's something in that might be useful at least to hear. And that is the -- I think the very helpful package ordinances, including hot spots, helps us interdict the lower level of activity so that before somebody actually shoots and hits somebody, if you can catch them with a loaded gun, and issue the hot spot exclusion, and then they have full due process, so the hot spot exclusion that this Council created, the legal disability, if you will, doesn't take effect until that person is actually adjudicated. So they have the right to have a trial and be found guilty, or if they are a juvenile, brought within the jurisdiction of the juvenile court. And at that point, the exclusion takes effect. So one of the values that we think is these 36 exclusions, just looking at them as exclusions, have all gone through the process and they don't take effect until that person has had full due process, and, hopefully, taken out of the equation. Which may explain the falling numbers in terms of the gang violence that we've seen, handgun violence. And to the extent that may be a part of the solution, and we hope that it is, it's highly commendable.

Zimmerman: Also, Commissioner, a lot of those crimes don't have victims, other than society. Their possession of firearms, and again, like the DA Sparks said, they are crimes where people get found with a gun before the greater crime is committed. That, in and of itself is your crime is when you get your exclusion issued.

Hales: Well I think you hear the concern from the Council, so obviously, the committee has two, which is -- it appears the ordinances are having a positive effect. Probably preventing some more

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serious crimes because they are in effect. That's good. And we want to focus on both individuals and areas where the danger is greatest. So, that appears to be successful, as well. But we don't want to profile. We want to focus, not profile. So, that's the careful line, and care distinction that, and obviously, everyone wants us to stay on the right side of. So the more that we know about -- the more we know the statistical and real and performance-based, if you will, and the less that we rely on anything anecdotal, I think the more reassurance that this is a successful effort to focus the police bureau on difficult areas and on people who are acting irresponsibly with weapons. So, the more statistical rigor, the more that we can cross-check with the juvenile system and anywhere else, that are we getting the results that we want, and being just at the same time. That's the shared goal here. So, I think you hear in these questions a shared concern on the council that we have got to really make sure we're watching those outcomes.

Sparks: I don't think anybody here is saying anything to the contrary. In fact, that's obviously an important ongoing work that this committee doing. And then we, as the support to the committee, to provide further statistical analysis. But at the same time, it seems like the council has created something that is good and is helping. And, that, I think, is an important message.

Hales: We appreciate your help with making it work. Other questions for the team? If not, thanks for working with us on this. And we'll see if there is any public testimony before the council takes action on the report. Thank you.

Moore-Love: We have four people signed up. Please come on up. Becky Straus, Joe Walsh, Dan Handelman, and Charles Johnson.

Hales: Good morning. Good ahead, Becky, take it away.

Becky Straus: Mayor Hales, Commissioners, good morning. Thank you for the opportunity to testify. I want to take my time and just focus on the hot spots discussion.

Hales: Put your name in the record.

Straus: Oh, I'm sorry. Becky Straus, here on behalf of the ACLU of Oregon. ACLU has chimed in, really, at many of the critical stages along the way in developing this Illegal Gun Ordinance and hot spot exclusions. I'm here to do that again as we follow it. I think that -- we're talking here about a determination to exclude someone, really implicating a person's fundamental rights to travel and associate freely. Of course, the Council, the Bureau, the ACLU, and many others take those rights very seriously and we look very critically at any scheme to implicate those rights. So that's what we do here with this system. The right questions are being asked here, and I'm here to raise a few more. Ultimately, is this exclusions zone scheme making us safer? And if it is making us safer, is the deprivation of liberty to some, on balance, worth it? And are we making these exclusions, are we pursuing this deprivation of liberty for some in a fair and equitable way. I think all of those things have been surface here today. I think our perspective at this point is that the reports -- I looked over the 2012 report and read through the 2013 report -- is that the story that these reports are telling me right now is not really answering those important questions for me. There is a lot of discussion about that the committee is maybe looking for more support, for more data, and I think that is really important to hear that message. I think that the fact that the oversight committee exists is crucial. I think they do great work and they're doing really important work. I hope that we might be able to find them some of the resources to get what they're asking for. Just some other questions: we had raised in 2012 the issue of who issues the exclusion zones. Right now it looks like the officers are issuing them and then of course it will go through the process to be approved, and only go into effect post-conviction. We've suggested through the years that it be a determination by the judge to decide whether to issue the exclusion or not. So, maybe if there's some further discussion of that, as we move forward, we would love to hear your perspective on that suggestion. The other thing that we raised last year that I haven't seen a lot other than one mention in the 2013 report is how many people are being cited for violations of the exclusion once they have a post-conviction exclusion zone in place. It didn't seem like we had those answers last year. The 2013 report says that one

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person has received violation of the exclusion. Which actually brings me to another question. I'm a little confused about the numbers on page 12. The 36 exclusions numbers cited. I wasn't sure if that was complete historical, because then the 2012 report says that -- in the 2012 report they were citing 18 post-conviction exclusions and 24 that were pending the disposition of the charges. There wasn't a conviction yet, but if those people were convicted, there would be 24 additional exclusions. So I did some quick statistics, that added up to 42 for me. Maybe 36 is meant to be the 2013 number. I'm not sure, but that may help us understand the percentages a little bit more. And I know my time is up, or about to be up. I'll just touch on briefly the big issue of the disproportionality in the demographics. I want to thank Commissioner Novick for your comments. I think we feel the same way. We're very concerned about this and even with some of the anecdotal evidence we've heard that may start to explain the disparity, these are very huge numbers. I think 83% is very concerning, even in light of some of the explanations we've heard. And, so, I would urge the council to really think about this critically before we undertake any further expansion of a system that I haven't seen demonstrated to have a causal effect on public safety. So, look forward to further discussion and thank you and thank you to the oversight committee for all of their work.

Fish: You posed a number of questions and we appreciate. I want to ask you two quick questions. One is, have you or has the ACLU established a regular practice of attending the monthly meetings of the committee to share some of these concerns on an ongoing basis, or is there something that we can do to make -- if not, is there something to do to make that process more accessible?

Straus: Commissioner Fish, I attended one meeting. I don't remember when it was. It may be almost a year ago. It was sometime after the 2012 report. And I thought it was very productive. We were able to have a little bit of a back and forth and just ask those questions again. And I think partly just capacity-wise, I haven't been able to attend them regularly.

Fish: I want to be sure that we're not just doing this on an annual basis. When you raise big questions, that they're being addressed year round. The second question I had for you is on the constitutional side, and the due process side, have you been able to track any cases through the court system just to determine how the due process has played out for someone who was cited?

Straus: I haven't. I remember that -- and that may be something that I can work with the bureau or the oversight committee to see if that might be possible. I remember there was some discussion at the hearing on last year's report. As we started to think about the difference about who has discretion in issuing the exclusions, is it the law enforcement officer or is it the judge? We had a little hint of a conversation about, does the judge, when he or she receives an exclusion order request, is it more kind of like a rubber stamp through the process and the judge really isn't exercising any meaningful oversight? Or does the judge really bring in that discretion at the point of the conviction. And I don't know the answer to that question. We just sort of raised the issue and didn't follow it. So, it is a good item to do. Looking forward, thank you.

Hales: Thank you, Becky. Questions? Dan, you're on.

Dan Handelman: Good morning Mayor and Commissioners. Dan Handelman with Portland Copwatch and we're testifying again this year on this report. And when I say again -- Becky just used the term rubber stamp. The definition of rubber stamp is every time you press down it is exactly the same. This report is almost verbatim the exact same report as last year. It does not reflect very much at all in terms of changes. And as Becky noted, last year, it indicated there were 42 exclusions. This year is says the entire history of this ordinance has only been 36 exclusions.

Hales: That's this year.

Handelman: Well, that's not what it says. It says 36 exclusions to date. Is what it says on the report. So it's very confusing.

Fish: Are you talking about page 12?

Hales: Yes, I think he is.

Fish: It says, through 7-31 of 2013.

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Handelman: Yes.

Fish: Sounds to me like that's more of an editorial question –

Hales: Yeah, we'll find out.

Fish: If it said calendar year 2013 to date, would that be --

Handelman: That would be much clearer. Then that would mean that we don't have data for the last half of 2012 either. So, it would be very helpful to know the answer to that question. But the most concerning thing, I think for me and probably for my group, is that this term that was used in last year's report, that is continued to be used in this year's report and that I brought up in a meeting of the committee when invited to speak with them, the term black style gangs was still being used. It appears to on its face to be a violation of the bureau's own biased-based policing policy to use that term. Because what you're doing, instead of defining the behavior of the person, is that you're defining it by their skin color. Black style gang. And that fact that, even after we had this discussion at the committee, and they said this is a nationally accepted term, and I said so was the n-word once, we can change that here, they're still using this term to define who they are going after: black style gang, instead of violent gun-toting gang or whatever it is that they're saying that is the target of the gang enforcement team. That shows to me that the gang enforcement team is using bias and that may be why we have that 83% figure. Which was 86% last year, by the way. So, I would like to see, and, you know, the chair of the committee didn't mention that Copwatch and the ACLU met with them, but there is no reference to that in the report. There is no reference of anybody who came to their meetings, how often they met, or any changes that happened since last year. Or, except for Mr. Stover's presentation, why the recommendations that were made last year, which are also exactly the same, weren't acted on or responded to by the City or Bureau. Maybe it is because all of these things pending, the DOJ report is still out, the COCL job description, the psychologist that hasn't been brought before Council, the PPA negotiations. Maybe there is too much to do and few people to work on it or maybe too much momentum to change the way things are done. But whatever it is, this is part of a pattern of bias-based policing that has got to stop. The first force report that came out from the bureau at the beginning of this year showed that 31% of all use of force in the city is used against people who are African American. Even with the statistics that Commissioner Fish is talking about, that's out of proportion. And some of the questions about discretion, we support the things that the ACLU is bringing up. We're concerned about the fact that there is no public input listed for this agenda item today, for instance. Although I did hear that they were trying to invite people to their meetings. I agree there should be an evening meeting. I think that was a good idea, Commissioner Fritz. And I think that particularly when you look at the specific data about the arrests in these zones, downtown, six white people, six black people, that's 50%, 50%, but the exclusions are 85% black. And in the Stark area, in 1 1/2 years, they only have three incidents that they've dealt with. So it is sort of hard to understand why it's a hot spot when there are three gun incidents in a year and a half.

Hales: Good questions. Thank you. Joe, good morning.

Joe Walsh: Good morning. My name is Joe Walsh, I represent individuals for justice. We would endorse everything the ACLU and Copwatch just presented to you. The 83% jumped out at me and slapped me in the face. I couldn't believe that statistic. If you give me the authority of a police officer on the street, which is almost absolute, and I hang around with you for six months, I will arrest every one of you on something. I will arrest half of your staff on something. Because that's why I'm here. You give me the power, you create a hot spot, and you send a police officer into that hot spot, you're going to have statistics that don't make sense. 83% of African Americans are excluded. They represent 6.3 of the population. That should red flag everybody. Everybody ought to take a back step. Not just mention it, not just wonder about it, but scream about it. There is something wrong with that. This committee is supposed to be an oversight committee. But they have nothing in the report, as Dan pointed out, from Copwatch. There's nothing in the report from

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the ACLU. There's nothing in the report for people like the lawyers guild. They are over viewers of the police department. You would think that they would want to go and call them up and say, what do you think about this? They constantly surround themselves with the very people that they're supposed to be looking at. And if I'm looking at you, I'm not going to hang around with you. I'm going to talk to your staff. I'm going to talk to people in the ACLU, what do you think of the City Council? I want their opinions. This report should be the poster for the police department, because that is what it is. It's 39 pages of, we love the cops and we're going to defend them. Page after page after page. There is nothing in the report that says we have a problem here. These hot spots are a problem in themselves. New York learned it. Would you please learn it from them? If you do three spots, or you do a whole city, it's wrong. It will never work. And you violate the constitutional rights of the people that are in those areas, and 83% of African Americans suffering at the hands of the police should tell you oh, god, we have a problem. Thank you.

Hales: Charles, good morning.

Charles Johnson: Good morning, councilors. Thank you, Joe. I think that is something that the -- Mr. Walsh has touched on the subject -- I'm Charles Johnson, for the record. And that I think is probably on the minds of all of you, in that, from this presentation, we really need to see that there needs to be better bridge building and intake with the communities most affected by these numbers. There seems to be a belief maybe on the part of the NAACP and The Urban League that perhaps they're not constructively engaged. They're not here. Yet we have that troubling 83% number. I want to encourage the council to partner with the county commission where we have a more diverse spectrum of the commissioners over there, and see if there is a way that Portland as a broad community can re-engage with the people who, according to these numbers, are disproportionately victimized. That should be our biggest concern, is, are people in communities that are having victimization really getting quality service that helps reduce the victimization in those neighborhoods, whether we designate them as hot spots or whatever. So, I look forward to hearing some action from individual councilors or commissioners about how they're going to kind of reboot this committee to be engaged with the people who are affected by the new Jim Crow. Thank you very much.

Hales: Thank you. Any others?

Moore-Love: One more request.

Hales: Come on up.

Mike O'Callaghan: Good morning. Thank you for the opportunity to testify here. Karla, this is the first time we've met. And Steve, welcome to the club. You two guys know me. I'm going to speak about exclusions. They're not legal. You're an attorney, Steve, and you should know about due process. Before you can deny a person a right to property or to travel they have to be given a citation which alleges what law they violated. It must come before a supposedly an impartial tribunal and you must be found guilty before you can be denied these rights. I've received four exclusions. Not one of them -- immediately when they give you the exclusion, you're excluded. The person who gives you the exclusion is the judge, the prosecutor, and the jury. And in order to stay that exclusion, you have to appeal to the hearings officer. Which I find is really kind of unusual that I don't come before a court, I come before a hearing officer for a code violation. As somebody mentioned about the Blacks in New York, you know, the stop and search that they were doing in New York where like 80% of the Blacks were the ones that they were stopping when they were looking for guns and they found guns, what, 3% of the time, something like that. Well, the judge declared that illegal. These exclusions are illegal. They don't have the basis of law. Okay? Now, I appreciate that you are trying to do something to keep the community safe. But I am -- look beyond. Most, I would say, of these shootings in involve prostitution or drugs. Now, let's be mature. Switzerland has had prostitution legal since 1941. This year, they just passed a \$1.7 million, citizens voted on it, bond issue to move the prostitutes from the central district where they were and move them into an area

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that they created for \$1.7 million. Now, we have Wapato jail over here that is sitting there empty. We have all of these prostitutes out on the streets that are vulnerable to all kinds of crimes. Why don't we have prostitutes there where they are protected and the people who come for those services are protected, too. Can't we do something more mature about this and avoid these problems? Thank you.

Hales: Thank you. Thanks very much. [applause]

Fish: Mayor, can I just raise a point of order. The issue before us this morning is whether to accept or reject a report.

Hales: Right.

Fish: And we routinely accept reports, it's just the manner in which it is transmitted to us. Normally, other than our comments, we don't have the ability to put conditions on the report. We don't typically do that. I would like to accept the report because a lot of work has gone into this and I think it should come in, be transmitted to us. But I think there are some issues that need to be addressed in a timely matter. I wonder if, in accepting the report, we can place conditions and expectations about what will happen with the committee and what will come back to us. And do it in a way than just comments, the four of us are going to put our comments on the record, but that doesn't quite have the same force. I'll give you just an example. Based on the testimony I've heard from everybody, I have a concern about whether the committee has adequate staff resources. And the gentleman who does the crime statistics, who was very candid with us, said that he is pulled in a million different directions. But a consistent theme of our questions and the comments from the public was that we need better data. So that is number one. Can we get the staff support so that they have better data. Number two, we're also hearing if there is some – very serious legal, mostly constitutional questions, which ought to be addressed and then be part of an annual report. Coming back and saying these are some of the concerns in the community and here is how we have addressed them. That is like a scoping issue. Frankly, looking at the staff support for the committee, I see that the lawyer who advises the committee is a deputy district attorney. I wonder whether we should ask someone from the city attorney's office to join this effort so that we can frame some of those constitutional questions -- and I would not expect the committee members to have the expertise without a lawyer helping them frame them. And I think some of the questions Becky has raised, if properly framed by the committee, could help the committee ask the question over the course of their oversight to make sure that they get answers to the questions that would make reporting back to us more robust. And the third is, there's another consistent theme we're hearing, and that is who is actually communicating with the committee? Amanda has said let's do an evening meeting. We heard they meet monthly. Obviously the committee is putting a lot of time and energy into this. But there are a lot of groups that have an interest in this issue. And I just don't know how robust our outreach has been in having people come and whether, in fact, we ought to formally establish a subcommittee of advisory body, in the nature of an advisory body, made up of organizations that have consistently expressed an interest in this issue. Almost as if they are technical support group, so that they can on a regular basis help the committee do its job by raising some of these issues. The net effect of what I'm suggesting is that my hope would be that when we get a report next year, a lot of these issues have been ventilated before they come to us. So, instead of having a report and then a lot of criticism and concern about how the report was put together, the data in the report, and whether certain questions are or are not being answered, we give the committee the resources they need to anticipate those questions and concerns, present a more robust report, and so when we come back next year doing more in the nature of fine tuning, then asking what I consider pretty important threshold questions about data, scope of their work, independence, and whether they're getting adequate staff support. Rather than vote as not to accept the report as a way of sending that signal, I was wondering if we could just get an agreement that the council will

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get a report back on this in the next month or so about next steps and we can accept the report with the understanding that the issues will be addressed.

Hales: I'm certainly open to that, in fact, to all three of the things you suggested. Reexamine the availability of data through the current level of resources in the police bureau, versus enhanced. Re-examining the legal basis with the help of the deputy city attorney assigned by the city attorney to assist the committee. And then, you know, a more -- a plan for improving outreach. Not just an intention. I think we could certainly report back. My staff and the bureau could report back and perhaps the committee as well could report back to the council before we complete our next budget, for example, but well before we receive the next report, say, in six months, and give us a progress report. I'd like to see that as well. So, I think -- again, I agree, we should accept the report because they've done a lot of work but there's follow-up to do here in addition to some specific things like enlisting Gresham in the hot spot if that is indeed what we are going to do. I'm prepared to do all of that and bring this back.

Fish: Thank you.

Hales: Other comments, before we take action? And if not, is there a motion to accept the report?

Fish: So moved.

Fritz: Second.

Item 900 roll.

Novick: I very much appreciate Commissioner Fish's comments and the Mayor's commitment to follow up on those items. I am going to vote to accept the report because I appreciate the work that the committee put into it. I am concerned about the conclusion on page 13 that there are not signs of disparate treatment evident in the implementation of hot spots exclusions, because 83% is a pretty darn high number. It is a small sample size, but if it is that year after year, I think that that's very problematic. And at a certain point, I think without a really good explanation that goes beyond anecdotal comments about what sort of gangs carry what certain weapons, you have to reconsider a program with that great of a disparate impact. So, I hope that we're able to get more data, better input, more explanations, and I hope to see different numbers next year. Aye.

Fritz: Thank you to the committee for your diligent work on this and your openness to expanding that and doing even more work. I appreciate that very much. This is evidence that although we have been putting a lot of effort into the Department of Justice settlement and the police disparate treatment of people with mental illnesses, we still have a lot of work to do to look at ourselves and how we do things with respect to racial bias. I hope that the human rights commission and the community and police relations committee will also take this as a call to action to partner with the oversight committee and others in the community to make the hope to continue, focused on that particularly troubling aspect of what we're dealing with here and what the concerns are in the community. I have to comment on the last speaker suggestion as far as the Wapato and prostitution. I learned yesterday in a meeting of providers, that in fact, the gangs are using young women and young boys as the things that they trade as commodities rather than drugs or guns even. So that this is a significant problem in our community. It is not something that I have any tolerance for and the suggestion that we should legalize it and support it is abhorrent. That's beside the point. But that is very troubling that we don't have an understanding in our community of the evils of prostitution because of the people who are forced into servitude without pay and they're often the victims of violent crime. Thank you very much for this rigorous discussion. I appreciate Commissioner Fish and Commissioner Novick for your comments and the Mayor's willingness to continue working on this challenge. Aye.

Fish: Aye.

Hales: I appreciate the work that has been done and this good discussion. One thing I hope that comes out of this particular ventilation of this committee's work, because this is my first round at this reporting about the ordinance, is one that I hope more groups and individuals that are interested

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in this critical set of questions does take the opportunity, more people do take the opportunity to attend the committee's meetings and engage in dialogue with the committee. We'll make sure that that input is well documented and well as heard and thought about by the people that have volunteered to do this important oversight work. Second meeting that I guess I want to encourage people to pay attention to is every other Friday morning at North Precinct. About 100 people, including Mr. Verbout, Mr. Zimmerman, and others who are here, gather to work in concert at avoiding gang violence. Not just on enforcement, but on alternatives and outreach and intervention. And literally 100 people with the same goodwill and many disparate ways to approach this set of problems work together. I think the combination of that dialogue and this one are very important. That we bring together what we have in terms of tools and techniques by the police bureau and prosecutors to deal with crime and also make sure that we're informing that with what's working and not working in reaching out to these young people before they own that illegal gun or before they commit that first crime. I want to commend both of those meetings. To people interested in the subject, urge people to get engaged. And I will report back to the council on the three issues that Commissioner Fish raised as well. Thank you for this good discussion. Thank you for your good work. More to come. Aye. [gavel pounding]

Item 901.

Hales: A lot of people in this community, including people on this council, and others in this room, have spent a lot of time cooperating, dreaming and now moving forward the idea of gateway green. So, I have a proclamation to read and we will invite Mr. Gilbert up and maybe others here to talk about it. And, again, our parks commissioner, our previous parks commissioner, Steve and I as well, all have taken an active interest in this bold and good idea. I'm glad we can give it a little highlighting and talk about the next chapter. The resolution says, whereas gateway green is 38 acres of unused partially wooded land in east Portland between i-84 and i-205, after years of grass roots support and partnerships with local, regional, and state government and private and non-profit sectors, the community has the opportunity to transform this asset into gateway green, a community park and multiuse bike venue. And whereas the gateway area of Portland is a park deficient area and creating a park at gateway green will continue to economic development, health, and livability in this vibrant area of the city, and whereas the City of Portland is committed to buy the land from ODOT and operate the park once it's constructed, park designers are ready to contribute to the design of the park and community is decided about its development. Whereas over 500 people participated in the Oregon kitchen table consultation about the use of the park, with the results emphasizing the importance of youth biking opportunities, single track bike trails, picnic facilities, nature play areas for children, and paths for walking and jogging. And whereas friends of gateway green, with support of Oregon solutions, has launched a crowd funding campaign on the indie go-go site to collect contributions from the community and fund the design the park. Now, therefore, I, Charlie Hales, Mayor of the City of Portland, Oregon, the City of Roses, do hereby proclaim October 1st, 2013, to be build gateway green day in Portland and urge the community to spread the word about gateway green crowd funding and get involved. With that, Ted Gilbert, please come forward and tell us what's next. Thank you for being here this morning.

Ted Gilbert: Mayor and Commissioners. I have been asked to come and speak a bit about this project, but I realize that all of you are either somewhat or quite familiar with it. So, really what I would like to do is give you a brief update, and start by saying that in our community, sometimes even the wildest of ideas work. And this one, to take a large chunk of long unloved right of way and turn it into a regional recreation destination, and in so doing, rebranding the geographic area of most need in our community, more and more is looking like it is going to be one of those. Just a brief update as you mentioned. ODOT -- I won't pretend that it has been quick. It has been eight years in the making. But all in all, it has been remarkable. ODOT is essentially donating the land. City Council, including some of you, committed that if we'll come up with the money to build it, you

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will take it on as a city park. We've identified a couple of grants we have been invited to apply for which would come up with much of the money. Premier designers of these facilities in the world that happen to be headquartered in Portland, Oregon. They would like to donate some of their time to show what they can do in their backyard. And now, Oregon solutions come to us and says that we want to see if we can take on an experiment, that this new effort crowd funding can be used to bring private sector resources to leverage scarce public resources to create community projects around the state and we needed a beta site to try it. So we are trying this grand experiment that's underway. I have some thanks in order. Giving credit where it is due, former Mayor Adams was quite helpful in this effort. Commissioner Fritz, in your professional capacity as parks commissioner, but I can also verify that you have invested personal sweat equity in this project. That was really fun and I appreciate that very much. Commissioner Fish, years of leadership and assistance have been invaluable. Now I will just finish with a shameless plug. We have 13 days left in this crowd fund. Your personal involvement would be gratefully appreciated, as has been all of the efforts to date. If you have any questions, great. But thank you all very much.

Fritz: Mr. Gilbert, some of the people at home, and I until you informed me about this crowd funding thing, might not know what it is what you're talking about and how they could get involved. If you would like to explain what it is and how people can contribute that would be helpful.

Gilbert: If you have access to a computer, it is as easy as going to it and pressing a button. The website, and I will give you each a copy of it is, <http://www.indiegogo.com/projects/build-gateway-green>. You go on that site, there is a video, there's lots of explanation, and you can track how the progress of the campaign is going. It started off like a rocket. We're getting a regular flow, but we have a ways to go to hit our goal. We have set an ambitious goal. We've learned that one percent of all of the crowd funds raise \$100,000, and we're seeking to be that one percent. We're on our way. More than on our way. We have an announcement on Friday that will take us a substantial further way there. If people want to go, they will learn more. If they want to press that button, it would be gratefully appreciated.

Fritz: And my understanding is that as well as the goal of \$100,000 -- and I know we're over 50, is that right --

Gilbert: As of this morning, I believe it was 56, with almost 500 people that have pitched in.

Fritz: And my understanding is that it's not only the dollar amount, it's the number of people who participate. If you can only give \$5, that would be helpful. You can just Google gateway green and you would be able to find the way to that site very easily. And also I will put it on the front page of my web site.

Gilbert: Terrific. Appreciate it.

Fish: Mayor, if I could just add. There is a reason in the last five years that east Portland has seen not only a change in the relationship with this building, but more resources, more focus, and projects like this moving forward and that's because we have had great grass roots activists who have built relationships and have been relentless. Ted and Linda Robinson, on this project, have just been indefatigable. And it takes a local champion, particularly at a time of scarcity when we are cutting budgets. If you don't have a local champion, you don't get to the starting line. The magic in these things happens at the intersection of our values and relationships, and that is what Ted and Linda excel in. I just want to thank them. We are going to have a little more stc money going forward, I've been told, and we may have an easier budget cycle. I'm not sure if it is easier to carve up money or cut money, but we'll find out. They're both hard. But this is about two people that had a vision and have stayed at it and a city that has supported you within the limitations of their ability to fund. I want to thank you for your service to our community.

Hales: Thanks Ted. Appreciate your advocacy.

*****: Well I'll be on that site soon, hopefully [inaudible] [applause]

Hales: All right. Let's move to the regular agenda.

Item 916.

Hales: Good morning, Jonas.

Jonas Biery, Bureau of Financial Services: Good morning, Mr. Mayor, Commissioners. Jonas Biery, the city's debt manager. The ordinance before you authorizes \$74,795,000 in combined borrowing for urban renewal projects among six urban renewal areas within the city. The maximum amounts to be borrowed within each area are described on page two of the ordinance and also in the council memo. The proposed action authorizes amounts for both refinancing and for new money. Let me describe both of those just a little bit. As you know, the city occasionally uses lines of credit to fund urban renewal projects when the line of credit balance is of an appropriate size, we later that to long term debt that is secured solely by and paid from tax increment revenues generated within a specific urban renewal area. The city currently has a combined amount of approximately \$43 million outstanding on an existing line of credit that was authorized in 2010. These balances do not yet justify cost effective conversion to long term debt. So, this ordinance authorizes -- and that line of credit expires in December, 2013. This ordinance authorizes refinancing of those balances on to a new line of credit. Second purpose of the authorization is to provide capacity for approximately 32 million in additional urban renewal projects. This maximum amount is expected to cover all urban renewal interim buying needs over the next three years within these six urban renewal areas. It's important to note that amounts will only be drawn on the line of credit as they're needed, and draws may only be made for projects approved via the normal budget approval processes. Any government renewal borrowing above the amounts or borrowings for projects in other urban renewal areas will require additional separate council authorization. And we should note in addition to authorizing the line of credit, this ordinance authorizes the eventual long-term take-out of the balances that are drawn upon. This nonemergency ordinance will be voted on next week and I would be happy to answer questions today.

Hales: Great.

Fish: We just did some debt in the water bureau, we got a pretty good rate below 3%. What is the interest rate environment you're looking at here?

Biery: We are currently -- on the currents line of credit we're paying about 60 basis points, so .6%, that's essentially a monthly rate reset every month. Long-term bonds are going to vary. I guess, if we went out to the long-term market for renewal bonds today, probably 4% to 4.5%. Obviously I'm not expecting to take these out for a year or two. It is hard to predict.

Fish: Thank you.

Hales: Other questions for Jonas? Thank you. Anyone signed up to testify?

Moore-Love: No one else signed up.

Hales: It moves to second reading.

Moore-Love: I understand you have to leave, Mayor. Did you want to do the emergency ordinance, try to get that in before you leave? We need four for that.

Fish: I think three seconds and an emergency so at least we need you for the emergency--

Hales: I don't believe I have to leave just yet. Let's keep going. Let's do 917. Second reading. Roll call.

Item 917 roll.

Novick: Nay.

Fritz: I think this is a good deal for Portlanders, particularly for Portland taxpayers, because Portland taxpayers are not paying for it. It will be funded through the visitor taxes at the hotels and motels. It has been a long time coming. It will bring a lot more business to our city which then will provide additional income taxes, business taxes, and others for our community. And it will provide 2000 construction jobs. It will provide 300 at least good union ongoing jobs. It is a approximately \$80 million public investment for \$120 million private investment, which I think is a very good

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deal. And I thank President Hughes and everybody who has been involved in this, particularly Betsy Ames on the Mayor's staff in the office of management and finance for your great work on this. **Aye.** **Fish:** Every time we do one of these developments, I try to do a risk-reward analysis, and look at the public risk, but also the public benefit. And I've come out differently on other projects, usually because of the advice that I receive from OMF and from our finance people. And I am pretty cautious about putting taxpayers in harm's way. Led me to a different conclusion on the sustainability center and on the two stadium deal. On this one, while I started a skeptic, the more I learned and the more I thought about it, the more I realized there was a significant upside for our community and mostly our region. And the way this deal is structured, unlike an earlier version of the headquarter hotel, there is really limited risk of Portland taxpayers. I thought the hearing we had last week was superb. Those are the days where I go home and say to my family, I'm surprised that I get paid to this job. Because it makes me proud that we have those kinds of debates and people speak so eloquently to the issues. Ultimately I got to a comfortable place supporting this in part because a lot of people spent time with me explaining the deal and going through my concerns. I, too, would like to thank Betsy Ames. Not Hannah Kuhn, I'll get to her in a second. Betsy, and your team, for the time you spent going over the details. This is a very complicated deal. It took a lot of hand holding to get the council to a point they're comfortable. But when OMF gave the thumbs up, that meant a lot to me. I also want to thank the folks in my office, including Hannah Kuhn and others who spent a lot of time sweating the details as we are required to do in these kinds of deals. My vote today is a vote for the future. It is a bet on the future. More tourism, more tax receipts, a more robust convention center district, more development between the convention center and the rose quarter and ultimately a more prosperous city. That's what brings me to this vote, and that is my hope for the future. **Aye.**

Hales: This has been a careful process. Betsy, all of us who worked well and hard to analyze this opportunity, I want to thank you for that work and thank this council for carefully examining the cost and benefits. As you said, Commissioner Fish, really an excellent public hearing where we heard from a pretty diverse spectrum of people in our community about why this is the right thing to do. We're obviously proceeding. I think the other governments are aligned to proceed as well. It is important that we execute this well. That this be a success not only financially but architecturally, that this be a key part of the resurgence that we have underway in this part of the city, with what American assets trust is doing with their four block project up the street, the Burnside bridge. This is an opportunity to really continue to lift and realize the goals and dreams of this part of the city. I look forward to many successful conventions and to a great addition to the Portland skyline. **Aye.**

[gavel pounded]

Item 918 roll.

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

Item 919 roll.

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

Item 920 roll.

Hales: Commissioner Fish. I'm sorry, Fritz. Old habits die hard.

Fritz: I stopped calling you Mayor Adams.

Hales: It's only fair.

Fritz: Thank you, Mayor Hales. Probably many folks watching at home will have the same reaction that I did, which is, didn't we just do this? And the answer is that we did just do this. This proposed ordinance repeals the previous council action and restructures the delta park field improvement project with Peregrine LLC to make the bidding process on the field more competitive and possibly more cost effective project. Even though we thought we had a good deal before, we are now putting it back. We had some revisions which Todd Lofgren will be explaining to us.

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Todd Lofgren, Portland Parks & Recreation: Good morning Mayor, Commissioners. Thank you for having me today. As Commissioner Fritz has stated, PPNR is proposing to solicit competitive bids for the conversion of four all grass sports fields -- or, four grass sports fields to all weather synthetic turf fields with lights, and development agreement with Peregrine LLC. The proposed ordinance before you today will repeal the previous two ordinances, number 186059 and 186142. While the total amounts being invested by Portland Parks and Recreation system development charge funds will remain the same, Portland Parks and Recreation will focus our investment of \$2.1 million dedicated only to the fields project, which will be competitively bid, and \$125,000 for PP&R permitting, design, construction staff that will oversee the fields project and the building project. The proposed development agreement with this ordinance is with Peregrine Sports, LCC. They will design and construct sports field support building that includes field support space, public rest rooms, locker rooms, and it's estimated to be \$400,000. Peregrine Sports will also cover any cost overruns for the building and they will contribute \$700,000 to the all-weather sports fields project to compliment PP&R's funding that will be used exclusively again for the city's competitively bid fields project. The ordinance will authorize Portland Parks and Recreation to award the development agreement for the building as a sole source procurement in accordance with ORS 279-b.075. And council is the local contract review board with the authority to exempt certain public contracts, including the proposed development agreement, from competitive bidding requirements. This ordinance will also authorize the director of Portland Parks and Recreation to execute any necessary agreement to accomplish the goals of the project and finally the ordinance will approve the operations and maintenance funds necessary to care for the fields and the proposed building, same as the previous ordinances. We are requesting that this ordinance be approved today as an emergency ordinance so this project can proceed with permitting and construction in the spring of 2014.

Hales: Thank you.

Fritz: An additional concern I read in the media was, are we selling part of the Delta Park?

Lofgren: We are not. All of the improvements will be owned by Portland Parks and Recreation and the city and we will permit out the sports fields just like we do other sports fields and the building, like I said, will have public restrooms and locker rooms that we will be able to open up to the public when the Portland Thorns will be practicing out there, or the Portland Timbers Youth Academy will be practicing. Otherwise, it will be open to the public and owned by the city.

Fritz: Thank you. Any questions?

Hales: Anyone signed up to testify?

Moore-Love: We have two people signed up.

Hales: Come on up.

Moore-Love: Mr. Hofheins has left.

Mike O'Callaghan: Thank you again for the opportunity to testify. I have friends that live out there at Delta Park and that are qualified homeless. Okay. I don't see anything too mitigate. This is an issue of mine which I have carried for quite a few years being on the street myself for 10 years. I'm well aware of this situation here. In fact, Amanda, I went to your office yesterday because I got a notice of voluntary compliance, whatever that means, evicting me from non-parks property at 11:45 today. I will go back and see if Parks has stolen my property yet. This is where I stay. And I have talked to Parks about this for four years. And I am right and Parks has admitted I am right, but still they go on non-Parks property, and try to steal my stuff. Okay. I appreciate the idea of making the city safer for all. As you know, Nick and Amanda, two years ago, when they did the homeless count, it was 1,443. And I was included for the first time in that count. So I went around for two weeks and the first question I asked people that look like they were sheltered, unsheltered, was: are you sleeping without shelter? If the answer was yes, the second question was were you included in the survey? I got 75 people that responded yes I am sleeping without shelter. 15 of those were included

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in the survey. So, you take that 1,400 people and multiply it times five, and that's how many people we have sleeping without shelter. Now, just last week, must have been Wednesday, something like that, a guy came running down the beach towards me with blood all over him saying, call 911. Call 911. So, I called, the police came. Four guys and one girl jumped him and a dog, beat him up, hit him in the head, cut him, kicked him all over. Had to go to the hospital. Unsafe. Unsafe. You deny us the right to have a place like Right 2 Dream has, which I was involved in creating. You deny us the right to be safe. What we want is a fenced area where 25 or fewer people can live that's self-governing and that don't cost you a nickel. But we can be safer. Look at Eugene, yesterday, passed an ordinance doing that. Okay. Can't you do something about keeping us safe?

Hales: Thanks very much. Anyone else?

Moore-Love: That's all who signed up.

Hales: Okay, it's an emergency ordinance. Roll call please.

Item 920 roll.

Novick: Aye.

Fritz: Thank you for your work on this. Aye.

Fish: I want to thank Todd for bringing the grant field project home. Commissioner Fritz and I were proud to join with the Parks family on Friday for the opening of that new turf field. I spent four, five years trying to crack the nut at Delta Park. It took Amanda two months on the job to figure out how to bring four turf fields into in the thorns. What that means is that young people will be able to play year round. Right now they're offline about half of the year because of weather and poor condition. I speak as a soccer dad, that lots of kids got injured because the fields were in such poor condition. As an extra bonus, I will be able to take my son or daughter out to watch the Thorns practice. So, Amanda, congratulations, and thank you for being a champion of this project. And Todd, what can we say, I think you're a gem. Aye.

Hales: Great work, Commissioner and Bureau, and our great partner that has stepped up to really make something wonderful happen. So, success story all around. I look forward to drier feet and many games. Aye.

Item 921.

Hales: Second reading, roll call.

Item 921 roll call.

Novick: Aye.

Fritz: Thank you for your work on this, Commissioner Fish. Aye.

Fish: Two things, Mayor and colleagues. Between the first and second reading, we did receive a letter raising some concerns about this legislation. Those issues were discussed with the team at OMF and also with our legal counsel, and it was my ultimate conclusion in response to that, that a concern had less to do with the changes that we were making and more with the prospective implementation of the changes. Just to be clear, it is the City's position that the language in our code reflects the authority we've always had. The language, however, makes it clearer to both operators and the public that we have that authority. But we've always had that authority, and the reason is no private operator can issue a ticket without our consent. They can tow but can't issue a ticket without our consent. It is the view of our city attorney if we have the power to authorize someone to issue a ticket, you have the inherent power to regulate how that is exercised. That's common sense. It's how we've historically interpreted it. We are doing something, I think, is actually progressive here. We are putting into the code the explicit authority that we have that we've always believed was implicit, but we're being a little clearer so everyone has notice of what that authority is. I actually think that's a win for transparency. It is not our view, however, that this is a radical extension of existing authority. It is simply a restating of our existing authority. The concern about implementation. Everybody is free to come before us and say they have a prospective concern about implementation. But I think the best measure of the good faith of this city and how we deal with private parking is

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the process that culminated today in this proposal, one that took probably close to six months of close consultation with impacted industry to get it right. It was not something that we rushed willy-nilly to do. And we heard some serious concerns which caused us to rethink our approach. I think that's the best insurance policy about how this will be implemented in the future, but even if that is not enough, the concerns are now part of the record. And if there is at some point in the future a live concern about how we interpret or enforce the code, any operator is free to come to council and express their concern there. So I think having put the concern in the record, they've actually built in an additional insurance policy in terms of how this is implemented. I want to once again thank Kathleen Butler, Anne Holm, and Glenn Fullilove, one of my favorite names. Only with me, of course, they give it to me phonetically spelled. But it's Fullilove. I want to thank Aja Blair and Hannah Kuhn on my team for working on this. It is true that I first became aware of this problem when I got a ticket and promptly paid it. But what I learned is that lots of people were getting tickets in an unsuspecting way. And there was counterintuitive things about it, and it also turns out there had been some media attention on this that I had missed. Armed with all of that information, we came forward with a set of common sense changes and I want to compliment the operator of the Moody site that promptly made changes, including the placement of signs and lighting of signs, making sure that people had clear notice of what the rules are. We don't have a problem in private lots, off street or on street, if the rules are clear and fairly enforced. I think what we all have a concern about is if we deem someone who is unaware or unsuspecting. The action we're taking today makes sure that the rules are clear and fairly applied and I think is progress for consumer rights in this area. I thank the team that worked so hard to bring this forward. Aye.

Hales: Good work, thank you. Aye. [gavel pounded] Okay, we have Item 911 that was pulled from consent.

Item 911.

Hales: I don't know if you have an explanation. But I know there were folks interested in testifying. Not sure if they're still around. Anyone here to testify on this item? Then if not, if there is no further reason to discuss it we will set it over for second reading next week. And we are recessed until 2:00 p.m. [gavel pounded]

At 12:00 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 25, 2013 2:00 PM

Hales: If Commissioner Fish gets here in time he can indicate on his disclosure. So let's call the council to order. Call the roll, please.

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

Hales: Why don't you read both items, I think.

Item 922. Item 923.

Hales: This is a quasi judicial land use hearing, it's governed by particular provisions of state law, and there's some things we need to go through about that up front. One is to ask, and maybe I'll delay asking council members about conflicts of interest and ex parte contacts until Commissioner Fish arrives. But I'll turn it over to the city attorney for the remainder of that process.

Linly Rees, Deputy City Attorney: This is an evidentiary hearing. This means you may submit new evidence to council in support of your arguments. Testimony concerning the hearing officer's recommendation will be heard as follows. Will begin with a staff report by BDS staff for approximately 10 minutes. Following the staff report, 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 supports the applicant's 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. At that point, council may then close the hearing. As this is a nonemergency ordinance, it will pass to a second reading. I'd like to announce several guidelines for those addressing council today. First, submitting evidence into the record. Any letters or documents you wish to become part of the record should be given to the council clerk after you testify. Similarly, the original or a copy of any slides, photographs, drawings, maps, videos, or other items you show to council during your testimony including power point presentations, should be given to the council clerk so they become part of the record. Second, testimony must be directed to the approval criteria. Any testimony, arguments, and evidence you present must be directed toward the approval criteria for this review or other criteria in the comprehensive plan or zoning code you believe apply to the decision. BDS staff will identify applicable approval criteria as part of their staff report. Third, issues must be raised with specificity. You have to raise an issue clearly enough to give council and the other parties an opportunity to respond to the issue. If you don't, you will be precluded from appealing it to the land use board of appeals based on that issue. Finally, the applicant must identify constitutional challenges to conditions of approval. If the applicant fails to raise constitutional or other issues relating to proposed conditions of approval, with enough specificity to allow council to respond, the applicant will be precluded from bringing an action for damages in circuit court.

Hales: Thank you. So any council members have conflicts of interest or ex parte contacts or site visits to disclose?

Fritz: I don't have any conflicts of interest. I have -- it would probably be quicker to say who I have not met with who might be involved in this project than those that I have. A short list is Don Goldberg of the trust for public lands; Verde [spelling?], councilor; Metro Councilor Sam Chase;

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Cully association of neighbor leaders and parks leaders, for all of these folks I have said as soon as anything remotely connected with this case was mentioned I cannot talk about that, you cannot talk to me about that, let's talk about something else. So, I can state for the record that I have heard nothing that is going to influence or bias my decision. And in fact, it's very important to me that we make this as a land use decision based on the approval criteria in the code and not on anything else that anybody might have wanted to tell me. I even told my parks staff they needed to wait and give me the briefing about what might happen later, later.

Hales: Good. Thank you. Commissioner Novick.

Novick: I am too lazy to have made a site visit and apparently too unimportant to have been lobbied. [laughter]

Hales: I think neither is true. In my case, I made a brief site visit myself with no staff and no contact with any of parties that last weekend, just to re-familiarize myself with the site. I've heard a lot about the site over the years. Also momentarily met Mr. Goldberg on the street here briefly before the hearing but we didn't discuss the substance of the case. So those are my only disclosures and we'll see when Commissioner Fish joins us if he has any, but we can go ahead and proceed with the rest of the process at this point. Commissioner Fritz.

Fritz: Thank you. If I might invite the Bureau of Development Services staff up for their examination. I wanted to say at the outset this has been a more collaborative process than -- and I think has reached more consensus than previous suggestions on what to do on this site. I very much appreciate all the efforts that's gone into this by stakeholders, the applicant, and staff. We are here to address whether or not the approval criteria as stated and addressed by the hearings officer can be met to allow a comprehensive plan map amendment. It's not about who owns it now or who will own it after, it's not about how it will be developed. It's about how the property can be used now, what it will become should a comprehensive plan map amendment be approved. This is a significant request in that we're indicating the open space and environment zoning to be removed permanently from a portion of this site forever, changing its use to industrial. Changes like this cannot be done lightly. The conditions, and we'll have an amendment to the conditions also, now reflect a more rough effort to make sure that happens. And the staff has outlined the environmental concerns and issues with regards to mitigation for the loss of habitat in the environmental zone. It's important to note that this is in the airport futures area, so some of the customary regulations that those of us who do a lot of land use in environmental zones might be used to don't apply in this case. Also, new to me this time was the new interpretations of the state transportation planning rule, which mean a different way of looking at off-site mitigation than we've been used to in the past. Those like me who are planning [inaudible] that's something to look out for and listen to staff. So with that I'll invite Sheila Frugoli to start it off.

Sheila Frugoli, Bureau of Development Services: Good afternoon, I'm Sheila Frugoli. My colleague, Rachel Whiteside, and I are here to present hearings officer Gregory Frank's recommendation for comprehensive plan map amendment, zoning map amendment, and environmental review for the property known as the Colwood National Golf Course. Before I speak to the details of the proposal I need to call attention to the letter you received from Mr. Frank. He has requested minor revisions to his recommendation. Specifically, he asks that the adopting ordinance be amended with changes to condition b and c. The changes were requested by staff, but Mr. Frank inadvertently missed incorporating them into his report. The revised condition language is intended to clarify how permits will be issued for the proposed improvements. Also, you received a letter of opposition from Scott Somohano, the chair of the Sumner neighborhood association. Our presentation will address the proposed transportation improvements, Bob Haley and Kurt Krueger of the Portland Bureau of Transportation are in attendance and can answer your questions if you have any. And then lastly, I need to apologize -- I just caught it with Karla's reading of the ordinance. The ordinance should state that the requested change is from the open space zone to the general

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industrial two zone rather than the general industrial one zone. So we'll need to amend that language. Our presentation is correct as well as of course the hearings officer recommendation, recommends the IG2 zone, but please note that. Finally, with four reviews and a complex proposal, there's a lot of information that needs to be covered today. Please excuse us if we take longer than 10 minutes. We've tried to make our presentation as concise as possible. The Trust for Public Lands a national nonprofit organization, and --

Fritz: Sheila, can you hold up for one second?

Hales: Just a second. So Commissioner Fish, just need to do a quick check to see if you have any ex parte contacts to disclose or any conflicts of interest to declare.

Fish: Thank you. Mayor, I have no conflicts of interest. I have been party to generic conversations about Colwood dating back to my term as commissioner in charge of Portland Parks and Rec, not so much the sausage-making but the general concept. Nothing that would rise to a disclosure.

Hales: Thank you very much.

Fritz: Sheila you're going to cue me as to when you want me to do those amendments?

Frugoli: Yes, we will. Thank you. The Trust for Public Land, a national nonprofit organization, is the applicant. The applicant is requesting an amendment to the comprehensive plan map from open space to the industrial sanctuary designation and is also asking that the zoning be changed from open space to the general industrial two zone. These changes are requested for approximately 48 acres of the 138-acre golf course site. The change will affect the northern one-third of the course that is identified as tax lot 100. Also proposed is an amendment to the zoning map to remove from tax lot 100 23.3 acres of c environmental conservation overlay zoning, and 2.72 acres of p, environmental protection overlay zoning. And an environmental review is requested to remove existing riparian features and to fill a large pond. The applicant is proposing to retain the open space zone and designation on the remaining -- as well as the remaining environmental zoning on approximately 90 acres of the site. Mitigation for impacts to environmental resources and functional values on tax lot 100 are proposed primarily on the southern portion of the site within the existing environmental zones. The applicant proposes 3.07 acres of wetland creation, and a total of 26.08 acres of riparian enhancement and new forest restoration. The new forest will be planted in a 13-acre area west of northeast alderwood between the Columbia and whitaker sloughs. The planting scheme is consistent with the Port of Portland's wildlife management plan. Again, most of the site will remain in open space. The areas shown in light blue is where the industrial zoning will be applied and please note that the cully park that is shown on the applicant's site plan is a city facility, as you all know, and is not part of the site nor is it part of this proposal. Approximately five years ago, the Colwood owners requested to change 112 from 138-acre site from open space to the industrial designation and zone. The hearings officer recommended denial and the City Council accepted that recommendation and denied the map change request. New, since the previous land use review, is the adoption and implementation of the airport futures land use plan. The plan implements new comprehensive plan policies and amendments to the Portland zoning code. Specifically, chapter 33.565, the Portland international airport plan district, was added to the code. This plan district includes additional use allowances for airport-related activities, specific development standards, and environmental regulations that were written for the airport and adjacent properties. Zoning maps were changed to apply additional environmental zoning per an update resource inventory. And you should note that some of that environmental zoning that was applied to the Colwood site is now proposed for removal. This map shows the current zoning. We see the open space zone, and along the sloughs and wetland areas, the c&p overlay zones have been applied. The c overlay zone is intended to protect resource values while still allowing environmentally sensitive development. The p overlay zone provides the highest level of protection. This map reflects the staff and hearings officer's recommended proposal. The area outlined in blue is proposed to be changed to an industrial zone. And we see that most of the current c and p overlay zoning is removed from

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the proposed ig2 zone area. The area circled in green is where c and p overlay zoning is being added. This is where wetland mitigation is proposed by the applicant. This aerial photo helps identify the Colwood site and the surrounding development. The course's clubhouse is located on northeast Columbia boulevard. Northeast alderwood road winds north-south through the site and northeast cornfoot road is the east-west street just north of the slough. North of the golf course is Port of Portland property, including an active airfield and the south runway. To the northwest are military facilities including the Oregon air national guard, to the east and west, there are industrial and employment uses, and then directly south of the site is the thomas cully city park. This photo illustrates the large, wide fairways and the trees that define the course. Standing on the south side of whitaker slough, the camera is pointing south toward the clubhouse. And you should note that all of this area shown in this photo is proposed to be retained as open space. This is the portion of the course that is on the east side of alderwood where wetland mitigation is proposed to occur. This area, again, will remain designated in zoned open space and will be within environmental overlay zones. Here we see the signalized intersection at northeast alderwood road and cornfoot road. These roadways will serve tax lot 100. This photo shows part of tax lot 100 as we see the northern section abuts airport related uses. In the background we can see the airport's air traffic control tower. Here we see that large manmade pond in tax lot 100 that is proposed to be filled. In order to be approved, the request to comprehensive plan map amendment must be found to meet approval criterion 33.810.050a. This requires that the requested change of designation will on balance equally or better support applicable adopted policies. The approval criteria for the zoning map amendment, 33.855.050, must also be met. Criterion a requires that the requested new zone correspond with the comprehensive plan map designation, and criterion b requires that public services are adequate or can be made capable of supporting the uses allowed in the requested zone. In regards to transportation related policies, the state's transportation planning role was recently amended. It now allows for partial mitigation to address impacts if the proposed mitigation provides system-wide benefits. The applicant's traffic impact analysis identified three intersections that will not meet performance standards. The intersections are at northeast alderwood and corn footed, northeast alderwood and 82nd avenue, and northeast killingsworth and the i-205 southbound intersection, or southbound ramps. The i-205 southbound ramp improvements have been identified as needed for many, many years. To address the city's goal six transportation policies and the state's transportation planning rule, both the Oregon Department of Transportation and the Portland bureau of transportation support the applicant's proposal of adding a third queing lane on the southbound ramp of northeast killingsworth and the i-205 interstate. Staff finds the ramp improvements will provide system-wide benefits and hence will satisfy the allowance of partial mitigation. This map identifies the Colwood site and the location where those ramp improvements would occur. Now I'm --

Fritz: May I ask you the indulgence to continue the presentation?

Hales: Of course. Yes.

Frugoli: Thank you. Now I'm going to turn the presentation over to Rachel so that she can explain the environmental review aspects.

Rachel Whiteside, Bureau of Development Services: Thank you, Sheila. I will now present the approval criteria for the overlay zone changes and the environmental review. For changes to the environmental overlay zones, the proposal must meet the criteria under section 33.855.060. Criterion a has different thresholds that apply, based on whether the proposal is to add a designation or remove a designation. In this case, the applicant proposed both. And then criterion b requires consistency with the purpose and adoption criteria of the regulation. Zoning code section 33.565.500 contains the purpose statements specific to environmental zones in the Portland international airport plan district, and the adoption criteria is the middle Columbia corridor and airport economic social environment and energy analysis, known as the ESEE analysis that was adopted as part of the airport futures land use plan. In addition, the applicable goals and policies of

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the comprehensive plan and any area plans must be addressed specifically for the changes to the overlay zones. For this project, the changes to the environmental overlay zones are closely tied to the requested environmental review. The proposed resource removal is necessary to meet the objectives of the port of Portland's federal aviation administration authorized wildlife hazard management plan. Therefore the approval criteria which applied to the resource removal are those in section 33.430.250, e-3 through e-6 only. Unlike other areas of the city, this means the applicant is not required to avoid or minimize impacts to environmental resources. Instead, the applicant may move directly to mitigation. The Portland International Airport is currently ranked the 34th busiest airport in the country, but is ranked in the top 10 for bird strikes. The long-range goal for the Port of Portland is to minimize the risk to aviation safety posed by wildlife species of concerns on and around the airfield. The existing pond, wetland and mowed turf grass on the Colwood golf course results in a situation that attracts birds like redtail hawks, great blue heron and Canada geese. This creates a setting that is hazardous to airport operations. Habitat modification is the most effective long-term remedial measure for removing wildlife hazards on or near the airfield. The hearings officer found that removal of the wetlands and the surrounding grassy areas as proposed by the applicant meets the provisions of PCC 33.565.580, specifically because the types of features are identified in the wildlife hazard management plan as a risk, the features are in close proximity to an active runway, and it is possible to replace the features and functions through mitigation. This map in the lower right corner shows some bird strikes that was provided by the port. Here we have a photo that illustrates the site and specifically the pond in context of the Portland International Airport. It's roughly 1800 feet from the end of the main runway. A main runway. This color map was prepared by the bureau of planning and sustainability staff and submitted to the hearings officer. The map identifies the applicant's proposed resource and environmental zone removal as well as mitigation efforts. The gray areas north of cornfoot road on tax lot 100 are the impact areas. The light blue areas on the northern parcel are restoration and enhancement areas. Then south of cornfoot road between the Columbia and whitaker sloughs, the bright green and deep blue color areas identify the applicant's proposed wetland creation, wetland restoration, and riparian restoration and enhancement areas. The yellow represents existing environmental protection zoning that offers some additional enhancement opportunities in the future. Bureau planning, staff, bureau of environmental services, and bureau development services staff worked diligently with the applicant on the mitigation plan, and all offered their support to the hearings officer. The hearings officer recommends approval of the environmental review to remove resources in accordance with the FAA authorized wildlife hazard management plan. Conditions of approval are recommended to ensure the mitigation is completed as proposed. This includes a legal instrument guaranteeing access to the southern parcels for the purpose of carrying out mitigation which is necessary should the ownership between the north and south parcels be separated. The hearings officer also recommends approval of the zoning map amendment to modify the environmental protection and conservation zones as shown on exhibit b-4 and the proposed zoning map shown at the beginning of this presentation. The proposed zone map recognizes the council adopted ESEE analysis about where to limit and strictly limit uses in environmentally sensitive areas. A condition of approval is recommended to delay changing the environmental zones on the official zoning map, until the resources are removed and the mitigation is complete. This condition acknowledges concerns about what happens should the northern parcel not be redeveloped in the near future. The hearings officer also recommends approval of the comprehensive plan map amendment from open space to industrial sanctuary and concurrent zone map amendment to the ig2 zone for the northern 48.36 acres of the golf course. With conditions that address the environmental review and zoning map amendment to modify the environmental overlay zones, the hearings officer found that the proposal equally supports the weighted comprehensive plan policies that address the environment. This proposal better supports the weighted economic development policies as well as the newly adopted policies that were

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implemented through the airport futures planning effort. The proposal does not equally support open space policies. However, on balance, the proposal will be equally or more supportive of the comprehensive plan as a whole than the current designation. Conditions of approval are recommended to address storm water management requirements for future outfall and the construction of a third queuing lane on the southbound ramp at Killingsworth and I-205 to address goal 6 transportation policies, the zoning map amendment adequacy of service criteria and the transportation planning role mitigation allowance. Here's your cue, Commissioner Fritz. The hearings officer has submitted a memo to Council regarding particular wording of conditions b and c. Council must formally amend the ordinance to address this issue. This will conclude the main staff presentation. Kurt Krueger of the Portland bureau of transportation is here to discuss transportation improvement requirements and additional requested change to conditions of approval, so you may want to hold off and adopt both requested changes at once.

Fritz: Thank you very much.

Kurt Krueger, Portland Bureau of Transportation: Thank you Sheila, Rachel, Mayor Hales, Commissioners, Kurt Krueger with the Portland bureau of transportation. You heard a lot and you're prepared to hear more, so I'll be brief with my comments. I have an amendment I'll get to in just a minute, but we're submitting it at the last second. Essentially I wanted to add to the comments about the collaborative effort on this project. Staff, the applicant, and ODOT and PBOT have worked very collaboratively along with a lot of others on this effort in working with a new transportation planning rule we hadn't worked with before. In fact this is the first time this rule has been applied for when -- attempted to be used for the first time in the state. We crafted a new process in the middle of this zone change. Essentially, in the past, standard practice would be for us to identify intersections that are impacted and ask a developer to fix or mitigate those. The interesting thing here is there's a lot of traffic that flows through this area, so the development impact from this project is very small into a number of little intersections. So, in past practice we would typically ask a developer for little pieces of money to be put in a pot for a future project. Unfortunately that wouldn't necessarily build anything tomorrow. The new transportation planning rule allowed us to put our heads together with ODOT and the applicant and determine where is a project of the magnitude we can ask this developer to construct, and where can we construct that tomorrow. And that is why we're looking at an improvement approximately a mile and a half away on the I-205 southbound on-ramp from Killingsworth. This is a project that's estimated about \$1.1 million. This summer, the Oregon transportation commission awarded the city a grant of about \$250,000 to be used for this project as well. So there's a lot of players in this effort to get to this point, and we think it's a much-needed improvement in the area. What you have before you and what I've just presented is an amendment. Earlier in the process, there was a number of public works appeals that were applied for and processed, one of those was regarding transportation improvements at a later time along Columbia boulevard. There is a design effort underway in PBOT right now to look at how we can improve the connections of Alderwood, Columbia, and Cully and Columbia. We don't know what that design is at that point, but that may need some amount of right of way along the southern property line of the Colwood golf site right now. So what this amendment is doing is placing an easement of approximately 20 feet in width along that section of Columbia in case we need that. And so in case it is needed, the conditions -- the easement would then be conveyed as right of way and that area we would not need would -- we would quitclaim that back as real property. The reason for the easement is we didn't want to have them dedicate and have to come back and vacate right away that we had already dedicated. So this has been discussed, this is something that came up this morning, I talked to all parties, they've seen this language and they are all accepting of this language.

Fritz: Thank you. Let me summarize and see if I understand this new transportation planning rule correctly. And that is that usually in land use cases we would have a reasonable nexus in a rough

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proportionality very close to the site for off-site improvements. Because of a new transportation planning role, we are allowed to do it a mile and a half away. Is that part correct?

Krueger: Correct.

Fritz: Columbia boulevard is a state highway? Is that correct? Could we do this according to the transportation planning rule if it wasn't? Does it apply to all roads, it's not just because it's a state highway? That was why ODOT was involved, because of i-205 and Columbia boulevard being state facilities.

Krueger: That's correct. The great thing about this new rule is it provided ODOT flexibility to work with a local agency in identifying mutually agreeable projects. If we found a project within the city and there was benefit from the city's perspective--

Fish: Lift the mic up a little bit.

Krueger: Sorry. This provides us the allowance to identify and agree on a project, and in this case we and ODOT agreed this was the best impact.

Fritz: Does it have to be any reasonable nexus between the projects and the planned use of the money or no?

Krueger: Absolutely. We still need to pass the legal test of the nexus in a rough proportionality.

Fritz: So this is roughly proportional to the impact, even though it's a little further away. Okay. Does anybody else have questions on that?

Fish: I have a question, Commissioner Fritz. Kurt said that the amendment on PBOT stationary had been reviewed and discussed by all the parties. Is that likewise the case with the other amendment we have?

Fritz: Yes. Maybe we should move to that. The other amendments that we have, which is on the plain piece of paper, is from the hearings officer Gregory Frank. These were discussed during the process before him, inadvertently left out of the conditions, so he sent us a letter to add these amendments. So everybody was aware of them, it just was inadvertently left out of the record for our meeting.

Hales: You can put both sets of amendments on the table with one motion.

Rees: If I might run through this, if you don't mind, I would like to run through it because I've heard another set of amendments from staff to correct an error in the ordinance, so let me -- I'm going to assume right now that you're going to move both the PBOT and the BDS amendments, so this is what it would look like. Using BDS as a base, you would do -- the first one is to amend directive a as follows. You would leave it the same except that you would add language saying, except as conditions b and c are modified by and condition a is added to this ordinance, condition k is going to be the PBOT ordinance -- or the condition, excuse me. You would add a number three to it that would say, add condition k from the attached, which is PBOT document, and staff and I, if this is what you decide to do, we'll write this up for Karla so she knows what we're doing. And the fourth is amend finding 2b and directive b2 to substitute the words "general industrial 2" for "general industrial 1." Those are the only two instances I found, Sheila, where those existed. Is that correct? Ok.

Fritz: And in the title of the ordinance.

Rees: It wasn't in the title of the ordinance, it's in the title of the report from the hearings officer. So Karla I think can do that. It's not -- I don't see that in the title of the ordinance itself.

Fish: I'm going to second that in a second.

Fritz: I think I just moved it.

Fish: I just want to be clear though. All the amendments have been reviewed by the parties.

Fritz: Correct. I'm sure people will let us know if they haven't.

Hales: Yeah, people have a chance to testify.

Fish: If they haven't, of if they have a strong view, they'll have a chance to testify.

Fritz: Right. This is what's on the table for discussion.

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Hales: Further discussion or questions for staff? Before we vote on putting the amendments on the table and having the amended findings part of the record in front of us. If not, roll call to adopt the amendment and have it before us.

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

[gavel pounded]

Hales: Ok. So we're taking up the rest of the hearing on the proposal as amended, just as has been described. Thank you. So that's it for staff presentation. I guess now time for the applicant's presentation. Please come up.

Don Goldberg: Good afternoon. My name is Don Goldberg, I'm a senior project manager with the Trust for Public Land here in our Oregon office, which is located at 808 southwest 3rd avenue in the city of Portland. I am really delighted to be here today, because this should be actually a day of celebration. A day in which a broad coalition of missions and opinions have come together to accomplish a wonderful opportunity to move the Colwood project forward in a balanced approach. I'm aware that there is a tremendous amount of passion involved on this project, but as Commissioner Fritz had mentioned, it's important to focus on why we're here today, which is a land use application for the rezoning of the rear 48 acres of the golf course. The trust for public land is a 501(c)(3) not for profit corporation whose mission is to conserve land for people to enjoy as parks, trails, and natural areas. Our three primary focus areas are parks for people, working lands, and land and water. I want to thank the staff, this has been a long, very complex multiagency project. I appreciate all staff's time and effort to facilitate this process, and as you can tell, they did a wonderful job today of presenting the outcome. It was not always easy, and surely there were times of disagreement and stress during this process. But we stayed focused on the big picture and worked through our differences with a common goal of serving our community. So, why the Trust for Public Land and why are we the applicant, and what was our approach? The Trust for Public Land as I stated is a 501(c)(3), we are celebrating our 40th anniversary this year as a national nonprofit. We've completed over 4250 parks and conservation projects nationwide. Some of the notable local projects were the protection of over 17,000 acres in the Columbia Gorge, Chehalem ridge natural area in Washington County, the river view natural area here in Portland, the expansion of the Willamette national cemetery and protecting its resources, and holly farms, to just name a few. The trust for public land typically gets involved with complex land use transaction with an outcome that fits within one or more of those previous three stated focus areas. Our intention is to move the property into public ownership. In general we support public access on the resources that were involved in. We are not a broker, but a principle. The Cully neighborhood has been identified as a park deficient area of the City of Portland. It is the most ethnically diverse area in the state of Oregon and one of the lowest income areas here in the city. The trust for public land has identified a real need for a regional park in the cully neighborhood to address these deficiencies as well as health and welfare of the community. So in order to facilitate a fair and equitable process among the stakeholders, i.e. the neighborhood groups, environmental groups, business groups, the Port of Portland, the City of Portland, the county, state, and number of federal agencies, the trust for public land involvement was to accommodate as many needs and desires as possible keeping of course in mind our mission. I call this a balanced approach. The balanced approach was based upon the previous hearings, your decision as a Council on the previous application, all public records and comments from many stakeholders, the land and of course the individual parcel not as a policy or template, but analyzing this property for its individual functions, neighbors, other uses, environment, proximity to the airport, attributes and deficiencies and the desire and need for regional park as well as providing much-needed potential jobs for the city. So how did we progress on our application? From the onset the trust for public land and its consultants were committed to working with all levels of staff within all the agencies. Unlike a typical applicant, we met regularly with agencies and staff to design a project that facilitated support and would accommodate the complexities of a project like this. This

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is in contrast to the previous application on the same property. Our desire was for community support as well as all agencies involved. We worked through the process to come up with a conclusion best suited for the land and the community versus forcing the process to accommodate the desired outcome. The trust for public land's intention is to set very high standards for the environmental mitigation of the property. We have, as the staff has pointed out, we are creating extensive wetlands, we are adding approximately 26 acres of forest either new forest or restoration of existing forest. I can't help but picture 10 or 15 years from now, 25-acre forest in northeast Portland where children have no opportunity to go in that type of environment. We've committed the project to address the completion of cornfoot in front of the property, which includes widening of the street, adding a bike lane, and sidewalks. The property will be responsible as noted by staff for the expansion of the 205 ramp on Killingsworth to address traffic issues. We believe jobs will be created, safety concerns of the Port of Portland will be addressed, extensive mitigation and work both environmentally and traffic will occur. And of course, the trust for public land will be able to move forward in the acquisition of the future park to serve the entire community of Portland, in particular the Cully neighborhood and all of its wonderful diversity. The trust for public land looks forward to your favorable decision on this land use application, and in the future delivering a regional park to the City of Portland.

Hales: Thank you.

Mike Cerbone: Good afternoon, my name is Mike Cerbone, I'm a land use planner with cargo in Portland. I just wanted to start by saying we're in full agreement with the staff report and the conditions of approval proposed by PBOT. We would like to just review the conditions as revised through the hearings officer recommendation while you're hearing the rest of your testimony. I worked very closely with John Van Staveren, Mark, and Don Goldberg to prepare the applications for you today. The effort was distinct from a typical entitlement project that I would normally be involved with in that the focus was directed by TPL, was to find solutions that met all the needs of all the stakeholders of the project. We were directed to address the mitigation not just for the property, but also to work toward solutions that benefit the natural environment and the economy. These outcomes could not have been possible without the cooperation of the community which included city staff, residents, nonprofit organizations, as well as the state and federal government agencies. I'm proud to say I've been part of this project before you that's found the right balance, as noted by Don, for providing the opportunity for as many as 850 to 1,000 new jobs from the community. By addressing the needs of additional large lot industrial land identified by both the city and metro. The proposed improvements of cornfoot and alderwood will benefit the local transportation system when the site is developed, and the improvements to the I-205 southbound on-ramp will not only benefit the site, but the Columbia industrial corridor and the entire community. Last but not least the improvements to the Columbia and Whitaker sloughs, through the restoration enhancement of habitat, will benefit the community and natural system for years to come, and John - I guess we'll have that services provide a little more detail on that.

Hales: Thank you.

John Van Staveren: My name is John Van Staveren, I'm a professional wetland scientist with Pacific Habitat Services. The proposed restoration plan grew out of our investigation to the site's natural resources including its hydrology, soils, and vegetation. And from this knowledge we were able to craft a plan that will more than compensate for the approached impacts. It was also greatly shaped by our extensive interaction with the city's bureaus, the Port of Portland and on-site meetings with the department of state lands, corps of engineers and department of Fish and wildlife. As you have heard, the proposed removal of 1.62 acres of wetland to the south of the airport will be mitigated by the creation of 3.07 acres of wetlands south of Whitaker slough. The wetland will grow into a dense thicket of scrub shrub vegetation that will not attract flocking birds such as Canada geese that could pose a threat to the nearby airport. The wetland will also not have standing water

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for a significant period of year, but is designed to attract native turtles. The proposed impacts to over 26 acres of environmental overlay zones, which primarily consists of the existing fairways of the golf course, will be mitigated through the restoration on new plantings of forested habitat between the Columbia and whitaker sloughs and the enhancement of existing forested habitats through the control of nonnative species and the planting of native species. So the restoration and enhancement of the forested habitat will bring the Colwood golf course back to a state it was historically. Thank you.

Hales: Thank you. Questions for the applicant team here? Thank you all very much. Now we will turn to those who signed up to testify in support of the application.

Moore: We have 26 people in support signed up. The first three, please come up.

Hales: You each have three minutes. Give us your name, and make your statement, and then obviously, with this many people signed up as we proceed, if you hear your points have already been covered you're free to let us know that and either not come forward or just come forward more briefly.

Terry Parker: Thank you. My name is Terry Parker, I live in northeast Portland. I'm here today because I support the majority of Colwood as open space. But in balance I also think a southern section of the property needs to be retained for the healthy sport of golf. One option might be a short family friendly pitch and putt similar to the one that previously occupied the grounds near the zoo where the forestry center is now located. One of my concerns is that it completely closing Colwood to golf long term could lead to golf deficiency and will create undue pressure on and have usury impacts on other nearby golf courses such as rose city. Even though pro golf is nationally televised I'm sure you've heard the argument that even with population growth, golfing is in decline. Maybe that is due to social media, where the younger generations are more interested in exercising their fingers and thumbs on electronic device or maybe because there's no current superhero or idol of golf, or more likely it's because unlike bicycling, golf for the most part is financially self-sustainable and thereby expensive. It is my understanding that unlike most park facilities the pay-to-play green fees covers the majority of the maintenance and operation costs on the city's public golf courses. That brings up a real equity issue. One of the excuses for not assessing bicyclists paid user fees or license fees to pay for bicycles, because it's healthy. Maybe golf, along with the city's swimming pools and tennis courts should also be subsidized and free of charge. Golfing, swimming, and tennis are all healthy activities. Earlier today you passed a resolution promoting gateway green. Are any of the proposed mountain bike trails going to require user paid green permit fees to pay for continued maintenance. Equity requires a bicycles pay for specialized infrastructure. They want to utilize, be it in a park or on the streets. Back to Colwood and in closing, golf needs to be a part of the long-range master plan for the Colwood property. Be it a short family friendly low-cost nine hole pitch and putt course or possibly just a managed driving range and putting greens, some form of golf on a portion of the property needs to be retained long term. Thank you.

Fritz: Thank you, Terry. You always give me something new to think about. I appreciate it. Are you a golfer?

Parker: I used to be. I get out occasionally, maybe once or twice a year now when the neighborhood has a tournament or something. But I used to play with my dad when he was alive. He was very avid.

Fritz: Thank you for your thoughts.

Parker: I'm speaking for him in that sense too.

Fritz: I like that. Thank you.

Laura Campos-Gleason: Hi, my name is Laura Campos, some of you are familiar with me. I've been coming here since the '70s, and I work for neil goldschmidt right out of college and ernie bonner at the planning bureau. So open space is certainly something we have to consider carefully before we release it, and I've been involved with the Cully neighborhood, although I currently sit on

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the board of south Portland, which is Willamette river. But the Columbia is very important to our Native community and I'm an elder in the Native community. So I am in support of this zone change to ig2. I'm excited that the southern 90 acres will be retained, unlike the proposal that was given five years ago, I think this is a marked improvement. I'm really -- struggled with this, because I think environmental concerns are very important, and as a Native person especially, you know, habitat for animals. But there is also a very big need for economic development in this area in terms of jobs for the local community. Now, I know that in the south waterfront, in some way I feel that the promise of jobs wasn't really totally met. And I'm hoping that when this zone change is given and jobs are really created, they mention 850 to 1,000, I think educational component has to be in there to allow the local community to develop the skills to take advantage of these jobs, because it does -- it's a significant sacrifice to give up this open space. And if there are a commitment for jobs, let's make this a real commitment. The other thing I wanted to talk about was I'm also a member of the Portland youth and elders council, and we've had many discussions about this there. The Cully park community involvement committee. I also sit on the Cully park health monitoring committee. They have developed a really interesting model at Cully, and I would like to see that model, let us build cully park for design and construction also extend into the Colwood area. That's pretty much concludes my comments.

Hales: Thank you very much. Good afternoon.

Steve Wells: Thank you, Mayor Hales and city Commissioners. My name is Steve Wells, I'm with Trammell Crowe company. Our office is at 1300 southwest fifth suite 3050 in Portland. I want to -- our company is an industrial developer, we've developed industrial projects all over the city, and also have developed mixed use process -- projects at the airport in our development of cascade station. So we're very familiar with this area, and energized by the area in all its different uses. I'd like to -- I'm speaking in support of the proposal with the amendments. I'd like to particularly commend TPL and the city staff, the landowner, and all that have supported them in bringing up a much reduced industrial proposal to the area, and one that I think finds the right balance for Portland of what this project can be, and lets us get to the developable benefit of the site while preserving the open space. We've watched it from the background and really amazed at the efforts that have gone from all those parties in the cooperation to try to make it a viable development opportunity. I think the benefits of the project are many. To the city and the region, it does preserve 90 acres of open space for the Cully neighborhood and for the broader area. I think the transportation system and the application of the new TPR rule I think are -- it's a good example of how to take money and actually do something that is useful for the whole region. It resolves some of the wildlife hazards associated with the north part of the parcel, but from our standpoint as an industrial developer, there's been a lot of talk recently about the industrial land shortages, and it's not just talk, it's real. It's very difficult to find large industrial parcels that are so important to our overall economy. And believe it or not, this 50 acres has less issues than some that are out there to try to bring other parcels to the property. There are very few 48 or 50-acre parcels. The economic development benefits in terms of jobs, both construction and permanent jobs that would come from it, and potentially new users that we could bring to the economy are very important. And we just ask that you support the proposal. Thank you.

Hales: Good afternoon, welcome.

Erwin Bergman: Good afternoon, Mayor Hales, Commissioners. My name is Erwin Bergman, I have lived 43 years in the Cully neighborhood at 5330 northeast Holman. I am responsible for resolving quality of life issues for the Cully Association of Neighbors. CAN. I'm here to testify in support of the rezoning of the northern 48 acre parcel of the Colwood golf course to an industrial ig2 zone with a remaining 90 acres of the southern parcel remaining open space ultimately to become a city park. My testimony reflects the August 21 findings and recommendation of Gregory Frank, the hearing officer, in his 140-page report. I and others from Cully have testified at that hearing. At this September monthly CAN meeting, I summarized rezoning details and CAN

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members present, approximately 40, unanimously voted to support rezoning. Obviously, I and other CAN members would have preferred to have the entire golf course property remain open space to become a park. The overriding concern, however, is if and when. As you may remember, CAN efforts to get a Colwood park go back clear to 2007. It appears now to become a reality and soon. Surround the by 5700 acres, nine square miles of industrial sanctuary, a 90-acre true sanctuary for people and animals should acknowledge to some degree that people, neighbors, have a need and greatly benefit from getting away from it all for at least a few hours and enjoy the few remaining vestiges of nature such as the Columbia slough environs. Last but not least I would like to express my deep gratitude to the Trust for Public Land, and especially to Mr. Don Goldberg to grab the opportunity to work out a deal with Colwood owners and now be in the position to deliver an exquisite piece of Portland history to become a jewel in our neighborhood and for all of Portland. Thank you. Finally, after you hopefully approve the rezoning plan in time management eventual ownership of Colwood will transition from TPL to the contract owner now to the bureau of parks. During such time TPL goals, the CAN efforts, must not be abandoned or diluted. With Colwood being identified as a special habitat area and important wildlife connectivity corridor and also an important element of the Portland trade system, a high and diverse level of planning expertise is essential under the guidance of TPL, the newer owner, and the bureau of parks as a future owner and caretaker. Thank you very much.

Hales: Thank you very much. Good morning.

Howard N. Kenyon: Hi, my name is Howard Kenyon, and I am the senior program manager at the northeast emergency food program, emergency food and services program of ecumenical ministries of Oregon, located in Cully. I express my support for the zoning change believing it to be a great benefit, particularly for Cully but also for Portland. When values conflict, it is incumbent to find the best compromise, values generally do conflict, I say that as an ethics professor, it has nothing to do with this session here, but that's always the case. In this case, the balance between environment and economic development is a healthy one in this plan, I firmly believe. I do have strong concerns about the displacement of low-income residents of Cully. Because of this I'm working to connect low-income people in Cully to economic opportunities through the Cully Boulevard Alliance, the neighborhood prosperity initiative of PDC, of which I serve as chair, I speak not on behalf of CBA today, simply as a member in good standing on that steering committee. The zoning change moves us in this direction of balancing environment with the economic. As long as we are conscientious of all contingencies and their effect on current residents, and I do appreciate the work of the city, of national organizations, my concern is that we always keep in mind what people of Cully themselves have to say. And I do say that I see it as model of creating broad environments and environmental assets as a good model to follow in Cully, not just verde, but I think that as we work together we want to make sure that the jobs in this development really benefit the people of Cully. It's something that Portland has really made clear that they want to communicate is that when we improve an area, it really benefits the people of that area and not others who will move in to take their place. So I urge us all to keep that in mind as we make this development, that it's not just outsiders that benefit, so it's also those who live there. Thank you.

Hales: Thank you. Good afternoon. Welcome.

Demi Espinoza: Good afternoon. Thank you so much. It's a pleasure to be here with you City Council members. My name is Demi Esponiza, I'm the coordinator with the Coalition of Communities of Color. And I'm here today on behalf of the coalition, formed in 2001, the CCC is an alliance of culture-specific organizations in the Portland metro area and we represent African, African American, Asian/Pacific Islander, Latino, Native American, and Slavic. I'm here today --we appreciate the Trust for Public Land's decision and hard work to bring the zoning change forward. And we're in support of the zoning change and we ask a commitment from the City of Portland park and rec bureau to adapt the Let's Build Cully park model to code by working with 1-Parque 1-

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Modelo Coalition. The Coalition of Communities of Color is the signatory to the Colwood letter and we support the 1-Park 1-Modelo Coalition's effort to adapt a community-based approach to building a neighborhood park by and for low-income people and people of color. The model produces outputs in line with the CCC's community and economic development strategic plan goals, which include work force diversification, access to capital investments for minority-owned businesses and strategies to combat displacement, and the participation in sustainable initiatives. This model reinstills community pride through a collective design process and stewardship of the park. We thank the Trust for Public Land for their hard work so far, and we support the efforts of the 1-Parque 1-Modelo Coalition and urge city leadership to support the zoning change and to adapt the park model. Thank you.

Alan Hipolito: Mayor Hales, Commissioners, thank you for the opportunity to testify today. My name is Alan Hipolito, I work for Verde, we're a Cully neighborhood nonprofit. We serve communities by building environmental wealth through social enterprise, outreach and advocacy. Across from Colwood, we are building Cully park in partnership with the City. I'm here as a part of this 1-Park 1-Model coalition to express our unqualified support for the zoning change of the northern 48 acres of the Colwood site. I'm also here to express our thanks to the Trust for Public Land. We greatly appreciate the hard work and the many hours spent on this project because for page 10 of the recommendations, the approval of this application will allow TPL to work with other stakeholders to acquire the remaining 90 acres of the golf course for community parks, trails, and open space. So I am here also to comment on the language presented in the recommendations regarding criteria to urban development and specifically policy 2.6. The report states again that the applicant states that this proposal will set up the opportunity for TPL to work with stakeholders to acquire the remaining 90 acres of the golf course for community space, and that TPL has expressed its desire to work with city agencies and stakeholders to address the recreation and health needs of the Cully neighborhood and larger regional area. Verde testified about this issue on the record at the June 12th hearing, and together with Hacienda CDC and the Native American Youth and Family Center, submitted additional written comments on June 26th. Thus I'm here specifically to comment on the opportunity for TPL to work with stakeholders. We have a vision for this stakeholder process. And it is based on our values, values that are reflected in the comprehensive plan, resolutions of the Portland parks bureau, and certainly in the bundle of motivations that make public service the reason we get up in the morning. Community, economic vitality, transparency, diversity, stability, accountability. Our vision for the stakeholder process is also based on power. And I'm speaking about a vision for a stakeholder process that is based on the value of shared power. Almost two years ago Verde came to you on behalf of the Let Us Build Cully Park Coalition and offered to share power to design and build Cully park. The power of the students in the neighborhood to imagine park improvements, the muscle of workers and contractors, and fund-raising capacity. We did that, we're doing a lot of good stuff together with the parks bureau, with transportation, and with environmental services. Last year alone we involved 324 community members in the design of the park, including 126 youth, 143 low-income people, 231 people of color. And have raised almost \$3 million for that park. So when we speak in support today, say we support the zoning change and we have a vision for the stakeholder process that's contemplated and we bring this offer to share power at Colwood and bring a new asset to the community. Thank you.

Hales: Thank you.

Victor Merced: Mayor Hales, thank you, members of the commission, my name is Victor Merced, executive director of Hacienda CDC. I think this project comes to our community at a propitious time. We're developing quite a bit of housing in the northeast killingsworth and cully neighborhood, Hacienda is one of the largest CDCs in the city of Portland. We own just under 400 units of affordable housing primarily in the cully-killingsworth area, we're worth close to \$100 million in terms of net assets, we reinvest in the community, the resources we have are specifically targeted to

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our population of the Latino population. We're in support of the zoning change, we think there are many opportunities to get involved in this process as it evolves and we go to the different iterations. We believe that TPL has presented a good proposal for this community. I've worked with TPL in the past in my days in the south Bronx, as well as a funder with local foundation here in Portland. We think that the issues around utilizing the model that Verde and the coalition that we're a member have developed is one that we think will work very well in our community, particularly as it brings jobs to our residents in the killingsworth-cully neighborhood. So we stand here to support the application and the zoning change. Thank you.

Hales: Thank you all. Thanks very much.

Richard Gunderson: I'm Richard Gunderson, 5717 northeast 55th avenue in the Cully neighborhood. I sit on the board of the neighborhood association, Cully Association of Neighbors, and my main responsibility is parks and open space. I'm going to be repetitive and Erwin already stole my thunder, but just wanted to pass on that the -- not only the board, but the total membership voted unanimously for the rezone. And secondly I'd like to thank the Trust for Public Land and Don Goldberg in particular. Thank you.

Rey Espana: Mayor Hales, Commissioners. It's a blessing to be with you all again. I'm Ray Espana, I direct community development for the Native American Youth and Family Center, known as NAYA. And I just want to be sure that I'm speaking on behalf of our board, in endorsing and supporting the zoning change that you're considering and so we're in full support. We also give much respect and recognition to Mr. Goldberg and TPL for their effort, and all the other stakeholders that brought this proposal forward. We do agree that it is a balanced approach and for not to repeat other comments, I think it's an important investment and I think the potential for community benefit is real, I think it's going to require our diligence to make sure the deliverables do benefit our local community. We stand as a stakeholder and part of the coalition that is bringing forward the 1-Park 1-Model, Modelo project. We're a signatory to the efforts to create these investments as an antipoverty strategy, and I just want to be clear that I communicate directly to you that we're at NAYA in full support of the efforts to move this forward. So it's a blessing to be with you today.

Hales: Thank you.

Don Tarbutton: Good afternoon. My name is Don Tarbutton, I'm a resident of the Cully neighborhood, I live in a proud ground land trust unit within Columbia Ecovillage, and a member of the living cully community advisors. I'm here today to express my support for the zoning change that will permit the land now known as the Colwood golf course to be divided into an approximately 50-acre employment zone and retain the remaining 90-acre parcel as open space. It's my hope that it would developed into a community park, adapting the very successful Let Us Build Cully Park model that a previous speaker just spoke about. The best practice 00 this best practice model which was implemented, as he said, at the city's cully park property directly across Columbia boulevard from Colwood, educates youth, advances the environment, involves hundreds of community members in park design, and creates local jobs and diverse contracting opportunities. I enjoy living in the Cully neighborhood. And much of that feeling of satisfaction comes from the effort I see going into community empowerment, community involvement, and projects like Cully park. I strongly believe that this is a model that should be replicated in other investments in coming into Cully. The reason I accepted the invitation to become a member of Cully living -- of the living Cully advisors, is because of my concern for the displacement of low-income people in Cully. And that repeating the Cully park model at Colwood is one way that the city can partner with the community to prevent that displacement. Thank you very much.

Hales: Thank you.

Jon Ostar: Mayor Hales, Commissioners, good afternoon. Excuse my voice, I'm just coming over a little sickness. I'll try to be brief. My name is Jonathan Ostar, I'm the director of local environmental

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justice Oregon, we're a community-based organization building power for environmental justice and civil rights in our communities. We're aligned with Verde and with the broader coalition with Hacienda and NAYA in an effort to extend the 1-Park 1-Model approach to the Colwood park. Because ultimately it's a fight for environmental justice and for self-determination. And, briefly, environmental justice is the fair treatment and equal protection and involvement of all people regardless of race, color, national origin, and income in environmental decisions that affect their lives. Where we live, work, play, and pray. And what Verde is doing in Cully with their partners is really the epitome of this work. You won't find better bang for your buck in terms of base building and community empowerment than what's happening in Cully right now. All too often in environmental justice work we're playing defense. We are fighting the bad things that are trying to be put into our communities. And here's an example of community coming together and saying, we want to create these environmental assets, we want to bring these environmental benefits to our community, and we should be doing everything we can to partner with them and encouraging those kinds of efforts. So, we support the zoning change. It will bring economic benefit to the neighborhood, it will bring environmental assets and it will increase quality of life and social capital in the community. And we hope that the city supports this effort. Thank you.

Hales: Thank you. Question?

Fish: No. Before you acknowledge Kate Allen, I'd like to embarrass her for a second. Kate, as my colleagues know, recently retired after a long distinguished career of city service working on issues of housing for low-income Portlanders. And her record of accomplishment really would take all afternoon to go through them, but from aligning our tax abatement policies with our jurisdictional values, to working through some of the toughest projects this city has faced during the worst economic downturn in my lifetime, I wanted to take this moment because we didn't get a chance to do this formally do this before, Mayor, to thank Kate for her incredible service. Would it be appropriate to give her a round of applause upon her retirement?

Hales: It would indeed. Thank you. [applause] Well, how do you follow that?

Kate Allen: Thank you so much. Kate Allen here today as a newly minted private citizen, and proud member of the Verde board of directors. I joined the board of Verde several years ago because I strongly support Verde's mission of serving communities by building environmental wealth through social enterprise, outreach, and advocacy. As you know, Verde is a strong supporter to the zoning change in front of you today. Verde supports the zoning change and has organized many others to do the same, a broad and diverse coalition of groups here speaking with you today. With regard to the stakeholder engagement process described in the hearings officer's recommendation, our request is that the city work with the 1-Park 1-Model coalition, inclusive of Verde, Hacienda CDC, NAYA, and many other important community members to adapt the let us build Cully park model by developing a public-private partnership for the acquisition, design, and construction of Colwood's southern parcel. Because that model offers deep and replicable benefits to the community, it is directly related to recent strategic planning that Verde has done to strengthen its partnerships, both with community members and with the public sector, and because Verde has invested in the internal capacities, our financial management, social enterprise, data management, funded by strong community partners such as Meyer Memorial Trust, Paul Allen Foundation, all that investment needed to do the work with the city and other stakeholders to deliver this kind of environmental infrastructure to low-income communities, and to make sure that those dollars find their way into the pockets of low-income people, people of color, and the businesses they work for or own. Thank you.

Midge Purcell: Following Kate Allen is something that I didn't look forward to. But, Mayor and Commissioners, my name is Midge Purcell and I'm the director of advocacy and public policy for the Urban League of Portland. And I'm here today also to support the rezoning proposal for Colwood golf course as an important step forward in bringing more open and green spaces to the

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Cully neighborhood. And I would like to add my commendation to the Trust for Public Land for advocating for the transfer of the remaining 90 acres of Colwood golf course southern parcel for this purpose. But as in everything, the devil is in the details, and I would like to echo my colleagues' urgency that you consider stakeholder involvement, in particular I urge the city to work with our community partners, Verde, Hacienda and NAYA to adapt their Let's Build Cully Park model to this project. And, why does this matter to the Urban League? I think that the 1-Park 1-Model coalition is an incredible example of community building. And it's an example I think that benefits us all. Through my involvement in the comprehensive plan, I've sat on a number of infrastructure planning discussions and mapping exercises to know that the Cully neighborhood is a future risk for gentrification and displacement. And it's exactly this kind of community building that is the best defense against displacement. It's a model of how we create strong communities, how we create jobs and opportunity for contracting and wealth creation for low-income people and people of color. I think that we've learned through other misguided development projects that we really, really have to guard against displacement and gentrification. So this is a project that had civic engagement and community participation at its heart. Not to mention, it's an opportunity to put active living into practice as a guard against obesity and promoting better health outcomes. But most of all, I think that the 1-Park 1-Model coalition model is one that works, and that should be replicated. So I urge the Portland Parks department and the Trust for Public Lands to make the 1-Park 1-Model central to your plans going forward. Thank you for your time.

Hales: Thank you all.

Tony Defalco: This morning -- my name is Tony Defalco, I work for Verde. This morning we sent a letter to you, Mr. Mayor and Commissioners, signed by 41 organizations and one individual and I'm going to read the names of the organizations into the record. Commissioner Loretta Smith, district two, Multnomah County -- and these are all in support of the zoning change, in support of thanking TPL for their hard work, and in support of seeking a commitment from you, the Portland City Council, to adapt the Let Us Build Cully Park model to the Colwood site. Thousand Friends of Oregon, Asian Family Center, Asian Pacific American Network of Oregon, The Center for Diversity and the Environment, The Center for Intercultural Organizing, Coalition of Communities of Color, Coalition for a Livable Future, Colas Construction, Community Transitional School, Cully Community Market, El Programa Hispano, Emerald Cities Portland, Emma's Garden, Farmworker Housing Development Corporation, Friends of Trees, Ground Work Portland, Habitat for Humanity Portland Metro, Hacienda CDC, Helen's View Heights Homeowners' Association, Indigenous Nation Studies at Portland State University, KairosPDX, Latino Network, Minority Contractor Improvement Partnership, The National Association of Minority Contractors of Oregon, the Native American Youth and Family Center, Northeast Emergency Food Program, OPAL, Orange Spot, Oregon Environmental Council, Oregon Tradeswomen Incorporated, the Portland African American Leadership Forum. Portland Community Reinvestment Initiative, Portland Youth and Elders Council, Probity Builders and Best Hq, Wrigler school, Rose CDC, Scott School, Self Enhanced Incorporated, Urban League of Portland, Verde, and Voz. And to our recollection, this is the one of the most diverse groups of people that have come to you in support of a land use zoning decision. Thank you.

Fritz: Could I just clarify, I know you speak for Verde, and you read these other organizations for Verde. This is on the zone change and the comprehensive plan map amendment. Do you support that regardless much who gets to develop it later?

Defalco: For the northern parcel?

Fritz: For the whole -- the subject today is the zone change. The entire zone change on the northern parcel and proposed mitigation on the southern part. Do you support that?

Defalco: We strongly support the zoning change.

Fritz: Thank you.

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Bob Sallinger: Good afternoon, Mayor Hales and members of the City Council, my name is Bob Sallinger, I'm the conservation director for Portland Audubon Society. We're here to testify in support of the zoning change. We have advocated for the protection of Colwood golf course for the last several years and we opposed the proposal in 2008 because we thought it went way too far in terms of converting open space into industrial land. We think this proposal makes a lot more sense and we're here to strongly support it today and we particularly appreciate the work of Don Goldberg and Trust for Public Land and also Geoff Roach, the former director, who is the background today. We're supporting it because the majority of the property is going to be protected permanently as open space in one of the most underserved neighborhoods in the city. It's going to promote -- protect the most important natural resources on this property and we think on the balance this makes sense. This project brings to fruition the vision of the Olmsted's from their park report from 1903, where they talk about the fact no other form of park has ever proved so attractive and useful to the masses of people as the meadow park. They also call, by the way, to properly provide for the future, and remember this is a hundred years ago, in the matter of a meadow park it is necessary to secure many hundred if not several thousand acres along the slough. Many hundred if not several thousand acres. By the way, they were very prescient in the sense that they also noted that it is possible that the golf could occur on this site but it may not retain its popularity in so many years. [laughter] I read that because I want to note the fact we really have downgraded and discounted our expectations. They talked about many hundred if not thousands of acres a hundred years ago. Today, the population around the area has exploded, one of the most underserved, underparked neighborhoods in the city and we are happy, we are thankful, we truly are thankful, for 90. And so our comments come with caveats. We're very supportive, but we need to be careful. When we talk about compromise we always talk about compromise in open space. We don't talk about compromise on industrial lands. If you keep cutting the land in half, eventually you're not going to have very much left. So this is to us not necessarily a replicable model in other places. So I want to highlight three things. First we're supporting this because of the mitigation the Trust for Public Land is doing. We believe it will result in net increase in ecosystem services on this property. That's incredibly important. This is one of the first projects out of the gate for airport futures, if that goal hadn't been achieved we wouldn't be here today. It's incredibly important that we improve our natural resources not degrade already degraded resources. Number two, jobs. We're doing this in the name of jobs, we need to make sure those jobs actually occur. It's easy to convert land, upzone it and talk about jobs but too often that doesn't happen. What are the protections truly in place to make sure those jobs occur, that they're local, serve the community, that they won't get pushed up warehouse. We talk about the need of 50-acre parcels, what's in place to prevent it from being subdivided into little, small parcels. We need to follow through and ensure those things happen. And number three, again, we don't see this as a template for other golf courses, we shouldn't be dividing things in half, two-thirds, one-third down the road. We need to protect our open space. That being said we're very, very supportive of this proposal, specifically, and we look forward to working with Trust for Public Land, the City, the Neighborhood Association, the neighbors, and other stakeholders, many of whom are here today to develop a project that's environmentally sensitive and really equitable, really serves the needs of this community. Thank you.

Hales: Thank you.

William Saunders, Jr.: Good afternoon, Mayor and Council members. My name is Bill Saunders, Jr. I represent the owners of the Colwood golf course. They were here five years ago looking for rezoning of a much larger area. The hearings officer and Council felt it wasn't balanced, the hearings officer gave high priority to environmental and open space values, and we agree at this point, obviously. Mr. Goldberg approached us as Trust for Public Lands did the first time through, this time our ears were a little more open. And proposed something that I think not only serves the owners in terms of being able to use their asset for something that makes money as you may know,

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golf is not making much money these days. And just for the record, while I'm on that subject, I will raise some constitutional concerns that if this is not proposed we really don't have a way to use our property economically any longer. And so that being said, we think this is a proper way to move forward and keep our asset in a profitable state. But also serve the community with a beautiful big park. My family has been involved in the ownership of this property for over 50 years, and there's currently a bunch of cousins and family members that own little tiny pieces of it, and everyone is going to benefit in that regard. But the big thing that I'm really appreciating is I'll be able to come back here and go on this property even after we sell it. I think it's in good stewardship with the Trust for Public Lands on the south half, the south two-thirds, I should say. I don't know what's going to happen or who's going to develop it, it doesn't much matter to me as long as it's done sensitively and with due consideration of the environment and the wildlife. So I want to support this project, and I want to thank Don Goldberg for all his hard work. I'm sure everyone in this room, most of the people have spent a long, many long hours with Don working through the problems, working toward a win-win-win-win proposal, which I think this is for the community, for the state, for the city, and for the owners, and I ask you to support it. Thank you.

Jason Miner: Mayor Hales, Commissioner Fritz, Commissioner Fish, Commissioner Novick, thanks for the opportunity to testify today on Colwood. My name is Jason Miner, I'm the executive director of 1000 Friends of Oregon, we're a 2500-member non-profit organization. We work around the state to promote healthy, livable communities, protect farms and natural resources, and to empower Oregonians to participate in shaping their community's future. As you heard from Tony Defalco, we have signed onto the letter supporting the proposal in front of you today, and supporting the recommendation that the 1-Park 1-Model coalition be engaged to work on Colwood park, just as been successfully been engaged in the Cully park area. What I would add today is from the perspective of 100 friends, an organization that works to make the best use of land inside the urban growth boundary and protect natural resources. Residential neighborhoods inside Portland's UGB are constantly changing and one of the results of good planning is we created a desirable place to live. But the city's investment in the infrastructure -- infrastructure in the neighborhood that includes everything from parks, streets, sidewalks, has the opportunity to empower people who live there, to engage people who live there or to risk undermining the neighborhood fabric that already exists. I would encourage you to take a look at the work that has been done on Cully park and look to extending that model to Colwood park to be sure that we make the best use of the community assets that have stepped up to be engaged. In an area in which we're reexamining how to pay for everything from sidewalks to parks, public amenities funded by now declining revenue streams, we need to try this model, and not just on a small scale. There's a willing coalition stepping up to share the true value, the true riches of the city, the human capital of its neighborhoods and I encourage you to take full advantage of that offer. They have also offered to attract new resources, and speaking from a nonprofit, I think that is a great opportunity and one that is not always taken full advantage of by the city. Turning to community plan future for Colwood park is an opportunity to take a new step in planning, governance, community inclusion. And I think it's a model that the city of Portland could export to cities around the country, cities around the country talking about what is next in planning. While we have been a pioneer in the past on many aspects of transportation land use and planning, I think aspects of inclusion may be the new frontier in really progressive planning work and I encourage all of us to take that step together. Thank you

Kayse Jama: Good afternoon Mayor Hales. Commissioner Nick Fish and Commissioner Amanda Fritz. My name is Kayse Jama, I'm the executive director of the Center for Intercultural Organizing. The Center for Intercultural Organizing is a grass roots organization working to build a multiracial, multi-entity movement for immigrant and refugee rights. We're a 1200 member organization from 70 different countries representing our membership. I'm here today with strong support to the zoning change. And also appreciate to the Trust Public Land for the hard work that they have done on this

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proposal. We also strongly support and request that the city to work with the 1-Park 1-Model coalition, Verde, Hacienda CDC, NAYA, to adopt the Let Us Build Cully Park model, the public-private partnership for acquisition, design, and construction for Colwood's southern parcel, because we believe it is the right thing to do. Our organization's model is one symbol. People who are affected by issue must take a leadership role in solving those issues. In this sense, we believe that the coalition that Verde and other folks build in partnership, represents that split. I remember for me, the first time that I came to contact in Oregon, I was in Mogadishu, Somalia. And the first Oregonian visited my house, and he left some magazines with us. The thing that I noticed was the level of how green this city is. That was the first thing that I see. I cannot believe there is such a place, that's such a green in this world. So, I have a very strong sense of environmental concerns in this. But I think for me also, this is a project that at its essence really builds economic development with an eye on environmental protection and but also public use for parks. I also live across the street, one block, I have two twin children. They're 2 1/2 years old. You cannot believe just walking across the park and able to enjoy and walk with them and support them. It provided me incredible opportunity and I would like to extend that opportunity for the people who live in Cully neighborhood. I ask you to support this. Thank you very much.

Hales: Thank you.

Donita Fry: Good afternoon Mayor Hales and Commissioners. My name is Donita Fry and I am employed at the Native American Youth and Family Center in our community engagement program. And I also coordinate the work of a grass roots advocacy group housed at NAYA called the Portland Youth and Elders Council. The Youth and Elders Council's primary focus is on reducing poverty in Indian Country and we have been working on community-driven processes to identify priorities and areas of focus to reduce poverty here in Portland, which is Indian Country since 2004. NAYA Family Center is located in the Cully neighborhood. Until recently, I was a nine year resident of Cully. And so, this project hit close to home. I participated in the master plan design of the Thomas Cully park project, and at that time the community conversation went to this dream of what if we have access of the Colwood golf course across the street to build out some of the amenities we needed there. And this project has got us a little closer to realizing that dream. I wanted to honor the work of the TPL for the early engagement of community and stakeholder groups in creating and exploring the vision and potential priorities for identifying a plan for the best use of this space. In my professional role, I have been involved with the Cully boulevard of alliance talking about the neighborhood prosperity initiatives, been engaged in the Let Us Build Cully Park project, the living cully partnership, many projects that have really had testimony spoken to before. So I won't repeat any of those issues. But I think one of the things that was important that I wanted to bring forward was the great and unique opportunity that we've had to really recognize tribal perspectives in the way we've been building the Cully park and the tribal gathering garden build out there. I think that the suggestion of a zoning change to this land really speaks to the unique opportunity we have as tribal people in stewarding our environmental resources and thinking of the great potential of creating connectivity in the neighborhood and really using this model of 1-Park 1-Model that we really have been advancing in the work of Cully park. Using community-driven processes and community priorities, triple bottom line equity projects in our city. I encourage your support and thank you for listening to our testimony.

Hales: Thank you very much. Good afternoon, welcome.

Marcelo Bonta: Good afternoon Mayor Hales, Commissioner Novick and Commissioner Fritz, it's a pleasure to be here. My name is Marcelo Bonta. I am the executive director of an organization called The Center for Diversity and the Environment. And we work to build a more racially and ethnically diverse environmental movement across the country, and we do that through leadership development, organizational change, work in community building. We also work with thousands of environmental leaders and agencies across the country who desire to more effectively work that the

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nexus of environmental protection and equity. The Center for Diversity and the Environment is also a signatory on the letter that Tony Defalco referred to, and we support the zoning change. I also request that city work with the 1-Park 1-Model coalition to adopt the Let Us Build Cully Park model by developing a public-private partnership for the acquisition, design, and construction for the Colwood southern parcel because it is a great example of equity and sharing power to deliver a needed asset. And it is a sustainable model through the use and the protection of open space assets. Also, the city is helping Verde, and Verde is helping the city create parks and benefits that the community needs. This is a sterling example of environmental protection that delivers social benefits as well, and it is a key to a sustainable future for us all. Lastly, I would like to share that Verde -- in our work, do this work and analyze and look at models and projects across the country that are working at this nexus of equity in the environment, and I strongly feel that Verde is at the forefront of innovation on how to protect and build open space. In the course of our work across the country, I often share the model of Verde and what they're doing at Cully park. Their broad partnership, their community building, the empowerment that they're doing, and I cite it as a model for environmental agencies to emulate. The 1-Park 1-Model coalition is not only a model that should be emulated for the Colwood property but I see it as a model for our future. Thank you.

Hales: Thank you. Good afternoon, welcome.

Jim Mignano: Good afternoon Mayor Hales and Commissioners. I'm Jim Mignano, executive director of Emma's Garden. Emma's Garden is an all-volunteer 501(c)3 equitable good and economy group building a community-led market garden in Cully. Our first market garden, to be built this winter in partnership with habitat for humanity, Portland metro east, and Helensview homeowners association, will be the first of its kind in Portland. The market garden, run by Cully community members, will offer convenient fresh produce below market cost. It will also offer job training to un and underemployed residents of and near Cully, it'll offer garden tours and service learning for schools and organizations, and low-cost workshops for the public. I'm here today to thank you for the city's leadership and advocacy in urban farming and community building. Just over a year ago, you made our model possible by adopting the urban food zoning code update. On behalf of Emma's Garden and our 30 plus volunteers, I encourage you to continue supporting efforts like ours to serve the Cully community. Emma's Garden has signed the Colwood letter and supports the zoning change. We request that the city work with the 1-Park 1-Model coalition to adapt the Let Us Build Cully Park model, by developing a public-private partnership for the acquisition, design, and construction of Colwood's southern parcel, because, from Emma's Garden's view, we share the vision of building wealth in a low income community and Emma's Garden is doing just that with urban farming. We are excited about the innovation that Verde has developed at Cully Park, want to see it replicated. And finally we share the concerns about displacement of low-income people from the Colwood area, and replicating the model is an anti-displacement strategy because it seeks to engage low income people and people of color in Cully, in multiple ways, in the process of building new parks. So once again, your work has made our work possible before, so I ask for your support again. With the 1-Park 1-Model coalition, let us build Colwood together. Thank you.

Hales: Thank you.

Evans Martin: Hello, my name is Evans Martin, vice chair and land use community member for Cully Association of Neighbors, and also on the Verde outreach advisor team as well as the cully community market group. And basically I want to thank you all for letting us come here and talk today and for all the good work you are doing in the city. Right now what is happening with Thomas Cully park, I'm voicing my support for the zoning change. A lot of gratitude for trust for public land and Don Goldberg and all of the hard work they've done making this project come to where it is now. And I would like to request that the city continue to work with the 1-Park 1-Model coalition. I think that it has been incredibly effective and we would love to see this partnership with the

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community groups as well as this government happen throughout the city. And, yeah, I guess that's about it. Thank you guys very much.

Hales: Thank you. Thank you very much.

Joseph Santos-Lyons: Good afternoon. Thank you Mayor Hales, Commissioner Fritz, Commissioner Novick. My name is Joseph Santos-Lyons, I'm the executive director of the APANO, the Asian Pacific America Network of Oregon. I want to highlight two values that brings our organization here today. The first is the value that strong relationships are really the foundation for meaningful change. Our experiences as Asian and Pacific Islanders inspire our partnerships with each other, and promote our coalition building in order to find shared solutions to our common concerns. And the second value is about leadership and how leadership must emerge from, and be reflective of, and be accountable to the diverse needs and interest of our communities. I'm going to skip ahead. We are a signatory on the Colwood letter. I want to take a moment to ask us thing about the value of community-driven solutions. In our city, we have a rich history of leadership from the grass roots. As we become more racially and culturally diverse, I ask us to be even more intentional in developing solutions that come from our communities and to not leave communities behind. Our communities are well served by solutions that come from people who are most affected by the problem. When we as city leaders engage in community-driven solutions, we empower and transform those communities and there are many benefits from this relationship and cycle. We also request that the City of Portland work with 1-Park 1-Model coalition. We see this as an opportunity to build the same kind of benefits that have been talked about by many previous speakers. This request recognizes and taps into the power and creativity that our community members can give to realize their vision for a better neighborhood. It also provides a clear mechanism for community and government to work together. We see this as consistent with the city's goals around equity and we have such a great wealth of resources at our fingertips. Thank you.

Hales: Thank you.

Andrew Colas: Good afternoon, Mayor Hales, Commissioner Fritz and Commissioner Novick. Thank you very much for the opportunity to speak today. I'm Andrew Colas, I am the president of the National Association of Minority Contractors, and I am also a business owner, I own a construction company called Colas Construction. I'm here today to strongly support the zoning change before us. A brief history of the national association of minority contractors, NAMCO Oregon, an organization that has been in existence on the national level for going on 45 years next June. So, it's an advocacy organization that focuses on advocating for opportunities for minority contractors. We appreciate the work that Trust for Public Land has done to bring us this zoning change forward. And I think it is a really important step in bringing the zoning change to the Cully neighborhood. And we request that the city works with the 1-Park 1-Model coalition to adapt this let's build cully park model by developing a public-private partnership with Verde. I think the importance here, and you may ask why are we here this early as far as the representation of contractors, I think that it's very important for us to all really focus on being intentional about creating opportunities for contractors. And I've seen what Verde has done with the Cully park project. It has been very intentional. And we've seen really positive results there. And I think that City of Portland has long been a city in the United States that is recognized for sustainability and really what I want to do is really start focusing on social sustainability. That is an area that I think that we can continue to be leaders throughout the United States. And adopting this model, I think, really helps us take the social sustainability to the next level. Again, we strongly support the zoning change and we strongly support the 1-Park 1-Model. Thank you very much for the opportunity to speak today.

Hales: Thank you both.

Moore-Love: That is all who signed up.

Hales: Is there anyone signed up in opposition?

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Moore-Love: Yes, we have two people.

Hales: Is there a principle opponent? Is there an organization involved or are these individuals? So, not hearing anybody volunteer to be an organization. Come up one at a time.

*****: [inaudible] if you give me more than three minutes. [laughter]

Hales: And we do, for a principle opponent. So you can draw that straw if you'd like. Alright.

Doug Leisy: Obviously, not a lot of golfers in the room today.

Hales: Just give us your name for the record.

Leisy: I'm Doug Leisy, and I live in the Kenton neighborhood, and I've lived in Portland for 62 years, and I used to live right by the property and I still go there quite a bit. I'm a 30-year homeowner, and currently own a modest home in Kenton and pay \$4000 a year in property taxes. A little over, actually. There seems to be a lot of joy in the room about this and we are kind of acting like it is already closed and it is a land grab and nothing is really there. But there is a viable business there with people working there that probably are a little stressed out about their jobs for the last year or so. I hope everybody kind of takes that into consideration. I went to the hearing not too long ago. And on page 12 of the hearing thing, I have some of my points as to why this doesn't seem like such a great idea. And on page 27, the application does not specify exactly how the remaining 90 acres will be used. On page 28, there definitely seems to be that there will be a reduction of open space, 48 acres, which I've heard before said that's not much. That's actually one third of that whole piece of property will be paved over and I've counted almost 200 trees in there that will probably be blown over and paved over and a pond filled in so that we can have a few more industrial buildings. I'm not sure that we need that. There was -- this application has not generated -- this was on page 31 of this hearings letter. The application has not generated significant public interest, at least against it, obviously. My thought on that is because Mr. Goldberg and Trust for Public Land has only, and I mean only, talked to the Cully residents and not the whole city. And I believe that this involves the whole city. Because it is so close to the airport and because of the size and as a buffer zone from the airport and as a green space. I'm just wondering why we haven't brought this up to people in other areas of the city. And then to kind of close it up, my question is who is going to be paying for all of the new roads, sidewalks, street lights, freeway off ramps, if this northern 48 is changed, this seems to be like a lot of money involved trying to straighten this whole thing out and then do we really need more industrial land at the expense of the couple hundred trees and a pond instead of a nice quiet green space, which it is now. And also about the geese. I have been there hundreds of times in 60 years, and I've never seen a goose fly into an airplane. Maybe they've hit a couple, but I have never seen any crash landings. Whatever this thing is about filling this in so that the airport will be happier, I believe it will just move the geese a couple of yards north and they will still be flying around trying to miss airplanes. And then my last point is if the Trust for Public Land takes over this land, what's it going to take for the city to buy it back from them? How much money will they make on that deal? And is there a guarantee that it will become public property when they take it over. And thanks for listening.

Hales: Thank you. Good afternoon.

Harry Sanger: Good afternoon. My name is Harry Sanger, I'm here on behalf of the Sumner Association of Neighbors. Thank you honorable Mayor and city Commissioners for giving me some time here. As the land use and transportation representative of the sumner association of neighbors, I represent the neighborhood between northeast 82nd and i-205 on killingsworth street, including the southbound on-ramp to 205. The sumner neighborhood board and I support the overall proposal to rezone part of the Colwood golf course. We applaud the effort of our friends and neighbors in Cully neighborhood for a job well done. However, the traffic mitigation form of this is not acceptable. As currently written, the traffic mitigation plan, located entirely in sumner neighborhood, over 1 1/2 miles away from the proposed rezone site on cornfoot road. It requires adding a third lane to the southbound on ramp from killingsworth on to i-205. The traffic mitigation portion of the rezone

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proposal is unacceptable because approval criteria requiring neighborhood involvement and careful planning to enhance neighborhood livability were not met. That's policy 3.5 of the neighborhood involvement to support the careful design to enhance neighborhood livability. While it's true the Cully neighborhood was consulted, this traffic mitigation proposal resides in our neighborhood and directly impacts our livability, not Cully's. Our neighborhood association, our residents and our businesses were never contacted, never consulted and apparently never even considered as explicitly required by approval criteria. We in sumner work hard to be good neighbors. Some of you always know us as good neighbors. We won the Spirit of Portland award in 2010. More recently, Commissioners Fritz and Fish helped us opening the new Helensview community garden this past March. In this case, we feel overlooked and left out. On June 20th, our chair Scott Somohano learned about the on ramp widening proposal via the Oregonian newspaper. On June 26th, he submitted comments on behalf of the Sumner neighborhood to the hearings officer, citing five specific approval criteria the traffic mitigation proposal did not satisfy. The final report makes no mention of any of the comments and nothing was modified relating to the transportation criteria. After submitting comments, Scott contacted the governor's office, PBOT, ODOT, and BDS about this traffic mitigation plan. None of them could justify why traffic should be mitigated at this outbound on ramp in our neighborhood rather than at or near the site itself. The proposal requires widening of the on ramp which is located directly adjacent to residential dwellings before any permits can be issued to the rezoned property. Other approval criteria required directing traffic from north of the slough, as this property is on cornfoot, to the i-205 airport way interchange that is explicitly meant to prevent increased traffic through neighborhoods. Yet, this mitigation plan directs extra traffic through our neighborhood instead. On a practical level, the benefit of this on ramp widening is questionable. Specifically, it aids only outbound traffic from the new industrial site, not inbound. Sumner neighborhood requests that the current traffic mitigation plan be replaced by mitigation at one of the other two locations closer to the rezone site itself. Such a change would both improve the efficiency of the mitigation plan and reduce its impact on sumner neighborhood. Failing that, as a backup, sumner neighborhood requests that the current traffic mitigation plan be amended to explicitly require neighborhood involvement and careful planning to enhance the livability of residents whose homes and livability will be directly impacted at northeast killingsworth and i-205. Sumner wants to be good neighbors. Please give us the chance.

Hales: Thank you.

Fritz: Harry, if you had more time, and I'm going to be asking staff what level of engagement they have had with you over the course of this project, if you had more time for this particular location for the mitigation, since there has already been a grant applied for, is it possible that you could come to some mutual agreement on what that might look like?

Sanger: What we requested was that, yes, that we be involved and have some level of cooperation to have an input, because we feel like we have been completely left out and have not had a chance to work with the parties.

Fritz: Was there ever a presentation to the neighborhood association? Presumably you didn't get notice because you weren't within a certain amount -- from the site--

Sanger: No. As I mentioned, the first involvement we had at all was June 20th, when our chairman read about the project in the newspaper.

Fritz: And that was right before the hearing?

Sanger: And that was, yes, six days before the hearing.

Fritz: Is there anything else you would like to put into the record on this?

Sanger: I don't believe so. Thank you.

Fritz: Appreciate your time. And bringing this to our attention.

Sanger: Sorry, I know I said no. Two bullet points I skipped over due to the time. One is that the -- this concerns also the Columbia killingsworth widening, and that is that one eastbound lane of

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killingsworth is already a cueing lane for southbound on ramp. It does not cross the overpass into Park Rose. And six lanes, killingsworth is already wider than any of the arterials leading to it from cornfoot, northeast 82nd, Columbia boulevard, and alderwood.

Fritz: That is a very difficult intersection. I got stuck in it for quite some time.

Sanger: It is. Northbound 205 helps add to that just as much as the southbound.

Fritz: Yes, indeed. Thank you very much for taking the time to be here today.

Sanger: Thank you.

Hales: Thank you. So, no one else signed up to testify?

Moore-Love: That's all who signed up on that.

Hales: We should give the applicant opportunity to respond to any of the testimony that we have heard here, if you would like to. And then we might need to call staff up for further discussion.

Fish: Would you like to comment on all of the tributes directed you?

*******:** That was going to be my first comment. I promise you I didn't pay anybody off and I doubt I will ever have that amount of positive re-enforcement again but I do appreciate everybody's support and actually I'm here to pass the mic to Marc Butorac from Kittleson, who is our consultant on the traffic mitigation and was key on -- and probably can answer some of the questions from the last person.

Hales: Okay.

Marc Butorac: Good afternoon. For the record, Marc Butorac with Kittleson associates professional transportation engineer, we prepared the traffic impact analysis for this development. As far as how we came to the on ramp improvements, Mr. Krueger indicated earlier there's a new element of the transportation planning rule. One thing I remind Council and whoever is listening is that transportation planning rule looks at zoning over the next 20-year period and looks at the comparison of the existing zoning versus the proposed zoning over a 20-year build out. So we're looking at year 2035. And through that, the mitigation that was arrived at via the new transportation planning rule looks at the systematic benefits of what improvement benefits the system the most greatly when you are comparing these and coming up with one that you can actually implement. Versus like Mr. Krueger said, piecemeal and putting money into different pots. As a result, that came down to the killingsworth on ramp. That improvement, while it does facilitate traffic going southbound, it also reduces delays at that intersection that benefits the neighborhood, sumner neighborhood as well as the whole Columbia slough systematically looking at it as a benefit. Logically, sometimes because it is a mile and a half away, you say, well, how does that benefit? But when you look at the system as a whole, it's not always the impacts nearby, it sometimes impacts further away. So, looking over 20-year span, that's where it occurred and agreed upon by ODOT, ourselves, and the City of Portland, or PBOT. I would also note that all of this improvement sits within existing ODOT right of way. And as a result, those improvements will be contained within that right of way at this time. Thanks.

Hales: Further questions?

Fritz: Did any -- have any of you been to the Cully association of neighborhoods?

Hales: You mean sumner?

Fritz: No, I'm wondering first if you have been to Cully.

*******:** I've attended and presented to multiple Cully neighborhood associations.

Fritz: And has anybody been to sumner?

*******:** Not officially, no.

Fritz: Thank you.

Hales: Other questions for the applicant? Anything else you want to add?

*******:** I did just want to add that we did review the staff report and revised recommendations from the hearing officer and are in full agreement with those.

Hales: Okay.

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*******:** And maybe address some of the concerns of Mr. Liesy as well. You know, the need for industrial building, industrial developments, articulated in our economic opportunity analysis recently adopted which identified the need for large lot industrial lands. It's consistent with what we're providing. Public outreach was provided consistent with what the requirements in your city code as identified at preapplication conference that we had. As Don noted, he attended several CAN meetings to provide outreach and updates on the project as witnessed by the overwhelming support that you saw here this afternoon. Aside from that, you know, we respectfully request your approval.

Hales: Thank you. Thanks very much. Could we have staff back up? I will get you to respond to the question about the mitigation projects. Obviously this is a new version of the transportation planning role that we're test driving, bad pun, here at the moment. So, mitigation strategies are farther from the site. How do we deal with that?

Fritz: And what has your contact been with sumner.

Krueger: Again, Kurt Krueger with PBOT. I will offer our public apology to sumner. This is a unique situation. We don't ask for mitigation that generally leave the notification area from the land use review. This snuck up on us as a unique situation. With that said, and not to provide cover, we do provide notification to the district coalition. There was a remote, tangential connection to the sumner neighborhood association through that district coalition. With that said, going back and re-looking at other intersections, and impacts, and how much of a percentage Colwood's trips would generate into those gets very messy, very complicated, very quickly. And I would argue there are a number of benefits for the sumner neighborhood association with these improvements. The primary access out of their neighborhood to the north is on killingsworth. That roadway is very congested a number of times during the day. We're moving the cars that are essentially stored on killingsworth, as you may have noticed, and moving them on to ODOT right of way entering the i-205 southbound ramp. That also frees up movements of killingsworth traffic that is moving westward, wanting to turn left as well. There's benefits to cyclists that are using killingsworth that don't get -- don't get restricted because vehicles are stuck in the middle of an intersection trying to get on to the ramp. There are a number of benefits to the sumner neighborhood by moving that traffic to a different location. That on ramp is actually on a -- about 25 feet below the residents on the back side of the on ramp.

Hales: I was listening to the concern here raised by the sumner neighborhood. And I guess part of what I'm trying to take in here is the applicants didn't propose the land use action from the sumner neighborhood, the government in the form of our review process, proposed a mitigation strategy in another neighborhood. So, I would be weary of holding an applicant for any land use action accountable for what we've done. Whether we've notified everybody or not. So, appreciate your apology. Obviously there is more work to be done if this project goes forward to actually design and construct those improvements, and there is an opportunity to make better in terms of engaging the actual affected neighborhood for all of the mitigated projects. But I think that would be a strange form of jeopardy to place a land use applicant in, whether the Trust for Public Lands or just Joe and Mary Jones with their piece of land. Anyway, as a point of reference for future situations like this, as this rule gets dried out I think it is incumbent on us to reach farther in our notice process going forward rather than expect the applicants to figure that out.

Fritz: Mayor, however, this is a de novo hearing, something was brought to our attention and the staff's attention.

Hales: Yes. Fair enough.

Fritz: And this is a precedence. As Kurt said, it is the first in the state. I don't by any means fault the staff for not thinking about that. I didn't think about it either. The sumner neighborhood association brought it to our attention. I, as parks commissioner, am certainly not ready to get moving on this tomorrow. I do think we want to move with all speed, but I'm wondering, without going back to square one, should we look at all of the intersections in the neighborhood, if we did delay taking

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action on this application for say two or three weeks, to give you time to talk to sumner to look at options to see if there might be modifications or at least have the courtesy of, this is the proposal, is there other things that could be done to it. Whether that would help bring this proposal to a conclusion that everybody could be happy with -- because there has been so much work done on this project over the last five years, and we're so close to having everybody saying this is terrific, let's move forward. I wonder if giving it an extra few weeks to go to sumner and see how their concerns could be met either in this project or in looking at the transportation system plan improvements for other intersection, whether that might be worth taking a little more time before we vote on this.

Fish: Is there-- and I appreciate, Commissioner Fritz, your view on this, but it also -- the challenge with that is that there is an awful lot of build up to this hearing and what we would be doing is scheduling another hearing to review this matter.

Fritz: It wouldn't be reviewing -- sorry for interrupting.

Fish: Which we have historically been loath to do. Is there an alternative where we could craft some instructions or guidance to a process to follow, since nothing is happening tomorrow anyway, and not lose the momentum of acting on this today with some kind of more flexible finding or instruction?

Fritz: Most of the testimony we heard today has not been on the approval criteria for the case, it has been about what happens next. If we were to hold a second first reading with specification it was just on the mitigation in sumner, I don't think it would delay us that much. And as I said, I want to set the precedent that when we're doing these kinds of offsite mitigation in compliance with the transportation planning rule that it's absolutely required to go talk to the other neighborhood.

Fish: The other thing that I feel a little handicapped about is that I don't know, on these kinds of complex transactions, I don't know whether there are timing issues around financing, closing, other kinds of things that are impacted and I would be loath to put -- we have virtually unanimous support for this and the applicant is taking on a fair amount of risk and other things -- I would hate to do something that throws them out of schedule and results in a cost, a lost opportunity or something I can't evaluate that because I don't know what the impact would be.

Fritz: Well, let me first ask Kurt, would that be feasible for you to talk with sumner over the next couple of weeks?

Krueger: Commissioner, I'm more than happy to have that conversation. I want to put a couple of points that I think are important into the record. Chair Somohano from sumner contacted Commissioner novice's office in June and asked that I make contact with Mr. Somohano. I made that contact the day he made contact with that office and talked to him through these concerns. And I was actually frankly surprised that his letter showed up in your offices, in your emails, because we had a very good conversation. I felt that his questions were answered. So when I hear that he reached out and didn't get his questions answered, I didn't get a follow up phone call that that conversation was unanswered. Secondly and importantly, this project is identified in a number of transportation plans, airport futures. This project is going to come at some point. It is not on the state's regional transportation planning list because it is not funded right now. We have an applicant ready and willing to fund it. So I know there's a question of timing, fairness and involvement of the sumner neighborhood association, but the plans are in place that this improvement would come at some point in the future.

Hales: And it was not generated by this application.

Krueger: We realize that this list was -- this project was out there and that was what put it on for consideration in its review.

Fritz: And presumably if ODOT was doing it independent of this, they would have gone to the neighborhood association and said we are going to do this and what do you think?

Krueger: I would assume it would do that public outreach. That's correct

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Fritz: So maybe we could ask the applicant to come back and give his view on whether a couple of weeks would make a difference to their planning?

Hales: Other questions for staff before we do that?

Fish: Yes, I just want to say, normally we take the temperature of us on these kind of things. And I just -- given what I understand, the history of the amount of work that has gone to bringing it to this point, I'm just loathe -- and I have great respect for my friends at summer and of course mention that we -- Amanda and I were there for the opening of the Helensview community garden, but I am going to be very reluctant to postpone a decision on this over something that we can deal with in some other way. Particularly after hearing that there has been a prior communication and this is on a list for funding. And no disrespect to community consultation process, but there is an awful lot of momentum that is behind today's action, and I think -- I just would caution us about making the applicant, the owner, and parties jump through anymore hoops.

Hales: I guess I'm also wondering, I'd like to pose this to a question to staff and perhaps Mr. Goldberg if we can get him back up. We have two actions before us. One is the zone -- one is to consider and either approve or reject the hearings officer's recommendation. Second is the ordinance that actually makes the changes. The conditions are all attached to the first item. Is that correct? Where are the conditions under discussion, Kathryn is looking to figure that out?

Kathryn Beaumont, Chief Deputy City Attorney: The revisions are attached to the ordinance.

Hales: They're attached to the ordinance, not to the approval of the hearings officer's report as amended, which is the action before the council today. Okay. There's one vote we can take today if we so choose. The other vote comes back to second reading regardless of what we do today, item 922, am I reading this correctly?

Beaumont: I think typically with these zone change and comprehensive planning amendments, the findings report and ordinance travel together so that we have the council adopt at the same time --

Hales: Right.

Beaumont: So, when you set the ordinance for second reading, you would also continue the findings report and you would adopt both on the same date.

Fish: In that case, could we do both? Can we act today, set this in the normal ordinary course we set it up, you would tell us how much time you think you need, but presumably it would be three, four weeks, and in the interim have a consultation process occur if there is something that we learn through that that causes us to revisit that, we would have the chance when it comes back to Council, but we would maintain the momentum on this in the interim.

Fritz: We would be making a tentative approval today but not approving all of the findings.

Hales: That is not unusual in a land use case.

Fritz: Kathryn, are the findings what we would be voting on?

Beaumont: I guess my point was that typically you would not vote to adopt the findings, or the hearing officer's recommendation, until the day that you vote to pass the ordinance.

Fish: We would be doing tentative with an ordinance -- with a hearing and a vote to follow.

Hales: With a vote to follow.

Beaumont: On both the findings and the ordinance to follow. If in the interim staff had -- as a result discussions, had something new to suggest to you, you could hear just -- reopen the record just for that bit.

Fritz: What I'm concerned about is the findings that Mr. Sanger brought up involving policy 3.5 and neighborhood notification, which is one of the comprehensive plan approval criteria, that sounds like it was a -- should be amended after further neighborhood contact is made.

Beaumont: I understand. Okay.

Hales: All right. We may not need to call you back up, Mr. Goldberger. We are I think interested in making a tentative decision today and bringing back the findings, conclusions --

Fish: With the direction to Mr. Krueger to do some outreach.

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Hales: Would that be a motion, Commissioner Fish?

Fritz: I don't think we vote on the motion, do we?

Hales: We have to move, under Item 922, to approve or reject the hearings--

Fish: My guess is that the commissioner in charge could just direct that to happen on the interim, and if there is some further information, it would be brought back for us for Council to decide whether to reopen the record or just proceed to a vote.

Fritz: Right. The commission of development services is concerned about the findings and as to whether we have to direct changes in the findings today, versus being able to make them subsequent to further discussion --

Beaumont: I think your discussion today has indicated there are changes to the findings that you think are appropriate. Based on that, staff can make those changes to the neighborhood notification findings. Any discussions that need to take place during the interim can take place, and if there is a revised set of findings that need to be brought before you in whatever period of time, we can do that at the same time as the ordinance.

Fritz: Thank you. And then so the sense of the council would be that in future cases where the mitigation is not in the same neighborhood as the application site that there would be an expectation of notification to that neighborhood. I know that would have been done this time if any of us had thought about it. Thank you.

Hales: So, Commissioner Fritz, are you ready to make a motion on the item with the direction to come back in four weeks with findings?

Fritz: Yes, I move that we tentatively accept the hearings officer's decision, with the amendments previously adopted and potentially some amendments to the findings after further consultation with the summer neighborhood association.

Fish: I'll second that.

Hales: Further discussion?

Fish: Do we set the date now --

Hales: Four weeks or what would you suggest?

Beaumont: I would suggest two things. That you set a date -- well, you can vote on this motion, and then you need to set a date and time certain to continue this too. And you also ought to make clear whether the hearing record is closed at this point or not.

Hales: Okay. I'm going to that last point and thinking about it. The hearing is closed, record is closed.

Beaumont: The hearing is closed, the evidentiary -- I guess what you want to clarify is whether the evidentiary record is closed except with the possibility of limited reopening for purposes of talking, reporting back on discussions with the neighborhood.

Fish: Closing the record simply means that we will not be taking supplemental testimony in writing but we have the right to reopen if we think there's an issue with respect to the findings, if we want more testimony.

Beaumont: Correct.

Hales: So, four weeks from today?

Beaumont: And Karla, what would that date be?

Moore-Love: October 23rd. And how much time --

Fish: Can we do that at 2:00, time certain.

Hales: I have a 2:00 and 3:00 on hold.

Fish: Can we check with the parties to see whether that time is acceptable?

*****: Are you asking me? Yes. [inaudible]

Fritz: Is there a particular time crunch for you?

*****: We extended the process to get to this place. We've extended the process by eight or nine months in order to accommodate everybody. So, [inaudible] my intention [inaudible]

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Fritz: Thank you. Mr. Krueger, did you have a comment?

Krueger: Neighborhood association meeting is -- I don't know if they're still here and can answer that.

Hales: I think you can get a special meeting.

Fritz: That's what I was thinking. With four weeks, there's enough time to give notice for a special meeting.

Beaumont: Continuation date is October 23rd at 2:00. Is that correct, Karla?

Moore-Love: I've got a 2:00 and 3:00 already penciled in, so—

Fish: What's at 2:00?

Moore-Love: I have an IPR item and an IGA stormwater management for an hour at 3:00.

Fish: Without objection, can we just bump this to 2:00 and bump everything down?

Hales: Yes.

Fish: If this is pro forma, we don't want to have everybody waiting around.

Hales: Yes. Fine with me.

Moore-Love: Thinking about a half hour for this?

Fish: Might be five minutes if it isn't reopen.

Moore-Love: Okay. That's good to know. We'll say 2:00 for this on October 23rd.

Hales: Thank you. Ready to vote. Roll call please.

Item 922 & Item 923 roll call.

Novick: I would like to say that I appreciate the sumner neighborhood association concern about not having been contacted formally, but I also want to say I appreciate Mr. Kruger's conversations with them recently and his commitment to following up with them. And off topic, can I say how much I appreciate his labors over the past few weeks with regard to a certain house that was moving across the city. Aye.

Fritz: I second Commissioner Novick on that off topic comment, and thanks to all of the staff who worked so hard to look at the competing public values in that particular case. And in this. And thank you to Sheila Frugoli and Rachel and to Susan McKinney who I think is retiring shortly and has had a lifetime of service. You have been teaching me for at least 20 years on how to do land use processes so I appreciate all of your work as well as Sheila's and the staff's. This is a complicated thing. And thanks to the Trust for Public Lands for persevering and brokering, as you so often do. The next steps are the next steps and we will be having robust conversations about that. The matter before us today is this comprehensive plan map amendment and the zoning change, and recognizing that we're setting a precedent because of this new transportation planning rule. I'm very pleased with my colleague's appreciation of Sumner's right to be involved and with a little bit more time to do that. So, I as is often the case in land use, you work and work and you get to a good decision at the end. So thanks to everybody. Aye.

Fish: So I guess I have been on this Council long enough now that I was there for the original Colwood decision, and now this decision. So, they're sort of perfect book ends and I was on the Council that unanimously upheld the hearing officer's recommendations not to change the open use designation to something else because of the balancing tests that we have to go through and now four, five years later, I'm on a council that having a chance to revisit this question under a different proposal has reached a different conclusion, which is to proceed with this proposal. I am cheered because in our first vote, years ago, our concern was protecting open space in an underserved area. And years later, we have a chance to once again protect open space in an underserved area but in a model that allows it to be financed. So, I think it is a happy day. It's also somewhat rare in these proceedings to have so many people come forward and testify as they have today in enthusiastic support for this opportunity. I want to thank the Trust for Public Land for once again being the critical partner that makes it happen. And probably the proudest -- one of the proudest moments of my public service was the acquisition of the river view cemetery, which at the time the Oregonian

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editorial board, a different editorial board, declared was one of the great legacy achievements of this council and predicted that none of us -- it would be difficult for any of us to have an achievement that rivalled that acquisition. And of course, that was another thing that Olmstead had seen 100 years ago and given us the blueprint. I'm actually glad that Bob Sallinger mentioned Olmstead today. I've been having Olmstead withdrawal symptoms recently. Because with either Mike or Bob, we got into it about once a week. [laughter] Maybe the first reference this calendar year. But thank you, Don, and the whole team for an incredible perseverance in moving this deal forward and in your vision of providing significant public benefit. And this will be a great win for the Cully neighborhood. And I made some notes during the testimony, and I love the person who coined the phrase, this is the right balance for Portland. And I'm persuaded it is and persuaded that we're on the right track, and my hope is down the road, what we have is a green space that serves the community, is of the community, and provides opportunity for the community. And a development on the other side of the slough that provides jobs and opportunities for our community but is developed consistent with the sensitivity of that dirt. I think this is a good compromise, a healthy balance and I'm appreciative of everyone who worked so hard to make this day happen. Aye.

Hales: I'm glad that at the end we did figure out a way to make sure that summer's legitimate concern about anybody proposing a transportation project in your neighborhood needs to check in with you. We will make sure that that happens. I'm glad that that is going to happen. Probably ought to involve ODOT since it is their property as well. That issue, at least on track to better resolution. I want to return to the main event here, which is this proposal before us. I wasn't here for the previous head-on collision of this piece of property, but I could hear it from where I was sitting regardless of how far away I was. And I am not sure if the words land and use and miracle have ever been put in to a sentence together before, but this is a land use miracle, that you have this kind of outcome with this level of agreement. Never going to get everybody to agree. But we're very close to that ideal. And that two very strong needs in this community are being met at the same time. One is for more public open space and habitat. And the other is for more industrial lands and actually we're being instructed by both state and regional regulators that we need to find more industrial land. So, here we have not only the proponent of this project and the property owner coming to a responsible solution that advances both of those goals but a bunch of environmental organizations and community groups lined up to support both the jobs side and habitat and open space side of this equation as well. So, I think it is very well balanced and very well thought through. I think the level of goodwill that we see here in this room and that we have heard from formally about this new model for how to bring projects forward is likely, very likely to see the next piece of this success story because obviously that goodwill is wind at the back of making this work. And making it work as a project as well as a land use decision. So I'm very heartened by how this has turned out. Don, well done. You and your team and Trust for Public Lands are an amazing organization. And pulled off something wonderful here and a legacy for us all. Thank you. Aye. [gavel pounded] We are adjourned until tomorrow.

Novick: Mr. Mayor? Newsday described the pine barons protection act of 1993 as a minor land use miracle. [laughter]

Hales: Well, this is a major league one. [laughter]

At 4:29 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

SEPTEMBER 26, 2013 2:00 PM

Hales: Good afternoon, Council will come to order. [gavel pounded] Please call the roll, Karla.

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

Hales: Would you please read the two items together.

Item 924 & Item 925.

Hales: Actually, I want to see if you have any opening comments, because we might be able to truncate this a bit. Should I first do our obligatory call for conflicts of interest and ex parte contacts? Do your introduction and then I'll do that.

Kathryn Beaumont, Chief Deputy City Attorney: My opening dance number and then we can do that. As required by state law, I have several announcements to make about the kind of hearing we're holding, the order of testimony, and the scope of testimony. First, this is an evidentiary hearing, which means that anyone may submit new evidence to the Council in support of their argument. What the Council is considering today is the hearings officer's recommendation to approve a comprehensive plan map amendment and zone change, and the Council will hear -- generally hears testimony in the following order. First, a staff report by BDS, then the applicant, following the applicant, anyone who supports the applicant. If there's an opponent, then the opponents may testify for three minutes each. And then the applicant has rebuttal. Since it appears to be only staff today, I suspect the only testimony we'll receive is the staff report. The Council then closes the hearing and deliberates. In terms of submitting testimony, any letters or documents that anyone wants to become part of the record should be given to the Council clerk after they testify. The testimony must be directed toward the applicable approval criteria which the staff will identify as part of their report. Issues must be raised with specificity, if anyone wants to raise issues in an appeal before the land use board of appeals, and particularly with respect to the applicant if they want to raise any constitutional challenges to conditions of approval they need to raise that issue here. And that concludes my opening statements.

Hales: Thank you. Any conflicts of interest or ex parte contacts to report?

Fish: None.

Novick: None.

Hales: Hearing none. Commissioner Fritz?

Fritz: No. I have been at events with the wonderful leaders of legacy health system, but nobody has attempted to talk to me about this one.

Hales: Good. Okay. So let's have a brief staff report. And I don't believe we have anyone signed up to testify at all. Okay.

Fish: Mayor I just want to note that in the excellent recommendation we have before us, it says that a prior public hearing was opened at 1:29 p.m. And closed at 1:47 p.m. I wanted to let you to know we're on the clock.

Fritz: I want to introduce Sylvia Cate from the bureau of development services who I know will have noticed this properly so the lack of public attention is not for want.

Sylvia Cate, Bureau of Development Services: Thank you, Commissioner, and good afternoon, City Council. I will try to beat that time at the hearings officer's level if you will allow me to. I am Sylvia Cate with the bureau of development services, and I am the assigned planner for this review.

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Bob Haley is here representing PBOT. If anyone has any questions regarding transportation and Legacy's traffic engineer, Julia Kuhn from Kittelson & Associates is also here if there are any questions. Legacy Emanuel recently purchased this parcel which was owned by the City of Portland. It was used by the bureau of maintenance and is currently still being used by the bureau of maintenance, for vehicles staging for repairs and maintenance. They are requesting to rezone this property to IRD. It's within Emanuel's impact mitigation boundary. In 2003, the City actually requested to rezone this back to industrial in keeping with the use on the site. Now that Legacy controls the property they are asking for the appropriate zoning so it will become part of their impact mitigation plan. And that will change the zoning map to appear like this. This is just a quick detail of the tax lot configuration of the parcel, and it shows you the relationship between the bureau of maintenance building, which is to the west, the blue block, and the parcel that is the subject for this review. I'm going to take on us a very quick virtual site tour. We're flying over the campus, obviously, with the subject site highlighted. And this is a photograph showing the existing conditions and use on the property. The hearings officer recommends to you approval for both requests. I would also like to note that it was an uncontested hearing and the neighborhood association is in support of this application. There is one condition, which is that Legacy has requested that the actual implementation date of the zone change is delayed and becomes effective on January 1st, 2015, which is when the current lease expires for the bureau of maintenance, and they will then vacate the property. I believe that concludes my report. If there are any questions?

Hales: Great. Thank you. Any questions?

Fish: I have a question for Commissioner Fritz. Council previously took up the issue of what Legacy intends to do with that site, which is to build a state of the art emergency room. And we had some discussions here about conditions under which we would sell the land. That's already part of the record, so we don't have to revisit that as part of this proceeding. Is that correct?

Fritz: I'm not sure it's part of the record for this.

Fish: But the Council already has a separate agreement and set of expectations for the development of this site that would be independent of what we're doing today. Right?

Fritz: Right. That was when we had significant public testimony, at least some public testimony, about it.

Fish: This would be the next step along the way to fulfilling the commitment they made to actually acquire, get it zoned, and then presumably build the emergency room that they have advertised.

Fritz: It's just the next step, yes. They are required to ask for this zone change in order to be able to get that done.

Cate: If I may, Commissioner, once Legacy does get that building designed, they will have to go through a design review process. That's part of the requirements of their impact mitigation plan. So that future development, when it's right, the public will have another opportunity to comment on it.

Fish: I don't know whether this constitutes a conflict but I was at the Randall Children's Hospital recently. My son had surgery on his eyes, and they have a very distinguished pediatric eye clinic, and they treat children, and they have doctors who align children's eyes, going behind the eyes in a noninvasive surgery, but you have to go through at the bells and whistles. The new Randall Children's facility is designed to be very family friendly. While I generally don't like to be in hospitals, it is actually a very wonderful experience to be in that facility.

Hales: That's great. Okay. Other questions?

Novick: There are conversations about the industrial land, I assume there was discussion of why it's okay for us to take some land out of the industrial category in this case?

Cate: Yes. That was one of the applicable criterias, to analyze that going from that industrial designation back to institutional.

Hales: It's a small enough parcel that --

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Cate: Yes. There are certain size requirements for parcels to even go through that process. This is well below the maximum size.

Hales: Yeah. And not practical to use for industrial purposes given what surrounds it.

Cate: Correct.

Hales: Okay.

Fritz: If I might have Bob Haley come forward as well, I have one question that's come up in input that I've received. And that is about the burden to the intersections in the area. They're currently at the proper service range, are they going to meet the adequacy test for the purposes of the zone change?

Bob Haley, Portland Office of Transportation: This was probably one of the easier PDOT reviews -- Bob Haley, Portland office of transportation. The criteria for public services including transportation facilities in this particular case in the zoning code says that if you're going from IG to IR and the site is within an approved impact mitigation plan area, then services are deemed adequate. End of story. No study required, no nothing.

Fritz: Do we think they are, though?

Haley: I think in this one, because the IMP has the service criteria for transportation facilities, it's assumed that whatever Emanuel builds on that site, the level of development either falls within the existing IMP that we've reviewed already, or if it exceeds what's already been approved it will have to go through a type 2 or type 3 amendment to that IMP to be approved.

Fritz: Once the design and the parking and such are set, transportation may have an opportunity to go back in and ask for some more things?

Haley: Not if they build within the limit of their existing approved IMP.

Fritz: Ok. Thank you.

Haley: You're welcome.

Hales: That's total floor area and those kind of things?

Haley: Correct.

Hales: Okay. Other questions? If not, no one signed up to testify.

Moore: Correct.

Hales: Therefore we can close the public hearing. [gavel pounded] And move to a motion.

Fritz: Move to accept the hearings officer's recommendation.

Fish: Second.

Beaumont: I would note the ordinance is a nonemergency ordinance, so you probably --

Hales: The ordinance is, but item 924 is acceptance of the hearings officer's report, right?

Beaumont: That's true. And that report is the foundation for the ordinance, which is why we recommend that they travel together.

Hales: Ok. So do you want to make a tentative decision as usual and set it to come back?

Beaumont: Correct.

Hales: For one week?

Beaumont: One week is fine.

Hales: Okay. Tentative decision with the ordinance and the findings come back with approved hearings officer's recommendation in one week. Any further discussion before we vote? Roll call.

Item 924 & Item 925 roll call.

Novick: Aye.

Fritz: It's a bit of an anticlimax in some ways. This is a huge amount of staff work on both transportation and development services part to bring it to such a successful conclusion. I'm not sure I'm setting the standard of success that's being a very short hearing, but it's only evidence you've been able to work with the community and any concerns have been ironed out. In particular, that we on the Council can rely on your good staff work that is implementing the previous decisions. Thank you very much. Aye.

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Fish: Yes, thank you to the staff, and Commissioner Fritz. This is really quite a week for Legacy Emanuel. Dr. Brown received the highest award from the Urban League, Pamela Witherspoon, their government relations person, agreed to serve on the Mayor's innovation fund, and the health care provider has pledged to invest over \$200 million to create a new state of the art E.R. for the inner northeast community at this site, which will be a huge win, not just the jobs, but the enhanced health care for northeast Portland. So, I am very proud today to move this process along and to vote aye.

Hales: Great work. And a good rationalization of two neighboring campuses with very different uses. Obviously, our maintenance facility is a major campus in and of itself right across the street, we still have adequate space there to rearrange things as needed, including getting equipment out from under vulnerable ramps as -- over time. But also that it makes sense to have this boundary between the campus of our workforce doing what they do at one set of hours each day, and then the 24/7 operation of a hospital campus across the street. So good outcome, good process. Thank you for the good work. Aye. We're adjourned. [gavel pounded]

At 2:20 p.m., Council adjourned.