



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7<sup>TH</sup> DAY OF SEPTEMBER, 2016** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Senior Deputy City Attorney; and Jason King and Mike Cohen, Sergeants at Arms.

Item No. 998 was pulled for discussion and on a Y-5 roll call, the Consent Agenda was adopted.

The meeting recessed at 10:24 a.m. and reconvened at 10:32 a.m.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>990</b>	Request of Lightning Watchdog PDX to address Council regarding Superfund cleanup let the games begin (Communication)	<b>PLACED ON FILE</b>
<b>991</b>	Request of Shedrick J. Wilkins to address Council regarding Springwater sweeps and Terminal 1 (Communication)	<b>PLACED ON FILE</b>
<b>992</b>	Request of David Kif Davis to address Council regarding war on copwatchers (Communication)	<b>PLACED ON FILE</b>
<b>993</b>	Request of Sarah Hobbs to address Council regarding September being National Suicide Prevention month and September 10 International Suicide Prevention Day (Communication)	<b>PLACED ON FILE</b>
<b>994</b>	Request of Mister Eng to address Council regarding the game (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		

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<b>*995</b>	<b>TIME CERTAIN: 9:45 AM</b> – Accept a grant in the amount of \$5,267,000 from the Oregon Department of Transportation and authorize an Intergovernmental Agreement for the East Portland Access to Employment and Education project (Ordinance introduced by Commissioner Novick) 20 minutes requested for items 995-996 (Y-5)	<b>187972</b>
<b>996</b>	Authorize grant application to People for Bikes up to \$800,000 for outreach and education associated with transportation infrastructure projects (Ordinance introduced by Commissioner Novick)	<b>PASSED TO SECOND READING SEPTEMBER 14, 2016 AT 9:30 AM</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Charlie Hales</b> <b>Office of Management and Finance</b>		
<b>997</b>	Adopt Administrative Rule ADM 10.01 Visual Markings for City Vehicles (Resolution) (Y-5)	<b>37231</b>
<b>*998</b>	Update Procurement Code to conform to new state law that delegates broader authority to the City to protect the integrity of its social equity contracting programs (Ordinance; amend Code Chapters 5.33 and 5.34) (Y-5)	<b>187974</b>
<b>999</b>	Extend term of franchise granted to LCP Oregon Holdings, LLC to maintain a pipeline system within City streets (Ordinance; amend Ordinance No. 180378)	<b>PASSED TO SECOND READING SEPTEMBER 14, 2016 AT 9:30 AM</b>
<b>Commissioner Dan Saltzman</b> <b>Portland Housing Bureau</b>		
<b>1000</b>	Approve and terminate limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution) (Y-5)	<b>37232</b>
<b>Commissioner Amanda Fritz</b> <b>Office of Neighborhood Involvement</b>		
<b>*1001</b>	Authorize grant agreement of \$10,000 with East Portland Neighbors, Inc. to provide liability insurance coverage for neighborhood association and community activities in East Portland (Ordinance) (Y-5)	<b>187971</b>
<b>REGULAR AGENDA</b>		
<b>Mayor Charlie Hales</b>		

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<p><b>*S-1002</b> Extend the housing emergency declared by Ordinance 187371 to address increased homelessness, identify Council powers, specify one year duration, continue efforts to address housing affordability, and waive portions of the zoning code (Second Reading Agenda 989)  <b>Motion to add emergency clause:</b> Moved by Fritz and seconded by Fish. (Y-5)  (Y-5)</p>	<p><b>SUBSTITUTE  187973  AS AMENDED</b></p>
<p><b>Office of Management and Finance</b></p>	
<p><b>1003</b> Accept bid of Iron Horse Excavation, LLC dba Oxbow Construction for the Cured in Place Pipe Southeast Sewer Rehabilitation Project for \$2,882,314 (Procurement Report – Bid No. 00000331)  <b>Motion to accept report:</b> Moved by Fish and seconded by Saltzman.  (Y-5)</p>	<p><b>ACCEPTED  PREPARE  CONTRACT</b></p>
<p><b>1004</b> Expand the authority of the Risk Manager and designees to serve as agents of the City Attorney to investigate and settle tort claims and clarify the scope of fair and moral claims for which the Risk Manager is authorized to investigate and settle (Ordinance; amend Code Section 3.15.020 G)</p>	<p><b>PASSED TO  SECOND READING  SEPTEMBER 14, 2016  AT 9:30 AM</b></p>
<p><b>Commissioner Dan Saltzman</b></p>	
<p><b>Portland Housing Bureau</b></p>	
<p><b>*1005</b> Expand and clarify eligibility for the System Development Charge Exemption Program and Construction Excise Tax Exemption for affordable housing developments (Ordinance; amend Code Chapter 6.08 and Section 30.01.095) 10 minutes requested  (Y-5)</p>	<p><b>187975</b></p>
<p><b>Commissioner Steve Novick</b></p>	
<p><b>Bureau of Transportation</b></p>	
<p><b>*1006</b> Accept and appropriate a grant from the Federal Highway Bridge Program in the amount of \$2,512,440 and authorize an Intergovernmental Agreement with the Oregon Department of Transportation to replace the SE 122nd Avenue Bridge over Johnson Creek (Ordinance)  (Y-5)</p>	<p><b>187976</b></p>
<p><b>Commissioner Amanda Fritz</b></p>	
<p><b>Office of Neighborhood Involvement</b></p>	
<p><b>1007</b> Amend fee schedule for the Office of Neighborhood Involvement Noise Control Program (Second Reading Agenda 986)  (Y-5)</p>	<p><b>187977</b></p>
<p><b>Commissioner Nick Fish</b>  Water Bureau</p>	

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<b>1008</b>	Authorize an Intergovernmental Agreement in the amount of \$56,250 with the Multnomah County Health Department for program evaluation services of the Lead Hazard Reduction Program (Second Reading Agenda 988) (Y-5)	<b>187978</b>
<b>FOUR-FIFTHS AGENDA Mayor Charlie Hales</b>		
<b>1008-1</b>	Declare support for the Standing Rock Sioux Tribe and other communities opposing the Dakota Access Pipeline (Resolution) (Y-5)	<b>37233</b>

At 11:43 a.m., Council recessed.

<b><u>WEDNESDAY, 2:00 PM, SEPTEMBER 7, 2016</u></b> <b>DUE TO LACK OF AGENDA THERE WAS NO MEETING</b>	
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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8<sup>TH</sup> DAY OF SEPTEMBER, 2016** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Fritz and Novick, 3.

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

<b>1009</b> <b>TIME CERTAIN: 2:00 PM</b> – Consider the proposal of Madeline Kovacs and the recommendation from the Hearings officer for approval to change the Comprehensive Plan Map designation from High Density Single Dwelling Residential to Townhouse Multi-Dwelling Residential and the Zoning Map designation from R5 to R3 for property at 4736-4752 NE Going St (Hearing introduced by Commissioner Saltzman; LU 16-133809 CP ZC) 1 hour requested for items 1009-1010	<b>Disposition:</b>  <b>CONTINUED TO SEPTEMBER 14, 2016 AT 9:30 AM</b>
<b>1010</b> Amend the Comprehensive Plan Map designation and amend the Zoning Map for property at 4736-4752 NE Going St at the request of Madeline Kovacs (Ordinance introduced by Commissioner Saltzman; LU 16-133809 CP ZC)	<b>PASSED TO SECOND READING SEPTEMBER 14, 2016 AT 9:30 AM</b>

At 2:44 p.m., Council adjourned.

**MARY HULL CABALLERO**  
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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**Key: \*\*\*\*\* means unidentified speaker.**

**September 7, 2016 9:30am**

**Hales:** Good morning and welcome to the September 7 meeting of the Portland city council, please call the roll.

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

**Hales:** welcome, we have five people signed up for the communications and we'll do that first in a moment. We have a consent calendar with one item so far requested to be pulled to the regular, and that's 998. Is that right? Anything else that anyone wants to pull from consent to the regular, and we have a 4/5 item that we'll take at the end, which is 1008-1, so there will be a presence on that, and I guess copies of that will be available for people that want to see it. With that, we will proceed. As usual, we'll follow the rules of decorum here and we ask that people not interrupt or make demonstrations, let people speak their minds, we typically allow three minutes for testimony and when the time is up, it is up. If you want to indicate support for someone's position feel free to give them a thumbs up, if you disagree, a polite hand gesture to the negative is fine but no applause or vocal demonstrations unless it's for visiting dignitaries or students, and if you are one or more of those you might get a round of applause from all of us, and welcome. Let's proceed with the Communications item 1, which is 990.

**Item 990.**

**Hales:** Good morning.

**Lightning:** I am lightning, and I represent lightning watchdog pdx. Just one subject real fast again on the foreclosure of homes. I want to make it clear that my position is that it's ok to proceed with foreclosures. Remain impartial, set up the same system as Multnomah County where they have ordinance 275-275 chapter 7, where all the money is funded into a fund for affordable housing, and I recommend that you fund all the money into the hiff fund for affordable housing, and then I don't have an issue with foreclosures. Remain impartial, don't negotiate with nonprofits, and get the highest market value for those properties, and leave it at that. Now pertaining to the superfund, my position is that I do agree with the epa at this time to proceed forward in the direction that they are going. One of the issues that I have is that I have had a problem on why this hasn't been done for many years in the past as far as on dredging. In my opinion the dredging issue should have been within a bureau here, that you should have a dredging bureau, have the equipment. And the funding go into this bureau, and maintain the river such as you would maintain the roads or a highway. It is used for transportation. The reality is that it needs to be maintained on a regular basis. My calculation says you need to remove 250,000 cubic yards every year. That's the same plan that the epa has, within seven years, they are talking about, and again, their plan isn't going to go far enough, the costs will be a lot higher, and you need to absorb those costs within a bureau, and have it set up to where you just maintain the river, and maintain the channels, and I would like to see the river deepen. The channel deepen, and I still want to see that, look at that closely. I want to see all the marinas up and along up to the Columbia River, and also dredged for recreational purposes. There needs to be a dredging system on regular basis year by year, and eventually begin to take care of the problem on the superfund cleanup, and I think that the

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epa will be very open to this and understand that this is going to take a long time, and take a tremendous amount of money, and somebody really has to have control of it, such as what Mr. Novick did on the gas tax, which I absolutely agreed with him on, and I think that it needs to be looked at very closely on having it set up like that to really control the overall cost and to get the job done right. It's a consistent maintenance of the river, and it has to be done over many, many years. Thank you.

**Hales:** Thank you. Thanks very much. Ok. Item 991 please.

**Item 991.**

**Shedrick Wilkins:** I am shedrick Wilkins. The northwest examiner did a good article about terminal 1. There is copies out of it here, the mayor-elect ted wheeler supports this. He applauds Homer Williams's development, also I read that Deborah kafoury and Homer Williams have taken a trip to San Antonio, Texas center, we are going to call it, where they deal with homeless people in Texas. I didn't know that, either. It makes me feel good because I have given money to ted wheeler's campaign. I give \$50 to a millionaire. It's a joke on Forrest Gump. I gave \$50 to a millionaire. I guess his father made paper plates, go the into paper plates, instead of making lumber for houses he got into paper plates. Ted is fun. I met him at the Chinatown neighborhood association, and he came up and talked to me and sat next to me, and I didn't know this guy was the head of Multnomah County. Anyway, another thing, dynamic, there is a tremendous problem at the buzz station, I belong to the Chinatown association. The Chinatown neighborhood association needs terminal 1 because they intend to do sweeps and will not allow homeless people at the bus station to ask construction workers for money. There is also a notice of public on September 22. I worked that day but I might go to the end of it. They are going to start construction on it, a hearing notice on the 22nd of September. They will not tolerate it. They will not -- and also when the health center is built, ted wheeler was there that day to talk about that. They will not allow people -- they want it to look like a village where you see the train station, and there won't be any people camping around the bus station because the homeless people use the bathroom, and even I have, and you get chased out if you don't have a ticket. Trust me. They use the bathroom there at the bud Clark commons. Terminal one is necessary, and that area will look like a Swiss village and the Chinatown neighborhood association will make this that way and I may help them. It's just -- it's -- it does not look good for Portland, and the bud Clark commons should only handle people that are coming from another state with a job skill, they don't get a job, and we need to get them back to where they came from. That's not an area to have homeless people hanging around begging for money. The terminal 1.

**Hales:** Thank you. Ok let's take 992 please.

**Item 992.**

**Hales:** Good morning.

**David Kif Davis:** Ok. My name is David kif Davis. One thing that I wanted to start out with was Judith Mowry the senior policy advisor of equity strategies, and initiatives. She put out a, an email talking about a bunch of cop watchers and saying that we're a bunch of white supremacists that target black people with our cameras, which is totally a lie, which is pretty concerning when you have people that work for the city even now joining in this, you know, this war on cop watchers. Your out of town buddy, Greg moss, came here, not this summer but last summer. During the rose parade and smashed my camera. The d.a.'s had no problem with that. You shook his hand afterwards. I am out of a \$400 camera, ok. Obviously, it's ok for your friends to come from out of town and assault citizens in your town, and, you know, and I am also facing a bunch of criminal trials simply for filming the police. Amanda Fritz, you were there. You saw me get arrested. Two of those times, right, one was here in the city hall during the arrest of Barry Jo stull when he was having his



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health crisis and then I got arrested over at the Portland city building for talking about how one of the coab members called me a white supremacist. Even though I am Jewish, and you know, I will never be accepted into the white supremacist gang no matter how white I look. I am not white. I, actually, have some black people in my family, too. So you know, the reality is, is you guys are scared of cameras. The cops, which you are the police commissioner, right, so if you have no problem with cop watchers getting their cameras smashed by your friends, and you also have no problem with falsifying charges against them, and I am still waiting for the surveillance footage of my arrest here at city hall. You guys still won't give my lawyer for some reason. And also you know you have these homeless sweeps going on. You are blocking the media from filming them. It's nice that you had to go and attend your little sailboat, you know. You could not put that off for a week, you know. It's more because you don't want to face the media and, I mean, so you orchestrate one of the biggest, homeless sweeps the city has ever seen, and then you just conveniently leave town, you know. And there is this city method that you are helping the homeless but the reality is you are not doing things, and you are not putting those people into housing or anything. You are just moving them along, and playing the games you always play.

**Hales:** Thank you. Let's take 993.

**Item 993.**

**Hales:** Good morning. Just pull that microphone down a bit there, Sarah. There you go.

**Sarah Hobbs:** For the record I am Sarah Hobbs. I volunteer with the Oregon chapter of the American foundation for suicide prevention. I wanted to bring to the council's awareness that this month is suicide prevention awareness month, the American foundation for suicide prevention, has picked this week for their major social media suicide awareness prevention campaign. The theme for our campaign this week is be the voice, talk, save lives. But having said this, I know that having a conversation with somebody who could be suicidal is scary. That is why I highly recommend for anybody who lives in Multnomah, Washington, or Clackamas County, you go to the internet, [www.gettrainedtohelp.com](http://www.gettrainedtohelp.com). There you can find all sorts of free suicide prevention trainings that are all offered through the three-county metro area. I know that I am going to be taking the assist training here in the county, and I signed up through [www.gettrainedtohelp.com](http://www.gettrainedtohelp.com). As well Saturday is world suicide prevention awareness day. There is an organization that I've been following it is located at Dublin, Ireland. They are a large suicide prevention organization. Those are located in Ireland, I think that their motto is appropriate for everyone. That is it is ok not to feel ok. But it is absolutely ok to ask for help. I've been here many times. You have heard me speak often about my concerns for the high rate of suicide here in Portland. But I believe that if we do work together, if we do be the voice, if people do get trained and be willing to engage people that may be suicidal, we can bring Portland's suicide rates down. It is an obtainable goal. Suicide is preventable. We need to have to be the voice. It does save lives.

**Hales:** Thank you, Sarah and for your advocacy. I appreciate you. Thank you. Ok. 994 please.

**Item 994.**

**Mister Eng:** I just want you to know that I am bisexual, and slightly transgendered so if you want to offer me some feminized misogynistic harassment on the basis of my mother naming you Mary I would prefer you leave that aside. So I don't really care if you call me a he or a she but I want respect. Respect. You know, it's ok to smile. Let's smile and be friendly here. We have got real issues. Mark Krueger with his swastika collection is up there with a sound recording of Joyce Landuber allez in courtroom 512, in the Multnomah county courthouse. Joseph Westover is trying to deal with judge Rita Cobb, the limitations



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on denazi-ifying the nazi as to not deprejudice the jury and I held onto my mother's crucifixion. I feel Jewish because we have, we had a Kissinger back in the 17th century, we had a bunch of Jacobs and Abraham and Stuhls and is German and is Swiss and I am just convinced that I am Jewish and always felt that way since I was six, and even if I am not Jewish in the right, proper order, I am Gomishit So shalom. Nobody splash water in the face of mark Krueger. Very difficult to be in the room with him. Very traumatizing. Very triggering. The game, espionage, Mr. Eng, my grandfather, Ransom Ludwig Eng had to change his name to ransom because of the anti-German sentiment and possibly anti-Jewish sentiment around World War II and World War I. It went from navy to OSS to CIA, and CIA was fostered because MI-5 was concerned America did not have intelligence for global security. When you put -- I asked the vice chief of the police force, and you Commissioner Hales, if we had a neo-Nazi national security attack on Portland soil, which side would mark Krueger be on, and I am really nice to people. This is as rough you are going to see me. I brought a carpet bag. I am not a racist. And I said Hi to Constantin severe I've got lentil soup so I stabilized my blood sugar. I had an eating disorder throwing up. And what else do you want to know about me? You want to crush my body: Break my bones: With Todd Engstrom. It's time for me to go.

**Hales:** Thank you. Let's move onto the time certain item, 990, sorry, consent calendar. Consent calendar. He have we have one item pulled, and no others, so let's take a vote, please, on the balance of the consent calendar.

**Fritz:** Which one was pulled?

**Hales:** 998 is pulled. Ok.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Hales:** Aye. [gavel pounded] 995 please.

**Hales:** Do you want those read together, Steve?

**Novick:** Yes.

**Item 995.**

**Item 996.**

**Hales:** Commissioner Novick.

**Novick:** What we're doing today is accepting money that was actually approved by metro council in November 2013 as part of the 2016-2018 flexible funds allocation. It's a window into the complexity of transportation project funding. But, we're also saying today is that the culmination or a major step of a lot of hard work by a lot of people, particularly east Portland transportation advocates. I would like to take this opportunity to thank the east Portland action plan, and the land use and transportation committee, and everyone that worked to develop the five-year east Portland in motion five-year strategy for active transportation. The grant will enable us to fulfill east Portland in motion, and east Portland businesses and neighborhood associations, and provide additional advocacy and representatives from David Douglas and Parkrose school districts who helped to identify the priorities for safely walking and biking to school, and thank Pbot and Odot and Tri-Met for figuring out to use the resources to implement the right improvements in east Portland with these -- with this grant. This project will include the following improvements all of which originates in the east Portland in motion implementation strategy. Sidewalk and curb ramp and bike lanes in southeast cherry blossom drive-102nd and 103rd between Washington Street and Market Street. And bike lanes in southeast market between 92 and 130th avenue also known as part of the 4M Greenway. The hundreds neighborhood greenway extension from northeast Klickitat street to southeast bush street, 150 neighborhood greenway from northeast Halsey street to southeast Powell boulevard. And the transit safety, and improvements to existing bus stops, including 12 pedestrian and bicycle crossings and including rapid flash beacons and hybrid signals, arterial streets, and

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including northeast halsey and Glisan and southeast stark and southeast division and southeast 122nd and Powell boulevard. These improvements will provide safer access to employment destinations and including the halsey and weilder, division roadway business districts as well as five elementary schools, two middle schools, one high school and eight parks. And for further elucidation I will this over to people who have more details on this project.

**Steve Szigethy, Portland Bureau of Transportation:** Good morning I'm Steve Szigethy I am the capital project manager at pbot. The commissioner covered a lot of this. We're here with a federal grant, \$5,267,000, previously approved by metro council, and also approving the iga with odot to proceed on this project. Some of the background the commissioner noted, this project does build, continues building the projects called for in east motion in Portland, transportation strategy adopted by council, in 2012 and crafted with a lot of help from some of the community groups that Commissioner novick listed. It further, we further got help in prioritizing the projects, subsequent to east Portland motion, from those groups, epno landuse and transportation committee, the subcommittees of the east Portland action plan, they helped us to really prioritize a set of projects to include in this grant. It was then approved by metro during the last round of the regional flexible funds, and is now ready for dispersement through odot. The original project was \$8 million and had 3 million for the outer Powell safety improvements and we agreed with odot to have them hold that \$3 million and add to their larger potted of funding for the outer Powell transportation safety project, which is a \$20 million project on that state road. Here's a map showing the improvements the commissioner noted sidewalk infill and new bike lanes on market street and the cherry blossom corridor. Two new neighborhood greenways on low traffic streets, and including some segments of the multi-use trail, and continuing the very important work of providing safer crossings of our major arterial streets, including streets on the high crash network, halsey, glisan, burnside, and stark, and division, and Powell, 122nd, so we have 13 locations that are getting new or enhanced pedestrian bicycle crossings.

**Hales:** Let me stop you. So there are going to be continuous sidewalks on both market and cherry blossom all the way to David Douglas high school?

**Szigethy:** That's correct.

**Hales:** That's great.

**Szigethy:** One other component of the project that you will hear about under the next agenda item, the 100 neighborhood greenway, and connects to a lot of destinations within the gateway regional center, the halsey weidler business district, the new gateway discovery park under construction, and floyd middle school, east Portland community center, and 9 shopping centers, and the advent medical center and destinations beyond. Somewhat unique within this project, we'll have several segments of multi-use pathway, and that will be completely free of car traffic in which our charge is to not only look at traffic safety, but also personal safety along the segments, and we'll be using some of those rare streets that had pre-existing sidewalks. We have several streets within there that will have sidewalk as well as neighborhood greenway shared bike improvements along these neighborhood greenways. That's true along the 100s and the 150's greenways. After the approval of the grant, and iga, we anticipate being underway in October. We are proceeding with the concept design, and the final design through 2017 and through 2018 and going through construction in the summer of 2018. And with that I will take any further questions.

**Hales:** Questions, if any. That's great. Thank you.

**Novick:** Thank you. Now we'll proceed to 996, and my staff will explain why we thought that that's complimentary to 995.

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**Timur Ender, Novick's Office:** That's correct. Good morning, I am Timur Ender, I'm policy advisor to commissioner novick. This is about the Portland gateway opportunity proposal, and we are applying to a nonprofit called people for bikes, which is a national nonprofit dedicated to better bicycling infrastructure, and some of the goals of this project is highlighting how with the network of safe biking and walking routes, we can increase intentionally ridership in the area to complement our goals including climate and health and safety. The name of the challenge that people for bikes has put out is the called the big jump, and the goal is to increase the ridership as I mentioned and the focus will be on distinct geographic area and we have chosen gateway in coordination with some of our partners there. It fits within the population, our geographic area has a population of 20,000 people, and the goal is by the end of 2019 to triple bike ridership in the gateway area by implementing the safe bicycle infrastructure in that area. And the focus is going to be on access to jobs and transit and schools where people go on a daily basis, so similar to the ladders of opportunity that usdot have mentioned. There is no local match required for this project. The city, would provide the Infrastructure it was going to do anyway in the normal course of business.

**Novick:** Specifically, the people for bikes, funding goes towards education and outreach to the neighbors in the area to let them know about the projects we're building and how they can use the lanes?

**Ender:** That's right.

**Novick:** Ok.

**Ender:** So that it leverages the infrastructure that we're doing, and notifies people of how they can use the greenway to get to the gateway transit center or discovery part.

**Fritz:** What's the current bike ridership that we're intending to triple?

**Ender:** I will get to that in a few slides. No worries, so the challenge is going to have ten finalist cities. And each city will receive 200,000 per year, and we'll have culturally competent and language-specific outreach materials to reach demographics that are traditionally a very difficult thing for city government to reach. And so we'll be partnering with certain community-based organizations, which I will mention at the end who those are. And so Portland's proposal will be called gateway to opportunity, and it's about -- it will have a focus on new Portlanders, so immigrants, refugees and people who don't speak English, and it will be connecting to the parks, and we have gateway green in the area, and gateway discovery park, as well as the halsey and weidler business corridor, which is the only sidewalk facing the retail corridor in east Portland, which will have protective bike lanes by next year. Making it the most bicycle friendly corridor in the city. And we really chose east Portland in this area because if we can make it work here, we believe that the model will be scalable and replicable in other parts of the country because we have wide arterials, and wide streets that are difficult to cross. This is 122nd. It goes north and south. We know that is the streets like Glisan and 122nd are dangerous to traverse on foot. Just within the project segment, between northeast 100 and 130th, we, in the past decade, we averaged one fatality every two years. And we have in this area, that David Douglas now has a safe school coordinator, and community cycling center will be hosting bicycle camps and gateway Green Park in the near future. Gateway Discovery Park in the urban plaza opens October 2017, and that will have programming activities like farmers markets to the community hub in that area. And commissioner Fritz, these are the counts within the projects area, and in the existing accounts there, and it compares that to other locations where we have counts, so I would say that we are highly confident that we could triple these numbers within three years given the extensive amount of high quality infrastructure that we have coming on in this area. And this is our time line. We expect to submit our application on October 28, and then there will be a national announcement in February.

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This is our map of the area. So it will be bounded on the west by the 205 bike path, and on the south, it's on east Burnside with the transit line. In the 130's greenway, constructed in 2018, the eastern boundary and 84 to the north, and we're looking at certain freeway crossings to connect these neighborhoods a bit better. We have a number of schools in the project area, and the other thing we're looking at is how to improve our data collection because we know that unlike other parts of the city the people who commute in this area by bike are not traveling between 7:00 and 9:00 am, and 4:00 to 6:00 pm, so we'll be looking at different times to do bicycle counts, as well. So I would say that this concludes our presentation. We had a parent from Sacramento, elementary confirmed to testify, or submit testimony but she had a last-minute event. I want to take a minute to highlight the community partners that we'll be working with. Irco, immigrant refugee organization which is at 102nd and northeast Glisan, and we have a letter of support from Parkrose school district, and we intend to get one from David Douglas school district who has expressed very positive remarks about this. And then we're working with Tom Bambrick from the gateway area business association, and Mychal Tetteh from Community cycling center, and Noel Mickelberry from Oregon walks and Ron Glanville from the russell neighborhood association, and Linda Robinson from gateway green, as well as tri-met and metro. So that concludes my presentation, and those are --

**Fish:** I have a question, and this is very exciting and what you are highlighting is all of the change that's occurring in gateway. All the investments that you are proposing to make, and the map tells an exciting story with gateway green in the works, and a new park that commissioner Fritz is going to unveil and some other things. But it begs the question about how you get from 205 west. There is Glisan, someone admonished me its Glisan, not Glisan. I defer to them. There is a couple of streets but the big vision that's down the road is trying to get a bike lane along the banfield, and I know that's complicated because there is rail. That's what's been on the, you know, been discussed for a long time. Do we have any hope in our lifetime that we'll be able to work with the railroads to move that Sullivan's gulch vision forward? Which is the most obvious connection from gateway.

**Novick:** There is always hope.

**Fish:** Now and any recall.

**Novick:** Right.

**Novick:** I can't give you a timeline.

**Fish:** They are ongoing discussions with the railroad?

**Margi Bradway, Portland Bureau of Transportation:** Hi, I'm Margi Bradway the active transportation safety division Manager. I was nodding my head in that the Sullivan's gulch does remain a priority. The railroads are complex to work with. But what the -- the venue in which we are talking about right now is within the context of the regional conversation again, looking into the kind of different ways that we could fund this, with the partners and we think that the best way right now to move Sullivan gulch forward is in partnership with the Portland metro and a planning project development phase, with inviting parks, as well, to the table so that's what we are working on and trying to keep the funding for through the metro process.

**Fish:** I know how complicated that is, and what I would observe is that each of us deals with the railroads from time to time separately, like bes recently had a project because we had to move pipes to accommodate a change in the track down where the banfield splits to i-5, and probably we have more leverage collectively than individually. The relationship is a two-way street and we do a lot of work with the railroads and there is this persistent theme about how challenging this particular piece is, but we might collectively have more leverage than individually.

**Ender:** Any other questions?



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**Hales:** Thank you both very much.

**Ender:** Thank you.

**Hales:** We'll see if anyone wants to testify on either of these items.

**Joe Walsh:** I am Joe Walsh. For the record. I represent individuals for justice. On the second item, 996, the wording is confusing. It seems that what you are saying is that they are going to apply for a grant, but you are only going to allow them to spend up to \$800,000. Is that a reasonable interpretation?

**Hales:** 200.

**Walsh:** It provides for 800,000.

**Novick:** It's a matter of what's a limit on the amount that people will make available.

**Walsh:** Ok. I have a question.

**Novick:** They have more money we would ask for more money.

**Walsh:** Ok. It seems that you are limiting them, am I reading that wrong? I can't figure out why you would do that if they are applying for a grant.

**Fritz:** My notes say 200,000 per year for three years.

**Walsh:** That's what brought this up.

**Novick:** We are applying for a grant up to 800,000, and that's the most that we could get. Can you explain that?

**Ender:** It is 200,000 a year and I included a buffer of an extra 200,000 so we would not have to come back but yeah.

**Fritz:** Where would we get the 200 from?

**Hales:** That's head room.

**Ender:** Yeah. And in-kind donations.

**Fritz:** Thank you.

**Walsh:** If you exceed \$800,000 you have to come back to the council?

**Ender:** Yes.

**Walsh:** Well that's dumb, if you support this why don't you give them free strings. If they go through the grant, and its a million dollars, why would that bother you?

**Novick:** People are not making millions of dollars available. Yeah, we're asking for the maximum.

**Walsh:** Well, if you get a million, 1.5 million, wouldn't that be a time to celebrate? What they are doing?

**Fritz:** That would be a reason to come back, to celebrate and accept more.

**Walsh:** But they would have to ask permission. That's a weird celebration. When I celebrate I don't have to ask permission, I just celebrate. You answered my question, actually, but the wording was bad and it was confusing and I wish that you would do better on the agendas. Whoever writes the agendas needs to look at it from a citizen point of view that knows nothing, you know. I know a lot. I've been here for ten years. And it confuses me, and I think it that confuses people the people watching this must be confused. I asked my wife when I go home because she watches it. She said no, you were wrong. I understood. So all right.

**Hales:** I hope you win this time on that one. Thank you.

**Shedrick Wilkins:** I am Mr. Shedrick, and I don't know about but I have ridden bicycles and to work. I think that bicycles in the wintertime, rain is very dangerous. You cannot see anything, so People who mix recreational bicycling with going to work on these things are two different things. You need a couple with light rail so people can do most of their commuting by the light rail and then get on the bike. I thought about making my own bicycle which has a solar panel on the back bar, so to help me go uphill but I don't know if I get enough sunlight but the top part would block me from the rain, and at any time we could change it saying you have to have a driver's license for a bicycle. These are to let

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people have the four-wheel things but they change so it's something that I would work on. It would cost me a thousand to make it, when I want to go uphill. And I am for this thing and I applaud the bicycle thing that the commissioner Novick is doing. But people think they are going to bicycle to work in a rainstorm but they will catch pneumonia. So the thought that they are going to commute to work, it will not happen. They will get sick.

**Hales:** Anyone else? All right. Let's please take item 995 for a vote.

**Saltzman:** It's great to get this grant for the pedestrian and bicycle safety and to apply for funding for people for bikes for the gateway opportunity proposal. They are very exciting and look forward to these improvements. Aye.

**Novick:** I wanted to thank the folks of east Portland that worked on the east Portland in motion plan to support their work and identifying and prioritizing east Portland's active transportation needs because with that support it makes it easier for us to make a compelling case to get funds like this. So thanks again and to everybody from pbot and trimet and odot as well. Aye.

**Fritz:** On interest of transparency I need to say that my parents lives at cherry blossom village, which is near the improvements so I know that they are going to enjoy working on them. However they don't benefit any more or less than anybody else. I am not voting enthusiastically for it, like Mrs. Walsh. My parent watch these meetings and they only tell me when I have done something good, which is helpful. So I will say something good commissioner Novick, Leah Treat and the whole team. I very much appreciate the prioritization of going to this grant for east Portland, and the collaboration of the east action plan and neighborhood organization to make sure that we are doing things right and I hope that we can do more of the studies like the east Portland in motion so that every area gets together and prioritizes cause contrary to what you might think, it's not just everybody saying do it in my backyard. Neighborhood folks are willing to look at where the highest needs are and to advocated for each other and so I really appreciate that as well as for the plan to include more communities of color, translation services as part of the grant. Thank you. Aye.

**Fish:** It's a great grant. Good process. Thanks to the presentation. Commissioner Novick, to you and Your partners, job well done, aye.

**Fish:** There was so much support for this.

**Hales:** Yes.

**Hales:** He arranged a rally just in case.

**Hales:** This really is great work and to have this much new connectivity in east Portland is the kind of thing that we all want to see more of and this is, actually, making it happen. So great stuff. Thank you very much, commissioner Novick. Aye. Ok. 996, passes to a second reading. Let's take regular agenda item s-1002 please.

**Item S-1002.**

**Hales:** Ok I understand there's an interest in adding the emergency clause to this this morning?

**Fritz:** So moved.

**Fish:** Second.

**Hales:** Further discussion.

**Fritz:** I just have to say that it seemed a bit odd to be declaring an emergency as a non-emergency ordinance, so happy to be able to support it.

**Hales:** k, that makes sense to me too. Roll call on the amendment.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** And the reason for the emergency is to expedite getting things done as quickly as possible. Aye.

**Hales:** Aye. [gavel pounded]

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**Fish:** Karla, I will record my vote as aye, as well.

**Hales:** Sorry.

**Hales:** Did she not call you? I'm sorry.

**Fish:** I just wanted to make sure. I wasn't trying to hold up the train just --

**Hales:** Sorry about that. Ok let's take a vote on that the emergency ordinance as amended please.

**Fritz:** I don't think that we have ever done that.

**Saltzman:** I want to thank the mayor Hales for bringing forward this extension of a year, and it's very important as we continue to work on the issues of affordable housing and helping people who are homeless. So very strong supporter. Aye.

**Novick:** Aye.

**Fritz:** So I was somewhat skeptical of this ordinance because it does state it is to allow five storage units but in fact when you look at the emergency chapter, it waves the entire zoning code except for the temporary activity's code, so that was not something that I had understood the first time around and knowing it now I am hesitant partly because the temporary activity's section of the zoning code says that you can't do any permanent improvements, and so it means that instead of say adding a sewer line and a water line for a temporary shelter you have to do it all with the temporary port-a-potties and portable showers and such. So I appreciate the fact that mayor hales a long time ago asked the bureau of planning to work on the improvements to the mass shelter code, and I understand that that's going to be the planning commission next Tuesday, and I hope that as time goes by we can have more conversations about how are we're going to spend the taxpayers' money wisely how we're going to protect the rate payers from any suggestion of not -- of paying for homeless services cause that's not allowed. I know all the council is dedicated to doing that. Aye.

**Fish:** This is a good compromise I appreciate the discussion that we had as a group of colleagues. I think one year makes sense, and I strongly support the six-month reporting piece. One of the things that I learned in talking to the people in the front lines like mark Jolin is that by extending this to a year, we strengthen the hand of the folks that are looking for shelter sites and looking to enter into contracts, and we have set some big goals in terms of getting people off the street and it seems reasonable to extend this a year to provide that flexibility and certainty. That's the basis upon which I support this. Again I appreciate the compromise that was worked out in a collegial fashion by the council as a whole. Aye.

**Hales:** I appreciate the council's focus on this crisis because that's what it is. I appreciate the partnerships that we've built with Multnomah County, with the home for everyone, with the private sector people like the Menashi family coming forward the way that they did with people like the yimbee's in Multnomah village who started making sack lunches for the women at the sears shelter. I appreciate people treating this emergency like an emergency because it is. And it's an emergency in both housing, affordability and in homelessness. We're trying a lot of things quite a number of them are working. Quite a number of them need to be modified to work better. We are trying a lot of things we are investing a lot we are spending people's money carefully although we are spending a lot of it. There is no hiding that. To address both the availability of affordable housing and better access to services for people who are experiencing homelessness. I am proud of this work I think it's important we keep this tight focus. A year is a reasonable time to check back in and say where are we now? Hopefully we will be in a better place than we are today we're in a better place today than we were a year ago so I am pleased with the progress and I appreciate the solid support on this council for this work. Aye. [gavel pounded] ok 1003 please.



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**Moore-Love:** Did you want to take the pulled item later? 998?

**Hales:** Oh, yes. If we are ready to, are you ready to do that? Ok. Let's take 998 please. Commissioner.

**Item 998.**

**Hales:** Commissioner Saltzman

**Saltzman:** Thank you, mayor.

**David Davis:** This meeting is kind of illegal at this point.

**Hales:** Let's let him speak.

**Saltzman:** As a city we are committed to promoting economic opportunity for women and people of color and combating the effects of the historic discrimination in the contracting industry. Frustrated by the lack of enforcement at the state level, during the 2015 legislative session, the city sought authority to conduct its own enforcement and in situations where prime contractors are not using the minority women or emerging small business subcontractors that they presented when they were awarded the contract. So with the guidance of our team and the leadership of Michael Dembrow and Lew Frederick, we were successful in changing the law which us the power to protect our own programs from fraud.

**Davis:** We need to shut down the city at this point cause this is an illegal meeting.

**Hales:** You need to let us continue. Go ahead commissioner Saltzman.

**Saltzman:** Before us are the changes to the procurement code that incorporate state law provisions, and these provisions will allow us to ensure our efforts to promote economic opportunity for women and people of color are not undermined by those trying to cheat the system. I want to thank the city ombudsman, Margie Sollinger, for investigating the issue. I would like to thank James Posey, a member of the public who dedicated his time to provide critical testimony to state legislators and to Christine Moody of procurement services and her staff who brought these changes. And we have Celia Heron here from the office of management and finance. Margie I don't know if you wanted to say anything? No, ok.

**Celia Heron, Office of Management and Finance:** Celia Heron with Omf here with Larry Pelatt we can walk you through the changes, and I will let Larry take the lead.

**Larry Pelatt, Procurement Services:** I am Larry Pelatt from procurement services and Christine is on vacation this week, so otherwise you would get a better report. The changes are truthfully focused on the thought process of allowing the city as commissioners the ability to enforce when we have a contractor who has made changes to their certification, and something happened and they have become decertified. And-or we have a situation where there is a pass-through from non-certified to certified firms for the purpose of gaining additional points or dollars. We have the capacity to move that forward. The city has aspirational goals for --

**Hales:** Let me interrupt you. Mr. Walsh you need to have a seat. Go ahead.

**Walsh:** This is an illegal meeting. You locked the door against students.

**Hales:** You need to sit down. They are at the wrong building. You are welcome to talk to me. Sir. You are being disruptive and you need to sit down or you will be excluded. You need to sit down. You will be excluded. Now continue please. Mr. Walsh you need to sit down and be quiet now. We are recessed and you are excluded.

**At 10:24 a.m. council recessed.**

**At 10:32 a.m. council reconvened.**

**Pelatt:** Ok, that's never happened to me before. Somehow it's all my fault and I understand. The idea behind the piece of the legislation relative to city based enforcement is that prior to this, only the state had the ability to enforce any kind of rules, sanctions or department against vendors, with this we have the ability, the city has the ability to work on

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its own and we don't have to wait for the state to do something or take whatever time that they take to work around And get to a vendor who has done something. The city can issue its own sanctions as an ability to terminate contracts or suspended them or force the change in a subcontractor who has, you know, if you have a subcontractor who has lost their certification, the city could force them to eliminate that subcontractor and hire a new one. It's a great deal of enforcement capacity. The extent to which the city would choose to use it, could be different on any given project. And it really gives the city some capacity to -- we have great social equity programs. They are phenomenal. They are the model for a lot of other agencies in the region. And now we have some teeth in the enforcement and protecting those programs. That's a big part of it. The second part is updating to follow state law, which updated the small procurement limit from 5,000 to 10,000, and so we're adopting and adjusting to accommodate that change. This is not an arbitrary rollout of everything goes to 10,000. This is somewhat akin to opening the garage door before you drive out the car and because we have to update the procurement code, the manuals, and there is some sap updates, and some things to occur to get that piece in place. This is the front end of that. So if there is any more questions.

**Fish:** I'm looking through the code language so we are creating a parallel process, allows the state to step in or the city to step in where it hasn't happened quickly enough. According to the impact statement there is no budgetary impact of this so two questions. What has to happen to trigger the city action? And how does the city -- and assuming this is more than an occasional investigation, this ramps up and we're involved in a regular basis in verifying the information how do we pay for it?

**Pelatt:** The probability for significant increase in the numbers of enforcement is not really very high. We do a very good job now of discussing things, working with our contractors and it hasn't been a huge issue, it has been an issue but not a big one. We would not anticipate that we would get 1,000% increase in the number of enforcements. The trigger will come from either the bureau or procurement services in our compliance group. We are watching the projects as they move forward. Everything from certified payrolls to making sure that the subcontractors are getting paid timely. All those so we have constant surveillance anyway if there were an issue tied to that. That's -- that would be the trigger point.

**Fish:** Let's assume that it originates from the community, someone who is providing services or has information. How will they bring it and where will they go and how will the council know how that complaint has been adjudicated?

**Pelatt:** The complaint could come forward from any community member. The most logical place is to the procurement office or the bureau who would report then report to the procurement office, relative to issues with the vendors understanding.

**Fish:** Can I stop you there for a sec when you say the most logical place to bring a complaint I am talking about the public. The public goes to our website and generally is bewildered by all the bureaus and all the information, so my sense is we need something on a website that is very clear about receiving complaints from the public if they have information, could be a sub or someone providing services. Where they go and how they make the complaint and how that is tracked. Not assuming people will go to our website and figure this out.

**Pelatt:** The other part would be the city has an excellent ombudsman office that receives complaints relative to many issues. And I think of some of us are bewildered by the thought process and the bureaus, too, but the ombudsman office would be an excellent place to start. If it was outside third party type of community members, I think that that would be the logical place to start. I don't think that they would go to procurement. They probably wouldn't know to.

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**Fish:** The ombudsman or the person may or may not want that additional burden. Our version is she gets the complaints that have not gotten attention through the normal channels so I think that this is something that we ought to think about, if we are saying that we're taking on a new enforcement protocol and saying we're taking this seriously there ought to be some transparent way that complaints come in and get that information and not go to an ombudsman or call a random bureau, and there should be some way to track over the next year, did we get more complaints? How has this change impacted the community and our work? I encourage you to consider that just as part of the rollout.

**Pelatt:** I think that's something that we could put in place, is a thought process, we could get back to the council's offices as far as, you know, some report or some sort of format you would like to see.

**Fish:** Is this a council directive? The mayor is nodding. We sometimes hear anecdotally from the community that they have concerns about someone providing services, we are not really in a position to deal with it, and historically the state does it, so if we are going to have a city enforcement mechanism let's set up something so that those complaints can be brought to the right person, and I would not start with the ombudsman. She's not really the place where complaints should come first. Usually they come there after people have not gotten recourse through other means.

**Heron:** I think your point is well made. Especially if now the complaints are going to the state. We want to make sure that folks know well, when do I take it to the city or the county or to the state? I think the point is well made for getting information. And any information out to the community members, so it's clear because, and in addition to syncing up with the state code this is broader than just public contracting. It's where the city has social equity goals and this gives us an enforcement mechanism that we did not have previously. So I think that the point is well made the communication ought to be clear, council's intent with these changes are more than housekeeping in-sync. It's really adding some teeth to the social equity goals that we have got.

**Hales:** This, thank you. Anything else that you wanted to cover? All right, thank you very much. Anyone like to speak on this item? Come on up.

**Shedrick Wilkins:** I could use my degree in electrical engineering. I noticed after the Second World War a lot of construction workers were heavy set white male types, you know, that can do physical stuff. But there had been improvements lately in like a hammer. They have these nail guns that use air pressure. And also I saw a woman lineman instead of going up the pole, it was raining and they had this tarp over her. It's unhealthy for a guy to do the same thing, so there's been improvements in electrical technology to hoist people up in the air and to do electrical work on telephone poles. Recently buildings are only like 10 stories high and if you have one of these cranes, you don't have to lift anything. The crane is overhead so technology has changed things, just like in the south they used to justify slave labor by saying we don't have the machines to do that when the north was pioneering the tractor. Affirmative action is helped by increases in technology, and these -- job drives a nail. They have these guns, and a woman can do that, so they can do these jobs and you cannot just opt out and say we have to have a guy because he's strong.

**Hales:** Thank you. Thanks very much. Ok. Anyone else? And let's please take a vote on this item as an emergency ordinance.

**Saltzman:** This is a very important change to be able to enforce our own laws around procurement and the use of minority women and emerging small businesses. It's important that we know that when we award a contract to somebody that they are going to use the minority and women sub-contractors that they present they are going to use. And those subcontractors are all certified to do the work. I want to thank our city ombudsman, Margie Sollinger, procurement services, and James Posey, and certainly want to also

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acknowledge my chief of staff Brendon Fin for his excellent shadow role in helping this problem become addressed by our state lawmakers. Please to vote aye.

**Novick:** When I worked for the federal justice department doing environmental law enforcement, our bosses used to say you know, the Soviet Union had great environmental laws, paid nobody to enforce them. A law without enforcement capacity was a meaningless law so this is an important step and thank you very much. Aye.

**Fritz:** Thank you for your work one step at a time and we're making improvements. Thank you, aye.

**Fish:** Thanks to the auditor and the ombudsman and representative Frederick and senator Dembrow, and to your commissioner and Christine Moody and the folks that went down and testified or helped the legislature, and I am pleased that as part of this, we're going to also be thinking about ways to streamline the receipt of complaints from the public and maybe have an icon on the website and a way to track that so we can measure our progress. Thank you Dan and everyone for their good work. Aye.

**Hales:** Good work indeed, thank you. Aye. Let's go back to the regular agendas to 1003.

**Item 1003.**

**Hales:** It might not be a demonstration in favor of this one.

**Pelatt:** I will just have to wing it as best I can.

**Hales:** All right.

**Pelatt:** Good morning, Larry Pelatt from procurement services. You have before you a report recommending an award to Iron Horse Excavation dba Oxbow Construction, for the southeast sewer rehab project in the amount of \$2,882,314. The engineer's estimate was \$2,260,000. And the bureau's confidence level was high. Bids were open on June 28, 2016, and three bids were received and in response to the solicitation and Iron Horse Excavation, dba Oxbow Construction is the lowest Bidder at \$2,882,314. That is, unfortunately, \$622,314 or 27.54% over the engineer's estimate. The bureau of environmental services identified an aspirational goal of, for a certified dmwesh Contractors of 20% of the hard construction projects for this cost. There is a total of \$1,932,314, or 67%, dmwesh participation including the contractor at 58.2%, and certified sub-contractors at 8.8%. \$1,772,314 to dbe mbe prime contractor and \$180,000 to esb subcontractor. Iron Horse Excavation dba Oxbow Construction is a state certified dbe contractor, dbe and mbe and in compliance with all requirements for the contracting. If the council has any questions regarding the procurement I can anticipate those. There is a representative from BES and the vendor if you would like to speak to them.

**Hales:** Questions. Either from procurement or BES. Thank you very much. Anyone want to speak on this item? And if not is there a motion to accept the report?

**Fish:** So moved.

**Saltzman:** Second.

**Hales:** Roll call please.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye.

**Hales:** Aye. [gavel pounded] thank you. 1004.

**Item 1004.**

**Hales:** Welcome to the distinguished panel. Harry, explain to me this interesting, interestingly named section of the city code about fair and moral claims. We'll try to be both.

**Harry Auerbach, Chief Deputy City Attorney:** I will try to be quick. These are two relatively housekeeping amendments to the city code provisions relating to the risk manager. The first one is to eliminate what appears to be an unintentional inconsistency between the way we treat employment related claims and the way we treat ordinary tort claims. When the risk manager, when risk management investigates employment related



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claims, the code treats them as agents of the city attorney but there is no corresponding language in the investigation of tort claim materials. And this is proven to be an issue on occasion when we're in litigation. We don't have the same protection for our claim files from discovery that private litigants have with their insurance companies. So we would like to kind of level the playing field and clear up the inconsistency and treat risk management as agents of our office because we work together in a lot of these resolution of the claims and we wind up with the litigation if they are unable to resolve them. That's part one, happy to answer questions about that if you have any. Part two is -- so the charter provides that the council has the authority to settle fair and moral claims which are defined as claims for which the city would be immune under governmental immunity or claims for loss of or damage to property of city employees incurred in the course of the employment. The code provision that delegates that responsibility to the risk manager is very bare at this point, and the risk manager wanted to clarify that her authority was no more or no less than what's in the charter, and so that's just is a pure housekeeping amendment to do that, and if you have any questions about that, happy to answer them.

**Fish:** I guess that I have a fundamental question if I could take a moment and I had a chance to talk to our guest there is morning about this. The matter before us is straightforward, and it is as I understand it designed to clarify the relationship between the city attorney's office and the risk management. And I know as each of you know colleagues that risk management reviews lots of claims that come in that relate to our bureaus, and they do a very thorough and professional job of evaluating the claims and they often settle those claims before they bubble up. Sometimes they don't settle the claims, the lawsuit is filed and then it gets more complicated. One of the ongoing challenges in our form of government is trying to be clear about who is the client in any matter that comes up. I have, actually, gotten in the habit since I am the client or I thought that I was the client in some matters of asking that question in meetings who is the client. Sometimes the meetings last longer than I would somewhere thought because there is a disagreement about who is the client. So here's, here's the issue that I want -- I want to flag. We had a discussion with risk management about a claim that involved both pbot and the bureau of environmental services. And I won't go into the details but like a lot of these kinds of claims where a homeownership or property owner is bringing a claim against the city relating to some claim that the sewer system backed up or during a storm wasn't working properly or whatever, and the facts are complicated. And there is lots of different players at the city. There are people in different bureaus answering the phone and being dispatched and doing the work and the follow-up, and woven throughout the tort claim and the lawsuit are different allegations involving different people. So the concern that I have is that it's my view that the bureau should be involved upstream with risk management and in doing some of this evaluation for a couple of reasons. The first is sometimes the claims, including the tort claim notices allege things which bureaus may want to address sooner rather than later. That is a claim of some practice or event. It is separate and apart from whether the lawsuit or the legal claim has merit. There may be an interest for the bureau to say that's not our policy so let's fix that. There are also sometimes allegations, just so wacky that you want to kind of get your arms around them and make sure it's an anomaly and not a pattern and practice, and on and on. Plus we are all responsible for putting money into the kitty that has been drawn down to settle the claims, so while risk management is delegated to do this, they are settling the cases based on money that we've been asked to put into a pot to be set aside for the claims. The question I keep coming back to is not the issue of the relationship to the city and risk management because I think that works pretty well, and not the question of does risk management do a good job of evaluating and making their best judgment but the question that I want to raise

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is who is the client for purposes of resolving the case at each stage? And so at the bureau of environmental services for example, what we have request idea is that we get involved more upstream when the claim comes in so we know what the claim is, is it a one-off or a pattern or things that we can do differently or better and that's separate and apart from Mr. Smith or Mrs. Jones has a viable claim under the law. And what I want to avoid and the reason I am raising this is I want to avoid a process within our legal system of the city where because we say the city is the client, ineffectively none of us are. And we have delegated the city attorney's office and risk management. My concern is not based on any questions about the judgment or the professionalism of the people. In almost everything else we do we entrust our bureau directors to be involved in these conversations and make some judgment. Particularly where these claims raise issues outside of the legal claims that need to be addressed, there is a labor relations and policy and practice, I think it's important for the bureaus to be involved. So I know that that's a long winded way of getting to the point that I don't disagree with the, with what you are asking us to do today, Harry. But I do have a concern about a process that goes on without a clearly defined client and bureau involvement, and I wonder if there is a structural way to fix that.

**Auerbach:** So thank you, that's a long question to which I will team to give a short answer and let Randy our liability claims manager address it also. All right. The technical sense, the client is the city of Portland and Municipal Corporation and you all as its governing body. And when there are claims that involve multiple bureaus we -- risk management does try and when we get involved try to involve -- well, if it's a single bureau, we do try to involve the bureaus in the conversation. When we get a tort claim, whether it is sent to ours or to risk management, they will send that notice to the affected bureaus for a couple of reasons. We have got to find out who has knowledge of the things that are alleged to have gone on, and who has records so we can, we have to preserve all the records that we have that are related to whatever is going on. And we want to be sure the bureau knows what people are saying about it. There is nothing -- there is no structural impairment to a bureau receiving that notice and taking a look at what it's doing and deciding that there may or may not be something that it wants to change.

**Fish:** Hold that thought. So we're clear that's a notice provision that also is part of the investigatory process. But it does not get to the question of who is the client and who is involved in the decision-making process.

**Auerbach:** Well now you are asking me, you were asking me two different questions. One is how do the bureaus get involved in knowing what the allegations are and whether there are things that they can do about it. And they get the notices so there is nothing that stops them from doing that. Risk management does try to work, and Randy can explain more about how they do that but they try to work with the bureaus in evaluating the claims and in deciding whether or not and if so on what terms to settle them. Then risk management is charged with the responsibility of allocating responsibility among Bureaus if we have multi-bureau events. So risk management has to make some kind of qualitative decision that a third of the claim is the responsibility of the bureau actual and two-thirds of is the responsibility of bureau b. And that's just what --

**Fish:** Hold that thought for a second. One of the things I learned is that you can sit down with risk management and get a print-out of all of the claims by dollar amount that are in the system, and one of the things that really jumped often the page to me is how many claims are small dollar amounts. Let's say that below 5,000. And I think that we would probably all agree that there is a line below which the smaller dollar claims, we would have a higher degree of deference in resolving those because they are sort of smaller in scale. And there are above that line, claims that start growing and mushroom and have scary numbers and those involve things that are more structural or bigger alleged system failures

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or whatever. From my point of view those are the claims that I have ask to be reviewed a to make sure that we know what's going on and b to be involved in the mix and in making the decision, not the more routine stuff, but I don't think that is appropriate. But I am highlighting stuff bigger and where there may be something that we learn before the case is resolved that needs to be fixed in terms of how we manage the bureau.

**Auerbach:** I think that's great and we encourage that and I try to make sure when there are issues the commissioner's office knows what's going on, so we want to make sure and randy I will turn it over to randy to tell you how he does this. We want to be sure the right people know what's happening so we get the right people involved in making the decisions about whether or not to settle a case and, or whether or not to change what we're doing in response to the claims.

**Hales:** And based on this you might want to, from your standpoint, not only explain how you will -- how you do this now, but how you will do it differently after we make this code change.

**Randy Stenquist, Risk Management:** Ok. How we do it now is every bureau gets notice of the claim that risk management receives. When we get the claim, and there is 600 to 700 submitted every year so my staff -- I see every one of them that comes in I assign it to one of my adjusters and they begin the investigation. The very first step in that investigation two things happen on the same day. A letter goes out to the claimant saying we got your claim we're looking into it here's the specific ways you can reach the adjuster if you have any questions about the process we'd also ask them to provide some additional information if it wasn't included with the claim form. The very same day that the letter goes out to the claimant a copy of the claim is distributed to the individual bureau that we decided is the appropriate person from which the claim arises the appropriate bureau. So generally it's pretty clear that it's a bes claim it's a pbot claim or it's a bds claim or whatever it is. Sometimes there is an overlay and bes is the most common one where that overlay occurs and that's because of the agreement that bes has with pbot whereby pbot maintenance operations crews provide maintenance activities for the sewer system that bes owns. Bes has instructed us form a very long time ago that every sewer related claim they want to have charged to bes I mean assigned to bes if you will from the get go so there aware coming in and then if the claim develops in such a manner that it turns out that it is not bes but rather it is pbot because of some failure or lack of activity on the part of the pbot crews doing the work, then that claim can be reassigned.

**Fish:** The reason what he just said is a very important in terms of the pbot-bes relationship, it's not always clear in the claims brought against the city whether it's maintenance crew or bes staff person that is allegedly making a comment to a customer. We do this, we don't do this, we're not going to service you, we are. So it isn't always within just under our roof to do fact-finding so we do it with pbot. A recent example that triggered this for me was when there was a news story about an aggrieved person who brought a claim. The letter we got from that person, lots of messy fact that were hard to figure out because in fact some of it attributed to maintenance, some to bes. The case had already been investigated, determined not to be right for settlement, now had a lawsuit pending. My take-away from that one was on those kinds of claims, we're going to work with risk management to ensure that that comes to the director early on. Because it was a big, complicated mess. Whether there's legal risk or not is a separate issue. But it was so complicated and the claims big enough that I want my director actually having the conversation with risk at the settlement phase -- at the evaluation phase and then thereafter if it's not resolved. In part because I want to make sure we get a head start on fixing anything that is alleged in the lawsuit separate and apart from whether we actually settle the lawsuit. I guess it goes back to who is the clients. We're going to clarify



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presumably the relationship between city attorney and risk management but in our form of government it's not always clear who the client is. To say the city is a client is another way of saying it's none of us directly the client. There's nothing that prevents us in our bureau directors for saying above a certain amount, we're the client and we want to be consulted on this like any other legal matter. And I think it's essential because of the information in the tort claim notices and initial processes which separate from the legal liability issue may involve changes in our bureaus that we need to get a head start on.

**Auerbach:** Can I just say two things. As far as your latter point I agree with you entirely. We do this work for you. So the five of you may have different ways in which you want us to process that work. We're always receptive to giving you whatever input or information you need about tort claims within your portfolio. All you got to do is ask. It's probably not a good idea to try to come up with a solution for each council office, uniform solution because each of you wants to process information differently. We'll do it however it works for you. We are working for you. The other thing is I want to make sure you also understand that when the -- about 90% of these claims are resolved without litigation, a little over 90% historically. But in the 10% that go to suit when we see them our lawyers are looking for systemic issues. As well as the things that are particular to those cases. So when we see something that we get like we used to get the claims about a certain kind of play equipment or certain way of doing things on the sidewalks or something, when we see system improvements that can be recommended that will reduce exposure to future claims we make sure that the bureaus are aware of those.

**Stenquist:** Let me add that all of the bureaus do receive regular and recurring reporting from risk management as to their open claims and their closed claims. I couldn't today sit here and tell you exactly who the recipients of those are but each of your bureaus has designated individuals who receive information from risk that contains that data set, some of which I shared with you, commissioner Fish, last week. It comes out on a monthly basis every month and every bureau is able to get that and certainly we can tweak that if there's a desire.

**Fish:** I think you do a great job. I think my colleagues are all going to want to have their own process of getting the monthly report. They are going to want to set their own threshold for the kinds of things they want the director to have a chance to review. Again, what Harry just said about 90% of the claims being resolved that's in part because so many of the claims are small dollar amounts and get resolved in the ordinary course.

**Hales:** In the way I read this, maybe I didn't read it correctly, I appreciate the discussion because I think I still did, that is this sets the default mechanism for how this will be handled but for further instructions from either commissioner in charge or the bureau under the commissioner's authority. Say, I know you got the authority to settle these claims, but we, bes, want this, and then the overhead bureaus that serve those operating bureaus, namely the city attorney's office and risk, can say, okay, we'll handle it that way for you.

**Auerbach:** Any claim over \$5,000 you all have to approve before we can settle it.

**Stenquist:** That's right. Self-policing by design. The charter says we can't spend that money. [speaking simultaneously]

**Fish:** There could be a \$100,000 claim that risk management says lacks merit and the first time we learn about it is there's a lawsuit and a mess. I'm just saying that for us in my bureaus we have decided to go upstream to make sure we know about that and can have a dynamic conversation with risk management if we disagree.

**Hales:** This doesn't wall that off, what you are describing.

**Auerbach:** Absolutely not. Let me say again our ultimate goal is to help the city reduce its exposure to risk by making prudent decisions about how it operates. So we are here to help you do that every time we have the opportunity to do it. This is one way that helps

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eliminate things that we can do to help reduce your risk and to make Portland a safer place, which is really what it's all about. So I think we are all in the same page that we have had -- this whole conversation is very helpful and very useful, but it's kind of divorced from the meat of what's as I think commissioner Fish recognized is separate from the precise code amendments in front of you today.

**Fish:** I'm going to support the code amendments but I mentioned to a number of you use this opportunity to flag the issue because it did seem to me to be another example of the ambiguity about the client and what point the client was involved in the decision making process. Turns out each of us gets to set that standard for our bureaus and I wanted to make sure my colleagues were aware of that.

**Stenquist:** That internal dialogue within the bureau level is important and risk is here to assist you in whatever way we can get the information out there. Again, currently every claim that comes in the bureau lays eyes on it from the get go. If it is a \$100,000 claim at the outset, the bureau representative knows about it. If we need a broader distribution certainly that's an internal discussion and risk management would be happy to facilitate a broader distribution of those claims. We will be happy to work with you on that.

**Hales:** Other questions? Anything to add?

**Heron:** No, I think there's been adequate discussion. [laughter]

**Hales:** Not going to tread into the quagmire any further. All right. Any other questions for these folks? Thank you all very much. Does anyone want to speak on this item? If not it passes to second reading next week. Thank you.

**Hales:** Okay, item 1005.

**Item 1005.**

**Hales:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor. Portland housing bureau administers the system development charge or sdc exemption program and the affordable housing construction excise tax exemption, in coordination with other city bureaus to promote the construction of affordable housing by offsetting some of the cost of new development to advance the city's affordable housing economic and equity goals. However we have not had an explicit exemption for new shelters. These additions in this ordinance to the sdc and construction excise tax exemption program, clarify mass shelters are an allowable housing type to receive exemptions shelters are obliged to provide services at no charge for a minimum of ten years. The changes in this ordinance also allow for an sdc, or construction excise tax exemption, for services, space and common areas in affordable housing developments. These changes are fully supported by home for everyone and will be important to the development of the new St. Vincent shelter that Multnomah County will open later in the fall. It will also allow nonprofit and faith communities an easier path forward toward helping provide shelters for members of our community. We have dory van bockel will of the housing bureau and sally Erickson from the joint office of homeless services to answer any further questions my colleagues may have.

**Hales:** Good morning. Appreciate this being brought forward and you being here. This will go into effect, it's an emergency ordinance that will go into effect immediately.

**Saltzman:** It will therefore be accessible to those projects.

**Dory Van Bockel, Portland Housing Bureau:** Absolutely.

**Hales:** Other questions?

**Sally Erickson, Joint Office of Homeless Services:** I'll make a few comments.

**Hales:** Go ahead.

**Erickson:** I'm sally Erickson, program manager for home for everyone and the new office of joint services. Home for everyone is very supportive of this proposal. We're implementing an ambition going to open up an extra 650 spaces and emergency shelters

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this year. The proposed changes would make that much easier to achieve. We have had organizations interested in opening shelters at your request and they have come forward but system development charges were particularly for smaller scale programs. The joint office of homeless services worked closely with dory and the Portland housing bureau staff on proposed language and it's consistent with our community's investment priorities. We look forward to working with the housing bureau in the future and to these changes.

**Hales:** Thank you. Questions. Thank you both very much. Anyone want to speak on this item? Come on up, please. Go ahead. You can both come up.

**Shedrick Wilkins:** I'm Shedrick Wilkins. Last week a lot of people criticized the city council because when you do a construction housing there's an implication there was a guy here last week said we ought to get our own hammer and make our own little buildings. I don't agree with that at all. I represent dignity village where they had shack houses. They were all falling apart. I don't like to hear people accuse city council of not letting us build our own housing or something. Dignity village has stayed as a tent community. I was out there a lot of them were making drugs like meth out of dignity village and using the shack as a way to hide their doing that. Only takes a little propane stove or something like to cook up meth. I didn't get into dignity village but a year later the person who led it tore the shack down for meth. I'm saying is that if you're going to build a house or a building you need to make sure that it's safe, that its contractors, not like we can all build our own stuff. I resent people claiming that you're only in office because you're getting money from contractors. That should stop.

**Hales:** Thank you. Welcome.

**Linda Jo Devlaeminck:** I'm Linda jo Devlaeminck, I represent community of hope. I would like to thank commissioner Saltzman for getting our sdc fees waived. It makes a tremendous difference in our renovations to serve families. We are trying to serve the community and the city in doing this. We don't have a lot of money. We run entirely by donations, so my hope is that you can help people like community of hope to help you provide those services without charging these fees. Thank you.

**Hales:** That's the idea. We appreciate your effort. Want to support it. So thank you. Welcome.

**Lightning:** My name is lightning. I represent lightning watchdog pdx. Again, I have always wanted to see more incentives to the development community in having these certain fees waived, so of course I'm absolutely in agreement on this. Now, when we're talking mass shelter such as terminal 1 and Wapato, I want to point over to commissioner novick and say that what I want to start seeing in the future, especially from commissioner novick's position, is an understanding that these mass shelters, if we say put 100 people into one of these mass shelters, and we have an additional 400 beds, that also is a benefit to the bureau of emergency management, and that's why I want you to keep focusing on this. When we're talking terminal one at 500 to 1,000 capacity, if they put 250 people in there and we have an extra 600 beds, that's very beneficial for you. If we open up Wapato and only put 100 people in there and have an additional 400 beds that's very beneficial to you in the event we do have a natural disaster that we need to relocate people. I want you to start really focusing on this to understand the importance of these developments taking place and maybe even focus on getting some type of federal funding to work together as a mass shelter for the homeless and also in the event of a serious disaster. That's why I want a little more emphasis maybe on your side. I did call you a rookie in the past, and you're not a rookie any more. You got the gas tax passed. I didn't mean to show you disrespect. The realty is I feel very confident you will be reelected, and the reality is that there's a lot of areas such as this to look at to work with the developers to get federal funding and to understand the importance of these mass shelters out in the marketplace.

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It's not just for the homeless. It's also for people that might be displaced out of their homes due to a disaster. These developers stepping up now, it's very important to understand that of the capacity of these mass shelters and the importance not just for the homeless but for all the city itself. This is a new direction we're seeing now and I think it's the most important direction to look at in working from your position and working from housing to make sure these projects do go forward and understand it's not just about the homeless. It's about having that additional space in the event we have a true emergency out there to truly locate them into these facilities, and I think that's a very important issue at this time. Thank you.

**Hales:** Thank you.

**Fish:** I have a question of the sponsor. So in the testimony an issue came up I had not flagged. Since terminal one north -- currently my understanding is we don't have water and sewer services to the warehouse. I don't know what the plans are by the developer in the next six months to a year, but to the extent those plans involve creating capacity with either water or sewer, I want to be clear that the exemption here of this program would not require the utilities to cover the cost of providing those utilities.

**Fritz:** We're not allowed to do any permanent improvements. We can't put water and sewer in.

**Saltzman:** Mostly temporary.

**Fish:** The developer has signaled a desire to make permanent improvements. The bureau of environmental services staff has reminded the developer that's not possible. I want to clarify, this exemption program is not intended to apply to terminal one north, is that correct?

**Saltzman:** Correct. Talking about community of hope and others like that that are up and running right now.

**Hales:** And who would be subject to a systems development charge. Yeah. Okay. Other questions? All right, it's an emergency ordinance. Let's take a vote.

**Saltzman:** I want to thank the housing bureau and the joint office for homeless services for bringing forward these critical changes. Thank you Linda Jo Devlaeminck for your nice words and for running an outstanding shelter in north Portland. We appreciate that very much. Aye.

**Novick:** Aye.

**Fritz:** Thank you all for your good work. Aye.

**Fish:** Aye.

**Hales:** Thanks, Stan, for your attention to this important detail. It makes a difference to folks trying to accomplish things. Pleased to support it. Aye. 1006.

**Item 1006.**

**Hales:** Commissioner novick.

**Novick:** Colleagues, delighted that the federal government has given us some money to replace the 122 avenue bridge over Johnson creek which I saw this weekend. I note that we have gotten letters from both pleasant valley enabled association and friends of leach botanical gardens expressing support for replacing the bridge as soon as possible.

**Cameron Glasgow, Portland Bureau of Transportation:** Good morning. I'm Cameron glasgow. I'm the interim supervising bridge engineer for pbob. I'm here to introduce an ordinance authorizing pbob to enter into an agreement with odot to receive federal highway bridge program funds for replacement of the bridge at southeast 122 avenue over Johnson creek. During the record break storms of December 2015, large woody debris pile blocked the flow of Johnson creek under this multi-span bridge, rerouting the creek into a side channel around the blockage. After the blockage was removed by maintenance crews a post storm inspection was carried out and it was determined that almost 200 yards of bank



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material had been scoured away leaving toppled footings and eroded support on four of the eight supports. These were opened to be supported on soft, alluvial material in extremely undesirable condition. The bridge was determined to be beyond repair and closed to all motor vehicle traffic at that time. Soon after pbot requested bridge replacement funds from odot which approved the request. The ordinance in front of you today allows us to finalize our funding agreement with odot and will allow odot to continue toward issuing pbot notice to proceed so that the design phase of the new bridge can begin. I have the letter from the pleasant valley neighborhood association if you would like me to read it.

**Fritz:** Could you just explain to people watching why it takes so long. I understand it's going to be 2018 or '19 we're expecting completion?

**Glasgow:** At this point it's 2019. First starts with funding, which is what we're working towards right now. Once funding actually -- everything gets signed off, we get notice to proceed, we can start the design. Once the design phase gets going we need to apply for federal permits. It's an environmental zone for lack of a more specific term. Working over and around the water so there are several local, state and federal jurisdictions that we need permits from. We can't apply for those until we have 60% design to give the permitting agency the picture of what we plan to do. The general timeline is about a year for those permits. It could take less time. I don't think it will take more than a year, but once we receive those and permit limitations we can finalize the design and then get approval from odot, federal highways, go through the procurement process that the city takes three to four months, then mobilize the contractor, get the girders fabricated, bring them to the site, so on, so forth.

**Fritz:** It's particularly complicated because of the multiple jurisdiction that gets to say whether it's okay or not.

**Glasgow:** You could say that. It's just part of the process but it's something we're faced with in a lot of our projects. I'm excited about this one.

**Fish:** Commissioner Fritz, commission novick, how will leach be able to access their parking lot during this phase? My recollection is --

**Hales:** The design phase.

**Fish:** If the bridge is inoperable how do people park and then get to leach?

**Glasgow:** They are working on it. [laughter] there is property to the north that -- I don't know who owns the property. I believe its parks, but I'm not sure. They are working on alternative arrangements for parking which requires its own land use review process.

**Hales:** First city with an aerial tram, we could be the first municipality with a zip line and a new attraction to leach garden.

**Glasgow:** Why not? Sounds innovative.

**Fritz:** That will be on the front page of the paper as a serious suggestion.

**Hales:** Didn't really mean it. Got that? [laughter]

**Novick:** It's my understanding there's limits to the time of year you can work in the water to avoid disturbing fish populations.

**Glasgow:** That's plays into it as well. It's a six week it starts July 15<sup>th</sup> and ends august 31 of any given year.

**Hales:** Obviously question. Just in case, so the reason we're in this predicament is there was erosion. Maybe that's because there's higher stream flows. I assume we're designing for the climate we expect to have?

**Glasgow:** Part of it was a significant rainfall event. Also the way the existing bridge is, it's a timber bridge, which timber can't span as far as some other materials so it had many vents in the water which collected the debris and then changed the way the water flowed. The water attacked, eroded some vents or piers that had not normally seen water in the

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past.

**Hales:** Helpful. Thank you. Other questions? Anyone want to speak on this item? If not, it's an emergency ordinance. Let's take a vote, please.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** This of course can be part of the grand scheme of a number of improvements at leach botanical gardens with the new master plan. The time be may be very good. Aye.

**Fish:** Aye.

**Hales:** Aye. Okay, thank you. Let's take 1007, please.

Item 1007.

**Hales:** Second reading. Roll call.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** Thank you to all the bureaus that worked with office of neighborhood involvement on this propose. Thanks to noise office staff and Paul van Orden and the rest of the staff. It's a step in the right direction. I'm hopeful that we can continue to move this program more into cost recovery and I appreciate the support of council. Aye.

**Fish:** Aye.

**Hales:** Good work. Aye. All right, 1008.

**Item 1008.**

**Hales:** Second reading, roll call.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye.

**Fish:** Colleagues, we serve clean, safe and reliable water to almost 1 million customers in the region. The matter before us has to do with our lead hazard reduction program. The contract is with Multnomah County to evaluate the effectiveness of our outreach efforts. This has been a year in which our water quality team has seen the volume of work go up dramatically. A huge spike in customer initiated requests for water samples to be tested, and other related functions. I want to especially call out Scott and Chris for their tremendous service and we look forward to working with Multnomah County to evaluate the effectiveness of this program. It's part of our continuing commitment to reduce the level of exposure in the community to lead. Aye.

**Hales:** Aye. Thank you. So now item 1008-1, our four-fifths item.

**Item 1008-1**

**Hales:** City of Portland intersects geographically cultural, demographically with a large number of Native American tribes. That's why we created the new position of tribal liaison. Here with our first presentation to the council is our new liaison, Patricia Gibson, with an issue she wants us to weigh in on. So welcome and take it away.

**Patricia Davis Gibson, Mayors Office:** Thank you, Mr. Mayor, members of council. I'm Patricia Davis Gibson. I thank you for the opportunity to be here in this position. I'm a Jeffersonian. I would like to read what I say because I have a tendency to say things off the top of my head and think oh, what did I just say. I have just brief comments. This is about the standing rock Sioux tribe and how they have chosen their story to tell how they fought for the water and how they did everything possible to keep the water clean for their children. In 1868 there's a treaty of fort Laramie established the great Sioux reservation. It basically was the whole state of South Dakota and Missouri river including the sacred plaque hills. This treaty retained all preservation, hunting rights, 1877 congress union laterally removed the black hills from the reservation and that's still in litigation. In 1889 it was divided into separate reservations. That's what we're here today asking for your support in opposition to the Dakota access pipeline or dapl. This pipeline is proposed to go through land sacred to the tribe and has the capacity to negatively impact through construction of possible ruptures the tribe's treaties, resources, ancestral land and sacred sites. Through their fight there's now a gathering of native people at the sacred stone

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camp equating to what happened back in 1865 which the Lakota called the battle of greasy grass, which you know better as the battle of little bighorn. The u.n. has issued a declaration on indigenous people finding it violates the provisions. Amnesty international is on the ground to make sure there are no human rights violations. You have before you a resolution and letter standing in solidarity with the tribe. In 2012 city council passed resolution 39941. It recognized the cultural and natural resources to preservation of treaty rights, cultural heritage and pursuit of life ways for future generations. The letter before you is a team effort. I ran it by the offices of government relations, Zach Kolongoski, Michael Armstrong, also I reached out to the army corps of engineers to say really what happened here. At this point in time there is a temporary restraining order that is being granted on certain sites of the construction. But I think what is the better statement that I can read to you and hopefully I can read this to you is a petition written by 13-year-old Anna Lee Rain Yellow Hammer on behalf of Standing Rock youth. A private oil company wants to build a pipeline that would cross the Missouri river less than a mile from Standing Rock reservation. If we don't stop it, it will poison our river and threaten the health of my community when it leaks. My friends and I have played in the river since we were little. My great grandparents raised chickens and horses along it. When the pipeline leaks it will wipe out plants and, ruin our drinking water and poison the center of Standing Rock.

**Hales:** I appreciate Patricia putting this together and council's engagement in this. We have a climate action plan that we're serious about and frankly I think the tribal governments are going to continue to be our allies in making that real and to the extent their treaty rights ends up having standing then they end up having real power to assist in that work. So I think this is an adroit move on our part. I want to thank you for bringing it to us today.

**Davis Gibson:** I would like thank Tara Pearce in listening to the constituents who requested this letter.

**Hales:** Thank you. Questions? Concerns? Thank you. We'll see if we have testimony. Anyone want to speak on this item please come on up.

**Shedrick Wilkins:** Let me speak first. I'll probably get booed at. You know, my view about reservation land, it's Indians on a reservation drive around in cars. Where do they oil come from? I think they should build this if the company says so but make sure that it's safe. So I belong to the Sierra Club and I don't drive and I hate it when they tell me they drove there in their car. It's the same issue that if you use oil you shouldn't criticize it. I don't. I wish everything was electrical myself. So I get booed for that but I'm saying let this pipeline be built and make sure that it is built safe.

**Mister Eng:** Greetings, council. Dan Saltzman, Charlie Hales, Amanda Fritz and Steve Novick. It's a pleasure to see you all. My name is Mr. Eng today. Celebration of antibullying. I have a lot of pain from this hand, my primary injury from your brutality illegal arrest that the DA dropped. It makes me think about the video I saw from a film maker in Dakota where a man has joined his hands with a tube and possibly plaster of Paris, and it's a pretty noteworthy activist, Mike Blue Hair is his official appellation, filmed this. It was almost so graphic I had to look away. He chained himself on to this apparatus that has some type of drilling situation and there's Native American chanting going on. Some kind of deputies are coming to run a chainsaw through it and they are very concerned that his hands are going to begin to actually bleed or be severed or lose a finger. At this time due to this pain I have due to your illegal arrest of me, which was unconstitutional, harassment and an ADA violation, I'm particularly aware of how lucky I am to have my hands and how much I celebrate them. I am aware that journalists in Russia are losing their hands because of their journalism. So I don't -- I want to renounce any privileges that my European ancestors obtained in coming to this country. I want to publicly renounce my



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confederate ancestor, Alexander Stevens, who was vice president of the confederacy. Very troubling to me my whole life. I want to express solidarity with the indigenous people of the Americas and tell them that I don't even understand the depth of their spiritual commitment but I am so deeply moved and so thrilled that could walk into city council where we could have a moment of unity of celebration of this culture. Not in any way seek to whitewash the roles of imperial colonialism and the devastation enacted by human rights abuses such as slavery. Mine is a small suffering to bear in comparison with the desperation and pain and alienation that has gone on in the reservation communities. So I want to unite with them also as Asian because when the Mongolian people went to Finland they came down the Behring straits and they are my people in a very large sense that we are all one family. I thank them and love them.

**Hales:** Thank you. Good morning.

**Malcolm Chaddock:** Good day. I'm Malcolm Chaddock. I'm a member of veterans for peace currently the chapter vice president in Portland. I am a founding member of individuals for justice, Oregonians against the war, and this shirt I wore in the trial that Bradley Manning faced. I have been witness to many injustices in my life and I am glad to see that the city council is willing to consider this measure in support of the tribes who are putting their lives on the line to save their own lives while yet again government not only refuses to help but actively supports the devastation. I appreciate that the city is willing to extend this support yet I must ask, why the city would not even take a legal risk with 40 attorneys, you pay plenty of, to try to stop those sweeps, to try to change the laws that made them happen and necessary, and why you just plowed through. Thank you for your gesture. It's only a gesture. Yet here in this place where you live your citizens are now looking for other places to go when you could have given them service, which you could have provided law enforcement on the corridor, thank you for your support for the Native American people. It's long overdue as is the support for your own citizens on the street. Get it right. Get it right.

**Hales:** Thank you. Welcome.

**Charles Johnson:** Good morning, commissioners. For the record I'm Charles Johnson. Obviously considering the history of genocidal warfare against Native Americans, people that are now in some ways still confined even though they have U.S. citizenship in some ways are still confined to apartheid reservations up the river, Warm Springs, Grand Ronde. Actions beyond resolutions are really what these neighbors of ours deserve. In North Dakota the Standing Rock tribe has some people who come from our own area to be in solidarity with the people of the Sacred Stone Camp and Red Warrior Camp. It was mentioned Mike Blue Hair is out there, Tony Zamora from Washington State, Sweetwater Nanook of Isle No More Washington. Organizing a multi-tribal canoe solidarity event. So it's important that as people that have stolen and have primary control of the land that we at least acknowledge what happened then and what's happening now, that the Fortune 500 is making war on the Standing Rock Sioux. That pipeline is financed through Bank of America, quite possibly both Goldman Sachs and Morgan Stanley. We don't know the specifics. We have a responsible investment policy and unfortunately since I was in court with Constantine Severe and Miss Malone of CRC, I didn't get to hear all the presenters' testimony but I hope there will be record that will speak to the poor investment choices of the major financial players in light of our socially responsible investment policy. There that be a specific statement that says although whatever sometimes governments are constrained to only do businesses with certain rated companies, that we're still nonetheless unhappy to know that any institution we have to have a client relationship with whether it's Bank of America -- U.S. Bank -- but that we continue to do what some of the major pension funds have done. This will be an issue in our next mayor Ted Wheeler comes

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in who has been in that situation of having a larger portfolio to try to leverage for justice, not just social justice but actual justice for native people that are under attack very severely in north Dakota and even though we have good relationships in the area, there are ways that native people are under attack every day. Some of them are as Mr. Chaddock mentioned even members of the Springwater corridor area swept and other places where the sweeps are going on. The resolution should be a catalyst and first step. Thank you.

**Hales:** Thank you. Anyone else? Any discussion? Then let's take a vote on the resolution.

**Saltzman:** Aye.

**Novick:** Really appreciate Patricia bringing this forwards and giving us this opportunity to express our solidarity. Aye.

**Fritz:** My understanding is the reasons have to be done four-fifths is something that could happen on the 9th so we need to do it this week. I do hope more people in Portland will know about this and add their support. Thanks to Patricia, one of the fastest first resolutions in record. Aided and assisted by Tara Pearce and Rachel Wiggins Thank you. Aye.

**Fish:** Thank you to our tribal liaison, to the mayor's office, the mayor, also I want to acknowledge matt Morton. I got a text at the end of last week from matt who first brought this to my attention and has been advocating in the community. Thank you. I'm proud to join the council in unanimously supporting this action. Aye.

**Hales:** Thank you all. We have a letter to sign. We might do that while we're here. I vote aye and we're adjourned.

**At 11:43 a.m. council recessed.**

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**Closed Caption File of Portland City Council Meeting**

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Key: \*\*\*\*\* means unidentified speaker.

**SEPTEMBER 8, 2016 2PM**

**Saltzman:** Ok the council will come to order. Please call the roll.

[Roll call taken]

**Saltzman:** Okay, could you please read item 1009 and 1010.

**Item 1009.**

**Item 1010.**

**Saltzman:** City attorney, do you have any guidance for us?

**Kathryn Beaumont, Chief Deputy City Attorney:** Thank you, commissioner Saltzman. I have several announcements I'm required by state law to make that concern the kind of hearing we're having today. The order of testimony and the scope of testimony. First as to the kinds of hearing, this is an evidentiary hearing which means you may submit new evidence to the council in support of your arguments. In terms of the order of testimony, it will be -- the council will hear testimony as follows. We'll begin with the staff report by bds staff for approximately ten minutes. Following the staff report the council will hear from the interested persons in the following order. The applicant will go first and will have 15 minutes to address the council. After the applicant the council will hear from individuals or organizations who support the applicant's proposal. Each person will have three minutes to speak. Next the council will hear from persons or organizations opposed to the applicant's proposal. Again each person will have three minutes. If there was testimony in opposition to the applicant's proposal the applicant will have five additional minutes to rebut testimony given in opposition to the proposal. The council may then close the hearing and deliberate. Because the accompanying ordinance is a nonemergency ordinance, it will pass to a second reading. The council may make amendments to the ordinance and findings or direct staff to return with amendments if appropriate. Finally, if a few guidelines for giving testimony. First 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 to make sure they become part of the record. Second, testimony must be directed toward the approval criteria. Any testimony, arguments and evidence you present must focus on the applicable approval criteria for this land use review or other criteria that you believe are applicable, whether from the comprehensive plan or zoning code. The bds staff will identify the applicable criteria as part of their staff report to council. Third you must raise any issue clearly enough to give the council and parties an opportunity to respond to the issue. If you don't, you'll be precluded from appealing to the land use boards of appeals based on that issue. Finally, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow council to respond the applicant will be precluded from bringing an action for damages in circuit court. That concludes the opening announcements.

**Saltzman:** Thank you. Do any members of council wish to declare a conflict of interest? Seeing none, any members of council wish to declare ex parte contacts or information gathered outside of the hearing? No? Okay. And have any members of council made any

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visits to the site involved in this matter? Okay. Great. So we'll start out with the staff report from bureau of development services. Matt, come on up.

**Matt Wickstrom, Bureau of Development Services:** Good afternoon I'm matt Wickstrom, I'm with the bureau of Development Services land use services section. As the city attorney noted we're here to talk about a comprehensive plan map zoning map amendment at 4736 through 4752 northeast Going Street. As the council clerk noted the applicant requests a change as far as the proposal goes the applicant requests to change the comprehensive plan map and zoning map designations for two lots on northeast going Street from r5, which is residential 5,000, to r3, which is residential 3,000. This is a copy of the existing zoning map. You'll see the two lots shaded in sort of more the darker red adjacent to northeast Going Street are considered the site. They are 39,200 square feet in area together. Each lot is developed with a single dwelling home. The applicant also owns a lot to the south of these two lots which is already in the r3 zone and therefore isn't part of the zone change proposal today. This is a copy of the proposed zoning. You'll see the zoning map moves to include the two lots abutting northeast Going Street within the r3 zone. It's important to note that this change in zoning has been already approved by city council as part of the comprehensive plan update. However, that's not expected to go into effect until January 2018. This is an aerial view of the site. I have additional vicinity photos at the end of the presentation that if you want to examine the surroundings in more detail we can do so but I'll just give you a tour based on the aerial photo. So right here I'm circling the site that's part of this proposal developed with two single dwelling homes. To the south is the lot also owned by the property owner, Eli Spevak. Across the street you have what's called cully grove, a planned unit development, also completed by the property owner. It's in the r5 zone however it went through what's called a planned unit development to allow multiple housing on one lot, which is in some ways similar to what the property owners' ultimate proposal is for this site that we're discussing today. To the east and west these three lots here -- actually these four, they are developed with single dwelling homes. On the corner of northeast going and northeast 47th avenue we have a nonconforming recycling business in a residential zone. To the south of the site, here, where the zonings is r3 is apartment development. What's proposed for this site and with this planned unit development across the street creates in terms creates a bridge between the multi-dwelling development to the south and planned unit development to the north. This is only for illustrative purposes. We're not approving a site plan as part of this review however this is how the applicant envisions to develop the property. It's with a series of one, two and three dwelling unit structures rather smaller in nature, ranging from about 700 square feet in dwelling units to the largest being 1500 square feet. There is a common -- one of the units proposed is a common house that could be shared by owners or residents of the other homes in case they had visitors or that type of thing. There's a pathway running through this community gardens which are placed up against adjacent to a neighbor to the west, and then there's surface parking as well. Then it's also important to note that one of the three existing houses on the lots owned by the property owner, this one here, which isn't part of the zone change, is proposed to remain.

**Fritz:** Are those trees shown are those trees to remain?

**Wickstrom:** Yes.

**Fritz:** Thank you.

**Wickstrom:** Thanks. This is a summary of public testimony received throughout the process. In response to the notice of proposal that was sent out, three letters of support were received. The topics addressed in those letters express support for the additional housing that would be provided as part of this proposal. There's also a proposal and a condition of approval related to three of the dwelling units being affordable and then there's

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a letter of support written by the cully association of neighbors which was actually received as part of the application, not in response to the notice of proposal. Seven letters in opposition were received in response to the notice of proposal. Main theme that ran through those letters was a desire to protect the rural character of this area. The one thing to point out about that is the site as it is and this includes Mr. Spevak, the other r3 zoned lot which he owns to the south, through a planned development review could be developed with 18 dwelling units right now. The way he's envisioning developing it would be with 23 dwelling units so we're not talking a huge departure from what would be allowed by right through review. There's concerns about parking and whether adequate parking was provided. There were concerns about traffic. Notations that the cully grove development across the street had increased traffic to an extent. There were statements saying that the property should just be developed under the current zoning without asking for any sort of change, and then there was a concern expressed that the zoning pattern wouldn't be consistent. Then the June 27, 2016 public hearing with the hearings officer testimony of a similar nature was received both in support and in opposition. The approval criteria for this review are 33.810.050, comprehensive plan map amendment approval criteria, then 33.855.050, the zoning map amendment approval criteria. Hearings officer found that the proposal is on balance equally or more supportive of the comprehensive plan. The proposal provides more opportunities for housing and housing types. Three dwelling units will be affordable. The proposal is consistent with the transportation policies and objectives, and overall project is consistent with the surrounding development pattern in the area. As far as the zoning map amendment findings go the proposal meets approval criteria for base zone changes. The proposed zoning essentially matches the comprehensive plan designation proposed for the site. The water supply and capacity can support the uses that are allowed. Police and fire are capable of supporting the use as allowed. The proposed sanitary waste and storm water disposal are acceptable to the bureau of environmental services. And the transportation system and facilities are capable of supporting the uses allowed. Just a couple staff notes, following conversations with the Portland housing bureau, the condition of approval related to affordability that was included in the hearings officer's recommendation was modified slightly so that it could be enforced. Karl Dinklespiel from Portland housing bureau is here if you would like to talk about that condition more. Over the course of the land use review the applicant took a different job and so now Eli spevak, the property owner, has requested to become the applicant. So in summary, the hearings officer's recommendation was approval of the comprehensive plan amendment to change the designation of the comprehensive plan map designation of the site from high density single dwelling residential to townhouse multi-dwelling residential and to change the approve the zoning map amendment to change the zoning from r5, residential 5,000, to r3, residential 3,000. It's important to note that basically this site is going from one of the most intense single dwelling residential designations other than r2.5 to the least intense multi-dwelling residential designation. That's essentially so the applicant can develop the site in the courtyard fashion that he is proposing to. Two conditions of approval were included. One is that dwelling units on the site are limited to one, two and three unit structure types. This is to ensure that the development pattern is consistent with the surrounding area and the large single building apartment was not placed upon the site. Then the last condition of approval is that three dwelling units must be affordable and that would be through proud ground or similar type organizations that provide homeownership opportunities for families below 80% median family income.

**Fritz:** Excellent timing.

**Wickstrom:** Yeah, yeah:



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**Fritz:** You mentioned in the presentation that we approved this as a comprehensive plan not changing the comprehensive plan process. What did we approve for the surrounding area?

**Wickstrom:** Only this site.

**Fritz:** I don't know if you were involved, was there any decision, discussion during the project?

**Wickstrom:** We were unable to find any discussion regarding the council's deliberations.

**Fritz:** Presumably that was because the property own had requested it as part of the comp plan process as well.

**Wickstrom:** You're correct.

**Saltzman:** Thanks. Now we'll hear from the applicant. Mr. Spevak.

**Saltzman:** Welcome. Give us your name and you have ten minutes.

**Eli Spevak:** Thank you. I'm Eli spevak, the developer of this property. I live across the street at 4757 northeast going street in the cully grove community mentioned here. The development is about three years old. It's a wonderful spot, it was developed through a very difficult plan development process and as wonderful as it is, it's not affordable. There's 16 homes there. Not one first time home buyer and the homes sold at 350, now they are probably worth 80 more than that. My interest has been to serve low income residents in smaller units. I was able to purchase one of the properties as part of this development that I was renting in while we built that development. Came up and was able to give a couple other properties as you seen. This would have seven 1500 square foot homes four 1200 square foot homes seven 800 square foot homes and three 640 square foot homes. So this is really hitting smaller housing and therefore the price points will be more in the upper 200 to \$300. The largest the low 400 is what I'm expecting. Meanwhile in this neighborhood around the corner a project just went on a 150 foot lot sold for 750,000. Right next door to the site a property has been sold or is in escrow and I spoke to the developer immediately east of the property where he will take down the house and build a house in the mid-700,000 range. Cully is not used to that. I hope that's not the direction the neighborhood goes. I have been offered weekly people trying to buy this property from me. So my interest is to figure out a way to use affordability and have a nice community layout. You have the site plan in front of you. The red are 800 square feet. The yellow are 1500 and the orange are 800. The common house that would be purple attached to the properties will have community gardens, picnic area, a sauna, and some common areas. Based on precedent at cully grove across the street those don't just get used by residents those are neighborhood associating meetings, pta gatherings, if happy hour, and it gets used by the community significantly. Tree preservation, I appreciate the question about the trees. This is designed around preserving that great grove of trees. The other magnificent tree is not on this area but it's almost a 38 inch oak tree that I'm going to have to petition pbot to wiggle the sidewalk around although they should require me to do that. We have support from the neighborhood association. We have a letter in support from the immediate resident to the west of the project and Michael beach, who owns the property cornered on two sides by the property spoke out opposed. We had a long sit-down chat and we're in much better shape. He would be here if he was as pissed as he was back then but there are nice linkages that will not shade out parts of his yard that he's most concerned about. The traffic study shows by switching from single family homes, eight of which could be built to apartments which have fewer trip totals, one additional trip. So there will be more traffic certainly than what there is currently but compared to what's allowed under the base zone it's a nominal impact.

**Novick:** Could you explain why it is that multi--- smaller homes generate fewer trips than single family homes?

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**Spevak:** I'm not sure I can explain that. I think that -- in this case I can explain, they are much smaller. Average new single family homes are 2600 square feet in Portland. The largest units here are 1500, so for this situation I like smaller homes, fewer occupants, fewer trips. In terms of why the parking tables are done that way I can't speak to. That I let my transportation engineer go too. Sorry. Couple other notes. We will be meeting parking standards for the street. This is not within 500 feet of transit so we'll have parking space per unit reduced somewhat for extra bike parking. There's been concern about the intersection of 47th and Prescott, which is a dangerous intersection. There is improvements already slated to go all the way along Prescott to this stretch to do sidewalks and the city is seeing if they can include in that pedestrian refuges and crosswalks. If not it's in a future transportation package that would take a few more years to get completed. That's already under way with the city. The massing of the homes we're because they are smaller is actually quite a bit less than what eight single family homes would be. I mean the floor area of what we're building is a lot less than what current zoning would propose. Would typically be built under current zoning. The partnership of proud ground is to ensure although most units will be market rate, we have three that would be permanently affordable. The way the conditions -- to be honest the condition is if the city has no participation in that process then one will be permanently affordable. That's me leaving \$130,000 on the table. If the city matches the funds the number becomes three. So this is my attempt at volunteer inclusionary zoning to make sure this neighborhood has some not just units in the 300 range but some units in the 200, 220 range, more affordable and permanently affordable. The standards that the city is supposed judge us against have to do with the zoning code and comp plan. This would provide higher population density within shooting distance of 42nd. I shouldn't say shooting distance. Easy walking distance to help vitalize that corridor. The impact on parking I think should be minimal because we are providing so much off-street makes the site planning fairly challenging. In terms of transit although there's no transit right now the transit line y is designated to go down Prescott within a half block of this site. I asked trimet how long that might take. They say five plus years but it's on their master plan map today. I think that I don't need to take all the time I have been given. I don't see any notes I have missed. One moment here. I think I will just say that my hope is to do this project. In terms of the reason why I did request this be changed to r3 zoning there was an intention to provide the flexibility of layout and let me do smaller housing. My hope is going forward developers will not have to go through this process if they want to build smaller units. My hope is that there might be some cottage zoning adopted. This is my way of achieving that. I'll leave it at that.

**Saltzman:** Thank you. Questions? I just wanted to ask, the 800 square foot homes, is that like a two bedroom?

**Spevak:** Yes.

**Saltzman:** Those would be in the 220,000 --

**Spevak:** Those will actually be 300. I have some 640 square footers in there that are the blue ones on your map. Slightly larger version of what I built before. People love that one. These are more likely to be the smaller three bedroom units because you have to do it the way the property tax exemption works. So it's more likely that that's the land trust fund.

**Saltzman:** Thank you. We'll now hear from supporters of the applicant who wish to testify. Do we have anyone wishing to testify?

**Moore-Love:** I show four people signed up. The first three please come on up.

**Saltzman:** Just the two?

**Moore-Love:** David sweet then.

**Saltzman:** David? Come on up. You each have three minutes. You just need to give us your name. We'll start with you, Cameron.



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**Cameron Herrington:** Thank you, commissioners. I'm here on behalf of living cully. We are very supportive of this proposal because primarily it adds permanently affordable housing in the cully neighborhood, which is a neighborhood that does not have tax increment financing that can be used to subsidize permanently affordable housing, so to have a developer that is voluntarily willing to add permanently affordable homes is a great thing in the neighborhood. We fully support it. Doing so completely supports the anti-displacement and affordable housing goals that council just adopted in the new comprehensive plan. And also supports the community defined goals around increasing the neighborhood stock of permanently affordable homes. It's important to point out, however, that this project highlights the limits of affordable housing development without public subsidy. The only way that the developer in this case was able or willing to add the permanently affordable homes was through increasing the allowed density with this zone change. And then as he said, leaving some money on the table and in effect internally subsidizing a lower sales price for a few of those units with the sales price of the market rate units. We would love to see public subsidy or incentives be brought to bear to make this kind of mixed income development more feasible for other developers. We're very supportive of the innovative approval criteria for this zone change of requiring affordable units in exchange for a zone change and we would like to see how that can be expanded in other instances where developers are seeking a zone change. We look forward to working with the council on how public subsidy such as the new construction excise tax and potentially rethinking of how tax increment financing can be used as an affordable housing funding tool and how those might be able to support developers such as mr. Spevak who would like to contribute to affordable housing development.

**Saltzman:** Thank you. Give us your name. You have three minutes.

**Yesika Arevalo:** My name is Yesika Arevalo. I'm a homeowner of proud ground, also the cross cultural community outreach coordinate for the organization. Proud ground is a nonprofit that helps households of modest means buy houses at affordable prices. We have partnered with Eli spevak on a past condo development and are currently working together his mason street town home in the cully neighborhood where earlier on Eli committed to making three homes permanently affordable. I am here to express our support to include affordable units in a neighborhood with limited public funding to support homeownership, this is no easy task. Eli has truly made an investment and put his money where his mouth is to make affordable homeownership opportunity a reality. He did this first at the mason street and then once again with the plan units at cully. These homes will create opportunity for hard working families from the modest means and for the most diverse neighborhood in the state to become homeowners. This would not be possible without Eli's financial commitment. Proud ground we work to help families work to prepare families of modest means for homeownership, especially families of color. These families are coping with a difficult rental environment, and they are under more and more stress with the rising cost and threats of eviction. In fact, we recently completed a research that shows that through 2014 rent in the Portland region increased by 79%. The cost of single family home increased by 77%. Median family incomes in the area did not keep up with the pace, increasing only 29% during the same period. The report also goes on to document the positive impact of homeownership on the lives of families such as anchoring children in the neighborhood schools, improving health and employment out comes, increasing community involvement. But these benefits are not enjoyed by many households due to current market trends. Further in 2013 only 7.3% of homes sold in the Portland region would have actually been affordable to middle income households. Those homes, 34% were actually sold to cash buyers. So the Portland housing market has left many families behind. Also I'm here today mainly to support the permanently affordable units proposed

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that would also provide much needed inventory of smaller homes even at the market price points. These smaller homes will provide more options for households with more limited purchasing options in the Portland area. Portland really needs development like camp cully and proud ground is happy to speak today in support of this important project. Thank you.

**Saltzman:** Thank you. Give us your name. You have three minutes.

**David Sweet:** Thank you. Commissioners, I'm David Sweet, and I'm the land use transportation chair for the cully association of neighbors. As Matt pointed out, we did write a letter in support of this project. And what's being handed out to you right now is our inclusive cully policy, which we adopted this spring. Our support of this project was an easy call for us because it checks off almost half the items on our adopted inclusive cully policy including encourage development of permanently affordable housing in cully, encourage development of work force housing in cully, encourage moderately priced individual homeownership, encourage alternative designs for infill such as accessory dwelling units, small house, cottage clusters and other strategies to promote more affordable market rate infill housing and support greater density of development in areas with good access to transit and other services. The cully neighborhood as you know is fighting a battle against displacement. We are a neighborhood that is very much at risk of that. We're very excited at this model coming into our neighborhood and demonstrating the possibility of smaller, more affordable market rate units as well as permanently affordable units. This is a real boon to our neighborhood. This is exactly the kind of development we hope to see. Speaking as a neighbor of the property I live at the cully grove community across the street, I say I welcome this development. It will add vibrancy to our neighborhood. It will encourage continued economic diversity in our neighborhood, and further support the burgeoning neighborhood centers on cully boulevard and 42nd avenue. I really urge you to approve this zone change and comprehensive plan amendment. Moreover, let me echo Eli in encouraging that policies that will encourage this kind of development in single family zones throughout the city. The council will have an opportunity to weigh in on this coming up soon. I am serving on their residential infill project stakeholder advisory committee and proposals to allow developments like this one in single family zone throughout the city will greatly help us to prevent displacement and create market rate housing that's much more affordable for people in Portland. Thank you.

**Saltzman:** Thank you all. Next we'll hear from opponents of the application. We have one person.

**Moore-Love:** Yes. Bruce Nelson.

**Saltzman:** Welcome. Give us your name. You have three minutes.

**Bruce Nelson:** My name is Bruce Nelson. I live about 300 feet to the east where this development is proposed. On the south side of going street where this is going to occur there are 15 properties. Of those one is commercial, grandfathered in from when it was county property. The remaining 14 are r5. Of those properties, four -- six are currently half acre that have not been subdivided. Of the properties that have been subdivided they have usually only have at most two houses. The zone change from r5 to r3 you're going to end up having a little bit of an island, two properties that are r3, that will have a different type of development than any other development on the south side of going street. I would not say this is even comparable to the cully grove development because those houses are much bigger. So for the map to say that it's comparable development in the area I don't see that that is true. Let's see. The property just to the east of the proposed development, which is now I think owned by Portland Development Company and Eli referred to them, what is to stop them when you approve the zone change here to decide they want to do a zone change there? That's actually my big concern. What is the precedent setting by allowing this development? Why shouldn't somebody else snap up the rest of the properties on

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going street on the south side that are oversized properties, half acres if they haven't been subdivided, and since they all in their backyards about r3 properties on Prescott, say, we want to put in r3s there. It's ironic the people attracted to Eli's development and to cully grove what they like about the neighborhood is the sense of space, the sense of big trees. That will disappear in years from now because of this smaller housing which I agree is good, it's more affordable, I'm not sure low income people will be buying houses 250 to \$320,000. Affordability in one unit is nice but this is not about this. This is about changing the character of this particular street. My question is maybe some of you live in properties that are zoned currently r5. Now, what is different about this situation that will allow your neighbor to perhaps suggest they would like to get an r3 there because of the precedent set here? What is it that makes r5 property suitable in one area to be switched to r3, not in another? I would ask you to consider that. So thank you very much.

**Fritz:** Since there's only one opponent, can he have a little more time?

**Saltzman:** I guess you're right.

**Fritz:** Was there anything else you wanted to say?

**Saltzman:** You have an extra 12 minutes if you need them.

**Nelson:** Oh, boy. Let's see. I would -- my concern, I have been on the street since 1978. We were part of the county and then were taken into the city. Obviously there are changes that occur. That's okay. But the real concern for me is the r3 that Eli was able to get in somehow -- I'm not sure if that's widely known in the neighborhood that that property is already slated for an r3, and yet you look every place to the north and it's r5 or r7. I just -- it's weird having an island of r3s in an r5 zone. I don't know where you draw the line. I'm not a lawyer, but that is worrisome. It's true I will be dead by the time this whole going street -- it's a five block strip with no cross streets between 47th and 52nd. My concern is that because of the allowance of this r3 here that opens the door. The next developer may not be as conscientious as Eli is. Well, we want an r3, you gave it to them. That's my concern. I appreciate the smaller size dwellings. That will be nice for a lot of double income folks who are probably making somewhere between 40 and \$60,000. That's not low income folks. So the neighborhood is changing. I admit it. I still love the neighborhood, but I don't understand why you're allowing an r3 there. I really don't. That's all I have. Thank you.

**Saltzman:** Thank you. Okay, the applicant is entitled to a five-minute rebuttal.

**Spevak:** Thank you. The interest we have for homes there is well over 200 people. Many of them include teachers at the school down the street, includes teachers at the daycare around the corner, low income parents of my daughter's classmates down the street. I think it's exactly right this area will get redeveloped. The question is what it will get redeveloped with. The precedent is already clearly stated by what's happened around the corner and next door to this property. Houses selling in the \$700,000. I wish that -- I did a project with proud ground a few years ago where we hit two and three bedroom units for 90,000 to \$120,000. That was thanks to chance for part of new Columbia and some funding from a tif district. In cully those resources don't exist. Largely the zoning doesn't exist. So this is an attempt to try to provide some housing that's a lot less expensive than those 750,000 homes that people can't afford to buy so we can have a neighborhood where you both can afford to live there who also work in the neighborhood. There's some neighborhoods in Portland that's not the case. We have a chance in cully to do that. In terms of the size, character of the neighborhood, yes, right now it's a very low developed neighborhood, but if you look at what can be built under current zoning on that site, it's eight 2600 square foot size homes. That's a lot more than what I'm proposing here. The question is what kind of income distribution we'll have on the street. The house size, the total floor area of the building is very similar between r5 and r3. I mean, what I'm doing is

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less. I think that in terms of the precedent that it's a fair question. It's not easy going through a zone change comp plan process. I'm doing that because I'm impatient. I don't want to wait until the city gets around to doing the comp plan in however many years that is. Also because I have a whole acre here. Efficiencies of scale. I know the developer who is going to pick up a third of an acre site is not going to go through this process to seek a comp plan zone change. So I think that there's little to fear about people taking this precedent to redevelop the side of the street. I think there's a greater thing to fear about these properties being snapped up and built out with \$700,000 homes that are not affordable to anyone who -- not many who live in the neighborhood. So I will leave it at that. Thank you.

**Fritz:** Are there sidewalks on the frontage of your property on both streets?

**Spevak:** There are -- no. We will be required to do street improvements. On Going Street it will be a full half street improvement. On -- it's not subject to this review but around the corner on 47th there's only a curb so we'll have to do a sidewalk in addition to it. At cully grove across the street from this we already did do sidewalks, half street improvements and curb and we'll have to mimic that on this side of the street.

**Fritz:** It won't get waived with the problem street Curt kreuger is shaking his head no. You're going to put sidewalks in.

**Spevak:** Yes.

**Fritz:** Thank you.

**Saltzman:** Thank you. Any further questions for staff? So Kathryn, do we vote on the hearings officer recommendation today and then the zone change next -- second reading or both at a subsequent date?

**Beaumont:** I think it makes more sense to vote on them together, to carry them both forward to second reading of the ordinance and vote on both at the same time. The hearings officer's recommendation constitutes findings to support the zone change ordinance.

**Saltzman:** The evidentiary record is now closed.

**Beaumont:** Close the evidentiary record.

**Saltzman:** Do we need to set a special date for second readings or can they just go to next week?

**Beaumont:** I think --

**Saltzman:** Check with Karla on that.

**Fritz:** I'm going to support the hearings officer's decision so I don't see any changes to the findings. I didn't hear anything that was raised that haven't been raised before. The reason I'm going to support it is because of the specific site having had a lot of discussion and I think the site plan does look very attractive even though however many units there are, there's a lot of open space with keeping the trees and common areas and the parking, which is adequate in my opinion. I really appreciate your concerns, Mr. Nelson. I think on this particular site that there has been a lot of good work and it's maybe an experiment how do we keep cully and other neighborhoods affordable for at least teachers. \$60,000 isn't especially low income but it's still challenging for people with that income to buy any homes at all in Portland. I think we do need especially when we have a developer trying to do the right thing and having some experience I think it's going to give us input into how we set up the inclusionary zoning issue. That's going to be my motion next week if approved hearings officer decision?

**Moore-Love:** We need a time certain. They will be on the regular agenda then.

**Beaumont:** Morning or afternoon?

**Moore-Love:** Morning.

**Beaumont:** Okay, so next Wednesday.

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**Fritz:** Can you do that with the new timing of getting things done?

**Moore-Love:** That's why we changed it.

**Fritz:** Good. Thank you, Karla.

**Fritz:** Just so you know we have been working on how can we get the agenda out earlier. Thank you.

**Saltzman:** So this will be decided next Wednesday. Thank you all for being here. We stand adjourned.

**At 2:44 p.m. Council adjourned.**