



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

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

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

Commissioner Fritz arrived at 9:34 a.m.  
Commissioner Novick left at 1:20 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Jason King and Mike Cohen, Sergeants at Arms.

Item Nos. 1347 and 1348 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 11:25 a.m. and reconvened at 11:30 a.m.  
The meeting recessed at 12:05 p.m. and reconvened at 12:09 p.m.

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>1336</b>	Request of Michael Withey to address Council regarding affordable housing (Communication)	<b>PLACED ON FILE</b>
<b>1337</b>	Request of Crystal Elinski to address Council regarding changing of the guard and their changing priorities (Communication)	<b>PLACED ON FILE</b>
<b>1338</b>	Request of Kernel Moses to address Council regarding tents people see all around town (Communication)	<b>PLACED ON FILE</b>
<b>1339</b>	Request of Craig Rogers to address Council regarding transparent and accountable (Communication)	<b>PLACED ON FILE</b>
<b>1340</b>	Request of Sam Sachs to address Council regarding the City creating a Civil Rights Bureau separate and independent of the Bureau of Human Resources (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		

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<b>1341</b>	<b>TIME CERTAIN: 9:45 AM</b> – Recognize Leigh Bohannon, Aasha Benton, Dr. Keisha Thomas – Delta Sigma Theta Sorority, Portland Alumnae Chapter as the recipients of the 2016 Steve Lowenstein Trust Award (Presentation introduced by Commissioner Fish) 15 minutes requested	<b>PLACED ON FILE</b>
<b>1342</b>	<b>TIME CERTAIN: 10:00 AM</b> – Accept the Residential Infill Project: Concept Report to Council as general conceptual parameters for subsequent zoning code and zoning map amendments (Previous Agenda 1290; Resolution introduced by Mayor Hales) 1.5 hours requested <b>Amendment motions attached.</b> (Y-5)	<b>37252</b> AS AMENDED
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>1343</b>	Appoint Ken Richardson to the Portland Parks & Recreation Bond Oversight Committee for term to expire December 7, 2019 (Report introduced by Mayor Hales and Commissioner Fritz) (Y-5)	<b>CONFIRMED</b>
<b>Mayor Charlie Hales</b>		
<b>1344</b>	Proclaim results of the Municipal Non-Partisan General Election on Measure 26-179: Bonds to Fund Affordable Housing (Proclamation)	<b>PLACED ON FILE</b>
<b>1345</b>	Proclaim results of the Municipal Non-Partisan General Election on measure 26-180: Establish Tax on Recreational Marijuana Sales; Dedicate Purposes for Funds (Proclamation)	<b>PLACED ON FILE</b>
<b>*1346</b>	Authorize a grant agreement with Portland State University in an amount not to exceed \$35,500 for project management and administration to construct 14 sleeping pod emergency transitional housing units to be built by local architecture firms to explore micro-housing strategies for temporary emergency shelter in response to the City State of Emergency on Housing and Homelessness (Ordinance) (Y-5)	<b>188123</b>
<b>Bureau of Police</b>		
<b>*1347</b>	Authorize settlement between Portland Police Association and the City of Portland through its Portland Police Bureau regarding employment claims (Ordinance) (Y-5)	<b>188128</b>
<b>City Attorney</b>		
<b>1348</b>	Authorize City Attorney to seek review by Writ of Mandamus or Prohibition of the Order entered on November 10, 2016 in <i>United States of America v. City of Portland</i> , United States District Court No. 3:12-cv-02265-SI (Resolution) (Y-5)	<b>37253</b>

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<b>Office of Management and Finance</b>		
<b>*1349</b>	<p>Authorize a Special Appropriation grant agreement with Familias en Acción in an amount not to exceed \$60,000 to provide culturally and linguistically appropriate health education to low-income Latino families in Portland (Ordinance)</p> <p>(Y-5)</p>	<b>188124</b>
<b>*1350</b>	<p>Authorize a Special Appropriation grant agreement with Northwest Children's Theater and School in an amount not to exceed \$20,000 for sensory friendly performances for children with Autism spectrum disorders, ADHD, and other sensory sensitivities (Ordinance)</p> <p>(Y-5)</p>	<b>188125</b>
<b>Commissioner Steve Novick</b> <b>Bureau of Emergency Communications</b>		
<b>*1351</b>	<p>Authorize contract with Matrix Consulting Group, Ltd. for consulting services to conduct a study to recommend staffing levels for the Bureau of Emergency Communications for a total not to exceed \$76,000 (Ordinance)</p> <p>(Y-5)</p>	<b>188126</b>
<b>Commissioner Amanda Fritz</b> <b>Portland Parks &amp; Recreation</b>		
<b>1352</b>	<p>Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder for construction of the Argay Park Tennis Court Improvements Project for an estimated \$500,000 (Ordinance)</p>	<b>PASSED TO SECOND READING DECEMBER 14, 2016 AT 9:30 AM</b>
<b>1353</b>	<p>Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder for construction of the Forest Park Trail Bridges Replacement Project for an estimated \$640,000 (Ordinance)</p>	<b>PASSED TO SECOND READING DECEMBER 14, 2016 AT 9:30 AM</b>
<b>1354</b>	<p>Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder for construction of the Rieke Field Replacement Project for an estimated 968,808 (Ordinance)</p>	<b>PASSED TO SECOND READING DECEMBER 14, 2016 AT 9:30 AM</b>
<b>1355</b>	<p>Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder for construction of the Whitaker Ponds Entry Improvements Project for an estimated \$606,000 (Ordinance)</p>	<b>PASSED TO SECOND READING DECEMBER 14, 2016 AT 9:30 AM</b>
<b>Commissioner Nick Fish</b> <b>Bureau of Environmental Services</b>		

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<p><b>*1356</b> Amend contract with Tetra Tech, Inc. for additional compensation to revise and complete final design, and Biddability, Constructability, Operability, Environmental and Sustainability review for the Oaks Bottom Wildlife Refuge Enhancement, Project No. E08576 for \$169,485 (Ordinance; amend Contract No. 38016) (Y-5)</p>	<p><b>188127</b></p>
<p><b>Auditor Mary Hull Caballero</b></p> <p><b>1357</b> Certify results of November 8, 2016 Municipal Non-Partisan General Election and proclaim measures approved (Report) (Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>REGULAR AGENDA WEDNESDAY MORNING SESSION</b></p> <p><b>Mayor Charlie Hales</b></p> <p><b>Bureau of Planning &amp; Sustainability</b></p> <p><b>1358</b> Require disclosure of energy performance ratings for residential single family buildings when listed for sale to promote transparency in housing costs and reduction in local carbon emissions (Previous Agenda 1298; add Code Chapter 17.108) 30 minutes requested <b>Motion to require scores to be included in real estate market listings:</b> Moved by Hales and seconded by Saltzman. (Y-5) <b>Motion to exempt low income sellers from the disclosure requirement; with Fish friendly amendment to bring together community groups:</b> Moved by Fish (Y-5)</p>	
<p><b>Bureau of Police</b></p> <p><b>*1359</b> Authorize an Intergovernmental Agreement with Washington County for sharing tactical team resources in mutual aid (Ordinance) 10 minutes requested</p>	<p><b>RESCHEDULED TO DECEMBER 14, 2016 AT 9:30 AM</b></p>
<p><b>*1360</b> Authorize an Intergovernmental Agreement with the City of Gresham, City of Vancouver, Clackamas County, Port of Portland, and Clark County, Washington to maintain and equip a unit capable of an immediate response to situations involving explosives and explosive disposal (Ordinance) 10 minutes requested</p>	<p><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>
<p><b>City Attorney</b></p> <p><b>1361</b> Amend City Code to set procedure for returning evidence, found property and safekeeping prisoner property (Second Reading Agenda 1303; amend Code Section 14C.30.040 and add Section 14C.20.050) Rescheduled to December 7, 2016 at 2:00 pm.</p>	<p><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>
<p><b>Office of Management and Finance</b></p>	

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<p><b>1362</b></p>	<p>Authorize a three-year contract for purchase of support services for chemically-dependent, homeless, adult chronic arrestees from Central City Concern for an amount not to exceed \$5,149,230 (Procurement Report – Project No. 119214) <b>Motion to accept report:</b> Moved by Saltzman and seconded by Fritz. (Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>*1363</b></p>	<p>Authorize a contract with IBM to implement master terms and conditions for the acquisition of goods and services for a five-year contract term not to exceed \$5,000,000 (Ordinance) (Y-5)</p>	<p><b>188133</b></p>
<p><b>*1364</b></p>	<p>Authorize financing not expected to exceed \$51 million for an affordable housing project known as the Ellington Apartments (Ordinance) 15 minutes requested Rescheduled to December 8, 2016 at 2:00 pm.</p>	<p><b>RESCHEDULED TO DECEMBER 14, 2016 AT 9:30 AM</b></p>
<p><b>*1365</b></p>	<p>Authorize a lease extension with Oregon Pacific Investment &amp; Development Company for the Bureau of Fire and Police Disability and Retirement office space at 1800 SW First Ave, Suite 450, commonly known as the Harrison Square Building through October 31, 2020 for approximately \$205,000 annually (Previous Agenda 1272) Rescheduled to December 8, 2016 at 2:00 pm.</p>	<p><b>RESCHEDULED TO DECEMBER 14, 2016 AT 9:30 AM</b></p>

At 1:50 p.m., Council recessed.

December 7-8, 2016

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7TH DAY OF DECEMBER, 2016** AT 2:25 P.M.

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

Commissioner Novick arrived at 2:31 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Jason Loos, Deputy City Attorney and from 4:45 to 4:55 p.m., Ben Walters, Chief Deputy City Attorney; and Jim Wood, Sergeant at Arms.

The meeting recessed at 3:18 p.m. and reconvened at 3:20.

<p><b>1366</b>      <b>TIME CERTAIN: 2:00 PM</b> – Accept the 2016 Portland Historic Landmarks Commission State of the City Preservation Report (Report introduced by Commissioner Saltzman) 1 hour requested <b>Motion to accept the report:</b> Moved by Novick and seconded by Saltzman. (Y-4)</p>	<p><b>Disposition:</b></p> <p><b>ACCEPTED</b></p>
<p><b>1367</b>      <b>TIME CERTAIN: 3:00 PM</b> – Adopt the Locally Preferred Alternative for the Powell-Division Transit and Development Project and Conditions for Approval (Resolution introduced by Commissioner Novick) 1 hour requested <b>Motion to adopt amendments in staff 12-7-16 memo:</b> Moved by Novick and seconded by Fritz. (Y-4) (Y-4)</p>	<p><b>37254</b> AS AMENDED</p>
<p><b>REGULAR AGENDA</b></p> <p><b>WEDNESDAY AFTERNOON SESSION</b></p> <p><b>Commissioner Steve Novick</b></p>	
<p><b>1368</b>      Authorize a surtax to the City’s Business License Tax for publicly traded companies subject to U.S Securities and Exchange Commission disclosure and reporting requirements if a subject company reports that the ratio of compensation of its chief executive officer to median worker is equal to or greater than 100:1 under the Commission’s Pay Ratio Disclosure Rule (Second Reading Agenda 1202; amend Code Section 7.02.500) 15 minutes requested (Y-3; N-1 Saltzman)</p>	<p><b>188129</b> AS AMENDED</p>
<p><b>Bureau of Transportation</b></p>	

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<p><b>1369</b></p>	<p>Accept findings of the South Portal Partnership Plan Project pertaining to proposed changes to roadway alignments of SW Bond Ave, SW Moody Ave, SW Hamilton St, SW Hamilton Ct, SW Lowell St, and SW Thomas St, and direct implementation of a plan to fund, design and construct remaining South Waterfront street connections (Previous Agenda 1265)</p>	<p><b>RESCHEDULED TO DECEMBER 14, 2016 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Amanda Fritz</b></p> <p><b>S-1370</b> Adopt the Open and Accountable Elections Policy (Previous Agenda 1226; add Code Chapter 2.16) 45 minutes requested</p> <p><b>Motion to accept substitute ordinance:</b> Moved by Fritz and seconded by Novick. (Y-3; N-1 Saltzman)</p> <p><b>Motion to amend to require policy to be put to vote by the citizens of Portland:</b> Moved by Saltzman and seconded by Fritz. (Y-1 Saltzman; N-3 Fritz, Novick, Hales) Motion failed.</p>		<p style="text-align: center;"><b>SUBSTITUTE PASSED TO SECOND READING DECEMBER 14, 2016 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Portland Parks &amp; Recreation</b></p> <p><b>1371</b> Create a local improvement district to construct park improvements in the Portland Open Space Sequence Local Improvement District in partnership with the Halprin Landscape Conservancy (Hearing; Ordinance; C-10054) 10 minutes requested</p>		<p style="text-align: center;"><b>RESCHEDULED TO DECEMBER 14, 2016 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Bureau of Environmental Services</b></p> <p><b>1372</b> Authorize an Intergovernmental Agreement with Multnomah County for payment in the amount of \$300,000 for the construction of SW 1<sup>st</sup> and Madison Sewer Rehabilitation Project, as part of the County Courthouse Project No. E10860 (Second Reading Agenda 1326)</p> <p>(Y-4)</p>		<p style="text-align: center;"><b>188130</b></p>
<p><b>1373</b></p>	<p>Authorize a contract with the lowest responsible bidder for construction of the Alder Pump Station Upgrade, Project No. E10359, for an estimated construction cost of \$3,500,000 (Second Reading Agenda 1332)</p>	<p style="text-align: center;"><b>188131</b></p>
<p style="text-align: center;"><b>Water Bureau</b></p> <p><b>1374</b> Authorize a contract with the lowest responsible bidder for the construction of the Greenleaf Pump Station Project at an estimated cost of \$1,275,000 (Ordinance)</p>		<p style="text-align: center;"><b>PASSED TO SECOND READING DECEMBER 14, 2016 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman</b> <b>Bureau of Development Services</b></p>		

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<p><b>1375</b></p>	<p>Appeal of LRS Architects Inc. against Design Commission's decision to approve with conditions—specifically C.1 and C.2 corner building element—a new ¼-block 12 story residential building located at NW 14<sup>th</sup> Ave and NW Raleigh St (Findings; Previous Agenda 1315; LU 16-197257 DZM) <b>Motion to adopt findings:</b> Moved by Fritz and seconded by Saltzman. (Y-4)</p>	<p><b>FINDINGS ADOPTED</b></p>
<p><b>*1376</b></p>	<p style="text-align: center;"><b>Portland Housing Bureau</b></p> <p>Authorize the purchase of certain real property located at 1610 NE 66th Ave at a price not to exceed \$47,000,000 for affordable rental housing (Ordinance) 15 minutes requested Rescheduled to December 8, 2016 at 2:00 pm.</p>	<p style="text-align: center;"><b>RESCHEDULED TO DECEMBER 14, 2016 AT 9:30 AM</b></p>
<p><b>*1377</b></p>	<p>Authorize a contract with CBRE HMF, Inc. for facilitation of the refinance of the Headwaters Apartments for a not to exceed amount of \$350,000 (Ordinance) 15 minutes requested (Y-4)</p>	<p style="text-align: center;"><b>188132</b></p>

At 5:20 p.m., Council recessed.

December 7-8, 2016

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS CANCELED THIS **8TH DAY OF DECEMBER, 2016.**

THIS MEETING WAS CANCELED DUE TO INCLEMENT WEATHER

<b>1378</b>	<b>TIME CERTAIN: 2:00 PM</b> – Restrict bulk fossil fuel terminals (Second Reading Agenda 1281; Ordinance introduced by Mayor Hales; amend Title 33, Planning and Zoning) 10 minutes requested	<b>Disposition:</b> <b>RESCHEDULED TO DECEMBER 14, 2016 AT 10:45 AM TIME CERTAIN</b>
<b>1379</b>	<b>TIME CERTAIN: 2:10 PM</b> – Provide affordable housing through an Inclusionary Housing program (Ordinance introduced by Mayor Hales; amend Title 33, Planning and Zoning) 3 hours requested for items 1379 and 1380	<b>RESCHEDULED TO SPECIAL MEETING DECEMBER 13, 2016 AT 9:00 AM TIME CERTAIN</b>
<b>1380</b>	Provide affordable housing through an Inclusionary Housing Program and update the Multiple-Unit Limited Tax Exemption Program (Ordinance introduced by Commissioner Saltzman; add Code Section 30.01.120, amend Section 30.01.030 and Chapter 3.103)	<b>RESCHEDULED TO SPECIAL MEETING DECEMBER 13, 2016 AT 9:00 AM TIME CERTAIN</b>

**MARY HULL CABALLERO**  
Auditor of the City of Portland



By Susan Parsons  
Acting Clerk of the Council

For a discussion of agenda items, please consult Closed Caption File which follow the Resolution 37252 Infill amendment list.

**SCALE OF HOUSES**

CONCEPT	AMENDMENT
<p><b>1. Limit the size of houses while maintaining flexibility</b></p>	
<p>a) <i>Establish a limit on house size that is proportional to lot size and zone using a floor area ratio (FAR).</i></p>	<p><b>1<sup>st</sup> Amendment (Mayor Hales)</b>  <b>Create more deterrents to demolition, and 1:1 replacements inside the overlay zone</b>  <b>REPLACE WITH:</b></p> <p>a) Establish a limit on house size that is proportional to lot size and zone.</p> <ul style="list-style-type: none"> <li>• Outside the Housing Opportunity Overlay – no change (i.e. 2500 sf house on a 5000 lot in R5).</li> <li>• Inside the Housing Opportunity Overlay zone:                     <ul style="list-style-type: none"> <li>- Smaller scale for a single-family house, (i.e. 2000 sf house on a 5000 sf lot in R5).</li> <li>- No change (i.e. 2500 sf duplex on a 5000 sf lot in R5) for duplex, duplex with ADU, and triplex on corner.</li> </ul> </li> </ul> <p>Commentary: Commissioner Novick expressed that additional refinement look at resulting unit sizes for duplex and triplex units, and that the size limit continue to be studied.                      Amendment #1 moved by Hales and seconded by Fish. Vote Y-5.</p>
<p>b) <i>Exclude basements and attics with low ceiling heights from house size limits.</i></p>	
<p>c) <i>Allow bonus square footage for detached accessory structures (0.15 bonus FAR).</i></p>	
<p>d) <i>Maintain current building coverage limits.</i></p>	<p><b>2<sup>nd</sup> Amendment (Commissioner Fritz)</b>  <b>REPLACE WITH:</b></p> <p>d) Direct Bureau of Planning and Sustainability staff to explore options for decreasing building coverage and providing adequate private areas and pervious surfaces outside the home, such as a larger rear or side yard.</p> <p>Moved by Fritz and seconded by Hales. Vote Y-4; N-1 Novick</p>

CONCEPT	AMENDMENT
<p><b>2. Lower the house roofline</b></p>	<p>Novick amendment to either keep existing building height limits or lower height, but taller than staff's proposal was <b>withdrawn</b>.</p>
<p>a) Restrict height to 2½ stories on standard lots.</p>	
<p>b) Measure the basepoint from the lowest point 5 feet from a house, not from the highest point.</p>	
<p>c) For down-sloping lots, allow use of average street grade as a basepoint alternative.</p>	
<p>d) Ensure that dormers are a secondary roof mass.</p>	
<p><b>3. Improve setbacks to better match adjacent houses</b></p>	
<p>a) Increase minimum front setback by 5 feet; provide an exception to reduce setback to match existing, immediately adjacent house.</p>	<p><b>3<sup>rd</sup> Amendment (Commissioner Fritz)</b>  <b>AMEND WITH:</b>                      a) Increase minimum front setback by 5 feet; provide an exception to reduce setback to match existing, immediately adjacent house. <u>Allow flexibility if tree retention is a consideration.</u>                      Moved by Fritz and seconded by Fish. Vote Y-5.</p>
<p>b) Encourage building articulation by allowing eaves to project 2 feet into setbacks and bay windows to project 18 inches into setbacks.</p>	

CONCEPT	AMENDMENT
<p><b>4. Allow more housing types in select areas and limit their scale to the size of house allowed</b></p>	
<p>a) Within the Housing Opportunity Overlay Zone in R2.5, R5 and R7 zones, allow:</p> <ul style="list-style-type: none"> <li>• House with both an internal and detached accessory dwelling unit (ADU)</li> <li>• Duplex</li> <li>• Duplex with detached ADU</li> <li>• Triplex on corner lots.</li> </ul>	
<p>b) Establish minimum qualifying lot sizes for each housing type and zone.</p>	
<p>c) Require design controls for all proposed projects seeking additional units.</p>	
	<p><b>4<sup>th</sup> Amendment (Commissioners Fritz, Fish, Saltzman)</b>  <b>ADD:</b></p> <p>d) Direct Bureau of Planning and Sustainability staff to explore requirements and bonus units allowances for age-friendly, affordability, and tree preservation (beyond minimum required by Title 11) within the Housing Opportunity Overlay Zone in the R2.5, R5 and R7 zones.                      Moved by Fritz and seconded by Fish. Vote Y-5.</p> <p>Note: this amendment incorporates a complimentary amendment to “pursue age-friendly requirements, such as visitability or accessibility standards for additional units.”                      Moved by Saltzman/Fritz and Fish and seconded by Fish. Vote Y-5.</p>
<p><b>5. Establish a Housing Opportunity Overlay Zone in select areas</b></p>	
<p>a) Apply a housing opportunity overlay zone within the following areas:</p> <ul style="list-style-type: none"> <li>• ¼ mile (about five blocks) of Centers</li> <li>• ¼ mile (about five blocks) of corridors with frequent bus service</li> <li>• ¼ mile (about five blocks) of high capacity transit (MAX) stations</li> <li>• within the Inner Ring neighborhoods, and</li> <li>• medium, medium-high and high opportunity housing neighborhoods.</li> </ul>	<p><b>5<sup>th</sup> Amendment (Commissioner Fish)</b>  <b>REPLACE WITH:</b></p> <p>a) Provide options for a housing opportunity overlay zone map.</p> <p>Moved by Fish with other Council members’ support. Vote Y-4; Saltzman absent.</p>
<p>b) Exclude areas within the David Douglas School District until school district capacity issues have been addressed.</p>	<p>Note: Council expressed interest in revisiting this recommendation in conjunction with later map and code discussions</p>
<p>c) Prior to adopting any specific zoning changes, refine the Housing Opportunity Overlay Zone boundary to produce a boundary that considers property lines, physical barriers, natural</p>	<p><b>6<sup>th</sup> Amendment (Commissioner Novick)</b>  <b>AMEND WITH:</b>                      Add “transportation infrastructure constraints” to the list of mapping considerations.</p>

features, topography and other practical considerations.	Moved by Novick and seconded by Fritz. Vote Y-4. Saltzman absent.
<b>CONCEPT</b>	<b>AMENDMENT</b>
<b>6. Increase flexibility for cottage cluster developments on large lots citywide</b>	
a) On single-dwelling zoned lots of at least 10,000 square feet in size, allow cottage clusters subject to Type IIx land use review.	
b) Cap the total square footage on a cottage cluster site to the same FAR limit [see Recommendation 1] and limit each new cottage to 1,100 square feet.	
c) Inside the Housing Opportunity Overlay Zone [see Recommendation 5], the number of cottages allowed equals the same number of units that would otherwise be permitted.	
d) Outside the Housing Opportunity Overlay Zone, allow one ADU for each cottage.	
e) Develop specific cottage cluster rules to ensure that development is integrated into the neighborhood.	
f) Allow additional units, when the units are affordable or accessible	
<b>7. Provide flexibility for retaining existing houses</b>	
a) Scale flexibility: <ul style="list-style-type: none"> <li>• Allow modest additional floor area for remodels, additions and house conversions.</li> <li>• Allow modest additional height when an existing house’s foundation is being replaced or basement is being converted.</li> </ul>	
b) Housing choice flexibility: <ul style="list-style-type: none"> <li>• Inside the Housing Opportunity Overlay Zone [see Recommendation 5], allow an additional unit when an older house is converted into multiple units or retained with a new cottage cluster development.</li> <li>• Pursue additional flexibility for house conversions, such as parking exemptions, systems development charge (SDC) waivers or reductions, building code flexibility and City program resources that facilitate conversions.</li> </ul>	<p><b>7<sup>th</sup> Amendment (Mayor Hales)</b>  <b>REPLACE WITH:</b></p> <ul style="list-style-type: none"> <li>• <del>Inside the Housing Opportunity Overlay Zone [see Recommendation 5],</del> Allow an additional unit when an older house is converted into multiple units or retained with a new cottage cluster development.</li> </ul> <p>Moved by Hales and seconded by Fritz. Vote: Y-4; Saltzman absent.</p> <p><b>8<sup>th</sup> Amendment (Commissioner Fritz)</b>  <b>ADD:</b></p> <ul style="list-style-type: none"> <li>• Direct Bureau of Planning and Sustainability Staff to clearly define internal conversions, including distinguishing between demolition and remodeling, and promoting preservation of the exterior of a home if converting to ownership/condo or rental units.</li> </ul>

	Moved by Fritz and seconded by Hales. Vote: Y-4; Saltzman absent.
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CONCEPT	POTENTIAL AMENDMENT
<p><b>8. Rezone historically narrow lots to R2.5 in select areas</b></p>	<p><b>9<sup>th</sup> Amendment</b>  <b>(Commissioner Fritz)</b>  <b>REPLACE WITH:</b>  <b>8. Do not allow historically narrow lots to be built on</b></p> <p>STAFF NOTE: This amendment means that historically platted R5 lots that are less than 36 feet wide or 3000 s.f. could not be built on either inside or outside the Overlay Zone, regardless of whether they are vacant.</p> <p>Moved by Fritz and seconded by Hales. Vote: Y-3 Fritz, Fish, Hales. N-1 Novick. Saltzman absent.</p>
<p>a) Allow historically narrow lots to be built on by rezoning them to R2.5 if located within the Housing Opportunity Overlay Zone (see Recommendation 5).</p>	
<p>b) Remove provisions that allow substandard lots to be built on in the R5 zone.</p>	
<p><b>9. Citywide improvements to the R2.5 zone</b></p>	
<p>a) On vacant R2.5 zoned lots of at least 5,000 square feet, require at least two units when new development is proposed. Allow a duplex or a house with an accessory dwelling unit (ADU) to meet the requirement.</p>	
<p>b) Reduce minimum lot width from 36 feet to 25 feet for land divisions.</p>	
<p>c) Allow a property line adjustment to form a flag lot when retaining an existing house.</p>	
<p>d) Require attached houses when a house is demolished.</p>	
<p>e) Allow 3-story attached homes and limit detached houses on narrow lots to 2 stories.</p>	
<p><b>10. revise parking rules for houses on narrow lots</b></p>	
<p>a) Allow, but don't require parking on narrow lots.</p>	
<p>b) When a lot abuts an alley, parking access must be provided from the alley.</p>	
<p>c) Allow front-loaded garages on attached houses on narrow lots if they are tucked under the first floor of the house and the driveways are combined.</p>	
<p>d) Do not allow front-loaded garages for detached houses on narrow lots.</p>	<p><b>10<sup>th</sup> Amendment</b>  <b>(Commissioner Fritz)</b></p> <p><b>DELETE d)</b></p> <p>Moved by Fritz and seconded by Hales. Vote: Y-3 Fritz, Fish, Hales. N-1 Novick. Saltzman absent.</p>

Concept Report accepted, as amended.

Aye: 5

Nay: 0

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

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

**DECEMBER 7, 2016 9:30AM**

**Hales:** Welcome to the December 7<sup>th</sup> meeting of the Portland city council. Please call the roll.

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

**Hales:** Welcome, we will be joined by commissioner Fritz later, I believe, we have a very full council agenda today so we're going to ask you for your patience because it will take us a while to get through it, and I also ask each other for patience because the council will be at this for quite a while today. We have time certain items. We'll take those as close to the time as possible on the calendar and we have regular council calendar items and consent items that, perhaps, will move around a bit as we deal with this large agenda today. If you are here to speak on a council calendar item let the clerk know and she'll get you on the list for testimony, if you have not testified at the Portland city council before it's simple. You need only give your name, not your address, if you represent an organization, please let us know that, and we allow three minutes for individual testimony, sometimes we reduce that if we have a crowded calendar, and a lot of people to testify. We'll see how that develops today. We follow the rules of decorum in this chamber so if you agree with someone's point of view and you want to show support, it's fine to give them a wave of the hand or a thumbs up, and if you disagree with them a polite negative hand gesture is okay but we ask that we not make verbal demonstrations or applause for and against our fellow citizen's points of view so they get a chance to express them. We make exceptions for students and visiting dignitaries, so if you are one or both of those you might get a round of applause or if we are celebrating like say an award, we will break that pattern for that purpose, so that makes sense, I hope. It does to us. We have requests to take some items off and have testimony on those. I have requested for 1347 and 1348. Are there any others? Ok, so later we'll take action on the remainder of the consent calendar aside from those two items. So with that, let's move to the communications, we have five people signed up to speak on subjects of their choosing and we will start with 1336.

**Item 1336.**

**Hales:** Michael Withey are you here this morning? All right, we'll see if he arrives later, and 1337.

**Item 1337.**

**Hales:** Ok. Same goes for her. 1338.

**Item 1338.**

**Hales:** Moses, come on up. No? Ok. 1339.

**Item 1339.**

**Hales:** Mister Rogers, good morning.

**Craig Rogers:** Good morning. I am Craig Rogers.

**Hales:** Thank you.

**Rogers:** I have a couple things that I would like to take a look at. I live in Portland. And I am going to start where I left off last time I spoke, live in Portland where everything is ok. Nobody is responsible. So I want to share something with you that was in the November 6 "New York times" magazine, and it is -- I don't know if I can -- it's --

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**Hales:** I can see it.

**Rogers:** You can see the whole team there. It is at Donald's wedding and they look like are in high school. When Hillary and Donald were friends, they all played the same game in the same town with the same thing in mind. Well, I think, you know what, that sounds so Portland. So I got something here in front of you that says what if I told you that the left wing and the right wing belong to the same bird. And especially now with the oil pipeline stuff going on. We need to talk; we need to have really good communication. We need to really listen to each other's thoughts and learn and grow and move forward. I have here a copy of the city code and the policies and ethics. And it clearly says here that the purpose of the city government is to serve the public. The city officials treat their offices with the public trust. It does not say anything in There about rural, the public. It says serve the public, and I want to make that clarification because I have seen otherwise down here. Now yesterday I took this picture. I was over by omsi, and you have this there. I was over by omsi in the training museum and east side, and this is directly south of east side, so you know, you can choose what to think about that, but that's the way that Portland looks in a lot of areas. I look at this survey, and over the last four years the trajectory is going down where we're hitting the treetops, and I think that really, we need to pull up. I kind of feel and I make people laugh when I say the bar is so low down here I need a shovel to find it. So I think that we got some areas to improve upon. I look forward to seeing that happen, maybe even being a part of it. Something really happened wonderful and I hope that this is really wonderful, happened last week, and I attended, over at Legacy hospital, the bicycle community, over in Alberta, organized this, and isn't that incredible? This picture, the bicycles out there? I was there. Michael, an incredible person, been hired by pbob, and they got a huge amount of incredible employees --

**Hales:** Thank you.

**Rogers:** Here they are and there is a picture of Michael out there so I hope you consider what I had to say because I say it with all seriousness.

**Hales:** Thank you very much, thanks very much. I appreciate you coming. I think that miss crystal elinski arrived. Did I see you? Come on up please. Good morning. Good morning.

**Crystal Elinski:** Wow, I am crystal elinski. I represent 10,000. Actually, on my own behalf I have dedicated a calendar to use, so as I submit it in a format that anyone can get online and download for next year because hail the incumbents, right. This is -- glad to hear the last speaker. I was trying to think of positive things to say on this, probably my last communications for the year to you. And I just realized that we are simply a microcosm. We are a city of huge contradictions, and we continue to think that we are in a bubble like with the green washing, the real effect of green washing going on, the djc had a front page, your daily journal of commerce here, you know, sustainability, we're the best. That was two years ago and now it says whatever happened to the sustainability, and it's whatever we see in front of us, if we are saying that we're fine with all these fines on homeless people and r2d2, we are fine with the taxes not being enough for our streets, I mean, I guess that's one good thing that I remember being passed. Was the street tax. But we, we commute single, Individual cars, every day, in this traffic. We get our, you know, our disposable cups and throw them away and go to events that say zero waste, like yeah, exactly. And its more garbage. We just keep creating all of this, you know, this hipster garbage, basically. And I just feel like at the end of the year, at the end of, well, my time with you guys on a personal level, if I can say that anything was dealt with, that I asked specifically to be dealt with, I was -- it was the five of you that I spoke with on September 4, 2013. And asked you on October 6, to meet with me, and to this day, I don't understand how deals can be cut and broken and take over the media with like homer Williams, and yet, you know, I can't even get 10 minutes, except with commissioner novick, actually,

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helped me and Amanda Fritz, like I said, in the past, I am still waiting, but you know, I know that you are going to get impeached and I really want you to be re-elected because I want to continue to torture Dan Saltzman, but you said that you would never meet with me about anything and at least that was honest. Chuckie Hales has continued to say that he would meet with me and I just wanted to reiterate what I said last week, last time was I am still working on the CRC and I would like to be nominated as the appointed mayoral position, and in addition to that, last time you were not here, I had brought up something that I would like to discuss I can fit that in the 10 minutes it won't take up any more time.

**Hales:** Thanks very much, appreciate you being here, thank you.

**Hales:** I think Mr. Moses came in as well, come on up, please.

**Kernel Moses:** [speaking in another language] This story starts in a tent across the street, actually, I had three tents, the general and I shared a bedroom, and we had a think tank and meditation space called the war room, and actually, the hook tack visited the war room, reached in his for, and gave me \$60, him and his wife and granddaughter. His granddaughter left her red sweater in the tent and the general and I got her back to her. Did you hear that, Steve? Anyway, then I set up is a tent in your front door that sat for a year and a half, and you did nothing. Nick the smelly Fish was the housing commissioner back then. He did nothing for a year and a half. Amanda, I know you've been totally Fritzed out, sorry about that. These guys are a rough bunch. Anyway, I had another tent-like structure that you arrested me for sleeping on, on the sidewalk. Yeah. Thanks. And then a year and a half later, you replaced the prayer vigil tent with a sausage stand. That was a real good idea, a win your business. So one night we had surrounded the city hall with pitchforks and torches. That went viral, the next morning I left a profanity-laden letter with the mayor that got his attention. About how you treat the homeless people and have for years. Anyway, now we got tents all around town, that's what I am talking about, tents, so summer of 2014, no cause eviction summer, we ought to call it. You made a [bleep] bundle.

**Hales:** You can't use profanity here.

**Moses:** I am sorry, delete that from the record, please, you made a bundle, didn't you? So now we got the Portland union you won't do a thing about, a so-called housing state of emergency. 35 seconds, that's all I got? Oh, [bleep], I am coming after you, Mr. Saltzman. Where were you on October 12, hiding out in your synagogue? While the cops were pepper spraying reasonable, non-violent police accountability activists? What kind of Jew does that.

**Hales:** I will ask you to leave. This is enough. Thank you.

**Moses:** I am going to have a talk with your rabbi --

**Hales:** Mr. Moses, you are done. Mr. Moses, thank you. You can leave now. Let's take whoever else --

**Moses:** This is the last time that I am here to speak to you.

**Hales:** Thank you very much. Could we call 1340 please.

**Item 1340.**

**Hales:** Good morning.

**Sam Sachs:** Good morning. I was also in the synagogue on that date, I believe, as a Jew. I appreciate the freedom of speech but I think that we should all be respectful in that Freedom. Good morning. Mayor Hales, commissioners, I am Sam Sachs. I have spoken here before and honored to be back. I am here to ask you the Portland city council to consider creating an office of civil rights like the office that exists in San Francisco, Seattle, and I believe Colorado. Since November 8, the election, the new president, this country has seen an uptick of racism and civil rights' violations. Hundreds of hate crimes or incidence have been reported, and with the next president taking, talking about requiring

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Muslim community members to register, and many, many Mexican Americans here illegally or undocumented, fearing that they will be caught up in the immigration reform, it's incumbent for the city of Portland to act quickly and deliberately to send a message that Portland will not tolerate hate, racism, anti-Semitism, islamophobia or any violation of the community members' civil rights, many city of Portland employees encounter civil rights' violations while on the job and deserve an office focused solely on tackling these violations and investigators properly trained and certified. I say certified, even though in my research, so far, I was unable to find any agency in Oregon or anywhere else, Seattle that certifies investigators on how to properly investigate civil rights and discrimination violations. I spoke to boli the city of Seattle, civil rights' office and many Others and although they may train, may offer training, the original certification personally, I think that this is an area in the city of Portland could work to create and set a standard in. I think that it's important if people are investigating civil rights and violations or discrimination violations that there is some kind of certification that says that person is qualified to undertake that serious kind of investigation. How is there no certification for civil rights' investigators? Why is it so important because many of the standards held by many h.r., city of h.r. Offices currently in place wouldn't hold up if challenged in court or state eeoc. People who feel that they have been discriminated against or had their civil rights violated deserved to know the city takes these violations seriously and are qualified to investigate these. Human resource offices are overworked and understaffed, and there is a perception in many cities that they ultimately will side with management in these complaints. That's why the Portland office of civil rights should be separate and independent of the office of human resources. To my knowledge there is no appeal process or review once someone is found guilty, and many of these cities alleged violations. The findings are final. I will wrap it up. But ultimately, I wanted to just come here and put a bug in your Ear, probably I will be back next year, I think it's important for the city to at least, I know there's been conversations ongoing with Dante and Tracy, to at least revisit this conversation, this discussion about creating an office of civil rights. Seattle last year closed 165 of 200 complaints.

**Fish:** Mayor I want to thank Mr. Sachs for reminding us as a community we need to speak out when people are targeted on a basis of their national origin, their religion, race, or any protected category. To my colleague and friend, Dan Saltzman, I am not Jewish but my wife is and my children are, and an attack on your faith is an attack on this council and each of us and I join with my colleagues in condemning that comment.

**Hales:** Thank you.

**Fritz:** I want everyone to know the mayor and I are working with the rest of the council on a resolution that we'll be bringing to the council on the 21st of this month to lay out what are the things that we are doing and have done and will do and encourage everybody in the community, if you would like to join together in unity, to come to that hearing.

**Sachs:** I have one last thing.

**Hales:** Quickly.

**Sachs:** The Charles Jordan standard, this week they saw the hiring of two minority coaches, one minority coach in Oregon and athletic director at Portland state, so it works. Thank you, thank you for your time.

**Hales:** Thank you for your Advocacy for that. Thank you very much. Excuse me, no interruptions, Mr. Davis. Please. Mr. Davis, no interruptions or you will be excluded. Okay. Mr. Davis, I have warned you if you interrupt again you will be excluded. All right, let's move on to the consent calendar. There have been two items withdrawn, unless there are any others we are going to vote on the balance of the consent calendar please.

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

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**Hales:** Aye. Probably take the items that we pulled after the time certain, so we're going to move-on the time certain items now starting with 1341.

**Item 1341.**

**Hales:** I forgot to make a procedural announcement, excuse me for a second and that is 1371 is going to be rescheduled to December 14<sup>th</sup>. There is another item up on the council calendar that has already been rescheduled to December 14<sup>th</sup>, which is 1369. So our apologies if you came here about 1371 today but that item is being rescheduled for December 14<sup>th</sup>. So again, our apologies if you came here for that reason. We wanted to make sure that you knew that and we did not waste any more of your time this morning. Now think, commissioner Fish, please.

**Fish:** Mayor and colleagues, one of the highlights of our annual calendar is that we welcome our friends from the Steve Lowenstein trust and we have a chance to honor community members who have made a huge difference to our city, and we get to honor the memory and legacy of Steve Lowenstein. We are joined by Michelle harper, and I will have a word about that in a second, and incoming board chair joe Hertzberg. First a word about Steve Lowenstein. Everybody up here has a Steve Lowenstein story. Either they knew Steve or they knew of Steve or they read his book, or they have some connection to legal services or they have been in an event and mike Lindbergh has told a beautiful store or know his family or someone he's touched. I have a Steve Lowenstein story. Before I moved to Oregon I lived in New York city, and there was an activist, a woman activist in my neighborhood who used to raise her voice all the time about everything. And she became famous as being the most effective activist in lower Manhattan. And I had a chance to work very closely with her as a community leader. I did not know at the time, but I learned later that she was Steve Lowenstein's mother. And when I came to Oregon and met the extended family and started filling in all the gaps, I realized that even though I never knew Steve Lowenstein I was touched by his life and Legacy, and his extended family. So this is a great honor for this council to host this event every year, and to turn it over to our friends from the trust to honor someone who has done something really remarkable in our community, and as Michelle will remind us the honorable recipient is really an amazing group of people. This says Michelle harper's last presentation.

**Hales:** On this subject anyway.

**Fish:** On this presentation and subject. She's the outgoing board chair. For those of us, of you who are here today but don't know Michelle, for 36 years she provided outstanding service to the people of Portland and to the city of Portland working for Portland parks and recreation. We could spend all morning chronicling the things that she contributed to our community, the one that I will single out is that it was her idea that we rename a community center in honor of Charles Jordan. It was her drive and passion that made that happen. And that's just one of many things that, good things that she has done in her service. She's retired from city service and continues to be active in community service, and mayor can we suspended the rules and thank Michelle harper for her service?

**Hales:** We sure can. Thank you, Michelle. [applause]

**Fish:** Today Michelle is going to pass the gavel to joe and announce the recipient of the 2016 trust award, and it is my great honor to recognize my friend, Michelle Harper and turn it over to her.

**Hales:** Good morning, welcome.

**Joe Lowenstein:** I will just say a few words about Steve at the outset. I think most of you knew him somewhat. His amazing career sounds almost like fiction. He worked with the sergeant Trager and the formation of the war on poverty. He worked with the ford foundation in Ethiopia and Chile. He founded Oregon legal services and the Oregon law foundation. He wrote the definitive history of Jews in Oregon. In this building he was mike

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Lindbergh's chief of staff for six years when bud Clark and frank were mayor. He was trusted as a straight shooter, a consensus builder, and a passionate advocate for the disadvantaged. More than 20 years after his death, as nick said, his influence is still felt here. Every one of you has people in your bureaus, many of them in senior leadership positions who consider Steve a mentor and a role model. When he died in 1990, he created a trust fund to recognize -- these are the words from his will, that person who demonstrated the greatest contribution to assisting the poor and underprivileged in the city of Portland. This is the 25th anniversary of the first time that we gave that award, and this year's honorees join a distinguished and select list of local heroes, most of them unsung. It's been an honor and a privilege every year to learn About people who are doing amazing things for this city, and most of them get very little credit. It's really an honor, a humbling experience to consider this, and it's an honor to be able to recognize some of them. I want to mention the trustees that are here now, and then turn things over to Michelle.

**Fish:** Can we have them stand as you recognize them?

**Lowenstein:** Sure, art alexander, Jamal Folsom, Michelle harper, Margie Harris, mark jolin, Paul Kelly, David Thornburg, Charlie Williamson, some of us have served for these whole 25 years and will probably continue. We have tried to get Michelle to be chair for life. I want to say while she said no, I get an email or a phone call just about every time anything needs to be done reminding me, so she is certainly the power behind this little throne. I think several of our honorees are here, too, I have not noticed who they are but you should know that mark jolin was a Lowenstein award honoree as well as our board of trustees so every year we ask what would Steve do, and Michelle will tell you what -- how we answered that question this year.

**Michelle Harper:** At this time what I would like to do is to read an official letter from our board, that's to commissioner nick Fish, honoring him for his support of our efforts for many, many years, and it reads, city commissioner, nick Fish, as you know we are celebrating the 25th anniversary of the Steve Lowenstein trust this year. Honoring Steve's life and legacy of enhancing the lives of citizens in the city of Portland. On behalf of the trust we are recognizing you for your commitment to Steve's legacy and our board has voted unanimously to appoint you as an honorary trustee along with a few others. It is with a great deal of pride, respect, and appreciation for your leadership and work that we bestow this honor on you. Your personal relationship with the Lowenstein family is a testament of your continued commitment to Steve's ideals and values. Those of us who had the wonderful pleasure of knowing Steve and working with him, his family, his friends, and his colleagues, know he would be pleased with this decision. Evie would be even more pleased, and we are certain that she would find a perfectly appropriate way to express her pride. Thank you for continuing to make a difference and we welcome you on this team with open arms. Assigned by joe and myself.

**Hales:** We should suspend the rules for that.

**Harper:** Good morning mayor and commissioner, I am excited as every year it has come before you and to bring you the best of Portland. This is the best of who we are in this city, when we give this award and we show people how they show up in the world and how they change lives on a daily basis. So I want to tell you a bit about the delta sigma theta sorority and the Portland alumni Chapter. What you need to understand about organizations like the deltas, whether it's sorority, fraternity, naacp, urban league, the african-american church, have been pillars in the community to help us through challenging times, specifically the civil rights' movement. Portland's history, many people migrated here from the south and was not a very welcoming place to be. And so in order for us to survive here we banded together, however we could, to survive and support one another. The delta sigma theta is an organization that has supported children and families for many, many

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years. This organization of 250 college educated women committed to public service. The Portland alumni chapter was established in 1945. Delta members are women who identify with women's ideas, having lived on the front lines of the african-american issues, our history has evolved simultaneously with the emancipation of slaves and the struggle of the civil rights and rights of women. Delta sigma theta provides an array of public service initiatives through the five-point program, enthusiast of economic development, and educational development, and international awareness and involvement and physical and mental health, and political awareness and involvement. It is through their public service that we express the values of the building of community and projects for the Public. Greater good. This chapter provides annual scholarships to graduating high school seniors for the greater Portland and Vancouver area, and they offer activities, with the communities targeting minority issues and conducting workshops, seminars dealing with issues, physical and mental health and aids, hiv, breast cancer awareness, and diabetes information and heart disease and a variety of women's health issues. Education tutorials and science, math, and girl's initiative. One of the programs that we are highlighting this morning is the delta gym. It is a natural outgrowth and expansion for the continuation of the highly successful dr. Betty Shabazz delta academy. Catching the dream of tomorrow delta gems was captured, to capture the dreams of african-american at risk. Adolescents girls age 14-18, the delta gems program provides as framework to actualize those dreams through the performance of tasks that develop a can do attitude, the program offers is a road map for college and career planning, with activities and provides opportunities for self-reflection, and individual growth. The goals are to instill the need to fill academically, to provide tools that enable the girls to sharpen their skills and achieve the high level of academic success and to assist them in the proper goal setting and planning for their future and high school and beyond, and to create compassionate and Caring and community minded young women by involving them in services at community learning opportunities. The honorees that you will meet this morning, leigh Bohannon, aasha Benton could not be here to accept her award, but the president, gene legislatures will accept the award on her behalf, and dr. Keisha Thomas. I will give you a bit about their background. Leigh Bohannon is a native Oregonian. She attended grant high school and graduated from alabama a&m in 2006, pardon me, since returning to Portland she joined the Portland alumni chapter and devoted her time to working to improve the lives of the less fortunate. She volunteered with the Komen race for the cure and shared the gems with national high school mentorship program with prescribed curriculum and for assisting young women and gaining control of their lives and obtaining the skills necessary. She has volunteered at broadcast one as an on-air talent mixing shows and working promotions. She's held many positions on the delta sigma theta sorority and deltas is one of her highlights. You have in your packet, there is probably about a five-page document of all the activities that the deltas has participated in, the Susan g. Komen, martin Luther king celebration day of service, are just some of the highlights that they have done. In 45 years they have done such an outstanding job of building community. The deltas, the center that you are aware of, is a testament to What building community really looks like because that facility is open to everyone in the community, that facility was built on sheer sweat and determination for it to be a light in our community to help many, many people. Is the next recipient that I will talk about is aasha, who is not here this morning. She was born and raised in Portland. She graduated with a psychology degree from the university of Arkansas at pine bluff in 2012. She works at caldera as a mentor. She has always had a passion for serving the youth. She started the volunteer working with the gems in 2009 when she was in college. Throughout the years she volunteered with many activities, Susan g. Komen race, martin Luther king day of service, anti-bullying workshops, and

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gardens cleanup. Became a member and was of the officially of the delta sigma theta and a member of the development community, and is now the co-chair of the delta gems, has a love of serving youth and honored to devote her time in doing so. Dr. Keisha Thomas. Dr. Keisha Thomas is an electrical engineer with 14 years of experience, born and raised in poverty as a middle child in a blended family of seven children from crown heights, New York. Dr. Thomas's parents are from the island of Trinidad and st. Vincent located in the Caribbean. From eastern North Carolina. She graduated from John Dewey High School and three years with an honor's diploma. She started her education at Delaware State University playing the baritone horn in the DSU marching band and participated in the choir, volunteered at community service activities through an education in the sorority there, in her sophomore year she decided to fund her college education, had to quit activities to work full time while attending school full time with various jobs. Maintenance worker, tutor, security worker, fast food worker, all around person. And Dr. Thomas also completed some of her internships with the University of New York at Stony Brook and also worked with NASA and also the University of Connecticut. She has a very strong background in engineering and has been mentoring youth in science and education and math for many, many years. It gives me a great, a great deal of pleasure to recognize these extraordinary women for their dedication and their work in their community, and I ask you to welcome them and honor them, and know that they are the best that the city has to offer, and the people in, and the lives that they are touching on a daily basis is beyond measure. So it gives me a great deal of pleasure to bring up Leigh Bohannon and --

**Hales:** Good morning. Welcome. I will ask them to say a few words.

**Leigh Bohannon:** Good morning, I am Leigh Bohannon. Thank you all for honoring us, Michelle. Thank you for the city council and the board, also. I totally was unprepared to speak because I just had a baby, so new mommy brain is sitting in, and so I apologize for my scatteredness of this, but I do want to say that Delta Sigma Theta has been an integral part of my community service in my adulthood. And I wanted to be a member since I was in high school because of what women stand for and the countless hours and dedication that the women that -- I surround myself with that we dedicate to the community is important, and it has kind of guided me into what I do when I came back home to Portland after college. When I joined the organization, it allowed me to have a platform to involve myself with the youth, which I've been doing since I was in high school, and the gems have been amazing. They are amazing women that have grown up from the Betty Shabazz Academy through college who still contact me and let me know what's going on who let me know that they want to join our illustrious sorority, and continue to ask for advice. The gems academy, or the gems program is growing and empowering myself successfully which is what the acronym stands for. It's more than just a mentorship program. It's really about building family and friendships with these young ladies, these girls come from schools all over the city, and even in Washington, they come down and they build friendships with the young ladies from other schools that they probably would not have known or met or even interacted with outside of the organization. They recruit their other friends and their classmates to come and join the program, and the recruitment levels have been up, which is great. So it's like I said, it's more than a mentorship program, it's really about building the future of Oregon and, you know, the U.S. and the world, the children of the future, if you want to be cliché. These young ladies have goals and aspirations that they might not have had opportunities to pursue or to acknowledge, and with the help of our sorority and the women in the community, we provide them with the tools and the resources and the support outside of their families and friends and school, but just another outlet in ways to see themselves to be successful in life whatever that may be. And it's been a pleasure working with them and working with Keisha and Madam President Jean. It

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has been an honor, and I thank you for recognizing us. I feel like I'm at the academy awards because a lot of the stuff we do does go unrecognized but we humbly continue to work.

**Hales:** Let's spotlight music but no less appreciate. Good morning. Thank you.

**Dr. Keisha Thomas:** Hello, everyone. Thank you to miss harper, Mr. Hertzberg, and the board of directors for giving us this honor. Again my name is dr. Keisha Thomas, and I am the chair of Education programs, which encompasses the growing and empowering myself successfully program that is the gems program, and the dr. Betty Shabazz delta academy which is a program that I also chair, and it is a free stem science, technology, engineering and math-based self-development program for girls ages 11-14. Steve Lowenstein's work as an attorney and peace corps starting the first law school in Ethiopia, his work in Chile, and so many other areas he participated in, locally here in Portland, demonstrates a versatile and strong legacy that makes us members of the Portland alumni chapter, enormously proud and grateful to be a small part of. We are thankful for the chairs of our gems program, Carlita and Aasha Benton and Lee Tracy King, and along with their volunteers. We are also thankful for volunteers in our other educational program specifically Leslee Unthank, Beverly Gay, Patricia, Deborah, Marion, and our sorority's chapter president Jean along with the many other members of the sorority that has donated cash and snacks to ensure success of our education programs. Over the years despite all of us volunteering our time and resources, our programs have not had all of the funding necessary to meet the needs of our participants. As a matter of fact, this year we talked about actually limiting the number of participants this year until this award showed up. This award will tremendously help us with giving our participants more exposure, tools, and resources necessary to effectively prepare for life beyond high school. The goal is to instill in our girls an increasing hope and undeniable drive to tackle the challenges ahead in order to reach their own desired goals while remaining connected to benevolence and service. The participants that we have had over the years are overwhelmingly girls of color, of all backgrounds, and including being children of parents of no college education or are living in foster care. So for them this program is a place to continuously see an overwhelming presence of women that look like them. That have already achieved college education, career success, and are active in their community. Our time spent together is special because of that. Whether we are making hair care production, walking the red carpet before paparazzi, performing community service, performing cool experiments that brings awareness to the problem of climate change, or just having girl talk. Our times together are filled with fun, laughter, bonding and eventually great memories. I know the girls enjoy our programs because they keep coming back. And of course we love having them. I personally look forward to volunteering myself, as I said, while we enjoy our time, we never lose sight of our responsibility in what we are doing to help develop our youth. When we volunteer our time, pay it go forward to helping these ladies we are doing so knowing where we came from. We came from a place where not many of us had examples to look up to, or guidance to navigate a pursuit towards a college education and the degree fields of our choices. We know from many of our youth to achieve those dreams, hope is first needed. Confidence is needed. A viable path is needed. Support is needed. We volunteer and spend hours to be the individuals, the collective, the place to provide all that we can through our programs for our girls to realize their dreams. Again from the bottom of my heart, thank you. For recognizing us with the Lowenstein trust award, this achievement means much more than can be conveyed. Thank you.

**Hales:** Thank you. Thanks very much. You can slide the box down towards the president there, the giant box will move there.

**Jean Loomis:** Ok.

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**Hales:** There is a trick to it, good morning.

**Jean Loomis:** Good morning. Thank you and no, I am not aasha benton but I am pleased to stand here in her place and accept her award. The comments you just heard from our two members just go to show the type of women that we have in our organization, and the type of women that are out there in the community trying to make a difference for the youth in Portland. So I sit here as the chapter president but just listening to them I am overwhelmed myself because I am so proud of what they do and what our organization is able to bring to Portland, so I am a bit emotional myself just listening to you because they are fabulous women and we have several women in our organization that are out in the community doing these types of things. So we are very grateful to get the award, the Steve Lowenstein award, and on behalf of aasha, it's really my pleasure to accept on her behalf, so thank you. I don't really think that there is any more that I can add to the history of what delta does because Michelle gave such a good overview of what we do in the community, so I thank you, and thank you to leigh and dr. Thomas for all the work you do for our organization and the deltas that have shown up to support you today. I hope that you can see that we are very, very proud of the work that you have done and we thank you very much for the honor that you brought to our organization. We thank the city for recognizing the work that we do. Thank you.

**Hales:** Thank you very much, so you have a presentation to make, I believe?

**Harper:** We do.

**Harper:** The presentation, and the actual award and a check for \$7,500.

**Hales:** Outstanding.

**Harper:** And we would like to have a picture.

**Hales:** Please. I would like to present this award --

**Fritz:** Excuse me, could you speak into the microphone because otherwise the captioners cannot hear you.

**Hales:** A little closer.

**Harper:** Ok.

**Fritz:** Thank you.

**Harper:** I would like to present this award, this day on behalf of the Steve Lowenstein trust to dr. Keisha Thomas, leigh bohannon, and aasha benton, and their names are on each of the awards. And the check goes to Ms. Loomis for the \$7,500 for the program. [laughter] thank you very much for allowing us to bring some joy and to highlight the best of our city has to offer, and just know that I know that sometimes being a city official can be a thankless job but I am one of your proud civil servants and I, and that's the reason I continue to serve but I get the fortunate experience of, you know, being connected to women and organizations like this that continue to make our city better. So I thank you for your time and it would be great if we could honor with having a picture with you.

**Hales:** Congratulations to the deltas. [applause]

**Hales:** Thank you very much, and supporters who are here today, thank you for carrying on this great tradition, and thank you commissioner Fish. We are going to move onto other business. Which we'll start with the next Time certain item, which is 1342.

**Item 1342.**

**Hales:** I am going to call our bps staff up to join us and make some opening comments and hopefully we can bring things to go here in this effort that has been going on for a long time. We are here to accept the residential in-fill project's concept report, we have held two public hearings on November 9 and 16 to hear feedback from the public, and in addition to over 100 people who testified at the hearings we received 500 pieces of written testimony, and that is feeding into what we are going to deliberate on today. My understanding is commissioners are interested in introducing several amendments to the concept report

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today, and I am, as well, and we will go through the report by topic, and we will introduce amendments and we will deal with them individually before we deal with them I would like to give each a chance to share our reflections. I have a couple, this is a concept report, not code language. And I think that it's important that I asked this group of citizens to come together and work with the bureau, to deliberate on this complicated set of subs and to show us a path forward and they have done that, although obviously there is a division of opinion within the task force and within the community, and I think again we may be able to do some things today in terms of the directions to the bureau that actually bring people closer to consensus about what we should and should not do. So we have three choices, adopt the report, with maybe changes, do nothing, or start over and do something else. I think what we should do is take up these amendments and see if we can get closer to a larger consensus about where we are going and send the staff and planning commission to come forward with specific changes. The concepts are trying to address issues that have really been critical in our community, one is the scale of what gets built in our neighborhoods. Another is housing opportunity and another is historic preservation. And those are a you will important topics for us in the community and I think what we can do today on these amendments will get us to positive outcomes, a more appropriate scale and housing opportunity and less demolition. Those have been my goals for this project from the beginning. So with that if there is other comments, at the outset here, we can take them now or we can dive right in with Steve.

**Novick:** I would like to make a general comment which is that given what we have seen, this community in the past few years, I am concerned if we have the cities, one house for every 5,000 square foot lot, we will be a city where single family homes cost a million dollars apiece as in Vancouver, B.C. Although we're building lots of apartments there will be people who don't want to live in apartment buildings and can't afford a million dollars so allowing for a variety of housing choices which includes Duplexes and triplexes and garden apartments is critical for this to be a city where a variety of people with a variety of interests in housing choices can live. Although this is just a concept, keeping this going is critical to the future of the city and I appreciate the work that the staff and community members have done bringing us to this point.

**Hales:** Thank you.

**Fritz:** I really appreciate the staff and working with my staff Clair Adamsick, also with the wonderful testimony and assistance that the community so thank you very much. Some of the testimony has been what I based my amendments on. This project started as looking at how do we prevent more demolitions and how do we allow houses to be -- to have condominiums in them or rentals or adu's, without destroying the single family home. Or the structure of it. The other side of commissioner Novick's concern, it will be old homes, that are more affordable. Most people when their buying their first home don't expect to have a brand new one in a desirable area or a lot of people buy fixer uppers so what I would like to see is to encourage that part of the home ownership and/or rental community so we all have choices.

**Fish:** I apologize to stepping outside for brief moment during your comments. I just want to confirm do we have an agreement that there will be a work session early in 2017 to continue this conversation and in bringing the new council up to date on where we are?

**Hales:** Yes, you are going to be getting code proposals back. Susan can elaborate, if we say go forward with the changes of the nuance that are before us today, they will take this to the planning commission and come back to the city council next year.

**Fish:** So I am actually very heartened that we are moving towards consensus as a body, the new council will have two new faces, and because this has generated so much interest in the community I want to make sure that no later than February you come back with a

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work session so that we can plus or minus February, we come back with a work session, and I can see you nodding so I understand that we have that commitment, Joe? Mayor, one of the things that I will also be tracking is making sure that as we go through this, we bring the whole community with us, I am concerned about a third of the community, will be concerned about the information that, that -- with the dissent and I am concerned about some of the very strong views in our community, pro and con, and I think that they need to be reconciled as we go forward but I think today that we are on the verge of reaching a consensus as a council, and so the new, as long as the new council can take this up, and continue these discussions, I am comfortable moving forward.

**Hales:** Is there anything else? So please take it away, and walk us through the subject matter and the amendments and we can get going.

**Sandra Wood, Bureau of Planning and Sustainability:** Sure, great, thank you. I am Sandra Wood, with the Bureau of Planning and Sustainability, and I will be walking you through a memo that we prepared today, distributed last night, and dated December 7, there are available copies for the public, and what we did is as Commissioner Fritz mentioned, we've been working with the staff from all of your offices to explain the proposal and the current regulations and they have shared with us some of your thoughts and some amendments that you may want to move today, get a second and then amend our concept proposal for, so working through that seven-page memo, and we'll start with, and we'll go in order of -- in the order of the proposal, so as you know there are three topics, we'll start with scale of houses which is the first topic. There are about three concepts under this topic. The first one is to limit, actually, let me explain, on the left-hand column, and I hope you all have this document. The left-hand column is the staff's original proposal that we had, and that's what you took testimony on, on the right-hand column are the potential amendments. We recognize that some of the commissioners were -- this is just part of your thought process that you might not want to move these amendments, but they are all here for all of us to take a look at. The first concept is to limit the size of house while maintaining flexibility. There are three amendments proposed for this concept. The first one is Mayor Hales' amendment, and which was aimed for detouring more demolitions and one to One replacement inside the overlay zone which comes in the next, in the next subject matter.

**Fish:** I have a question procedurally. To those who are new to this process, Planning and Sustainability has mastered the art of guiding us through complex processes by giving us a cheat sheet with all the amendments lined up and commentary, and it's really one of the best services that they provide this Council, as we're going through complex things, and the difference here is that you have not put recommendations on how we vote but that we have had the cheat sheets and also were not shy about giving us recommendations. Is it your sense that we will take each amendment up and see if there is a second and go through sequentially?

**Hales:** We can go ahead and act on them, one by one, in that they don't contradict each other after we deal with the subject matter number one we will go to subject matter two so it might be good to deliberate and act on each amendment.

**Fish:** I think it's easier cause there is so many.

**Hales:** Right.

**Fish:** If we focus sequentially.

**Hales:** That's my intention if everyone is comfortable with that.

**Hales:** Ok.

**Hales:** Let's plan on that.

**Wood:** And it's possible that the amendment number one and two, you want to take up together because they are contradictory.

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**Hales:** I think that this is the one case in which it's either or maybe you do this or do that. But, and the other cases, there is a single subject, if you will, addressed by each amendment, right?

**Wood:** Right.

**Wood:** And so I explained mayor hales amendment, the amendment number two, came from commissioner novick's office, which was basically to require houses to be smaller but not as small as staff had proposed. If we understood that correctly?

**Novick:** Yes, although I should clarify that actually to some extent mayor hales and I are aligned here because I would like to see a little more room for the duplexes and the triplexes, I am not excited about having more room for the single family homes, so given that the current average new single family home is 2,600 square feet, I think going down to 2,000 might seem a bit extreme. Actually, you were willing to go for something like 2250, 2750.

**Hales:** This is not code language but general direction, so yeah, there is not as much difference between your approach and mine as it might seem in that I think that we are seeking much the same thing. I am going to move my amendment when we get to that point because I want us to give the staff the direction, which is the intention behind my amendment, and that is make it more attractive to preserve the existing house and less attractive to tear down one house and build another. Do that with this tool, whether we have the number precisely right or not I don't know.

**Wood:** Do you want to move now?

**Hales:** I will move it.

**Fish:** And I will second The amendment and since there are two, my understanding of this is that if we support the amendment one, we will not reach amendment two.

**Hales:** Commissioner Fritz.

**Fritz:** I am not sure that they are mutually exclusive but I have a question for commissioner novick, how does allowing the bigger homes, that factor into your earlier statement that you wanted to increase affordability of homes? Isn't it normally the case when you have a bigger home it cost more?

**Novick:** That's true, but I think that given that we are currently, given currently the average new home is 2,600 square feet, and also given frankly that the polling that we did in my campaign suggest that the people of Portland are not as upset as I would have thought they were, going from -- down to 2,000 square feet, just struck me as a big jump. And I don't think that -- I think you can fit more into 2,700 or 3,000 square feet, than you can into 2,500. Understanding the report, I, actually, am ok with going along with the mayor's office proposal, but asking the staff to report back if they think that 2,500 square feet is going to dramatically inhibit the creation of the duplexes and triplexes.

**Fritz:** For the second time, could we have an oxford comma after demolition cause I want more deterrents to demolition regardless of whether it's a one to one replacement. I think that we do also want to encourage increased opportunities when there is a replacement.

**Hales:** Right.

**Fish:** Accept a friendly amendment and make that a Webster's comment.

**Fritz:** Absolutely. [laughter]

**Hales:** That does make sense. All right, with that technical change. All right.

**Novick:** This doesn't only apply to demolition, right?

**Hales:** That, correct.

**Novick:** I wish that they could but there is legal problems with that, my understanding?

**Hales:** That's right. A lot of record, a lot of record. That's right. Ok. Are we ready to act on amendment number one? So let's take a vote please on amendment number one.

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

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**Hales:** Aye. [gavel pounded] ok so commissioner novick do you still want to propose amendment 2 or leave it?

**Novick:** I will leave it.

**Hales:** Let's take up amendment 3.

**Wood:** The amendment 3 came from commissioner Fritz's office, and we think that the sentiment here was to provide more outdoor yard space that's usable for the residents of that unit, so I think that there was some discussion about either decreasing the building coverage or increasing the backyard area, outdoor area requirement.

**Fritz:** And this is not only for what you just had, I was talking about, but also for the surface and for the general look of the neighborhood, and new construction, like 45% coverage, with, which basically means the five foot set and not in a front yard so I think that that factors. So I would like to have the staff look at that, particularly since I tried it multiple times when I was on the planning commission 20 years ago.

**Hales:** All right, so I will second your amendment.

**Novick:** I have a question for staff on this, and this might be naive on my part, but I was wondering whether adopting this proposal, although I realize we're just exploring options, would suggest that we might have to take a look at increasing the 2.5-story height limit, in order to get 2,500 square feet of housing in.

**Morgan Tracy, Bureau of Planning and Sustainability:** That's the potential. We'll have to model several examples of different lot sizes and the resulting development based on the coverage and height and resulting square footage.

**Hales:** All right, further discussion about amendment 3? Are we ready to take action? It says provide more usable yard area and directs the bureau to explore options for decreasing building coverage and providing adequate private areas outside of the home such as a larger side yard or backyard. Roll call please on amendment 3.

**Novick:** No. **Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye.

**Hales:** Aye. [gavel pounded] that's approved so let's move onto number four. I will walk us through those.

**Wood:** Number four is regarding concept 2, the lower the house roof line which I think that commissioner novick is what you are getting at, would you like to introduce your amendment? We had two options there.

**Novick:** I floated this concept in response to the idea to commissioner Fritz's proposal. I was concerned that if we limit the amount of floor coverage, we might wind up with 2.5 stories not giving us 2,500 square feet. So actually, I will defer to you on this before I introduce the amendment. Do you have a concern about -- do you share that concern or do you think that I am being paranoid?

**Tracy:** So I apologize, I am Morgan Tracy with the bureau of planning and sustainability. The idea of increasing the height in exchange for the building coverage, I think, the ultimate objective here is the square footage goal. With that direction in mind I think that we can tailor the regulations to suit that. The current regulations allow for 30 feet of height but there are issues with how that is measured which has resulted in structures that are three or four stories tall, and that is the crux of what we are trying to address here, but I think that we can explore it with the aim of looking at being able to achieve a reasonable building square footage.

**Novick:** Ok. So you can support that without my offering this amendment? I withdraw the amendment.

**Hales:** Let's move on.

**Fritz:** If I may comment so we're asking you to continue to look at the issue of height, building size, square footage etc., and I am still not quite persuaded the proposed way is going to work in all instances so obviously, you will need to continue to discuss that. I am

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concerned about a large retaining wall five feet from the house, and possibly towering up the rest of the neighborhood.

**Hales:** Let's take up number five then.

**Wood:** Amendment no. 5 is regarding the front setbacks of the property, so our proposal is to increase all front setbacks by five feet but also allow the houses to come closer to the street to match the adjacent houses, and commissioner Fritz's office, offered an amendment to provide more front setback flexibility, in other words, the house could come closer even than the adjacent houses, and if the tree was being retained in the backyard.

**Novick:** Second.

**Fish:** Question on this, so I used to live in the grant park neighborhood, and that's an area where a lot of houses have been taken down to the foundation and then a monster house built on that foundation so they had to operate within that code that this if you -- you can put the house on the existing foundation and it's not a demolition. But one thing that I have noticed is that apparently our code allows for an expansion of the front deck. So in fact, those houses are coming in with decks that just -- that go well beyond the footprint of the existing, of The house in that they are replacing so you have that situation where there is no match, if you look down the street, you have got houses jutting out, it is jarring. If we are going to say here, that we're going to move the setback by five feet, which I support, I am going to be interested in knowing the inter-play between what is happening currently with people building out decks to get more of a footprint. And this goal of creating more useful space in front of the house because in the monster houses in my neighborhood with the decks, there is very little, there is virtually no front yard. As a practical matter.

**Hales:** That's why amendment 11 is here, to essentially say go and figure out what remodeling is and is not.

**Fish:** I am very interested because we have given people that wiggle room to add, to add a deck that changes the whole character of that footprint.

**Hales:** Ok. Those are good points and that's why amendment 11 is here and there is more work to do to define what demolition is and what preservation is and in a way that would meet a common sense test where some of what you have used in the current code doesn't. Are we ready to act on number five?

**Fish:** Are you going to move it?

**Hales:** She did.

**Fish:** Second.

**Hales:** Let's vote on that.

**Novick:** Aye. **Fish:** Aye.

**Fritz:** Actually it was my turn.

**Fish:** She was expediting it. [laughter]

**Fritz:** I was just wanting to thank the urban forestry commission for pointing out what we can do more to protect trees. Aye.

**Saltzman:** Aye.

**Hales:** Aye. [gavel pounded] you can do it in two-part harmony, number 6.

**Wood:** So we're switching topics and going to the housing choice topic which is our -- a big topic. The concept that the staff is proposing is to allow more housing types in select areas, and we talked about that map before, and limit their scale to the size of a house, so establish the size of the house, and there are, actually, amendment 6, 7, and 8 are pretty interrelated, and maybe I would suggest that we take them all up at the same time. What we're proposing --

**Fish:** I would ask we pick them up separately. They are related --

**Hales:** But they are different.

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**Saltzman:** You are going to describe it? I will offer amendment 6, which states that within the housing opportunity overlay zone, pursue age friendly requirements, such as visible or accessibility standards for additional units, and I think as our housing stock churns for the future we need to make sure that we are doing our utmost to ensure that housing is Accessible and visible by people of all walks in our city.

**Fish:** I will second this. Could this be edited to reflect that commissioner Fritz and commissioner Fish and Saltzman all put this amendment in, and if -- it has the strong support of the mayor-elect who's going to be moving the age friendly agenda, so they could make that change.

**Saltzman:** Moved.

**Fish:** Second.

**Hales:** Further discussion of this one. It is straightforward. Ok. Let's take a vote on amendment 6.

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

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

**Fritz:** Before you dive into the next two I would like to amend my amendment. I was not clear when I asked you to work on it. What I was wanting you to do is to look within 4a, should we only allow, like a triplex on corner lots, only low them if they are affordable, rather than adding another one, I was thinking that we should be getting something for this bonus opportunity that we're giving people.

**Wood:** So I will give context to this. I think during stakeholder advisory committee meeting, with our conversations with the public, there was a lot of discussions about whether or not there should be conditions for earning one of these extra units that we're proposing and the geography. Ultimately, we came down to, when we talked about affordability and accessibility we came down on the side of providing an extra unit was in and of itself a great public good. Of course there are other public goods that we are trying to achieve, such as accessibility, affordability and etc., so that's why when I look at this list I think of them all together like what conditions are we tampering to earn it or which ones would be a requirement and which ones would allow for a bonus unit? So amendment no. 7, I apologize commissioner Fritz that we got to wrong so I think that that would raise affordability requirements, that would be what, what you are expressing as the amendment.

**Fritz:** And it's entirely my fault. I did not ask for that, so thank you. I was looking at the listing a, which is house with the internal and external accessory dwelling unit, duplexes attached. Adu and triplex, that's already -- some of those instances, I think it would be almost impossible to get four units in on a single corner lot. Maybe it is just a matter of could you continue to explore that and maybe have more conversations about that when it comes back as to whether they should be requirements or --

**Fish:** Can I ask some questions of the sponsor? I am very interested.

**Hales:** Go ahead, please.

**Fish:** So this reminds me a bit of The discussion that we had with parking minimums. And I generally am of the view and I think that commissioner Fritz signaled she's of the view if we are providing a benefit we should get something in return so I understand that the public good, but we could say that about almost everything that we are doing so I would like to know what is the, the concrete benefit we're locking in, and if it is, in fact, just the unit, if my colleagues conclude that it is just the additional unit, I think that we have to be very clear about what we know by affordable. Because if this just becomes an opportunity for someone to build a unit that is vaguely determined to be affordable, which is in the eyes of the beholder, and then becomes a you know, a dwelling place for a child or a family member, I want to understand that versus genuinely affordable and affordable to me inside

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current crisis is below 60% mfi. If we don't monitor that we are not going to, actually, know whether it continues to be affordable so normally we would voluntary a regulatory covenant that we slap on and some reporting requirement. I don't want this to be unduly bureaucratic, but my questions are what do we know by affordable. How do we verify it. What are the conditions. And then is it sufficient just to get the extra unit or do -- are we seeking some other public benefit? Those would be questions I would have when it comes back.

**Novick:** So I think that commissioner Fritz is suggesting a dramatic revision to this report, and I know that there is some -- there appears to be some disagreement about whether the general laws of supply and demand apply to the housing market but, allowing for a larger number of units is going to be increasing the supply, is going to provide more affordability for a wider range of people, and I also want to reiterate that I am concerned about affordability not just for people below 60% of mfi but concerned about affordability for people below 300%. I think that it's important to allow, without significant restrictions, duplexes and triplexes and without saying the additional unit has to be for people below 60 or 80% of mfi.

**Susan Anderson, Director, Bureau of Planning and Sustainability:** Could I make a recommendation? I know we voted on the first amendment but it seems like we need to look at requirements and bonuses for tree preservation, affordable, at the standards that we're thinking of, 60% below mfi and age friendly requirements and come back when we do the code with, you know, basically the options of here are the options because I think that they are, you are not going to be able to give bonuses for everything. There is not enough there, and we are going to talk about it tomorrow, and so I would like it if we could put it to you together and you can make choices as we are putting together the code but the direction to us today is to go and do that.

**Fritz:** All in place of seven and eight.

**Hales:** This is a policy direction for what's going to come back to the council.

**Fish:** That would be great, and I hope the current pace of the building will result in us slackening the price and some benefit to hard hit renters. Let's just remember in the last three years about 24,000 units have come through the pipeline and less than 3% are affordable because the deadline, inclusionary housing, we seeing the biggest rush in the history of Portland, and we are likely to see 15 to 20,000 units, none of them affordable, so I hope that someday supply and demand kicks in. We are not seeing it right now. I think we need to be prescriptive about affordable units and intentional about it.

**Hales:** In terms of direction to you, do you need the amendment or --

**Anderson:** You can just trust us or we can -- that we will do this or have an amendment that directs us to look at both bonuses and requirements for age friendly affordability and tree preservation.

**Fritz:** So moved.

**Hales:** I think that's a good solution. Other discussions of that amendment? Let's vote on that please.

**Novick:** Aye.

**Fritz:** Just another example of director Anderson bringing things together and helping us to figure out solutions. Thank you very much, aye.

**Fish:** Aye. **Saltzman:** Aye.

**Hales:** This is policy direction and I think it's a good direction so I will vote for this and I won't be here when we -- when the council sweats the details on the code although we sweated a lot of details on the comp plan, my demonstration would be look carefully and I know the bureau will, and try to anticipate ways people could gain the system. We saw it with snout house says before we abolished them and seen it with the lot splitting

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phenomenon. We could see it with using an affordability bonus for purposes of advancing demolition, so I am not worried that that's where we are headed as a policy direction. But it's very important to look for what's the worst way this could be used before it is adopted because sure enough in a superheated housing market like this somebody will use it in the worst possible way. So I will support the amendment and I hope and expect this great bureau will sweat those details with the council next year. Aye. [gavel pounded]

**Hales:** Ok. I think we are making progress. Let's move on to amendment no. 9.

**Wood:** Great so we are still in the housing choice topic the concept is to establish the housing opportunity overlay zone in select areas and 5a describes those select areas which is quarter mile from a lot of great places in Portland. So amendment number 9 we heard from commissioner Novicks office which was to makes sure we're considering transportation infrastructure constraints when we are doing the mapping.

**Hales:** I see that, and I also see, where are we on the subject of the exclusion of the David Douglas school district?

**Wood:** We did not hear an amendment from any office for that.

**Hales:** I am interested in discussing that topic. I am not sure if there is a majority of the council that wants to do that.

**Wood:** It was timid interest

**Fish:** We are talking about a?

**Hales:** Talking about.

**Wood:** 5b, exclude the David Douglas school district until the full district capacity issues were addressed, so several offices were curious about that but we didn't land on an amendment.

**Fish:** My understanding is that the reason that there is no current pending amendment on 5a is because the staff has agreed to come back and give us some options. When we come back, so there is, there was no need for that.

**Fritz:** On 5a, I thought that we were having a discussion about where to map it.

**Hales:** I thought so, too.

**Fritz:** I thought that there were a couple of options for that.

**Wood:** There were, meeting with your, with the commissioner assistance yesterday, none of your staff felt that they wanted to pursue an amend, per se.

**Fish:** That's because we were told you would come back with options so we could see what different maps look like. So the absence of an amendment is that we thought that we had an agreement you would come back with different options.

**Wood:** In the early part of next year with the administration.

**Fish:** Joe almost fell over when I said February, so whatever the date as long as we have an agreement for a work session it should be a reasonable date to get the work done and my understanding is you have agreed to come back and show us different options so that's why there is no amendment. I want to clarify that.

**Hales:** I don't think we have to act on the David Douglas school district today but I want to flag it. If what we are doing to this package is refining it in such a way that it applies in infill situations and -- well, and reduces the demolition, in other words if we are making this proposal better in those ways, and if we are better focusing on where infill development is going to happen and where it's not, I think that excluding a school district per se on a basis of capacity issues in the school district is no longer such a good idea, my opinion. I think that the council next year will have to decide that or not but I think that it is a dangerous, even though I love the David Douglas school district and sympathize with their capacity issues, to exclude a part of the city from housing development because another service provider is having capacity issues is a slope that the city might not want to go down with all due respect to the David Douglas school district.

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**Fritz:** And particularly if we're more strategic and there isn't a blanket overlay that takes up most of the east side, there is not as much single family zoning left --

**Hales:** Right, it won't be as big of an impact.

**Fish:** Did my statement of the understanding of what we discussed on 5a correspond to yours?

**Fritz:** Yes.

**Fish:** I don't feel the need to put an amendment forward because I felt like they would come back.

**Hales:** That will lap when you come back with the code?

**Fritz:** I do like commissioner novick's Amendment.

**Hales:** Steve move it.

**Novick:** I move amendment 9.

**Fritz:** Second.

**Hales:** Further discussion of that, which is adding transportation infrastructure constraints to how we do the map which makes sense. Let's take a vote on amendment 9.

**Novick:** Aye.

**Fritz:** I really appreciate commissioner novick bringing this forward and I think also the language speaks to my concern which is sometimes what the best service is, the frequent bus service from a long way out to downtown at rush hour. When that's not necessarily where people are wanting to get to and from. I think the transportation infrastructure can strengthen, essentially, aye.

**Fish:** Aye.

**Hales:** Aye. So deals with amendment 9.

**Wood:** Can I go back to amendment one? Speaking of the map, so right now with the concept report says is to apply a housing opportunity overlay zone within these areas. We suggest that someone move an amendment to say explore a housing opportunity overlay zone in these areas and others.

**Hales:** Change apply to explore?

**Fritz:** Explore decreasing the opportunity area might be --

**Wood:** Explore decreasing?

**Novick:** I would not consider that a friendly amendment.

**Fritz:** I understand that but I think the concern that we heard in the testimony was that the east side has the overlay, and not nearly as much as the west side, so I think that when commissioner Fish and I were talking we were looking at being more strategic on this.

**Fish:** If I could jump in on this for a second, it was not my intent to decide this today. Staff had come forward with new maps that I could read because they were blown up, that showed, you know, if you use some different assumptions with what the overlay would look like, and where I landed on this was I thought that we should continue to have that discussion and not foreclose us looking at different configurations, and I wanted to make sure that in the next presentation to this new council, next year, we have some things to compare this recommendation against. And that is not -- I'm not foreshadowing how I will land on it, but I don't want you to be constrained by the one quarter, I would like to see if -- because you gave me three maps to show how the overlay would work. I would like to consider all three options when you come back.

**Novick:** Note there were community members that thought that the biggest map of the three was too small. So what about if we sort of said that, we asked the staff to explore the pros and cons of larger or smaller overlay areas?

**Wood:** We could say also provide options for a housing opportunity.

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**Fish:** Honestly did not want to front load this to a decision, I wanted to make sure council got including the two newest members of the council got the information to make any refinements on the recommendation. That was the intent.

**Fritz:** I think with giving a speech with my vote I interrupted the amendment of commissioner Novick.

**Fish:** They've asked us now to offer an amendment on this and I move the amendment that you propose.

**Fritz:** Could you vote on commissioner Novick first.

**Fish:** I'm happy to vote again I thought it was so good I'll vote again. Sorry.

**Hales:** Sandra return us to that after we finish that vote so you have some language to suggest here.

**Wood:** So provide options for a housing opportunity overlay zone map.

**Fish:** And the legislative history is clear. Ill second that.

**Hales:** Let's take that action then please.

**Novick:** Aye **Fritz:** Aye

**Fish:** Thank you for that discussion and getting the right place, aye.

**Saltzman:** (absent)

**Hales:** I'm going to support this I again on part of my admonition for the folks that are going to continue work on this both at the council and at the bureau and community is I think and that's why I hope we're getting closer to a consensus debate. If we get it right on the signals to property owners and developers about whether it's a good idea to tare a house down and replace it or not if we get that right and we didn't first time, I think we're closer to right now, and if we make some of the other changes that get to the results we wanted which are less demolitions, more appropriate scale and housing opportunity where it makes sense, the size of the zone won't matter as much because neighborhood activists won't regard the size of the zone as a damage control proposition. Hopefully we get the damage control done in those fundamental issues in the code. That's my hope and expectation. Aye.

**Hales:** Okay, let's move on to.

**Wood:** We are still in housing choices and for the record concept 6 is to increase flexibility for cottage cluster developments on lots city-wide. Concept seven, is to provide flexibility for retaining existing houses. You all heard a lot about what we're doing to encourage retention of existing houses. We're proposing two pieces, some housing choice flexibility. Under the housing choice flexibility there are two amendments, amendment 10 from mayor Hales, which is to encourage housing conversions by allow internal conversions everywhere, not just within the overlay. Amendment 11 by commissioner Fritz which is to clearly define what internal conversions mean.

**Hales:** Those two obviously go together. There has to be a real retention of the structure, not one wall, not two walls. Not the foundation but the real retention of the structure in my conception of how this should work. So I plan to vote for both these for those obvious reasons. Further discussion?

**Novick:** What does promoting preservation of the exterior mean?

**Fritz:** Just what mayor Hales just said. Like at Franklin high school where they are doing an entire remodel but the facade is almost identical.

**Hales:** Looks like Franklin high school. They have done a nice job.

**Wood:** We have a report as part of the appendix to our report that describes when you're converting a house to a triplex, for example, you're moving into the commercial building code and then all of a sudden you have to start taking off the siding and making things bigger and pretty soon it doesn't look like the house that you're preserving so that's something we need to explore.

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**Hales:** Those are the details that matter. So these are policy direction but they go together. Let's take a vote on number 10.

**Wood:** We have a move and a second.

**Hales:** I'll move 10.

**Fritz:** Second.

**Hales:** Roll call.

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

**Hales:** Aye. Commissioner Fritz was moves amendment 11. I'll second it. We're ready, sue. Go ahead.

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

**Hales:** Aye. Now to narrow lots.

**Wood:** So narrow lots is our last topic. We have two amendments under this topic. The first concept is to rezone historically narrow lots to r2.5 in select areas. We're talking about that map again that will bring back. Commissioner Fritz has offered an amendment I think which is basically to not allow historically narrow lots to be built on.

**Fritz:** This is the last one we're discussing, but it was the first one on my list that R5 should mean r5. We have been saying that for 30 years. The supreme court case said that we do have the power to say no, this is and r5 zone unless you have the minimum lot size then you're not allowed to build on it. I asked where on the comprehensive plan maps that we spent six months discussing did we reserve any of the skinny lots 2.5 and the answer was no. We carefully looked at where r2.5 makes sense and we should now have language that says r5 and other zones have to be built by the standards.

**Hales:** Commissioner Fritz moves and I'll second that movement.

**Novick:** Is this more restrictive than current law?

**Wood:** Yes. I think basically to give some context to this, there's three options on the table. Commissioner Fritz's option which is r5 means r5 typically a 5,000 square foot lot should be honored. That would be clear direction to the public and it doesn't treat accidents of historic platting as a reason for up zoning.

**Fritz:** And you could also have an adu inside and outside. It's an opportunity area.

**Wood:** Right. Our proposal takes it to the other end of the spectrum, to up zone to r2.5. The dilemma is if they would be allowed to have a duplex side by side units on one lot why wouldn't we allow them to reestablish the lot line underneath and offer fee simple ownership. That was our dilemma when we discussed this. We came to the conclusion of allowing the reestablishment inside the area and not -- doing what commissioner Fritz is suggesting outside. Currently we have something in the middle. We have the compromise that only vacant lots can be built upon.

**Fritz:** In current code we do have a specific exemption for the west Portland park neighborhood where I live which is a skinny lot area, and the activist there 30 years ago took this to the land use board of appeals and won the right to say r7 means r7 in that instance. It was formalizing that you should be able to count on zoning to know what's going to be build next to them.

**Hales:** My thinking is we're being fairly generous about if you're in a single family neighborhood what you can do with internal and external adus. We're providing a lot more housing opportunity. The old way, if you will, that we were providing housing opportunity under the previous interpretation of this code was go ahead, build something on those skinny lots. With only a few exceptions I'm not very happy with what we've gotten for that proposition. Yes, there have been some more affordable single family homes built, but architecturally in terms of neighborhood fit they have not been a success by and large in my opinion. So what we're now saying is if you own this kind of property or are a builder, build a single family house compatible with the ones around it and build an adu or two, one

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internal, one external. Provide the housing in a way that fits better. That's a better deal for everybody including people that need housing opportunities. We don't have to provide housing opportunity with skinny houses.

**Fritz:** This is the most important thing in the amendments for me, probably in the whole project.

**Wood:** Getting to what mayor Hales said, I think the package that we have for recommendation 9 is about improving what the looks of the development looks like on narrow lots including an attached house requirement if the house was demolished. So that in an area that has the pattern of 5,000 square foot lots that the two attached houses has that same form and pattern.

**Hales:** Good.

**Joe Zehnder, Bureau of Planning and Sustainability:** Just one other argument that we heard about the skinny lots I want to make sure is in the deliberation is that because they can very directly be -- if one is looking at an ownership opportunity that's a straightforward one. Partially that's why they are so popular to develop because fee simple is understood product here. With duplexes and other things, we're proposing there will be a condominium but they still have an ownership opportunity.

**Hales:** Thank you. Further discussion? Let's take a vote on this amendment, please.

**Novick:** No. **Fritz:** Aye. **Fish:** Aye.

**Saltzman:**

**Hales:** Aye. Amendment number 13. Is that still --

**Fritz:** The current proposal says you can't have front loaded garage for a detached house on a lot. I think some of the designs we have seen when we did the regulations and thought about skinny lots it's already the case that they don't have a front -- the garage doesn't stick out and look appalling. In some areas there's not much on-street parking either. Allowing it but not requiring it is the way to go.

**Novick:** Wasn't the rationale to delete -- have fewer cuts in the sidewalk?

**Hales:** Yes. That's right.

**Tracy:** There were several objectives. There was certainly an aesthetic issue with how the house relates to the public street but each of the driveways with a series of narrow lots creates multiple curb cuts and driveway entrances.

**Fritz:** Since we just decided we're not going to do skinny lots all in a row any more. It's moot.

**Tracy:** In general, whether this --

**Fritz:** If you are only building one house on a fairly a narrow lot it should be up to the developer and the buyer to decide if they want the garage.

**Hales:** Still confused about how often this is still going to apply going forward.

**Wood:** I'm trying to do the math here. The amendment that you passed basically says that even if you have a vacant side yard, say you have three 25, actually we have a picture in our report. I think the amendment you just passed you have three 25 by 100 lots, this one is vacant. We would not allow for a house to be built on the vacant piece any more.

**Fritz:** If you own just one lot.

**Wood:** 25 by 100.

**Fritz:** You can't prohibit development on a lot.

**Wood:** This amendment would apply. So.

**Hales:** It makes the lots are legally buildable and you could still put a garage on the house.

**Fritz:** If you have an alley, get the parking ramp by the alley.

**Wood:** Not allow the garage. When we were looking at those issues, mayor, you were discussing we couldn't figure out how to fix the compatibility and design of the house with the garage being there.

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**Hales:** Now they are going to be fairly rare instances I can tolerate some garages.

[laughter]

**Fritz:** Thank you.

**Hales:** I don't tolerate them that much. Are we ready to vote? I think that makes sense. I'll second.

**Novick:** No.

**Fritz:** Mayor hales this is a lovely parting gift. Thank you very much. Aye.

**Fish:** Aye.

**Hales:** Very few places where garages make sense. This is one of them. Aye.

**Hales:** Okay, are we there yet?

**Wood:** We are there.

**Hales:** Then we need a motion to accept the concept report and --

**Fish:** So moved.

**Fritz:** Second.

**Hales:** Further discussion.

**Hales:** As amended, please. Further amended today. Okay. Let's call the roll, please.

**Novick:** I'm just incredibly grateful to all of you and to everybody who served on the rip sack for the work that you have done. This this has been a phenomenal amount of work piled on top of the comp plan work but I think it's vitally important. Really appreciate the work you've done with me, with Katie Shriver of my staff, Erica nebel of my staff. This has just been a phenomenal process. Appreciate it very, very much. I think that the future of the city to a great extent depends on whether this concept is implemented. Aye.

**Fritz:** Thank you to staff. Thank you, mayor hales. This is a wonderful project which is necessary before we vote on the comp plan to know some of these other things are being done. Very complicated. You and your staff have been absolutely fantastic. And good collaborating partners the entire way through. I'm sorry you won't be doing more land use things because it's most appreciated. I want to thank the community. Tamara Deridder is here today and Jim Howell your writing formed and testimony formed a lot of my amendments. I'm touched and proud that Portland citizens can wrap their heads around far and the other technology. We have come out with some I think really good direction and I think with the amendments adopted today there will be more support moving forward and we can continue to discuss and evaluate how things are going. Thank you very much. Aye.

**Fish:** I want to begin by thanking the mayor the way he's guided us through this process. The one thing I have learned over the last four years is that these exercises, whether the comp plan writ large or the subordinate parts are at the heart of why Charlie hales chose public service. Each of us on this council gets jazzed up about some aspect of our job or at least hopefully that's the case. [laughter] this is where I know the mayor has brought special attention and special passion, so Charlie, thank you for that. I will say that I have taken a lot of notes as I listened to you and Amanda as we go through all these things. I think I'm one of those citizens that has learned a lot about all the moving pieces during these thoughtful discussions. So thank you. I want to thank our outstanding staff. It's a function of land use and planning stuff that we always have lots of amendments and complex issues. Very hard to follow. You have pioneered the best kind of consultation process with the council. From the cheat sheets to the briefings that we get to the boot camps to all the pieces to get us up to speed you do a superb job before us explaining complicated things. That's a given. So thank you to the professionals. The number one issue facing our city if you take the temperature of the people we serve, if you look at the community survey results, if you look at skyrocketing congestion on our roads and rents and on and on is growing pains. Growing pains is the issue that galvanizes everybody and

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we're dealing with growing pains. We're a smallish city that's going through a lot of growth and that means we have to manage growth. We have to have lots of conversations about things like this. About how are we going to accommodate more people. How are we going to make sure people can afford to live here? How are we going to put our values in place? As I have learned there's sharp disagreement in our community about how we move forward. So we have to go the extra mile to try to sort of get to the right place and then we have to be willing as the mayor is fond of saying to measure twice --

**Hales:** Cut once. [laughter]

**Fish:** The reason that it's important for me that our new council have a chance in the spring to come back with a work session, I think that's part of measuring twice. I welcome, I look forward to hearing the perspectives of a new mayor and new council on these things because I think we have continued refinement work to do as it gets better. And I want to particularly call out an amendment we did today incorporating our values around age-friendly Portland. One thing about ted wheeler he's going to put the age friendly agenda at the front of his agenda. Every mayor that has that prerogative. But we have a chance as a city to become a real beacon among peer cities as a place that's welcoming and accessible to people of all ages and abilities. That means 8-year-olds and 80-year-olds but the particular opportunity we have is being a place where older adults want to come live. That is going to be part of our advantage long term, have all that social capital here and it's our job to make sure they are welcome and that our city is put in place things so that people can live here and do not experience barriers. Young people and old people. I'm very pleased that we have incorporated what Alan and other age-friendly leaders have brought to us. Thank you for my colleagues and thank you to the public for your testimony and your guidance along the way. This is not the final chapter. This is a work in progress but I think we're moving in the right direction. Thank you. Aye.

**Saltzman:** Well, I want to thank everybody including our public for all the work. This has garnered a lot of attention from a lot of people, and I think it's an important project we're undertaking. This is not really as was said this is only the first step. I look forward to delving into this and having the benefit of the bureau of planning and sustainability and our planning and sustainability commission looking at this more in depth next year as you enter into the actual code development. Good work, everybody. Pleased to support this. Especially mayor hales, thank you for your leadership. Aye.

**Hales:** Let me just add a few thoughts. I showed up at my first neighborhood meeting about 30 years ago after building an infill house for my family in southwest Portland. I have been thinking about how the city grows for a long time. That's why I ran for office the first time and a lot of why I ran for office again even though I had not planned to do that. Glad I did. Glad I showed up for a couple of chapters in which our city is growing and changing because growth and change are hard. We're having a thousand people a month vote with their feet to come to this livable city because we're a good place. The only way to maybe stop them would be to make it a terrible place and obviously we don't want to do that. We do have to deal with growth and change. That's why I'm very happy this month we're completing work on the comprehensive plan, completing work on this project or this phase of this project because it's very important in that dynamic environment that we as neighborhood activists or elected officials or professional planners plan for the city we want. Of course we have to regulate against the things we don't want. Perhaps we put signs in our yards about things that we don't want. [laughter]

**Fritz:** Not naming no names.

**Hales:** Just saying'. But we need to plan for the city we want. Then be really tough regulators against the things we don't want. Let me make a comparison. We weren't vague about fossil fuel facilities. We were very clear they are illegal in Portland when we finish

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work on that project. We have to be that clear about what we do and don't want in the growth of our city. That's why I wanted this project to happen and I want to thank the people that soldiered through all the meetings as members of the stakeholder advisory committee and as interested activists working on these issues. It's really important that we sweat these details and get this stuff right. I think we have moved closer to that ideal in the work we have done today to move this project forward into code writing. I want to say that for those on the committee or otherwise who say, gosh, the council made a bunch of changes at the last part of the process, that's as it should be. I always tell the planning and sustainability commission their job is to get something to the 85th percentile then bring it to the council so we hold public hearings so we hear from people that care a lot about this and adjust it. That's our job and I think we do it well in the council's work on this report. There are still obviously details to work on but it's really important to get this right. In my interim between being a city commissioner and serving as your mayor I had a chance to work all over the country and there were a number of things that struck me in seeing those other cities. One they don't have half the park system that we have. They may have a signature park or two that's great but nothing like this. 200 plus park system where there's a great park that's an anchor of almost every neighborhood and commissioner Fritz is going to try to get rid of that word almost in the years ahead. I like that. They don't have single family neighborhoods this. They are a treasure to our city, architecturally and in terms of places where people want to live and raise their families and live their lives. So as a believer in historic preservation I think we need to do everything we can and we have done some things, we have worked on demolition. I'm happy about the deconstruction. I hope next year council moves that from 100 down to 80 down to 60 years and so on. So far, so good. I look forward as a citizen seeing the details of this perfected next year and adjusted when we find out what loopholes we missed this time. We'll miss very few because this is a great group of professional planners and another great piece of work. I thank you all and thank Camille Trummer on my staff who will fortunately be able to sweat those details with you. Aye. Thank you. Let's take a two-minute break. We'll probably go to 12:30 then take a lunch break.

**At 11:25 a.m. council recessed.**

**At 11:30 a.m. council reconvened**

**Hales:** Council will return to order please lets get back to the agenda. We have two items that were pulled from the consent calendar that we're going to take first then we'll go to the first item on the regular agenda. I know there are a lot of people here waiting for that item which is residential energy performance ratings but we'll deal with these first two items that we pulled and then go on to that, so would you please read 1347.

**Item 1347.**

**Hales:** This is settlement of a grievance. Someone pulled this to speak.

**Parsons:** Dan handelman. We did have a signup sheet out for testifiers.

**Hales:** Okay. So Mr. Handelman, come on, please.

**Fritz:** That shows the advantage of advanced warning for pulling something off consent cause then we can put the signup sheet out. Thank you for doing that.

**Hales:** Good morning.

**Dan Handelman:** Appreciate it. Good morning, I was hoping there would be a little bit more background information presented to you before my testimony but what I'm reading - I'm Dan handelman with Portland cop watch. I'm reading this is an agreement between the city and the ppa to reinstate and officer who we learned in the police review board report that came out in October had gone to his estranged wife's house and was having increasing aggression against her. Went to another employee's house while on duty perhaps to have a sexual liaison. Used foul language against his supervisor and refused

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so show up for a special duty call when he was told to do so. The review board recommended that he be fired. He was fired. Now he's going to be coming back on and receiving some 80, 000 in money for the last year that help didn't work. This is in addition to the transparency issues that this raises about the police review board report which comes out when we have the final resolution by the chief, but it doesn't say even though it was published long after the grievance was filed, that the ppa had filed a grievance about this finding. It's not the final finding. Very misleading. Excusing of this behavior, yes, giving this officer one last chance, if he does anything else he will be terminated, it's just -- very troubling. The same police review board report included a story of an officer who admitted to hitting his or her spouse, no gender pronouns used so we don't know which gender either person was, and that person ended up the chief over rode the police review board's finding, found that person out of policy but only gave him a letter of reprimand. Maybe the union has a point if they are grieving the fact all this person did was fool around on duty and refuse to show up for work whereas when somebody hits their spouse they get only a letter of reprimand, I think the solution to that is to fire the person who hit their spouse and not to rehire the other person who did all these things. We had a very long, drawn out debate around the ppa contract. Arbitration. The mayor has made many claims about having fired more officers than anybody else and I don't know if those are true, but this is clearly one case where that firing isn't sticking. It's not because an arbitrator ordered it to happen, the city negotiated this. You didn't let it go to arbitration. Frankly, again, just we have been talking about this for long before commissioner Saltzman was the police commissioner but there needs to be gender parity training in your bureau about how police officers deal with women.

**Hales:** Thank you very much. Do you want an explanation about this from the city attorney's office? Okay, let's take testimony, then.

**Hales:** Mr. Walsh, you're first. Go ahead, please.

**Joe Walsh:** Good morning. My name is joe Walsh. I represent individuals for justice. If you can't fire this guy you can't fire anybody. That was our reaction when we read this. What was the deal that was made? There had to be a deal. If this is like your deal, commissioner Fritz, and your deal, steve novick, that you guys are swapping votes, that was in the paper. You deny that? You wouldn't swap a vote, would you? Where is the \$86,000? Why are you paying that back? This guy didn't go out and get drunk and curse somebody out. He cursed his supervisor out. I used to be the chief steward. That was a firing offense. When we were in the federal. Just one instance. You cursed out a supervisor you got fired. This guy is a criminal. He is handling evidence. He's playing a major role in the investigation of crime. You going out the door in January, buddy. You guys got to step up on this and say, no on this because watch novick walk out the door. Fish, watch him walk out the door. You're going the same way. If you guys keep doing this, that's why Hales didn't run for reelection and you walked in on a fraud. Stop this stuff. Get the police department under control. If you can't fire this guy, you can't fire anyone.

**Hales:** Next?

**David Davis:** So I'm David Davis from Multnomah county cop watch, separate organization from Portland cop watch. You know this doesn't surprise me at all seeing as you have a chief of police who shoved his son's head through the wall and all that, and then you know you have a nazi, open nazi, you know who I'm talking about, mayor hales? You signed that agreement too to wipe away his nazi past. Want to answer that question real quick? Before you leave? It's only a couple weeks. Not that painful to answer a question.

**Hales:** Go ahead, Mr. Davis.

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**Davis:** You know what i'm talking about. Mark kreuger, the guy who runs the vice around here, which targets black people and stuff like that. You know. All those statistics have come out but let's have an open nazi run one of the biggest parts of the Portland police. No biggy. None of you guys got anything to say about that, about having nazis on your police force? Nazis. Remember those guys? Remember the fascists? You guys are all fascists too. So you guys probably don't have much of a problem with him, right? Yeah. Look who is leaving again, the coward who is leaving -- bye, bye again. So it doesn't surprise me that you would support people that beat their wives and, you know, do seig heils, erect nazi structures in public parts. I know Amanda Fritz from the parks, you got anything to say about nazi structures in public parks? Is that a Portland tradition? Because I do know Portland was the only city on the map that the nazis actually came to and only people that really had a problem with it was the Jewish community. Right? You want to know what? The Jewish community of Portland, they don't have much to say about the nazi cop mark kreuger. I saw you pull the race card today and try to accuse a Jew of calling out another Jew. Kernel moses is a Jew, you know, right, but you tried to frame him as a racist for basically calling dan Saltzman over here someone that supports fascism and that wasn't around for all the fascist behavior at city hall on October 12th. You want to know what? I'm a Jew and I was arrested that day at city hall. Targeted by the police for filming. You know? Remember me, the guy who your buddy came and smashed my camera? \$400?

**Hales:** Mr. Davis --

**Davis:** You were going to pay me that. I will be at your house -- I'll be there.

**Hales:** Thank you. You're next.

**Nancy Newell:** I'm Nancy Newell, I have lived in Portland at least 25 years. I have had occasions with the police and this is not unfamiliar to me in a case like this. Where police officers take actions against women that's totally inappropriate. This is your time to point out that the city of Portland does not accept that behavior towards women especially. And like joe said, I support everything he said. Because those experiences are happening every day in this city to women. And there's no reason for it. They don't listen. I have had the personal experience myself. They don't listen to a woman. They go about their business as if they were -- fascism is a form of economic control foremost but legal control by the police is horrendous. This is a horrendous example. Where is the accountability? Where is the change of this fellow's thinking? What really means a difference to the people that are going to follow his example and his footsteps? How are they going to weigh as they are out in the community what they are or are not going to do to a woman that's out. I love to listen to music. We have the greatest city in the world for musicians that are unknown. I very much enjoy being out at midnight but I don't enjoy being stopped on the sidewalk or in a car and that's happened to me. Where do we change it? Where do we make a statement? If you're really serious we have a judge that says the doj says you're still not aligned with changing some of the practices of the police department. This is a good step right here. This police officer should show an example to this police department. That's enough. Retraining, we have all kinds of quality retraining that can happen to change that kind of behavior. You're talking about giving someone a second chance. Give him a second chance to think about it to make a serious change and reapply to some other position that they could use their skills. But for this? This is not appropriate for citizens to be exposed to. We're out there every day working, some women are working late hours, all night. They don't talk about some of the experiences they have. If you want me to start collecting them I don't have a lot of time but that would be a very interesting story before this council. Because it's an entirely different picture of the city. You know the pearl district, the young women that are trafficked. You know all this, especially Amanda trying to work

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on that. It's not a pretty picture. If you would make that kind of vote it's a really exception of a beginning. There are several police officers that are excellent people. Why shouldn't they be treated equally and why should a fellow that has to have some kind of coaching or education or training if that's possible in order to change his whole atmosphere. Thank you.

**Hales:** Thank you very much. Anyone else? Discussion? Okay, it's an emergency ordinance.

**Parsons:** We have two more.

**Hales:** Come on up, please. Good morning.

**Wayne Wignes:** I'm wayne wignes. Originally I had saved this for communications scheduled in January but I think it may prove relevant to this discussion. Whatever changes occurred when the chief got fired and the whole precinct got restructured has had a noticeable effect. I try going down there and reporting that I have been harassed instead of taking matters into my own hands. They look at me and they laugh because I live outside. Believe it or not I don't have a criminal record. I'm just a graduate student who ended up sleeping outside for a little while longer. They look at me and laugh in my face. They won't even take my report. I obtained a copy of the lease agreement between white stag llc and the city showing they have been illegally blocking off that sidewalk under the Burnside bridge for 3.5 years. I got them to take the tape down but the cops are still enforcing this. I asked them why. By what law are you telling people to move and why are you enforcing that law on this sidewalk but not that? You're helping them illegally block off a sidewalk and I'm asking you to inform me how are you justifying this. By what law. They couldn't tell me they just looked at me and laughed and said if I had it my way I would arrest every one of you out here. So I'm saying whatever -- it's one of those things whatever changes occurred earlier this year or last year whenever all those people got replaced in the police bureau it's one of those things that starts at the top. It's an attitude filtered down to the cops on the street and they are crooked. They are disrespectful and they will get away with whatever they can. Thank you.

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

**Jan Friedman:** Good morning. I'm Jan Friedman, an attorney with disability rights Oregon which I think you all know is the protection and advocacy agency for people with disabilities in our city. I'm also part of the behavioral health unit advisory committee, part of the Albina ministerial alliance. We have noticed an issue with police there not being any action when police do wrong. People in jobs all over our city have to meet the essential functions of their job. If they don't they might be put on probation and then terminated or shifted to some other position. We can't have the u.s. Department of justice settlement agreement plodding forward trying to make improvements at the same time that police can do no wrong because they are human. Of course they can do wrong. When they do wrong there has to be action taken. Obviously there needs to be a sufficient quantum of information and it has to be fair and there has to be some sort of process, but if our citizens believe that nothing is going to happen to a police no matter what because that's historically what's happened essentially, it's a problem in trust. Part of the agreement was to have further transparency, further trust. Less us and them. This works well for the police. This works well for the citizens. It's not a simple thing. It's simple to say, it's not simple to carry out. But one small piece of it would be that the police like I have seen police in behavioral health doing good work. They're out doing what they are supposed to be doing. Then to have something or people kept on the force that shouldn't be, that besmirches the whole unit. Why not have the people who are able to do the job which there are many good people to allow those who can't do their jobs or don't have the

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character requisites or don't have something that is actually injuring our citizens. We need to stop doing that.

**Hales:** Thanks very much. I appreciate your service on the advisory committee. It might be good for us to make sure you have a full briefing on how the city is proceeding on this issue. First of all under our department of justice settlement we have a new discipline guide for officer conduct. I have been enforcing that guide with the chief and I have terminated 12 police officers during my time as mayor which is an unfortunate record on one level but I believe it's a record. Secondly one of the provisions of our new collective bargaining agreement with the Portland police association they dropped a grievance they had filed against the whole discipline guide. That's gone now. In other words, the union has agreed to how we discipline people. But we have to follow that guide assiduously to not be overturned at arbitration because city of Portland didn't decide this, the state legislature decided that we have a public employees collective bargaining law in Oregon that says that if we fire somebody and they believe they were fired inappropriately they get to take that to binding arbitration and in the past we have often lost. We're not losing now. Mr. Walsh, you don't get to interrupt. There are times when we have to. [shouting]

**Hales:** If you interrupt again you'll be excluded. There are times we have to make a calculation -- Mr. Walsh, you're excluded. We'll deal with that in a moment. There are times. [shouting] when we have to --

**Hales:** I'm sorry we couldn't finish the discussion. We're in recess.

**At 11:49 a.m. council recessed.**

**At 11:52 a.m. council reconvened.**

**Hales:** One more person to speak.

**Julie Crosse:** Sorry I couldn't write my name down.

**Hales:** Obviously not.

**Crosse:** I just got here in time for the officer being rehired. I'm Julie Crosse. This is the first time I have testified on anything. So I'm against rehiring an officer that was after I know labor unions, it was not easy to get rid of him. It takes a lot of cause to do that. I don't know the details. I'm not privy to those, but I don't want him back. We have enough bad cops, plenty of them, I don't want him back. I don't want us spending any money to pay him for two years of not working.

**Hales:** I understand. Thank you.

**Crosse:** That's all I have.

**Hales:** Take care. Council questions or discussion?

**Fish:** In the presentation we had on this was it made clear that this officer is now subject to a last chance agreement?

**Hales:** That's correct. Subject to last chance agreement.

**Fish:** Which is the last hammer we have in any disciplinary matter.

**Hales:** We have no trouble with those.

**Fish:** It means the union and employee have agreed that any subsequent violations lead to automatic cause without recourse.

**Hales:** That's right. I have approved termination on the chief's recommendation of a number of officers, in a couple of cases because they violated a last chance agreement.

**Fish:** It also has a three-week suspension without pay and I signed disciplinary notices. That's a significant discipline. I want to note something in the colloquy. Once or twice since I have been on council I have disagreed with a recommendation from h.r. or legal, and once it had to do with a collective bargaining issue involving pensions and the city's liability and we were told that it was unlikely we would prevail. I felt there was a principled issue that needed to be ventilated so we went forward. Having practiced labor law and having defended people charged with offenses, I have a very high bar in terms of

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recommendations coming to council because I'm not in the room evaluating all the details. Sometimes when we don't resolve cases arbitrators reach an outcome that one of the two parties doesn't like. And it's frequently us. We have to balance that. I want to be clear, when these come before us, we are not asked to approve or disapprove of the underlying conduct. We disapprove the underlying conduct. There's a last chance agreement, there's a suspension. The question we're asked is we are asked to evaluate and I think there's a high level of deference whether this is an appropriate resolution of a contested matter and it's usually against the backdrop of legal or h.r. or risk management saying one of the other options is a worse outcome. I just want to throw that in the record. That makes these jobs very difficult because we have to balance a lot of things.

**Hales:** Exactly right. Thank you. Further discussion? Roll call.

**Novick:** Aye.

**Fritz:** Thank you, mayor, commissioner Fish, for explaining that. Thanks to the staff for giving my staff a briefing ahead of time. Aye.

**Fish:** Aye.

**Saltzman:** Well, I definitely do not support of the behavior and the facts around the behavior of this criminalist in our bureau and I do believe he should be fired, but I also know that if we take this to the bizzaro land of arbitration, 99% of those cases we lose and I think a last chance agreement is a pretty strong thing. So if he screws up again he's gone. And I think that's probably the best path that we can be possibly hope for at this point. I vote aye.

**Hales:** Previous mayors have spent a lot of time holding they're nose and taking back employees who were fired and reinstated by an arbitrator. I have had to do that a few times prior to approval of this new discipline guide. And to the Portland police association withdrawing their grievance against that discipline guide and the other reforms that we made under the department of justice settlement I'm very happy that that is now a rare situation which this kind of calculation is made and instead we get to enforce conduct rules that most people would say are absolutely appropriate for our police officers. That's something that I'm happy that I'm doing as mayor and that every future mayor will now be able to do. Aye.

**Hales:** Okay, let's move on to item 1348, which was also pulled from consent, give our city attorney a chance to come forward.

**Item 1348.**

**Hales:** Good morning.

**Tracy Reeve, Deputy City Attorney:** Good morning. I'm Tracy Reeve, Portland city attorney. We have asked you to approve a resolution authorizing us to file a petition for writ of mandamus, which is sort of an interlocutory or appeal from a less than final order. This is in the case of united states department of justice versus city of Portland. It's our settlement agreement with the department of justice over with the city concerning the Portland police bureau. I have briefed each of you the reason that we're asking for this authorization is that we believe that the court is exceeding its authority under the scope of the settlement agreement and its jurisdiction. It has -- the case is dismissed. The court has continuing jurisdiction to enforce the settlement agreement in the event that the united states department of justice were to file something with the court saying that the city was in breach. That has not happened, and short of that occurring, we believe that pursuant to the settlement agreement that was reached in an earlier appeal of an earlier order of the court, the court's role is to hold the annual status conference that the parties agreed to in the last status conference occurred October 25th. Based on the way that that status conference ended up occurring the city filed some objections and council submitted a letter to the court. The court issued an opinion and order after our objection stating that the court

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intended to continue to hold status conferences and believed it had the authority to do so, believed it had the authority to continue to receive participation by members of the public other than the parties, the amicus and the intervener. We believe that's beyond the scope. We believe the city's settlement agreement with the department of justice means the city is responsible for complying with all terms of the agreement and working with the department of justice to make sure we're doing so to its satisfaction; we're actively engaged with the department of justice on some areas where we need to take further steps to achieve compliance. The department of justice has not at this point elected to find the city in breach hand no the invoked the jurisdiction of the court to enforce terms of the settlement agreement. So to clarify that legal issue, we have asked the council to authorize us to file this petition for writ of mandamus.

**Fish:** May I have a couple questions, please? Tracy, I have a couple of questions. The letter that the council signed I believe was also signed by the mayor-elect. Following the October 25th hearing.

**Reeve:** I don't believe that's accurate, commissioner. I believe it was signed by all five members of the commission and the auditor.

**Fish:** Thank you for correcting me. By six elected officials.

**Reeve:** That's correct.

**Fish:** Called out a number of things including an incident on October 25 wherein appropriate and racist comments were made directed to an african-american attorney representing the city at that proceeding. If we received a substantive response to the issues raised in that letter?

**Reeve:** We have not. The court indicated in the opinion and order that I mention that the court would address that at the next status conference which is scheduled for, July 31. It's that order scheduling additional status conferences that we would like to seek review of by the writ of mandamus.

**Fish:** Has the court advised you of any precautions the court will put into place to ensure that inappropriate and racist comments and inappropriate behavior is not directed to representatives of the city at that proceeding?

**Reeve:** No, I would say somewhat to the contrary, the court indicated it termed the comments made by members of the public who were present for the status conference were not at the time referenced as the participation of amicus curiae or friends of the court. In its opinion and order the court stated that it characterized that as participation by amicus and said the court had the discretion to allow participation when the court deemed it appropriate.

**Hales:** The court was granting amicus status to those people?

**Reeve:** The court has not taken any action to formally grant anyone other than the Albina ministerial alliance coalition formal status as an amicus however in court's opinion and order it seemed to retroactively refer to the public participation at the settlement conference as participation by amicus.

**Fish:** The final comment I want to make, Tracy, I have seen this happen repeatedly, inevitably some people will conflate all the issues following this hearing. And their take away will be that the city is somehow trying to walk away from some obligation under the settlement agreement or signaling a diminished resolve in terms of addressing underlying issues and that's how it will be viewed by some. I just want to be clear about how I interpret this matter before us. We have a specific issue about what is authorized under an agreement reached by the parties. In a sports metaphor that's basically asking a court to tell us where is the end zone and where are the sidelines. That has nothing to do with the rules of the game. It has to do with just tell us what the boundaries are. And has nothing to do with our demonstrated commitment to follow the terms of the settlement agreement and

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continue to work to enforce them. The second thing, though, is to me just as important. During my service on this council I have seen a precipitous decline in civility in public proceedings. It started this morning at this hearing where apropos of nothing an attack was made on Dan Saltzman based on his religion, not based on some vote or some action he's taken --

**Hales:** Sir, you are excluded. We're recessed and you're excluded for making those kinds of comments. We'll take a recess until he's removed.

**At 12:05 p.m. council recessed.**

**At 12:09 p.m. council reconvened.**

**Fish:** I just want to conclude, mayor, if I could. Before this meeting was disrupted what I was saying is I have seen over my eight years of service a steady decline in both civility and in the standards that exist in some of our public conversations. Since to me that is the essence of a democracy is how we manage different views and dissent, it disturbs me greatly that we have reached a point where such common place to have vitriolic language, attacks on people's national origin, race, religion. It's almost become normalized and I fear it's becoming normalized. We shrug it off in hopes it doesn't get worse. This morning started with someone making inappropriate comments to Dan Saltzman based on his religion. His Judaism had absolutely nothing to do with issue any more than if he was Muslim and his mosque had been attacked. I will just close by saying that it isn't just this body and this room. We have had incidents in the last couple months in this building where female employees are reported to us they don't feel safe. Where they have reported they have been assaulted, where they are feared for their physical safety. Now, we ran for these jobs. Because we ran for them, we signed up for whatever comes. We're all adults. We have full understanding of the joys and the burdens of these jobs. But people who work for the city under no circumstances signed up to be abused simply because they are doing the public's business. I know, mayor, you have particularly in the last six months taken special steps to try to bring order to this chamber and you've given instructions in terms of the building safety, but it's an issue I intend to take up with the new mayor as well. It's a wonderful thing in this country that we can have vigorous disagreement about policy and about values and on the issues. It's a wonderful thing. It separates us from tyrannies around the world. But if we are not respectful to each other, if we allow the constant coarsening of our public dialogue to reach rock bottom then we'll lose something very special. It grieves me that this has become such a regular feature of our continental meetings. I appreciate the way you're dealing with it. We still have guess yet to be addressed in terms of the women who work for the city who have reported serious offenses. I just hope as a community we can speak with one voice and say this is not okay. That we're for the going to tolerate this. That we're better than that. Speak passionately, disagree, engage. Exercise your first amendment rights to the max. But let's observe some of those boundaries which distinguish us from perhaps some other governments and countries and let's not go down that slippery road. It's not worthy of us. So I just wanted to say that,

**Hales:** I appreciate those comments. I want to apologize to the community members here who are here to see the city's business conducted. One of the side effects of this incivility has been I think frankly less Portland citizens willing to come to the chambers than used to be the case. Given what we just saw here I don't blame them. It's worth noting the same federal judge that we're talking about told this council that we must exclude people each and every day they do this kind of thing rather than being able to provide some sort of reasonable time limit like 30 or 60 days in which someone who that outrageous and disruptive is not allowed to return to this conversation but judge Simon told us we have to do this one day at a time so we just did. Anything else?

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**Reeve:** I don't think so. Thank you.

**Hales:** Thank you very much. Anyone else want to speak on this item?

**Parsons:** We have three people signed up to testify.

**Fish:** The president-elect has just made his nomination for administrator of the environmental protection agency. It could not be a worse nomination.

**Hales:** Let's go ahead, please. Dr. Haines?

**Rev Dr, LeRoy Haynes jr:** Yes, I am reverend dr. Leroy Haynes, chairperson of the Albina ministerial alliance coalition for justice and police reform. I stand before you today to speak to the agenda item on the opinion of judge Michael Simon in reference to the mandate for an extra reporting conference status meeting. We are in a very dangerous place as a nation and a city when atmosphere of division, racism, xenophobia, anti-immigrant and anti-muslim exists. Exists in a time of fear and uncertainty and hatred fills the air. As official leaders of this great city, it is a time to make wise decisions and even look beyond circumstance to the picture of what is happening, and that will not pull us further apart as a city but decisions that will unite the people to work together in partnership to solve the polarization that exists between the police and the community. The ama coalition for justice and police reform strongly condemn the racist remarks that were made against a city lawyer feel that this incident and other remarks made should not be used to be a setback for the settlement agreement. We are in critical and dangerous times. The city of Portland a needs confidence that the city leadership is not stalling on implementation of the settlement agreement. We went through this before over a year ago with an appeal to the 9th circuit appeal. It set back the implementation progress by several months. That ended up in not meeting their lines and reording deadlines. We feel this same process will happen again. This is a time that we need to ask dr. Martin Luther king said following his Selma march we must keep moving forward. Not backward but forward. Thank you very much.

**Hales:** Dr. Haynes, we appreciate your involvement very much and I agree with virtually every word of your testimony. That's why we need to do this. If a federal judge allows testimony in his courtroom in which a witness is called and allowed to tell an african-american woman that she should go back to Haiti and that judge does not sanction or stop that behavior as I have just had to do, then that judge has lost credibility and standing in terms of being an impartial body in which these discussions are held.

**Haynes:** With all true respect, mayor hales, I totally affirm what you say in terms about the remarks, but there's a bigger picture here. We are in critical times as a city and a nation. Those critical times mean that the people and citizens of the city needs to see the progress of the building of this police community relationship and set back at this time even when we don't have coab working will render a situation where other people can exploit, misuses and abuse that will be detrimental to our city.

**Fish:** I could add, dr. Haynes, deeply appreciate your testimony today, we'll have the city attorney back to affirm this. You did raise a concern that I would share, and that is that whether this appeal somehow causes the delay in the implementation of the settlement agreement has some impact on any other proceeding I think that's a valid concern, sir. I will just read from one part of the materials we have that the city is not seeking to stay implementation of the settlement agreement. There's no effort to stay or avoid our obligation. We're not challenging the terms of the settlement agreement. There's no back door effort to renegotiate the terms, and we don't have the power to actually put off the status conference. So we are obliged to prepare for it. I'll have the city attorney come up because I want to make sure, but I would have a different view of this if we could establish that it would stall current activity which my understanding is it would not. That's a question I will pose to the city attorney.

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**Haynes:** That's a critical question because if you read the last appeal to the 9th circuit, it did not ask for a stall it asked for a rendering of interpretation of a decision. But it ended up in a stall in the process.

**Fish:** I appreciate that comment. I want to be clear that either through the front door or the back door are we seeking to evade our responsibilities. We'll have the city attorney address that.

**Fritz:** Dr. Haynes, thank you for your leadership over many, many years. Every time you have come here you model how respectful one can be in disagreeing sometimes or in supporting. You're working with the Albina ministerial alliance coalition for justice and police reform and with the city to figure out how are we going to reconstitute a citizen's oversight advisory board. My understanding is that an agreement from two potential facilitators for that and that will make a decision by the 9th, or the parties will. I just so appreciate what you're doing having seen just for the nearly eight years that I have been here how very difficult this work is and yet you've been doing it for decades, all your life. I want to say thank you so much.

**Haynes:** Thank you.

**Hales:**

**Dan Handelman:** Good morning, again, Dan handelman with Portland cop watch, a member of the steering committee speaking on behalf of my organization Portland cop watch. I just want to clarify for the record something that was brought up during the last item. The ppa, in the contract agreement that you signed, reserved the right to grieve the rest of the matrix. They only agreed to drop their concerns about untruthfulness portion of it. You need to read what's in the documents being put before you. In that note, the agreement that was reached among the parties after the last appeal that dr. Haynes just referenced says the judge can call the parties back into court from time to time in between the annual status conferences and you're arguing that what you agreed to in writing is not there. We have had the same discussion when we filed your first appeal and you claimed it was just to clarify what the scope of the hearings were going to be but you essentially said you didn't think the judge had the right to call the hearings at all. So I don't think it's worth playing the games around what you're saying the judge exceeding his authority when you signed a document that says we agree the judge has the right to call us back in from time to time as he sees fit. Muddying the issue, if your concern is he doesn't have the right then what happened in the courtroom during the conference hearing is irregular vent. On that note, the also city brought in people's testimony who are not parties to the lawsuit in the form of that video we spent a lot of time waiting for then listening to. There were community members and officers who were testifying in that courtroom via video that weren't parties to the lawsuit. I don't think it was inappropriate to allow the judge to let others to testify as well. Your document says the judge allowed people to talk for several hours. I took very copious notes during that conference hearing and there's about an hour and 20 minutes of public testimony 20 minutes taken up by commissioner Fritz and one of your city attorneys. It was less than an hour I believe that community was able to talk. We also have been noticing kind of a trend that the city attorney's office has been taking in the last several years. I have been doing this for a very long time and the city attorney it's their job to defend the city. That's great. But I don't think they need to be like one of those parents that takes the child and puts them in such protective clothing on the playground the kid can't have funny more because they are so afraid they are going to get hurt. Oh, we can't have public comments because we might have something happen to us. We shouldn't let the judge do this because we might set a precedent that he's exceeding his authority. You signed a piece of paper that agreed to come in between -- status conferences. We actually advocated these should have been quarterly when we were

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getting quarterly status reports from the coab. Those got moved to semiannual. You should be hearing more about what's going on. We should have as many public hearings as we can to find out what's going on and the city needs to comply with the settlement agreement and the agreement about the first appeal.

**Hales:** Thank you. We'll get the city attorney to clarify that. Good afternoon.

**Lightning:** Yes, I'm lightning. I represent lightning watchdog pdx. During the election for president I said fbi director James comey would be victorious and he is and was. In reality on this agreement, federal judge Michael Simon will be victorious. You again do not believe in freedom of speech, first amendment rights. You should be more viewpoint neutral content neutral. Again, if it went when the court -- the judge himself decided to allow public communication, he could have excluded the individuals that you have mentioned. He did not. That was his decision. Again, when we're talking about people in public communication, if you want to try to restrict somebody from coming up here and doing public communication, because commissioner Fish doesn't think what they are saying is respectful to any of you, again, we're in a limited public forum to address the government with our grievances. If you try to oppress us here, suppress us here you'll try to do it in the streets during the rallies, down at the library. Don't oppress us. Don't suppress us. Allow us our first amendment right. Federal judge Michael Simon will be victorious when you're challenged on these issues and we will win again on this. The reality is that you need to understand that when we are exercising our first amendment right to freedom of speech we're going to say things that you don't like and guess what, you really like it when we come up here and people are up here giving you accolades. Isn't that great. But you seem to have a problem against the people that speak against you. Guess what. That's why we have the constitution. That's why we have freedom of speech. So we can come up in here and not be discriminated against. It's discrimination when you try to oppress our speech, suppress our speech and guess what, Michael Simon, the federal judge, will be victorious on this. When you want to keep writing down in these resolutions that we're attacking people with our speech, get real. You're not being attacked. We're in here with our speech directing it to you to make changes. How can you look at that as an attack if we're not threatening to you, we're not hate speech to you. You're incorrect on this, absolutely incorrect. Federal judge Michael Simon will prevail and I would suggest you attend that meeting January 31, 2017. Your status conference. If you try to deny this, you're just creating more problems for all of you up there. The reality is you shouldn't be stepping on the toes of the federal judge when he is being reasonable here and you're not. Stop oppressing, stop suppressing the speech of the people of this city. Thank you.

**Hales:** Thank you very much. Anyone else?

**Parsons:** One more.

**Hales:** Welcome back.

**Julie Crosse:** Julie Crosse. I want to speak to this in that I was here October 12th to testify. That's why today is my first day I have actually got to do so. I was forcefully assaulted and injured and had therapy this morning for those injuries. So my experience with the city government is that it's very oppressive. It's very abusive. It's very violent. My understanding of this is that you're trying to by supporting this trying to shut down public input. I understand it's horrible to have hateful speech. People with white and mostly male privilege you may not be privy to what that looks like if you're black and you get called the n-word when you're just trying to purchase something at a store. It feels bad. It is bad. It's unfortunate. It does happen. So to make a big decision to exclude the public based on this one incident and maybe they are coming more frequently. I think our president-elect is a part of that. People are opening up the doors and thinking it's okay to be that way. It's

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always been that way. If you're not a marginalized member of community maybe you haven't experienced, it. Maybe you haven't seen it. I got to see it firsthand and feel it firsthand right out there and it was terrifying. Very painful. Continues to be. I was I think that has shaped a lot of my opinion on this. So when I look at this, whatever your motives are I think what it looks like to the public that experienced these things is that you're trying to shut down public input based on this one experience or two or three. It doesn't matter how many. I think people should be a part of this and that is part of building the community and the trust back. There's a lot of work to do. A lot of work to build that trust back but if you don't start, it starts with one step and I think this is a step in the wrong direction. I know the city attorney is doing their job in protecting the city. What I'm afraid of is that is changing the public view of what it looks like and it's going to open up more and more lawsuits against the city. So I implore you to not support this and to be transparent and at least let people see that you're trying. We elected you to protect us, to speak for us, and I implore you to do that.

**Hales:** Thank you. Good afternoon.

**Shedrick Wilkins:** I'm Shedrick Wilkins. December 7 was pearl harbor, when we got into war with japan. Those people in the second world war died so in this country we could have freedoms to demonstrate. In 2006 I demonstrated against the Iraq war with 20,000 other people. Because it was spending a lot of money and because of our democracy I got president Obama elected and he withdrew troops from there. I will say this, though, I do think that judge that said you can only exempt somebody for one day is wrong. I think that needs to change. I think I will write the judge and say that the mayor wheeler has a right to exempt people from these chambers if they use profanity or disruptive behavior for 60 days.

**Hales:** Thank you. Tracy, could you please come back and get some things clear?

**Fish:** Tracy you were here when dr. Bethel gave his testimony and I think you heard me recite into the record some of the provisions of the ordinance that are before I guess resolution or ordinance that is before us.

**Reeve:** Resolution I think.

**Fish:** And can you specifically just address the concern he raised that m by bringing this legal action there could be some delay in continued implementation in terms of the settlement agreement or other unintended consequences.

**Reeve:** Yes, absolutely, the settlement agreement is set up that the city works with the united states department of justice and the community engagement and we have the participation of the amac and ppa that the parties are working particularly the city its obviously the city's primary responsibility to comply with the terms of the settlement agreement. The role of the court is to retain conditional jurisdiction of a dismissed case so that if the department of justice files an action saying we're in breach the court has the authority to enforce the terms of the settlement agreement, it's our position that, that's the court role to enforce the terms of the settlement agreement in the event of a breach. It's not the courts role to monitor the compliance, we absolutely intend to continue working we are working very actively we've put forth some pretty tight timelines to continue working to get a facilitator and have further discussions and to get back with the reconstituted coab. Nothing about this petition in any way slows us down. If anything, from a practical and pragmatic point of view, trying to add a layer of court proceedings that was never contemplated by either the city or the department of justice for ongoing monitoring even in the absence of any finding of breach by the department of justice, diverts the city's ability to focus entirely on coming into compliance with the settlement agreement, and that's where we want to put our staff time and our efforts and our focus.

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**Hales:** Thank you. Other questions for our city attorney? Thank you very much, let's take a vote, please.

**Novick:** Tracy I wanted to thank you and everyone in your office for your tireless efforts to make sure that we do what we need to do to comply with the doj settlement, with all sorts of obstacles being thrown your way. I am proud to support you in this matter. Aye.

**Fritz:** I want to read section 8 of the Oregon constitution, it's different, and we have the constitution, in our desk between the mayor and me so we can refer to it. And the Oregon constitution, section 8 which is equivalent to the first amendment, different in two ways. One, it's more emphasis on the Freedom. It adds a qualifier so let me just read it. Section 8, Oregon constitution, freedom of speech and press. No law shall be passed restraining the free expression of opinion or restricting the right to speak, write, or print freely on any subject whatever but every person shall be responsible for the abuse of this right. And it seems to me that a lot of people think that, are very happy, obviously, we need to hear from people, and they can even say horrible things to us as commissioner Fish said, it's not all right to say horrible things to other city employees. And I believe that we need to have this clarification from the upper court because we need to know what the rules are. We are happy to comply with whatever the rules are but if they keep changing, which seems like they did, it makes it very difficult, and I tried to repoint it out, we would like to focus on implementing the settlement agreement. Doing the hard work with the behavioral health unit with a new oversight board, and with the experts' advice, and the compliance officer in looking at what things have the police done and has the city done, and what things has, are still to be done, and that is hugely important work. I am, actually, I am speaking for all of us, when people come in and disrupt the council meetings time after time after time, we have to keep going back to our office's, we would normal have people, appreciate sitting you and having you come back. We would have more robust citizen participation but as miss crosse said there was a hearing that completely got canceled because of the disorder in the building. And it was, actually, the first time that I felt frightened was the week before that when there was a near riot in city hall when -- I have worked in psychiatry for 26 years and people can be very much out of control when they are experiencing mental health crisis but this was people who looked like they were enjoying yelling at people, and I had to go through the back door back to my own office. This is not the city that I came to and love and want to live in. There has to be responsibility otherwise we won't get to place that we need to be. I appreciate this discussion and the testimony that we heard and the direction which guided by the lawyers on the council, and am pleased to support, aye.

**Fish:** I was just thinking about as you brought out your copy of the constitution so eloquently read it, it's the second time in two months that a prominent person has invoked the constitution that I have had the honor of being present. Today you did it as a proud immigrant and united states citizen you, and the earlier time was when Mr. Con came to the Muslim educational trust and took out his copy of the constitution and made a plea for equal dignity in our country. I appreciate you going back to the first principles. We are in taking this action today, we are asking a court, consistent with the rules of our court system, to review a decision and give us an opinion. We are asking a court to review a court, and that is a pretty routine matter for this council, and I appreciate the city attorney has clarified the narrow scope of our intent here. I appreciate the testimony, I think it was helpful, aye.

**Saltzman:** Aye.

**Hales:** I want to subscribe to my colleagues' comments. Thank you and to reiterate a couple things. I ran for this office in part because I wanted to deal with police reform, and sometimes in these chambers we don't acknowledge the reality. We're talking about

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procedures and laws and the process. The use of force in the Portland police bureau is half of what it was five years ago. There have been 1500 calls for suicide this year, and no use of force in responding to any of those calls. The police bureau shot and killed someone this week, that's sad. That person was shooting at police officers and bullets were flying by their heads. There has been real improvement in the Portland police bureau. Is it perfect? No. But the behavioral health unit, the de-escalation training our offices are receiving, that's what the department of justice agreement is about. We are making enormous progress. Not done. In carrying out the spirit and the letter of that agreement, and that's the agreement that we have with the united states department of justice. I meant it every time I worked on this and I am sure that the next mayor will, too, and I think the rest of this council does. Now what we are dealing with here is the judge who says that this gets to be a, an oversight process. That's a legal disagreement but there was a moment there that, the judge failed to intervene. Edmond burke said, all that's necessary for the triumph of evil is for good people to do nothing, judge Simon did nothing that day so it falls for us to do something. Aye. Thank you very much. We will move onto the regular agenda, and that is 1358.

**Item 1358.**

**Hales:** Our hard working staff is coming forward to walk us through this. We have -- this is the second hearing on the home energy ordinance, and we had a lengthy public hearing the day before thanksgiving and based on questions raised during that hearing I have some additional amendments to offer. They are in front of the council now. Amendment no. 4 requires scores to be included in real estate market listings. We heard a lot of concern about that being in Portland maps, so this seems to be a better way to do it. And amendment 5 exempts low income sellers from the disclosure requirement, perhaps I will let you walk us through those and then take a motion on that.

**Saltzman:** Can I clarify, amendment 4 removes the disclosure to Portland maps?

**Hales:** Correct.

**Hales:** And requires it to be in the real estate market listings.

**Saltzman:** Ok.

**Hales:** Good afternoon.

**Michael Armstrong, Bureau of Planning and Sustainability:** Good afternoon. I am Michael Armstrong with the bureau of planning and sustainability with me is Andrea Jacob and so we'll describe the amendments and answer any questions that you have as the mayor said the amendment labeled amendment 4, essentially, responds to the suggestion that the scores be available during the real estate listing process rather than living on Portland maps or some other. That's always there, so it narrows when those scores are available. Amendment 5, responds to the concern about how this would impact the low income sellers and so this moves low income sellers to an exemption, so the director of bureau of planning and sustainability would have the authority to exempt those home sellers from the scores, and we also talked a lot last week about our intent and your instruction in the revise ordinances to find a solution so that the cost of getting those is covered, which would then make it possible for everyone to have the score, and that is still our intent, and even since the hearing two weeks ago, one of our community partners on this has received a commitment for some initial funding to start figuring that out, I think that there are times that we can make progress on that. This would amend the code so That it is clear that low income sellers would not be obliged to get that score.

**Novick:** One of the concerns about the low income exemption is in the information about the reason for the exemption became public, then filers would have an unfair advantage over a low income seller because they would know they don't have any money and would need to sell. Is there any way that we can prevent against that?

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**Armstrong:** So our intent here is to find a solution that covers the cost of getting that score for low income sellers, so they will still have a score, or that there is some, essentially, financing solution that you know, bridges the cost up front and gets dealt with at closing. Our intent is that no one doesn't -- say it this way, everyone has a score.

**Novick:** The concern that was raised is that if the fact that somebody is low income, becomes public, that will give an, an unfair advantage to buyers because they will know this person needs money right away so I can ratchet it down. Is the fact that a seller falls into the low income category going to be public?

**Armstrong:** As the code is written, it could be clear from the listing, but only if we are not successful in coming up with a solution, which is our intent.

**Novick:** So if we come up with a solution, then the fact of people's financial circumstances won't be publicized?

**Armstrong:** Correct.

**Novick:** Ok.

**Fish:** I have a couple of questions. We had a pretty robust -- a lot of testimony last time about whether these rules should apply to new construction and a couple of people testified about Austin, Texas being a potential comparator. My understanding is that in Austin they exempted new homes because there are no state code requirements relating to the energy, and therefore, and they are able to set local energy requirements independently. So that's, that's a new fact that I think maybe makes Austin less relevant, but I also learned that Berkeley may be a better comparison because they do require a home energy score for new construction. Would you comment?

**Armstrong:** Yes, you described it exactly right. In Austin they are able to set their own energy code so that the city has a lot more sort of ability to be sure that new construction meets the standards that the city is looking to achieve. I think it's useful that we went back to the analysis that the u.s. Department of energy has done about new homes that did get home energy scores, and in the materials you got you can see that there is a range. More than half got scores lower than an eight so there is a pretty big variety, and I think that there is, you know, in the spirit of having consistency across homes, we think that there's value in continuing to include the new homes.

**Fish:** The second thing is we had -- there were a lot of concerns raised by council about where the information would be disclosed and how it might impact certain classes of sellers. I just want to be clear, though, the information that the city is going to be compiling will ultimately be a public record, correct?

**Armstrong:** Yes.

**Fish:** If that's a public record any third party could come to seek to obtain it and disclose it in any way that they chose?

**Hales:** That's different than having it out there on the map.

**Fish:** I understand.

**Armstrong:** We would not be making that easy.

**Fish:** Someone could release it, but it is not exempt from the disclosure so that information will be, could become -- is a public record and could be disclosed in other ways?

**Armstrong:** That's my understanding, yes.

**Hales:** Other questions?

**Fritz:** I just want to pick up on what commissioner novick pointed out because I think that's a concern even with the existing language in 17.108.060. I am wondering if we wanted to change that to the director may exempt the seller from the crimes of this chapter, you and then put all of the reasons why into the administrative rules, which would still be out there as guidance but wouldn't so easily be found by somebody who wants to know why the home doesn't have a listing.

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**Hales:** What do you think? What do you think of that?

**Armstrong:** You are suggesting not spelling out the reasons for which the seller might not be obliged to disclose?

**Fritz:** Even say at the foreclosure or an upside down sale or such which as commissioner Novick pointed out is likely to then result in low bowl offers, what if we just changed it to the number five, under b, and deleting otherwise the parties unable to meet the obligations as determined by the director, and put all the rest of it into the administrative rules, which then can be treated more flexibly as time goes by because that way it would be like the sale, you know, the realtor says you have got to get this number and seller says I can't afford it, and the realtor says that and the, the seller looks here and says well, that's how I can apply for these grants and things.

**Hales:** Andrew, what do you think?

**Andrea Jacob, Bureau of Planning and Sustainability:** Good morning, mayor hales and commissioners. Andrea Jacob with bps. Are you suggesting just under C the low income or everything under --

**Fritz:** I would have the title exemption and waivers, and the only thing under there would be the responsible parties, unable to meet the obligations of the chapter, as determined by the director. And you could put something else in there saying, low income, maybe available or something but leaving it in there so that they go and talk to whoever it is in the implementing bureau.

**Fritz:** Sorry.

**Fish:** Commissioner Fritz can I make a friendly amendment?

**Fritz:** Yeah.

**Fish:** I completely agree with you in the spirit of what we're trying to do. I also have a concern that there are other queues, clues that people pick up on in my neighborhood I will give you an example. There was some homes that were not well maintained. The yards in the homes where roofs had gone past normal life, and where they were not well maintained, and it was well understood that there was an older adult living in the house of limited means. There are a whole host of queues, and unfortunately we live in a world in which predators assemble all those pieces of information and they pound. This, this program is not scheduled to be effective until January 1 2018. So what I would like to suggest is that we direct bps to pull together elders in action, and aarp and a group of people so ably that advised us on all these issues, can consider the concerns that we raised and come back to us with the recommendation.

**Fritz:** That's an excellent suggestion. Thank you. Is that all right with you?

**Hales:** Good suggestion. Thank you very much. Ok. So I will move amendment no. 4.

**Saltzman:** Second.

**Hales:** Further discussion? Accept the amendment and we don't have to take testimony. That's right. We have done that. All right. Roll call on amendment 4 please.

**Novick:** Aye

**Fritz:** This is the one that the schools will be included in the real estate market with things and I understand it might be a concern for them, and that's one of the reasons I don't support putting an emergency clause on this ordinance even though I really wanted to get it going, I totally support it. And so there is that due process. I also want to take time to thank all the people in red and yellow buttons who came to show your silent support. I was watching your signs, and the answer is this, and yes, we should -- sellers should be thinking about how to make their homes more attractive to buyers and buyers should be able to make some judgment about whether they can afford to live in the home or not. Aye.

**Fish:** Aye. **Saltzman:** Aye.

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

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**Hales:** And then amendment 5. Which exempts low income sellers.

**Fish:** As with the friendly amendment.

**Hales:** Yes, so we should still adopt this and understand you are going to come back to us on this subject. Ok. Make sense? All right. Roll call, please.

**Novick:** Aye.

**Fritz:** This is finishing up another project when you have worked diligently with the community and bureau of planning and sustainability and another thing that I am very proud to have worked with you on, aye.

**Fish:** Aye. **Saltzman:** Aye.

**Hales:** This will come back for a second reading and final approval next week, obviously, this is something that the Council supports and I want to thank the planning bureau and my staff, Zach Klonoski, in particular, and Jackie Dingfelder before him for advancing these ideas. I just came back from the c40 conference in which Portland and other u.s. Cities were at some pains to reassure the rest of the world that the u.s. Cities are serious about climate action. They frankly were very happy to hear that. We also, you know, in addition to celebrating success, got challenged because c40 has issued this report called deadline 2020. It makes it clear that in the next four years, we have to not just keep doing the good things we've been doing but accelerate because if we are going to be serious about avoiding the catastrophic effect of the climate exchange we have to move more things faster. That's daunting and hope inspiring to all of us that are doing this work. That's the bad news, the good news, now there are 90, c40 cities and if they do what they say that they are going to do things like this, like banning fossil fuel exports, those cities will account for 40% of the change that's necessary to keep us below is a degree and a half temperature rise. So cities are making the difference. And there are a lot of people in this room that have worked on making that bold statement true. There are thousands of actions that have to be taken. And thousands more, and this is of them. So I am proud of that, in that context. And on a small personal note, the next chapter in my life is a little unclear. We're going to do traveling and then figure out the next part of my public service. It won't be running for elected office, I will stick by that statement, and Nancy will make sure of that, and I am not sure if we will sell our house or stay but if I was getting ready to sell my house, I would be thinking, you know, there is energy conservation things that we have not done to the house. And I am going to want to make sure that our house competes against all the others in the marketplace. So I better get that window fixed and otherwise deal with these last couple things making our house not as good of a score as it would be if I did the right thing both for myself as a seller and for the next people who are going to live there and for the community and for the climate. This is as simple as that, and it's a good thing, and I want to thank everybody who worked on it. Aye. [gavel pounded]

**Novick:** Mayor, I want to thank you very much for what you just said and thank you for your leadership on climate issues and as commissioner Fish said earlier this is a horrible day for the environment because Donald Trump has proposed a tool with the oil and gas industry, EPA administrator, and after reading that I was thinking, my god, it now seems richly certain 100 Years for now 50% of the species will be extinct and most of the world's coastal cities will be uninhabitable and the food supply will be dramatically reduced because the food bearing areas of the world will be dramatically reduced. And people will be devastated by floods and drought and I was really glad to hear you say, and I said before, that the actions the cities can take can get us 40% of the way we need to be on climate disruption so thank you very much for your leadership, and for making me a little less horribly pessimistic on this grim day.

**Hales:** Thank you, I appreciate that, and Michael and I, and Zach and others were at this conference, and you know, seeing more cities join c40, they are now 600 million people

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living in c40 cities. And so again, I am distraught by what we see at the national level, but I am optimistic that this kind of action at the local level, piece by piece, strategy by strategy you know, I drove an electric car share vehicle around yesterday morning because there is a local business or a regional business expanding that here in Portland, a thousand things add up, and this is one of them. And I am not saying that we have to be happy and pat ourselves on the back and everything will be fine. No. We have to work really hard and do a lot of things. Some of them easier than others. But I think that effort, at the local level and in some countries on the national level will make a difference, and I want to thank the professionals in our bureau of planning and sustainability that do this work, believe in it, and are making this an example that will get followed by others. Thank you. Well done, everybody. Thank you. All right let's move on to more work. We have a few more minutes before 1:00, when I promised that we would take a break for mercy. 1359 is being rescheduled for December 14, do we need to read it first?

**Parsons:** We need to read it.

**Item 1359.**

**Hales:** Rescheduled to December 14. 1360.

**Item 1360.**

**Hales:** That's returned to my office if there is no objection and 1361.

**Item 1361.**

**Hales:** I will propose we hear that at 2:00 when we return, if there is no objection. And this might, actually, be when we should take a break or should we just go ahead and -- let's go ahead and finish up this remaining morning agenda. 1362.

**Item 1362.**

**Hales:** Miss moody, good morning.

**Christine Moody, Procurement Services:** Christine moody, procurement services, the services coordination team is a component of the police bureau's behavioral health unit, they serve individuals who are committing crimes in the city of Portland for also homeless and have drug and alcohol addiction problems by offering outreach services, peer mentorship, and low barrier housing, and alcohol and drug-free transitional housing, intensive case management, and connection to medical, mental, and health addiction treatment, and life skills, and navigation through criminal justice, and legal issues, and structured volunteer activities. On February 17, 2016, city council passed ordinance no. 187586, authorizing a competitive solicitation for the provision of treatment readiness services, transitional housing and follow up retention support services to chemically dependent homeless adult chronic arrestees. On June 27, 2016 the city issued a request for proposals and on July 28, one proposal was received. The proposal was reviewed, evaluated and scored by a five-person committee, including a representation from the minority evaluative program. The proposal from central city concern was deemed responsive to the requirements of the solicitation. The city issued is a notice of intent for award the services contract to central city concern on august 19, 2016, and no protests were received. You have before you a procurement report recommending the authorization of a contract to central city concern for not to exceed amount of \$5,149,230. There is a representative from the Portland police bureau here to answer any questions that you might have.

**Hales:** Staff here who manage this program in the bureau and, I don't know the central city concern is here but any questions?

**Fish:** I just have a procedural question, when we took this up last year, we had a lively discussion about insuring that this would be structured in a way that would solicit the broadest number of responses, and it was with the backdrop of the history where another nonprofit I had pro the services and a new nonprofit has come in. At the time I was clear

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that I was not going to weigh in on the merits of who was selected but I wanted to make sure it was structured in a way that did not discourage anyone from putting an application in. I only know the excellent presentation but I need to ask you since we only got one response, that sends up a red flag, and I want to be assured that that was not because of the way that the procurement process was structured.

**Moody:** So at this dollar amount, this is a formal pro consumer, and so it is posted on our online procurement center. Anybody that provides these services will be notified of the solicitation and have the ability to respond. Just because we get one proposal doesn't mean we award it, it has to go through the evaluation process and needs to be deemed responsive to the requirements of the solicitation in which central city concern did. I don't know how many emails went out. I can get that to you as far as how many were in outreached too.

**Fish:** Normally, I would never raise this question but there was a history here of some concerns raised, and I want to make sure that everybody that, in the, everyone in the contracting community that had the ability to provide these services was given adequate notice, a chance to respond, and for whatever reason only one applicant submitted. We received no, no appeals, so that's one measure.

**Moody:** That's correct.

**Fish:** Of the process. And since you oversee this, are you satisfied that this was done in a way to generate the broadest level of interest in the community and that there -- that it has been a clean process?

**Moody:** For the procurement process it is clean because it is a public notice. I don't know if there was additional outreach that was done prior to the solicitation for a specific provider. So maybe, you know, I can research that or I think it was Emily --

**Hales:** Emily is here. Good afternoon.

**Moody:** The Portland police bureau may have information on that.

**Hales:** Good afternoon, Emily.

**Emily Rochon, Portland Police Bureau:** Good afternoon. I am Emily Rochon with the Portland police bureau, and actually, I did provide a list of providers that, for procurement, to do additional outreach, as well, before it was posted.

**Fish:** Do you, do you have an opinion as to why only one person submitted a proposal?

**Rochon:** I don't have an opinion about that. I am not sure. It is, you know, it is a lot of housing, so you know, there has to be capacity for housing for the individuals that we're working with, and we also put in there that we not only with housing but with access to treatment services, that there could be a combined effort to do the proposal together within the rfp, and we also had a presubmittals meeting where more than one organization did come to ask specific questions, at the meeting and procurement was there, as well, and --

**Fish:** So we have not just -- we have not had any challenges, throughout any portion of the process from anyone who theoretically could have responded?

**Rochon:** Not that I am aware of, no.

**Fish:** Thank you. That's all I need. Thank you very much.

**Hales:** Any further questions for staff about this? Anyone signed up to speak on this item? Come on up, please.

**Lightning:** Yes, I am lightning and represent lightning watchdog pdx. Again my focus has always been on the chronic homeless who have drug addictions, possibly mental illness, and understanding that they need to be put into housing first. They need to be provided multi-services such as disagreement is directing. And we need to understand that, that will reduce the suicides. If you study the suicides, you will understand a lot of the heroin addicts are at the top of the list, and people with drug Addictions, and again, people with mental illness, we need to focus on that and continuously get them into housing and to a

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much safer place to live. I will be working with rod under-hill on the lead program that they will be implementing at Multnomah county, and I want to have a clear understanding that I like what they have done in bell town and one of the things that their main focus was, was the harm reduction, is what it really comes down to. They want to reduce the harm to these people and understand their addictions, and it's very important that this type of funding, we understand, is going in those directions, and again, Multnomah county is beginning to follow, and they are going to implement the lead program, which will help people with addictions and not have it put on their record, and go through treatment, and continue to stay in housing. That is the key. We also need to offer private owners, landlords, throughout the city, and the potential to get this type of funding towards their buildings if they are willing to work within a program with people with addictions and who are in treatment and going through treatment but allow them to stay in their properties and work with them in a reasonable manner understand that there will be problems but work with them on guiding them to keep them in the community and in their housing and quit thinking that the best treatment for people with drug addictions is to throw them out into the street so that they end up in Front of city hall in a tent talking to mayor hales. It's not proper treatment. It's punishment, and it should not be happening. And we need to stop that from happening and understand these people need to be taken care of and not punished for their addictions. They don't need to sit in jail because their addictions and people in the community that think it's the proper thing to do to punish them by throwing them out of their housing and you should be thrown out of your housing. You should not be in your housing. And that's the reality that we are beginning to see here, is that get them into housing, and if the city will run more efficiently overall, costs will begin to drop in all these different areas, and that's the main thing from your job, mayor hales, for the city as the mayor of the city. Thank you.

**Hales:** Thank you very much. Ok. Is there a, no one else to speak, a motion to accept the report?

**Saltzman:** So moved.

**Fritz:** Second.

**Hales:** Further discussion, roll call.

**Novick:** Aye.

**Fritz:** Good discussion, thank you, aye.

**Fish:** Aye. **Saltzman:** Aye.

**Hales:** Austin did a wonderful job running this program for many years and Ms. Rochon is doing a great job of running it now. A bit of small advice to the three of you that will be around next year, if your hope for humanity starts to flag or if you start to be worried that progress is not possible, go to a service coordination team graduation and you will be good for at least a couple of months. They are usually held in this chamber and I have tears in my eyes and hope in my heart every time we see what this program does so if you need a lift, talk to Emily she'll provide it.

**Fish:** My faith in humanity is affirmed by the fact that I still remember six, seven years ago the controversy that this program generated in this room.

**Hales:** Look at it now.

**Fish:** It's now been accepted. It's great work. Aye.

**Hales:** Please continue, thank you. We're going to take one more thing before we take a break because I have eaten into the break, I promised my colleagues and that is we're going to take 1364, and don't we have to pull up 1364? Read those two items.

**Parsons:** 1363?

**Hales:** 1364 we will do now and then 1376 and save everything else for after the break.

**Item 1364.**

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**Hales:** Are you saying that's a 30-second item? Is that what you are telling me? Ok. Let's, I'm sorry, let me interrupt and go back to 1363, she's saying that's quick.

**Item 1363.**

**Hales:** You are on.

**Moody:** Christine moody, as allowed for in 533, the city may enter into a contract for information technology hardware and software maintenance. You have before you an ordinance recommending the authorization of a master agreement with IBM for a five-year term with a not to exceed amount of 5 million.

**Hales:** Ok. Thank you. Questions? Thank you very much. I hope that there is no one to speak on this item. There is not. Motion to adopt the report.

**Saltzman:** So moved.

**Fritz:** Second.

**Hales:** Roll call.

**Novick:** Aye.

**Fritz:** Thank you, aye.

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

**Hales:** Thank you. Ok. Now 1364 and 1376.

**Item 1376.**

**Hales:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor. This past election day Portland voters showed their support for affordable housing, by overwhelming approval, of an affordable housing bond, to help provide stable, long-term housing through the development of new units and through the acquisition of market rate units to prevent further displacement. Today we're taking the first steps in our acquisition strategy of that bond. The proposed purchase of the Ellington apartments in northeast Portland will allow us to prevent the displacement of many low income Portland families and to provide deeply affordable housing for more families in need. The Ellington represents a truly unique opportunity. It's one of the largest single apartment complexes, almost 11 acres in total, it has family sized units, large units with 95% able to accommodate families, close to transit options, and in an area where we have very few units of affordable housing right now. I know for many that this acquisition seems rushed, and well, it is. We had to move with haste. If we were to secure this complex, if we were to prevent what would have been an evitable rent increase, for the families already living there. I also know we need to work quickly to establish the affordable housing bond oversight committee. And to involve the community in our plans for new development and acquisition under the bond. I will be asking my colleagues and mayor-elect Wheeler and commissioner Eudaly to provide appointees to this bond oversight committee. To provide further details of the ordinance before us or, are Ken Rust, Kurt Creager and Javier Mena of -- is Ken here? Ok. And then we will be followed by a panel of individuals familiar with the bond and the Ellington itself, and that's Michael Bunocore with Home Forward, and Shannon Singleton with Join, and Jess Larson of the Welcome Home Coalition and Ed Johnson of the Oregon IACenter.

**Hales:** Good afternoon.

**Kurt Creager:** Good afternoon. Kurt Creager, housing director and with me is [inaudible], Ken is on his way back, he was so circling because of your exclusions. I know he's in the neighborhood. First by --

**Fish:** We did not exclude Ken Rust.

**Creager:** Right.

**Hales:** We'll see.

**Creager:** Members of council, I know you are behind schedule so I will try to be as brief as possible. When the Ellington apartments were first offered for sale, in October of 2016 we

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had a choice either to intervene and preserve and protect the property for future generations, as well as current tenants, or to pass on the purchase and let it fall prey to market forces. I am pleased to say that phb and phb staff selected a much more difficult path. We acted with a sense of resolve and urgency to acquire the property given the state of emergency that has been declared by council for housing and homelessness.

**Parsons:** You advanced the slides there.

**Hales:** There we go,

**Creager:** so as mentioned by commissioner Saltzman the Ellington apartments is a good opportunity because of its preponderance of family sized units, just the banks, located on 1610 northeast Halsey, consists of some 263 units, and configured in 28 buildings built in 1947 and 1948. It is owned by an investment trust based in palo alto. They acquired it for a period of ten years. They had every intention of selling it by the end of the Calendar year.

**Fish:** What's the name of the company?

**Creager:** Broad reach capital.

**Fish:** What guardians are involved?

**Creager:** I believe guardian has a 1% interest in the property and a fee management contract for the ongoing management of the property. On behalf of the owners' group. So it's, and by Portland standards it's a large piece of property but it's low density. Having been developed some 60 years ago. This table describes the current unit mix which I think is really illustrates the point that commissioner Saltzman made about the family sized units. There are two studios. There are ten, one bedroom units, 211, two bedroom units, and 43 bedroom units for a total unit count of 263. And pursuant to an -- an adjudicated settlement which will be described later, 44 of the units within this property are required to be affordable for households under 60% of the median family income for a period of 30 years. I believe that that's a two-year-old agreement. So for purposes of calculating the benefit to the public we have excluded the 44 units because we consider those to be affordable. We are looking at low income housing as expressed by the voters and their approval of the housing bond, would be upheld, and we identified a minimum number of 80 units that would be affordable to people of zero to 30% median family income. We could achieve more, but we want to very much synchronize the extremely low income units with the overall demographics of the track that it's in. I need to underscore the census track figures, one-third of the households are extremely low, are low income, and we would be matching in large part the demographics of the neighborhood as a whole. 163 units would be for households under 60% of the median family income. And I think that, it's important that you know that phb was one of seven offers on this property. And only three parties were interviewed. And of the three parties interviewed only the housing bureau was proposing to keep the property as affordable. The other two buyers were all cash buyers with the intention of maximizing their income through higher rents. So our best and final offer was aggressive but disciplined, and we offered 47 million, all cash to close with an early February close at the latest. And that 15-day due diligence period has been quite intense, and we have had several architects review the property, and we did order an appraisal for the evaluation of the property. We had structural engineers examine the property. We are doing lead testing in the property this week. Our belief is that the property needs between \$4 and \$10 million worth of renovation. Some of those are going to be related to the foundation drains, the property has dry wells being 60 years old, the dry wells have plugged up and there is some hydrostatic pressure on the foundation walls because the dry wells need to be renewed and replaced so a couple of million dollars needs to go into earth works, drainage and dry wells for the property. We would fully expect the property to writer some Americans with disability act improvements, for example, the laundries rooms tend to be in the basement, not handicapped accessible to

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people with mobility disabilities. And the other thing I would like to uphold, is with two all cash market driven offers behind phb's offer I am confident that the appraisal will rationalize if not fully justify our offered price. It is important to underscore the fact that they are a rear-view mirror evaluation, and we are in a very dynamic real estate market in short supply. There was once a time when the Ellington would have been considered market affordable, subject to perhaps minor rent increases because of its age and obsolescence. That is no longer the case. In October of 2016, not the 44 covered by the preservation agreement but the other tenants received increases of 417. And future buyers would further maximize the rents on top of those rent increases. If we have learned anything from our central city no let loss policy, the only way to truly preserve affordable housing is to buy it or to cause other people to buy it, by providing them with the necessary financing. The other thing I would like to underscore is one of the reasons this produces so much income is that while you might think that the two and three bedroom families are occupied by nuclear families, that's not always the case. I have singles home sharing splitting the rent three ways in a three-bedroom unit so frankly, they are more resilient with respect to how much they can charge for rent. What we would do, gradually, is to achieve 60% of ami income throughout the property on turnover. We're not expecting anyone to have to leave, in fact, we have signaled very strongly that anyone with a current lease will be offered an extension so people have more than a year's notice before they have to make a decision. They will be covered under the relocation act provisions and may be eligible for the location benefits, themselves. So I hope that underscores why we think that it's a good deal. We also want to recognize that it is 60 years old and on a large piece of property, some 12 acres. And as a point of comparison the pdc and the phb acquired 13.4 million with city council financing. 78.8 million, largely the parking lot and a low rise office building and the usps postal service central facility. This is a, of course, it does not have the same urban zoning attached to it, but in the next 20 years we think that it would be a candidate for an urban village, much more robust development program further justifying the purchaser price.

**Fritz:** May I interrupt please. I have got a suggestion. I know that this is an emergency ordinance so, but I have got a lot of questions. We're not going to be hearing inclusionary housing tomorrow because of this weather, could we take this up again tomorrow afternoon after hearing anybody who might be here to testify?

**Saltzman:** I was going to ways to see the -- the council is having a 7:00 a.m. Conference.

**Fritz:** I have a lot of questions.

**Hales:** I need to give the council a break.

**Fish:** I have a scheduled absence this afternoon, mayor, and there is a -- because we're effectively being asked to substitute for the oversight body this council needs to build a record, and I have some questions which I think both the director and the commissioner should have an opportunity to answer if we are going to be asked to rule.

**Saltzman:** Inclusionary housing has not been formally canceled, only if council is canceled.

**Hales:** Ok. We are going to lose commissioner Fish in a half an hour and we lost commissioner novick and all of us probably need a break here for --

**Fish:** Because I have an absence, and because it sounds like this is an emergency, it sounds like commissioner, at Commissioner Fritz's request the vote will be set over until tomorrow. Can I put my questions on the record and get answers later? I appreciate the information; this answers a number of questions that I had. Here are just a bunch of questions that I want to make sure that we are clear on. Because of the unique circumstances of this acquisition, being asked to act in an oversight committee being established, kind of sounds like to me having something go, having a council decide and

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allocation for the children's levy before we have the oversight body and guidelines, and I am sure that there is a legal rationale for that, and that we are -- and I am assuming that we have looked at what we have referred to as the voters so we can say that this is consistent. I just want a reassurance on that. Number two each of us received a letter from a former state housing director, former, one of your predecessors, Kurt, raising some concerns from afar, and I just want to make sure that those, whatever concerns were in that letter, you have an opportunity to address. Number three, even with the range of potential rehab costs I would like to know what you guesstimate will be the acquisition costs per unit. That is ultimately something that we do hear a lot from the public, so I just want to make sure what is the cause, and I appreciate what you said earlier, Kurt, in pointing out preservation is one of the best tools. We got criticized for our deals in the central city but I would say compared to what? It's not like we had the option of letting those buildings go and then building somewhere else so I think that sometimes context is important. And then I think that I know where this, this complex is because I think that there is a distinguished neighbor down the street called former senator Abel Gordly, so I think that we all have spent time there in the neighborhood, and/or whatever, and finally, what I am interested in, and I may not be here for Ed Johnson's testimony, I want to make sure that whatever legal and regulatory issues arose here, and we're talking about under either prior ownership or the last ownership, have been resolved, a, and b I would like to have some assurance that none of those issues, that we're not the successor and interest, if there are issues that need to be resolved on the regulatory side or with tenants, I want to make sure that we are, our eyes are open and that we are resolving them. I don't want to stand in the shoes of any wrong doer in terms of the landlord tenant issues or regulatory issues. So those are questions which would normally be reviewed by another oversight body that is to be established, and the unique circumstances of this, I just want to make sure that I have answers to those questions.

**Creager:** Thank you. And insofar as the oversight Committee --

**Hales:** Let's not respond to all of those now.

**Saltzman:** We will bring it back to the next panel.

**Hales:** Here's the panel and public testimony and I will give this council a mercy break for half an hour. So let's -- we have folks wait to get speak and hear the panel.

**Fritz:** Ok.

**Saltzman:** Michael, executive director, and Shannon Singleton, director of join, and Jeff Larsen with the welcome home coalition and Ed Johnson of the Oregon la center.

**Hales:** Pull up another chair and welcome.

**Saltzman:** Thanks for your patience.

**Saltzman:** Michael, start with you.

**Michael Bunocore:** Mayor Hales and commissioners I will try to be quick first thank you again for your leadership and revering the affordable housing bond to the voters, and it's passage ensures critically needed affordable housing for our community and also was enough of a bomb on the election night for me that I did not spend the time in the fetal position so it's a victory on multiple levels. Now we see that we have a lot of hard work ahead of us, to make it successful and how we engage the community and how we maximize the number of units and how we make sure that we create a portfolio viable in the long-term, and hit our affordability goals and make sure that the folks have the support services that they need to be stable in the housing, are all create a big body of work that needs lots of attention and we're on a path, and it's important that we all sort of work together to build a good system that builds confidence in the public that we made the right investment. And then mean while we have the Ellington, and as it has been said and I will only affirm or amplify, you know, this represents an opportunity to preserve housing and

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had the Portland housing bureau not moved as quickly as they did in advance of all of the framework being worked out, that is really important for us to establish, we would have been reading a story about the Ellington having been lost to the private market, and in that regard, I think that we are here in this moment, with an opportunity to save it and I think that the weight of that decision is significant but it is a very stark choice that this happens and is preserved or it's lost and so I encourage you to vote to approve this purchase.

**Fish:** Why didn't you put in an offer for this property in.

**Bunocore:** We were asked to be part of an offer with another firm and it was not competitive. As the director Creager said, if not this offer, the other offers that were behind it would have flipped it.

**Fish:** What's important and what you are saying is that, in terms of your evaluation, it was a property that you felt they could make an offer.

**Bunocore:** Absolutely.

**Fish:** Whatever due diligence you did you identified this as a target property?

**Bunocore:** That's correct.

**Shannon Singleton:** So thank you, Commissioners, and mayor. I am Shannon singleton, the executive director at join, and I wanted to talk about the anti-displacement goal that this actually meets, and also make sure that we link it to the goals under home for everyone that are about prevention from homelessness. We are at 81st and Halsey, where we see folks coming through our community center who do live at the site and I fear that we would see a huge number of folks looking for services, if we do not move forward with preserving this property and pulling it into our affordable housing portfolio. I appreciate commissioner Saltzman, and your conversation about the oversight committee, that has been something that I think that -- I have said it a number of times and making sure that we have community process in the oversight for the long-term of this bond. And yet this is a situation that came up without the opportunity to do so. I do also want us to be really mindful around the zero to 30% income level goals in the bond and make sure that as we are moving forward with any further purchases, that we are being attentive to those goals, the 80 minimum is a good start and it is not necessarily the 45%. So while I do have some suggestions and ideas and hope that we move really quickly around the oversight committee and getting some really good, clear community goals and guidelines out there, we support this purchase and encourage you to vote yes so that we are not seeing families from this complex suddenly trying to access an already overcrowded homeless shelter. Thank you.

**Hales:** Yes, pull the microphone.

**Jess Larson:** Commissioner, I am jess Larson, the director of the welcome home coalition and along with these fine folks on the panel and hundreds of other organizations and thousands of individuals we work to help pass the bond that you referred to voters, and we appreciated your support in doing so. We are thrilled to see the city acting quickly with this new resource to preserve affordability to restore affordability to protected families who are tenants at the Ellington and create new families who can become tenants of the Ellington and out of our shelters. Voters were eager to support affordable housing as they voiced their 62% for the bond and they specifically said they were supportive because of the community oversight that would be part of the new mechanism. So it's important as we move forward that we are using this opportunity because it will not solve the housing crisis, it is a step forward but as an opportunity for us to be building public support and public involvement in affordable housing so we are asking for the city to act urgently in creating a clear path for the community involvement and the oversight committee to be involved in Ellington, just as urgently as you are acting to preserve the Ellington. We think that there is time. We want to elevate community oversight as the commissioner has stated as urgently

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as the purchase of the property and our other sentiments were previously expressed so in keeping with the timeliness I will pass the mic on.

**Mike Johnson:** Good afternoon, thank you, commissioners and Mr. Mayor, I am the director of litigation at the Oregon la center for the last 20 years I represented the low income Oregonians and housing matters, spent nine of those years litigating matters around what I referred to as the rose city village is now the Ellington participants, and we were able to preserve 44 of those unions, as Mr. Creager was saying, and in answer to commissioner Fish's question, it's complicated, I am happy to share the information I have with the city but I think the answer is there are no outstanding legal barriers to the city's purchase of this and I don't think that any of the problems that we dealt with over the nine years are likely to rear their head again. And I wanted to tell the commission is that I spent a lot of time out there with clients over the past nine years and got to meet former tenants and current tenants and I probably know hopefully some future tenants. It's a special place. It's unique to Portland. The physical location for 264-unit apartment is rare, close to public transit and downtown, the physical layout of the property is pleasant. It's not what you think of when You think of publicly subsidized housing. There are 28 buildings out there. A lot of green space. There is a lot of big trees. Northeast 66th, weirdly kind of winds through the property so you feel like you are in almost a country environment, the physical property also is very interesting in terms of the number two and three bedrooms, in terms of low income families with children it's really a unique asset and the buildings themselves are also, even though there is need for repair, hardwood floors, a nice place for low income people to live so I can fully support, and was really thrilled when I heard the city was considering purchasing it. I would encourage you to approve the sale.

**Fish:** I have a couple of questions. In terms of the legal matters who has been the property owner you have been averse to?

**Johnson:** The entity is called brcp/gm LLC it's a combination of broad reach capital and guardian so they purchased it in 2006 under impression that it was released from the state low income housing tax credit program. And they went through the process of making it a market rate apartment complex. That's when we stepped in and asserted our argument that it has not been properly terminated.

**Fish:** Is that what gave rise to the landlord tenant disputes about people's rights to tenancy?

**Johnson:** Yes.

**Fish:** And if we proceed to purchase this property are there any remaining legal issues that you will not be able to pursue?

**Johnson:** Well, so the opposing council was john di Lorenzo, and I think that he did a competent job of tying up the loose ends for his client. Even though they oppose the certification throughout the actions, once the case moved to settlement, they were able to get a very broad class settlement so almost every plaintiff and claim related to those original use restrictions has been released through the settlement agreement. Which will turn out to be good for the city, I don't know that that was the plan as we were going through it. We imagined this property would be sold to a for-profit developer and the only remaining would be the 44 units for 30 years.

**Fish:** Let's be clear it's good for the city because we can quantify our risk and know what, what steps we have to take to do the right thing. Not that we want to be relieved of any legal obligations. So I appreciate that.

**Fritz:** I have a question, if home forward was willing to go into partnership with another partner, now we know that the price that we want, that the seller want idea is 47 million, would you be willing to explore buying this one in partnership with us? I am concerned that

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we're spending a fifth of the bond measure and before we even issued the bonds. Is that something that could be Considered?

**Bunocore:** At least conceptually, certainly.

**Fritz:** Thank you.

**Hales:** Other questions? Although we are committing to this price, it does not necessarily exhaust that much of the bond resource, right?

**Fritz:** A fifth.

**Hales:** But there is program income from the property. So, so I am not sure how those numbers work out but not like the cash goes out the door and nothing comes back.

**Fritz:** So the concept with the bond measure is that the rent to buy the building goes back into the bond fund? I thought it was the rent was going to pay for the ongoing.

**Hales:** For operating costs. Maybe we don't achieve any return on the investment then.

**Larson:** If I may and there may be someone better to speak to this. The price was 47 million and expected 37 million will come from the bond dollars, and 10 million of the purchase price will come from the future hud loan that is in the works. But the 37 million is a hard figure of the bond, and it won't go -- rents won't go back into the bond.

**Fritz:** I think it would be more attractive if we could partner with home forward on the remaining \$35 million. Thank you.

**Hales:** Thank you. Thank you all very much. And ok, we are going to take a few minutes of public testimony. I think there is some other testimony and a break for half an hour.

**Fritz:** Thank you for your Patience.

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

**Saltzman:** We are going to vote on it?

**Hales:** We might.

**Fritz:** I have a lot of questions.

**Hales:** Ok. Good afternoon.

**Hales:** Go ahead.

**Terry Parker:** Good morning. Well, good afternoon now. Growing up in --

**Hales:** State your name.

**Parker:** Terry parker. Growing up in the house I grew up in, these were called the middleman apartments, the homes across the street from my home have backyards that are adjacent to the property. Knocking on doors, and not receiving any direct notification about the city's intent to purchase the site for subsidized housing. And they found out through media sources or had no knowledge of the plans. And in speaking with households, not opposing the purchase, a list of prerequisite themes emerged. Who is going to manage the property? There must be zero tolerance, drug, gang affiliation and firearms' policy for tenants and must include new tenants signing a pledge not to violate this policy. Noting they would be evicted if they did. Secondly 59% of low income people drive to the workplace and many more have cars. Adequate parking for the Ellington property requires both the existing parking lots and the on-street parking within the complex being maintained. Neighbors do not want the lots re-purposed, and then have overflow parking, occurring on the streets adjacent to the complex. The city must pledge to lend the landscaping and structures to the degree that they are maintained, the best that it has ever been. And third the city must provide full time on-site security and have an on-site security telephone number given out for the safety of the neighboring households and Ellington tenants. Security cameras throughout the property are highly recommended. Over the years prior to the current ownership, problems have occurred which range from shootings to all sorts of debris tossed into the backyards, and neighbors do not want any back sliding, Chicago style projects and-or problems similar to what at times takes place in the Columbia villa, and finally the city needs to schedule a public meeting so surrounding

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households can be informed and comment and possibly add to the prerequisites. The recommendation is to hold that meeting at the Charles right school building. You can read the rest of it. I am a neighbor and look out my front windows and I see the top of the apartments, behind the house, across the street from behind me, and we are concerned that we want a good mix of people in there and not the wrong mix of people in there. Thank you.

**Hales:** Thank you very much. Good afternoon.

**Lightning:** I am lightning and I represent lightning watchdog pdx. I think that this is a great purchase, if they purchase this prior, they do a tremendous amount of research on anything that they buy so I am very confident that your inspection will prove positive. The 211, two bedrooms, and I like -- these are large square footage units and I want to start looking at more focus on, if you are subsidizing one of the units, in the larger square footage can you put two single people into one of those units? We need to start adding more capacity per unit based upon the square foot and understand if we are subsidizing these units there is a lot of people who might be willing to live with someone else, and if you let them know that up front, and work within that type of parameters, something we need to look at to get more people into housing with the capacity of units that we currently have. I find it interesting here that one of the things that even being an older building, I like the fact of, that you have various offers currently on the property, I am a little concerned you said that you might have paid a bit aggressive on it and I will wait for the appraisal on it to have a better understanding and calculate from the original owners when they bought it on where they based their values or off of their cap rates, net operating incomes or however you determine the overall value, but another thing that I think that you need to be cautious on bringing in a partner is that per the bond agreement, you can't have any nonprofits involved. In bringing in a partner it could trigger in violation of your actual bond, itself, on what you can do, so I would be very cautious on that. Now --

**Fish:** I am not the lawyer but home forward is a federal franchisee so --

**Lightning:** Right.

**Fish:** I don't think that we are precluded from another government partner.

**Lightning:** Ok, that's more than fair and just like I said, be aware of any nonprofit participation from the side and again, those are just things that I think need to be looked at and as I stated before, I would like the property taxes to be paid off the bond on any seasoned property so you purchase, and I think that there will be ample cash flow to cover the expenses and again that would be distributed amongst the bureaus. Also I would still like a proposal from within the city that any city that passes a bond like this, I would like it at the national level to match in federal funding towards the cities, that's an incentive to go out and create more affordable housing, more jobs and take care of the most vulnerable people. Go ahead, commissioner Fish.

**Fish:** I am listening.

**Lightning:** I thought you were going to interrupt me. I hope that you do consider that as an incentive for other cities to follow your lead on the affordable housing bonds, to incentivize affordable housing and more jobs created and taking care of the most vulnerable people. And again what is affordable housing? Is that not considered infrastructure? I want you to think about that when we are talking \$1 trillion for infrastructure. Thank you.

**Hales:** I will give you the last word before we take a break.

**Shedrick Wilkins:** I agree with lightning, I live in a home forward apartment, at yards and I don't use half the apartment. It's just -- I have the room. But I don't need that much space. Maybe there is a way to remodel this apartment holds 400 people instead of just 263 or something, and that ought to be looked into, my apartment is a waste. I don't want to heat the room. It's a part of the rent. Just the way that it is and half of it is wasted and it's sad to

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see the homeless people walk by my apartment on naito drive and they like to live there but it's not allowed.

**Hales:** Thank you. A quick question and take a 30-minute break until 2:15.

**Saltzman:** Can I -- I am lost as to where we are with this.

**Hales:** I am lost.

**Saltzman:** If you want me to remove the emergency clause I can do that. Allow everybody to have their questions answered.

**Fritz:** We could leave the clause on and vote on it tomorrow if I could get my questions answered.

**Hales:** We are done with the hearing.

**Fish:** Mr. Director because I won't be here this afternoon, and I want to be clear, this presentation has made clear that this is an opportunity that is lost if we don't act. And you are very candidly coming to us in an unusual circumstance. Since we have not set up the oversight body so you are asking us to play that role. We are in the future going to be receiving recommendations from some committee but you are asking us to play that role. So in particular because many of us up here put a lot of time and energy into passing the bond I just want to make sure that I have a clear understanding so I can vote with clarity. So the question is just has come up about timing and I think that if all of the questions could be answered by tomorrow, I would urge that we keep it on the agenda for tomorrow and vote with the emergency. Question came up from one of the testifiers about the ratio of the zero to 30, and are we -- I noticed the chart that you put up said minimum. It did not say maximum. But is it your intention to try to approximate the ratio that was in the bond measure as a goal? Recognizing that it is in each project, it will be at that ratio, judged over time, but is it your intent to get as many zero to 30 as feasible?

**Creager:** Would you like me to respond?

**Hales:** Yes, please.

**Creager:** The housing bureau did a desperate community impact assessment, which is something that hud will do themselves when they underwrite the rehabilitation loan. It's called a 2023f loan. And as I indicated zero to 30 population, to 80 is about third of the property. And that looks at the census track so we can demonstrate that we are not creating a pocket of poverty by exceeding 80 unions. If we do 110, or so units, which gets do the 45%, contained in the overall bond, we are concerned that it could trigger a desperate community impact assessment, and therefore we are only guaranteeing 80 and we will aspire to get to 110.

**Fish:** We intend to be faithful to that.

**Creager:** We expect that. With the oversight committee, to fashion the remaining projects, some of those projects will be 100 percent low income for senior and disabled people, and achieving our numbers.

**Fish:** When will you complete the appraisal and when will you have the ability to evaluate the results before the expiration of the due diligence period?

**Creager:** It is due December 15.

**Fish:** The answer is yes?

**Creager:** The physical due diligence will have to be lifted before is the 15th. The appraisal will be an information that will be taken into account by the city in our final purchase, but this was never predicated on meeting the appraised price.

**Fish:** I understand that, but you will have the benefit of an appraisal before the transaction is completed.

**Creager:** That's correct

**Fritz:** Would you be able to amend the offer if it shows 10 million dollars is to expensive?

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**Creager:** The physical due diligence was a 15-day period of time, and this was never predicated on financial feasibility per se. This will be useful information, And I think that it's safe to say that because we have two private offers behind this, at very close to our purchase price, that the appraised value will come close. It is between 45 and --

**Fish:** My final question is, I think that one of you mentioned that part of your due diligence is assessing what -- water quality, so you are looking at lead at the tap or in the pipes, and so the city is just a foreshadow, the city is looking to do a pilot in the future with the epa, to, with an eye towards removing the defective plumbing and faucets from single family residents and other buildings and coming up with the program to do that hopefully was, with flexible federal money? So I just want to put a personal marker down if in the course of your testing, you determined that there is a lead issue, and I can virtually assure you it's not caused by the water the city supplied the complex and you have isolated the pipes or fixtures, would you please think creatively about how instead of mitigating the problem we can come up with a creative way of eliminating the problem? Thank you.

**Hales:** Thank you. Other questions for now?

**Fritz:** I will send you my question in writing.

**Hales:** I will declare a recess until 2:20.

**A1 1:50 p.m. council recessed.**

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

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

**DECEMBER 7, 2016 2:00 PM**

**Hales:** Good afternoon everyone and welcome to the afternoon December 7<sup>th</sup> meeting of the Portland city council would you please call the roll?

**[Roll Call]**

**Hales:** Commissioner fish will be away this afternoon, but commissioner Novick will be joining us, so thanks for your patience we have a lot on the council calendar today and we're trying to get a lot done so bear with us I think do we have anything left from this morning's calendar? Help me out.

**Fritz:** May I read something into the record?

**Hales:** Please do.

**Fritz:** I appreciate everybody's patience. Senator Avel Gordly called my office. She wants to convey she knows many of the people who live in the Ellington apartments and many of them are people with different abilities and/or veterans. That's not generally known. It's particularly vulnerable population that's there. She wants me to make sure that everybody knew that.

**Hales:** Thank you very much. Anything that we still have? I'm looking at my own notes.

**Parsons:** 1365 is rescheduled until tomorrow.

**Hales:** That's correct. If you need to read it --

**Parsons:** No.

**Hales:** It's rescheduled for tomorrow. So now we can proceed in the afternoon with 1366.  
**Item 1366.**

**Hales:** Commissioner Saltzman.

**Saltzman:** It's a pleasure to bring forward this afternoon the 2016 historic landmark commission's state of the city preservation report. The first item of business is to thank the many dedicated volunteers who serve on this commission. They meet a minimum of twice a month and often for multiple hours as they review land use cases and provide advice. They are a hard working group. It includes kirk Ranzetta, the chair, Paul solimano, the vice chair, Jessica engman, corynn Carlson, Kristin minor and Matthew roman. If you're here why don't you stand up so we can thank you for your service. [applause]

**Saltzman:** I'd like to recognize the bureau of development services staff have been increasing in number due to the high volume of applications the bureau has been receiving related to historic resources. The commission will be presenting their 8th annual report to the council and I will note that this is the commission has been operating in the city since 1975. Without further ado I would like to bring up the chair, kirk, and the vice chair, Paul.

**Hales:** Welcome. Come on up.

**Kirk Ranzetta:** Thank you very much, council and chair, for inviting us to present the state of the city historic preservation report. I too would like to recognize I think our fellow landmarks commissioners and also the very able staff from bds and bps. I don't think we would be able to accomplish as much as we did over the past year without their very able assistance. We appreciate that full staffing is come in handy the past year. So before I get into the meat of the -- I also wanted to introduce obviously Paul solimano, vice chair. We'll be alternating as we work through the presentation today. The first thing I would like to talk

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about today is the national historic preservation act of 1966. It's very apropos that we're talking about that. It was signed into law October 1966, 50 years ago. And even at a time just to provide a little bit of context, they were in the midst of one of the most significant periods of upheaval that a country could possibly imagine at the time. The day before president Johnson signed the bill into law, the u.s. Sent 174 planes to bomb north Vietnam and the black panthers had actually formed. So we were in the heart of a period of dramatic change, culturally, socially and economically. I think we find ourselves kind of in the midst of a very similar situation as we are making this presentation today. One of the things that distinguish the act and we have a lot to learn from it is reflected a broad coalition of groups, rural, urban, low economic status, high economic status. It was republican and democrat coming together around a very central issue, coming to an agreement that something needed to be done amides a period of dramatic change. Even preceding the national environmental policy act by three years. It was even prioritized heed of more sweeping, broader environmental regulations being put into place. So coming around to our priorities and goals, we have set out a number of different issues and recommendations from the commission that I think will guide our discussion today. They include revisiting the goal 5 rule, making process as well as the owner consent law some of the legislative priorities we would like to discuss today. The role of historic districts. The type of design review that's currently being conducted and how that fits into the larger comprehensive plan that's been considered. Issues surrounding residential neighborhoods in terms of demolition, character, equity and affordability. Initial development pressure on streetcar commercial nodes, seismic retrofits and to sum it up the issue of sustainability and stewardship moving forward. So the first issue that we're going to talk about today and Paul is going to share is concerning the state's preservation law and goal 5.

**Paul Solimano:** Thanks, kirk. Our first topic is fairly broad statewide. The department of land conservation and development started as initiated changing the goal 5 administrative rules. They have been meeting for a while now and the city is currently participating in this rule change committee. We have a couple of recommendations for this. First we want the city to continue support participation. Provide testimony for the January 2017 meeting. The second thing we're hoping the city will do is to scrutinize the goal 5 language specifically for certain language and reject that language for three topics. The first changing the definition of landowner to include easement and leaseholders. The second is rejecting language that allows property owners in certain districts to opt out of regulatory requirements. Which basically would allow them to become free riders reaping all the benefits of living in an historic district without any responsibilities. Then any rule that would exempt national registered listing from local protection. The second big statewide topic we have is repeal of the owner consent law. We ask that this be put on the city's legislative agenda and that the city seek to repeal ohs197.72. Repeal of this law will allow the city to more effectively meet its historic preservation goals and will basically stop property owners from self-zoning their own property. Kirk?

**Ranzetta:** The second issue concerns --

**Fritz:** Excuse me, will you automatically ask your staff to forward those legislative agenda priorities to the government relations bureau?

**Hales:** Yes, we will.

**Ranzetta:** The second set of issues concerns our historic districts in terms of height, floor area ratio and compatible design. The principal issues we highlighted in the report are incompatible height allowances and zoning code. I know council has been fairly active in terms of those issues and some of the historic districts including grand avenue as well as old town Chinatown, fairly significant issues in terms of trying to corral parcels that have significant development potential and making them compatible with the existing buildings

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that surround them. Also some of the issues that we were concerned about concerning far bonuses. Not only within the comprehensive plan do we have height limits we also have the potential for far bonuses, for instance with the affordable housing incentives that are being proffered. In addition, you could consider additional stories being added on top of that. That's certainly something that we are concerned about. Another thing is the lower level reviews proposed for affordable housing projects for some of the proposals it would -- they would be handled principally at the staff level and we suggest we maintain the existing type 1, 2, 3, 4 levels of review for those projects. Our recommendations include making sure that we just have right zoning, right size zoning in historic districts, that we protect the character of the historic districts that we do have. That would help provide clarity to some owners and developers by making sure we further refine some of the existing design guidelines. Many are fairly old and the pdc has certainly taken a leadership -- provides guidelines for Chinatown, Japan town area. That will greatly help ensuring consistency with the zoning code. Right now we do have this difference between for instance height, allowances for height and the issues of trying to make a tall building compatible in a low rise area. We also want to make sure that we create some kind of balancing act for the inclusionary housing incentive so we don't put pressure on historic buildings and districts.

**Solimono:** Our next topic is residential neighborhoods demolition character equity and affordability. I think this issue is probably pretty well known to everybody. The large number of demolitions, residential demolitions every year, loss of affordability, erosion of neighborhood character that make neighborhoods unique and cohesive. Just the wasteful nature of destroying the housing stock and so we have a number of recommendations for this. One we support the retention of existing houses and doing this by increasing density on those properties through internal conversions and freestanding adus.

**Fritz:** We did that this morning.

**Solimano:** Yes. Yes. We're a little off on our timing. The other thing is consider the historic context. So we think it would be a great idea to develop design standards and guidelines that recognize that our neighborhoods are unique and that new infill needs to respond appropriately to each neighborhood individually. The third thing is to support the equitable creation of new historic districts. Possibly through time or monetary support help lower income neighborhoods possibly create historic districts that would give them more control over infill and development in their neighborhoods.

**Ranzetta:** The next issue is development pressure in our streetcar commercial nodes. Some of the issues are shared with the single family residential zones. Others fairly significant pressure to put in incompatible new development. These streetcar commercial nodes tend to be two to three story buildings and they represent some of the major destinations for streetcars from the late 19th and early 20th centuries. There have been a number of issues particularly on Belmont, division, Hawthorne, a lot of those main corridors used by streetcars has brought this issue to the fore. One of the other issues that comes up inevitably is lack of recognition these so it brings this around to having a revised hri so we can better understand what are the significant concentrations of these commercial historic storefront and we need to figure that out pretty fast to keep ahead of the development pressure and provide incentives for folks to do the right thing. Some of the recommendations we have, obviously to provide some protections in these areas. Either by revisiting some of the design standards for new construction, also trying to encourage rehabilitation through incentives perhaps by lobbying rehabilitation tax credit that could feds currently offer. Another one would be to encourage use of the Oregon main street program. I think st. John's is one of the neighborhoods, the only neighborhood in Portland that is currently a main street community. I think that would be a significant shot in

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the arm in terms of developing more commercial interests in older areas. Lastly, I'm supporting creation of historic districts in these commercial strips in order to conserve the existing building stock that we have.

**Solimano:** Our last issue is seismic retrofit projects for unreinforced masonry buildings. This one is actually fairly straightforward in terms of an issue, much more difficult in terms of solution. Basically the requirements for seismic retrofit for historic structures requires a significant investment. And there just are not the financial incentives to offset the cost for property owners. So in our report there's actually quite a few recommendations but I'm just going to touch on a few of the principal ones. One is regulatory flexibility. So flexibility for designated historic structures to find alternatives, alternative or creative ways to retrofit that preserves the structure and possibly keeps costs low. Another option, another recommendation would be to lobby for state incentives, specifically a rehabilitation tax credit to assist donors in designating and retrofitting their unreinforced masonry buildings. A third would be to pursue fema funding for pre-disaster mitigation. Fema has funds or had funds available -- [laughter] if they are still around they may have funds available for dealing specifically with planning to deal with historic structures prior to disasters.

**Ranzetta:** The last component for the issue section is the general under-valuing of the economic, social and environmental benefits of historic preservation. That's perhaps the most challenging aspect for council to consider is to appropriately fund initiatives such as a new hri for the city. I think that's really the foundation for decision making when it comes to planning and to also developing more thorough going program to conserve the city's resources. Can't really know what to preserve until you know what you have. That's the main reason why we think that the hri is in general one of the critical things to kick this off. Also for every dollar that's spent on historic preservation activities whether it's inventorying or rehabilitation there's fairly significant multiplier effects, economic multiplier effects that some studies in other states have generally come to a consensus that it ranges for every dollar spent you get \$13 of economic activity out of it. It's a fairly significant amount of opportunity cost we forego when we start demolishing a lot of the historic fabric of the city and fail to avail ourselves of the potential benefits from a tourism perspective, affordable housing perspective and a number of other issues. So our recommendations are really for the city to take more of a leadership role in terms of the planning for the future of our historic legacies. To really come to value preservation as a sustainability tool because again, the amount of landfill waste that comes from the demolition of historic buildings is considerable and increases costs for having to manage into the future. To also be prepared for the next big earthquake. Pre-disaster planning is critical. Oftentimes decisions are being made following an earthquake that can lead to the unnecessary demolition of some of the historic buildings. We have seen in several areas, Katrina, san Francisco. But they have also fema has developed a number of processes to encourage people to make better planning decisions in times of crisis such as that. Lastly, the recommendation is to incentivize historic preservation. One thing that has happened is that oftentimes we have regulatory sticks hitting folks over the head, not enough incentives, financial incentives, regulatory incentives to encourage people to go through a process that many view as being onerous, so we want to create a little bit more of an opportunity for folks to see some of the more direct economic benefits. So I think that's kind of our presentation for today. We want to open it up to questions from council on these issues or others of concern. Thank you.

**Hales:** Questions? Concerns? This is always a good check-in so we appreciate being able to do this. I have some things to note for the future myself, but I'll wait until we hear from everybody else. Other questions.

**Saltzman:** When is the last time the historic resource was --

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**Ranzetta:** About 36 years ago. I think some of that is related to the owner consent issue, when you start looking at some of the other communities throughout the state, Clackamas county, Washington county, they haven't updated their hri's either. They haven't nominated any new landmarks since the mid-1990s. I think Portland has only done it three or four times. We have largely been protecting resources by listing them in the national historic register as opposed to a local hri process.

**Novick:** There's a pot of money which sadly is normally around \$30 million a year for the whole country -- [laughter] but we'll try this again. I'll also note the president-elect seems to refer to virtually everything as a disaster. Maybe that's an indication disaster funding will increase dramatically. [laughter]

**Hales:** Thank you both very much. Are there other commission members that want to speak? Folks signed up to talk about this report?

**Parsons:** We have several signed up.

**Hales:** Welcome. Who would like to lead off?

**Jim Heuer:** I'm Jim Heuer, here today representing the Portland coalition for historic resources. We applaud the message provided by the landmarks commission and strongly support their concerns and recommendations. We also want to commend them for their vigor in pursuing their responsibility for advising the city council and city bureaus on matters of historic preservation. We would like to second the comments in their written document about the work of Brandon spencer hartle, as bps historic preservation planner. Notably the commission's recommendation for updating the historic resources inventory has been repeated this year for what I believe is the eighth time in eight years. Little has been done by the city to update the hri, and the fig leaf covering this extended period of neglect has been confusion surrounding the owner consent law and the language in the state's rules which provide jurisdictions authority to provide such inventories. The inventory is important for reasons as commissioner just pointed out in part because Portland is an olde city. We do not like to admit this but the percentage of our buildings constructed prior to 1920 is greater than that of Philadelphia. So this is a completely different city from phoenix or Houston or even Atlanta. If we are to continue to grow without destroying what makes Portland a great, livable and beautiful city we need a much clearer on more comprehensive understanding of what is to be preserved and what is not. The report mentioned the ongoing revisions to the goal 5 rules and as a member of the regulatory advisory committee working on those revisions one of my personal objectives in our discussion has been to bring clarity to the goal 5 rules, to strip away that fig leaf of confusion that has stymied Portland's action on inventory. I believe the proposed new language will provide a degree of clarity that can allow all jurisdictions in the state to inventory and designate historic resources. I would urge city leadership to become engaged in the process when the commission meets in January to consider these new rules. Mr. Spencer hartle will be providing your staff guidance on how you can help move the lcdc in the right direction. Finally, one area not touched on by the report is the state of the administration of Portland's protection for historic resources through review by the bureau of development services. It's been several years since this council adopted the historic resources code improvement project recommendations. Lessons have been learned about hrcip works but they have often struggled in their rulings. Partly that is the result of the obsolescence of most of the historic review guidelines and especially the vagueness of the fall back guidelines to the Irvington historic district. With several neighborhoods currently exploring national register historic district designations and with the prospect of goal 5 rules changes may make locally designations practical again after some 25 years. We need another review of this process coupled with new thinking on how to update and expand our historic design guidelines. The Portland coalition for historic

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resources will about working with bds, bps and the landmarks commission on the subject as one of its highest priorities in 2017 and we hope that we will be able to bring you proposals towards the end of the year.

**Hales:** Thank you.

**Fritz:** Thank you so much. I have been eight times in a row that I've been here, but in fairness we had six cut budgets. It's hard to cover things. I want to thank you for your input on the residential infill project. I think we adopted many of your suggestions. So thank you.

**Hales:** Thank you.

**Fred Leeson:** Good afternoon. Fred Leeson speaking on behalf of the Bosco Milligan foundation. This is really a magnificent report and I want to congratulate everybody that had a piece in writing it. It's more comprehensive than the brief display you saw here. I think it touches every significant issue that the preservation community faces in a thoughtful, insightful way and offers recommendations of how to move forward. I appreciate that deeply. I would die and go to heaven if you would approve and adopt all the recommendations and make them come to pass. I have a hunch I won't live that long but I do believe this race is a marathon, not a sprint. We know that. We're in it for the marathon. The architectural heritage's center advocacy and our board earlier this year kind of set our own priorities for 2016, and I was pleased that every one of them showed up on the report. The ones that kind of topped our list were advocating state level changes for the owner consent. We would love to see the state do incentives for commercial, historic commercial buildings. Realize these things will take time to happen but we encourage the city to join us in that legislative effort. We historic resource inventory we support that. We would love to see that happen. Since that was done we have added a lot to the city since the 1980s. A lot of the east Portland neighborhoods have never been surveyed. A finding incentives for unreinforced masonry is extremely important. Design guidelines to protect historic districts. These are all issues that we firmly believe in and hope that there will be some progress down the road. Thanks.

**Hales:** Thank you. Good afternoon.

**Mary McMurray:** Hi. I'm Mary McMurray. I brought a little photo to refresh the memory for anyone who may not remember the Janzten beach carousel. This photo was taken in 2007, and it shows a very satisfied rider on the carousel when it was still open to the public. We have been missing the many benefits that the carousel brought to our community since Edens Corporation bought the property several years ago and removed the carousel from the historic resources list. This is a glaring example of why an historic resource in our city needs stronger protection. Although many people and local organization versus tried to contact the corporation about the missing carousel, all of their efforts have been stonewalled with no response from Edens. This is unacceptable. At a time when Portland as a whole is losing our shared community resources to the wrecking ball, bowling alleys for example interstate lanes, historic established restaurants and many buildings of historic value we must not sit idly by and allow this to go unopposed. As a beautiful and participatory work of art, a healthy alternative to consumer dependence and digitized entertainment, and an embodiment of democratic ideals which I could go into at length but won't right now. Not least a potentially lucrative investment for our region. The city of Salem riverfront park carousel is really an asset to the community. I urge the city council to create a commission to investigate the potential of bringing the carousel back to the generations of citizens who love it. Perhaps with a united front composed with support from the city the regional arts and culture council, restore Oregon and more than 400 members of the save the Janzten beach carousel we can succeed.

**Hales:** Thank you all.

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**Fritz:** I remember in my first term mayor Adams or commissioner Fish who was in charge of parks had located it. We'll look into it again. I also noticed in the report parks as a whole warehouse full of cobblestones which we're waiting for people to take for recycling. We'll look into that again. Thank you for being here.

**Hales:** Thank you. You have more?

**Hales:** How many more after that?

**Parsons:** One more.

**Hales:** Manageable. Good afternoon. Welcome. I think you may be on first, Peggy.

**Peggy Moretti:** Good afternoon. I just want to quickly say thank you, Mayor Hales for, for elevating the conversation about historic resources during your tenure. We really appreciate it. I am here Peggy Moretti representing Restore Oregon. I'm here to enthusiastically endorse the state of the city preservation report submitted by the landmarks commission. And rather than restate the points of the report I'm just going to simply ask that you take them seriously and act on them. Taking stock of managing, protecting and actively incentivizing adaptive reuse of the irreplaceable historic fabric of the city is not something to be brushed aside. It's the historic homes, neighborhoods, fire stations and store fronts that make Portland, not anyplace else USA. It makes us grateful to return home when we visit some other city that lacks the sense of place and community that we tend to take for granted. Our historic buildings represent perhaps the largest cache of renewable energy that we have. Our historic buildings are enormous economic assets. It attracts businesses, jobs and tourists. Where do people want to go out to dinner? That quirky old pub that used to be a fire station. Where do they want to shop? That boutique that used to be a garage. If we lose our historic places, we lose a huge economic advantage. Portland's unique older neighborhoods and streetcar commercial corridors are under greater threat today than at any time in 50 years. In addition to echo be landmarks' call for a better rip sack proposal and updating our historic inventory I urge the city to play a leadership role in legislation that would throw urgently needed weight on the scale on the side of preservation. I urge that the legislative agenda include two things. First fix Oregon's broken historic designation process. The goal 5, the owner consent, so that local jurisdictions actually have a say in what happens to historic properties like the workman temple and Lotus Cafe. And the cultural and economic benefits they bring to the communities. We're the only state in the union for which the process of historic designation is completely one-sided and that is very bad policy. Restore Oregon pledges to work alongside of you in the halls of Salem to lobby on behalf of that effort. Two, please introduce legislation for a seismic retrofitting incentive. We have had a lot of calls and continue to call for a state historic rehabilitation tax credit. We know that's going to be a heavy lift in the current budget climate in Salem but there is a proposal called legislative concept 1984 that may be our best short term bet here for creating meaningful new economic incentives for restoration or reuse of historic buildings. That would be addressing the seismic retrofitting expense and I have been serving on that citizen's committee so I understand the dilemma we face there but we can't move that forward, it would be hypocritical to haul out our comp plan and all the policy to talk about historic preservation but not bring forward any economic tools to bring that to fruition. If we want to mandate seismic upgrades, we have to create financial tools. I think this has some legs under it that we really need to get behind and support. Without it I don't think we can move that forward. I just want to close by saying obviously what we do with this next year or two here will determine what Portland looks like and feels like for generations. Thank you.

**Hales:** Thank you. Welcome.

**John Liu:** Thank you. I'm John Liu. We're in the midst of a time of great change in Portland and that's a wonderful thing, the energy and optimism in the city is palpable and

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exhilarating. In the midst of all this the landmarks commission and staff that support them perform a very critical task. They help guide the development of Portland in a thoughtful manner that preserves livability and unique beauty of our city and its heritage. So one thing I would ask council to do is to consider supporting the landmarks commission and the staff in developing neighborhood guidelines which will further direct that development in the most productive and forward-thinking way. I would like to make a proposal which is that in the historic districts that the city has and in some that are perhaps in the process of formation, there's a tremendous amount of energy, expertise and resources in time and financially. I would suggest that the staff could harness that private energy to produce guidelines that would serve not only those particular neighborhoods but other neighborhoods who on their own might not have the resources to perform that task. I think that would be a win-win. It would be a public-private partnership and would serve our less resource neighborhoods very well. Thank you.

**Hales:** Welcome.

**Constance Beaumont:** Thank you. I'm Constance Beaumont. Just a personal note before I came to Portland in 2003 I worked with the national trust for historic preservation for a number of years. In that capacity had the opportunity to work with cities and states around the country. Bring that background to my comments here. I endorse the landmark commission's recommendations in the state of the city report. I agree with comments made I think it's an excellent report. In particular I hope the council will seek repeal of the state's owner consent law which effectively gives people the option of opting out of public laws they don't like. Property owners are not allowed to veto determinations that scenic or natural resources are so significant that they warrant protection. They should not be allowed to do so in the case of historic resources. All of the goal 5 resources, scenic, natural and historic, should be treated alike. Thanks to the owner consent law cities in Oregon also lack an option that cities in most other states enjoy. I'm referring to conservation districts which allow cities elsewhere to ensure that new homes in historic areas are compatible with older ones but the conservation district regulations are often less restrictive than those governing historic districts. Portland needs to bring -- Oregon needs to bring back the conservation district option by getting rid of the owner consent law. My last point given the conversation this morning about the residential infill proposal and demolitions generally, I agree that Portland needs more higher density development but it should be well located and better designed higher density. There are exceptions but much of Portland's new development's generic, nondescript and jarringly incompatible with what's around it. I'm convinced there would be less push back against higher density if the city and development community could devise strategies for better designs, buildings that people will want to protect 50 or 100 years from now. Last comment I would like to thank you. Can't be easy to listen to all of us day after day. I appreciate you.

**Hales:** Some things are easier to listen to. This is on the easy side. Thank you very much.

**Parsons:** We have just three more.

**Hales:** Good afternoon.

**Sarah Stevenson:** Good afternoon. I'm -- my name is Sarah Stevenson. I'm here in my own capacity as a Portlander, as the executive director of innovative housing and co-chair of the old town Chinatown community association land use and design review committee. In all of those capacities I thank and support the landmarks commission for their service to our city and stewardship of our historic resources. I agree and support with their report and everything in it. Starting with old town Chinatown, as you know we have two historic districts that define our neighborhoods and make it a truly special place. As a community we rely heavily on landmark commission's expertise, advocacy and protection of those districts. As individuals we just don't have the skills or expertise to respond to the

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development proposals that come in front of us and we look to landmarks to help protect the neighborhood and aesthetics and historic resources that are there. We're very grateful that the skidmore design guidelines were updated this year and we're very appreciative of the work that's gone into developing the guidelines for new Chinatown japan town. That district is facing a lot of development pressure and the guidelines are more important than ever. We have seen the effects of development pressure on other historic buildings throughout the city. We're concerned that comp plans, zoning changes, mandatory seismic code changes could further challenge the historic districts and buildings much as you've already heard making this preservation work that much more critical. As a developer of affordable housing we have completed several renovations and we think historic preservation and affordable housing are a great combination. We personally have found the commission very good to work with. They have been flexible with existing conditions. They have made good suggestions for phasing in different elements and maintained an efficient, transparent process. In our experience they are achieving the city goals around preservation while understanding and supporting development. Finally, as a third generation Portlander raising a fourth generation here I believe it's incumbent upon us to protect our history as we move forward. I appreciate the time, energy, skill and commitment the volunteers on the landmarks commission bring to that effort. Thank you.

**Hales:** Thank you. Good afternoon. Who would like to be first? That's the right choice. [laughter]

**Karen Karlsson:** Hello. Good afternoon I'm Karen Karlsson, not the Karen Karlsson who is the landmarks commissioner, just so you know. There we go. So I'm here today to talk specifically about a project that's been listed many, many, many years in the -- as an endangered project. This is the Morris marks house. You see a photo of it here. Before I start I want to thank a couple of people. Thank you, mayor hales, particularly Rachel Wiggins in your office, for everything she has done to help move this forward and thank you, commissioner Fritz, for you and Zalane in parks, without that we wouldn't have a site to bring this house to. People have been trying to save and move this wonderful building for a really long time. Rick will let you know he started in 1980 something on this. There's a lot of things that need to be done to get this house moved. It has to move from 12th avenue down through Portland state university over I205 to its lovely new destination at the intersection of Broadway, Broadway drive and grant. There's a huge list of things that we're working on that need to be done. We have at least six permits. We have a number of land use issues. We have several bureau requirements. We have coordination with multiple agencies including odot and the utility companies. And we have a big chunk of money for sdc fees. Yesterday we finally heard from psu, they are crucial in the house move since it has to go through their campus. They have a number of conditions for us and that amounts to the tune of \$124,000. That was a bit of a bomb that was dropped on us. But let me say that we have not given up. I'm going to let rick talk about what he will commit to this project to make it happen and what we need from you and others.

**Rick Michaelson:** I'm rick Michaelson. As Karen said we have had a number of unexpected expenses. We're now at a position where the budget for this project is at 1.4 million. While the house is priceless to the community its market value is only about 900,000. So we need to work to cut that gap and fill it. We're looking at the obvious things first. Cutting the scope of work, cutting the budget, asking for sdc waivers because the house exists. Simplifying permit costs. We're also talking about cutting the house into pieces to see if we can reduce the impact on psu, and make it less -- fewer trees for replacement for the house. That's not going to get there. We'll have a gap of about \$500,000 that I'm looking for the public and us to provide and I'm here today to commit that even though we're having to pay \$160,000 for the land we will lease it for a dollar a

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year for ten years. I'm also here to commit to donating \$150,000 from the Bosco Milligan foundation on behalf of this project so there can be some additional funds. I would also like this to kick off a fund-raising drive for this to fill the gap. We think we have spent another two or three months spending money before we know whether the project can go ahead. I want to make it happen. Every effort to make it happen but I can't do it alone. Thank you.

**Hales:** You've done a lot. Thank you.

**Karlsson:** This is the 136-year-old house.

**Hales:** It's a treasure. Thank you very much. Questions? Thank you all. Is there anyone else? Anyone else to speak? Then is there a motion to accept the landmarks commission report?

**Fish:** So moved.

**Saltzman:** Second.

**Hales:** Roll call, please.

**Novick:** Thank you very, very much for your work on historic preservation and on this report in particular. And thank you very much for those of you working and making contributions to protect our historic resources. Aye.

**Fritz:** This is the occasion of year where I talk about having been married in a church that was built before William the conqueror invaded England from Normandy in 1066. I would really hope the Morris marks house is going to be there in another millennium. Because of the care people have given it and because we are going to find solutions. Thank you very much for the landmarks commission for this wonderful report. Seems like there's more pictures in it which makes it much more understandable and relates to the language as well. I'm very proud of some of the things we have got done this year particularly the skidmore design guidelines which -- there's lots of things happening in December that we're all working on getting our projects finished. Although I haven't got this particular one finished I know whoever has transportation in the next administration, the mayor, we'll all be working on these projects and just keep asking about the historic resources. We'll be making 5% cuts again this year, which is discourage, still we may be able to find ways to get things done. It's going to take all of us. Aye.

**Saltzman:** Thank you landmarks commission for another outstanding report and again, thank you for all the hard work you do. It's not easy especially considering many of the challenges you lay down for us are ones we have heard before and we're all wringing our hands why we can't get an updated resource inventory, why we can't fix the owner consent issue. Why we can't get Morris marks house moved on a more economical basis. I do appreciate the fact that we are saving Morris marks house. I had a chance to tour it many, many years ago. It's a real gem. Thank you for all your work in protecting all the gems in our city. Appreciate it. Aye.

**Hales:** I have a number of comments but first I just want to second the point that was made about just how dynamic a time this is. There's some really powerful winds of change that are blowing through our city if I can use the next couple days' weather as a starting point. Those winds threaten to sweep away a lot of what's not bolted down. That's why this work is so important. Why I so appreciate the landmarks commission and our excellent staff now augmented excellently and it's going to be really necessary to have this kind of advocacy coming out of the community. People willing to serve on the commission and a city government working in concert with all those folks to preserve more of what we love about the city. We are a city with a lot of historic buildings in it. Houses, office buildings, all kinds of uses and structures. There's a lot of work to do to save them. We have done some good things. I really appreciated the fact that we worked as a community to weigh in on that lake Oswego case. Got an important decision that leads up to going to the legislature and changing that owner consent law. I'm proud of the fact we now require

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deconstruction of 100-year-old houses but I rely on this community and council to ratchet that down to 80 and 60 as fast as possible so we send one more signal in addition in tuning our infill regulations that we really, really don't want you to tear down that great old house. We want you to save it, reuse it as the structure that it is on the outside but perhaps with an accessory dwelling unit in the attic. Figure out a creative way to use that old structure well for the next 100 years but you're going to remove it please take it apart piece by piece so the great pieces can be reused. That's the last resort and I hope it doesn't happen very often but we should not restrict that benefit to 100-year-old buildings. We have some things to celebrate in addition to these policy issues. There's some great projects understand way as police commissioner I spent more time than I care to remember in the middle much night in the entertainment district and one of the problem spots was a bar called the crown room, now gone. Of course the great building that it was located in with plywood on the upper story windows is now undergoing renovation. The acabac house of the king neighborhood was saved by an amazing action at the community level. Bing Sheldon would be very proud of the design for the world market in old town that's going to reuse cast-iron from structures that were demolished or taken apart in the 1950's. Then brad mallson and beam development are taking the old furniture building and bringing it back to life, scraping the paint off the windows that's been there for who knows how long on the upper floors. There's some good things happening. We rely on private property owners with in some cases help and incentives from the city to do the right thing but it's even more wonderful when they manage it without our help. Yes, I'm very proud of the skidmore old town historic district guidelines. That's a good piece of work by the city. Finally, Morris marks house, Rachel Wiggins is an amazing woman. She served our city very well as a member of my staff. She's done all kinds of things including keeping city council on track, no small feat, managing our new process for special appropriations, talk about herding cats, she pulled that off, and she has labored passionately with the rest of the team on getting the Morris marks house saved. I'm really glad that's going to happen. I appreciate the commitment of this council and this community to do that and no one more, rick, than you and Karen that you have really put a lot of effort into this and you deserve our partnership and thanks to get the rest of the job done. So both as mayor for the next few weeks and as private citizen I'll continue to be part of that team. I look forward to seeing that house come to life again in its new location. Great work. This report is also as a couple of us said a high point in council's deliberations there are hard and easy parts of this job. There's hard work that this whole agenda entails and I appreciate all of your commitment to it. This is a great old city and thank you for helping keep it that way. Aye. Thank you very much.

**Hales:** Okay, we will take a breath and move on into the rest of our agenda. Sue, would you like to read 1367 for us. Let's take a break for a moment. Let the chambers re-sort then read 1367.

**At 3:18 p.m. council recessed.**

**At 3:20 p.m. council reconvened.**

**Item 1367.**

**Hales:** Commissioner Novick.

**Novick:** Good afternoon colleagues we're here today in the important milestone for the Powell/division transit and development project councils being asked to adopt the projects local preferred alternative also known as the lpa, to affirmed recommended route and station locations for the region's first bus rapid transit project connecting downtown Portland with the Gresham transit center. Heard about this a few times, most recently in July we adopted the Portland action plan, a companion plan that focuses on land use concepts and community development actions for the Powell/division corridor in the city of

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Portland. The city is already taking steps to advance the action items in the plan working with community leaders, staff has developed conditions of approval as amendments to the Ipa that we're going to be asked to adopt today as amendments to the Ipa and Jean Seneschal Biggs will take us through the specifics. These conditions describe a number of key commitments by the city, trimet and metro to advance action around housing, construction mitigation, support for businesses, transit services in the corridor. I think as you hear testimony today you'll be asked to implement these actions sooner rather than later. Before we begin there's a couple of members of the project steering committee here today. I extend my thanks for participating in the decision making. It was a long process to get here. Thank you for your service. I think Kem Marks and Laura Boisen are among the committee members here today. This project is about more than transit. It's about transit and housing and jobs and education and place making and people and how they will all intersect. Pbot will be coming back at least two more times seeking approval for the project. I'll ask the council to hold city bureaus, metro and trimet accountable for the commitments we're making as the project moves forward. This requires that council fund the actions. Pdc will be making a general fund request for the technical assistance program to begin their efforts so businesses are prepared for construction and the arrival of brt. Please give that serious consideration. Staff worked very hard. Thank you. I look forward to seeing the service open in 2021. I think I'll turn it over to Jean.

**Hales:** Good afternoon. Bring up your resource people.

**Jean Seneschal Biggs, Portland Bureau of Transportation:** Thanks, my name is Jean Seneschal Biggs, I'm a project manager with the Portland Bureau of transportation. Joining me today is Leah Treat our director and counselor Bob Stacey from the metro council I'm going to have them say a few things first then I will go through the presentation.

**Bob Stacey:** Your honor members of the council Bob Stacey metro council for district 6, southwest and southeast Portland more or less. I'm pleased to be here today. The clerk is providing you with a letter from me and my co-chair of the steering committee for the division transit project. Councilor Shirley Craddick thanking you for your engagement and urging support for this decision. We faced great needs in the southeast corridor when we began what was then call the Powell division rapid transit project or high capacity transit project. A lack of really strong transit service to match the very strong demand that filled the buses more than they had seats for, more space than they had to stand in the aisles during rush hour. A need in the form of better sidewalks, accessible crossings and safe crossings and better shelters and stations for people to await the bus as well as more frequent services and quicker service. To the extent it was possible with the modest resources provided by a small federal grant and the matching resources that were still putting together from local partners, from trimet and the region, we have gone a long way toward meeting some of those very clear needs for better access. Also along the way we discovered something about our community. About the strength of the folks who are served by this line and this investment, the strength of their opinions, of their advocacy, their willingness to step forward and help lead a project like this. Some of the things that with their help we have accomplished are improved stations, a bit farther apart to enable the bus to make better progress. The level boarding at those stations through three doors so that we can get on and off the buses more quickly. Many more seats and much more space on a 60-foot articulated longer bus than a standard coach. With the same level of frequent service in the morning and all day long that's been enjoyed on the division line but with greater capacity, perhaps more service in the future. We have also provided improved stations with more amenities, more shelter from the elements. We expect with single priority to provide a much quicker journey through both outer and inner division. We're doing all this because the thousands of people who ride on the division line today deserve

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and now will get a much better transit experience. But we're also doing it because of the other community values that are served by a transit investment. The city has provided very important leadership for this project. Beginning of course with commissioner Novick and with director Treat, who has served with the commissioner on the steering committee. Extending to the staff of PBOT for sure but also the bureau of planning and sustainability, housing, PDC, all of whom joined together to assist this council in developing with the community and adopting the Portland action plan which speaks to how this city and its investments can further the employment ambitions, the effort to avoid displacement from new development that could be encouraged by this transit investment, to ensure more housing affordability along the corridor east and inner east side Portland. I think along the way in addition to doing a very good job of meeting the needs we can with this level of investment, at least from Metro's perspective we set a new standard for civic engagement and community involvement in decision making. It's not simply that we have had a process that engaged people in their own languages with printed material in four languages with culturally sensitive and specific engagement through workshops that were oriented through communities of color and immigrant communities in east Portland, but also because the steering committee itself engaged not only the usual suspects, government, but also representatives of community groups along the corridor. It was those representatives of community groups that kept it very real. Platitudes, generalities about how this would work were not satisfactory for people who wanted to understand how it would affect their community, the interests they were there to represent, how it would ensure to the best possible extent that we improve east Portland and the entire alignment rather than simply pass through it. And I think to the extent we have achieved success it's in large part because we not only listened but we gave a vote to those folks. And I expect that to be the standard going forward when Metro at least is involved in the decision of this magnitude to ensure that we're not simply seeking to represent because we were elected but to seek to engage those who will be served by the project to ensure that it's the best possible outcome. It's not the best outcome. I'll be the first to acknowledge that it would be great to have a separate lane on Powell boulevard going under the railroad tracks. It would be terrific to have true gold standard bus rapid transit. That or light-rail will come at a different time in the southeast corridor. My own personal favorite is that we keep Powell boulevard as a light-rail corridor for future development. I don't have the authority to make that determination, but that's what I'm voting for in the future. Another thing I have recognized from this process and you fully recognize is that we do not have the resources in our region and in our communities to do what needs to be done to move the people who are seeking to move today in a way that's sustainable, nor do we have anything like the resources to make it possible to provide accessibility and movement for the larger numbers we expect in the future. This is a darn good start. I commend it to your attention and urge your approval. I would be glad to answer any questions but I know your capable staff can do a better job than I.

**Hales:** Thanks, Bob. Thank you.

**Leah Treat, Director, Portland Bureau of Transportation:** Thank you councilor Stacey and good afternoon I'm Leah Treat the director of the Portland Bureau of transportation. As the councilor mentioned I have been serving as commissioner Novick's delegate on this steering committee for the past three years I believe. So this project is really about making transit better on Division street line 4 riders are often passed up, buses are almost always full and there delayed in significant congestion along the corridor. So this project that we're voting on today it presents an opportunity for us to improve access to jobs, access to educational opportunities at the Portland community college campus in southeast. Connections to OHSU and connections to Portland state university. As councilor

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Stacey mentioned, we have heard from the community, extensively about the project. What we've heard the most it is very important to the project to benefit people who live and work in the corridor and we're intentional in our efforts to respond to those calls. You'll hear more today about the actions of our partners with affordable housing investments, technical assistance by businesses and improved transit service to connect with the new brt line. I want say thank you to our agency partners at metro, trimet, the city of Gresham, Multnomah county and odot who worked with us alongside city staff and community members and a special thanks to pbot's partners at the Portland housing bureau, the bureau of planning and sustainability who came along with us on the transit project and helped us take a much more holistic approach to the alternative. With that, I'll turn it over to Jean with more details.

**Hales:** Thank you very much.

**Seneschal Biggs:** So, I already introduced myself. A little bit about the action that you're taking today, we're going to be talking about what we call locally-preferred alternative for the project. The conditions of approval, which are some of the actions that Leah and Bob mentioned earlier with our partner agencies, what we're calling a quarter-wide strategy, a set of actions by the project partners, looking at the corridor as a whole. And then your specifically directing the city bureaus to take actions and requesting some similar source of actions from trimet and metro. I'm going to do a high-level overview of this. I'm going to try to keep the pace up. We were last here in July and we presented the local action plan to you. There were a number of community priorities in that plan towards affordable housing and economic development. As we continued forward to where we are here today, the community continued to press us to advance those actions. We have news and updates. Division transit. The line four division is one of the most frequent and high-ridership line in the transit bus system. Leah and Bob mentioned, it receives the highest complaints for people who are passed up and having full buses. Trimet makes adjustments to the schedule to relieve that. The traffic conditions are so variable and the schedule can't compensate that. The trips are late at least one a week and over more than half of them are overcrowded. People talk about bus bunching. That's where one bus gets delayed from having to make frequent or lengthy stops and that allows the bus behind to catch up. Where you see that bus crowded and the bus behind is empty. There are needs on division street that we're hoping to resolve. Adding more buses won't improve service. It led us to look at this rapid bus service. Trimet is looking to invest in articulated buses. There's new technology, they're much better. We're also looking at having amenities and weather protection at each station to really improve the rider experience. I think Bob had alluded that the stations will be further apart. You will find a nice place to wait. Some of the other improvements we'll be making are physical changes to the streets or traffic signal to help the bus move through traffic. Brt it's not a prescriptive approach. There's a range of tools that we can use. Things like larger buses with boarding and dedicated traveling, transit signal priority that's where the buses and signals talk to each other. It's really a whole range of tools and we've found a way to apply them to division street. The locally-preferred alternative, this is from our project steering committee's last meeting on November 7. It took three years to reach this point. We've landed on this alignment. Here's a map. It's small. You have one in your packet. So, the locally-preferred alternative calls for bus rapid transit with stations at the locations shown here between downtown Portland and the Gresham transit center. It will operate on the downtown transit mall and cross the Willamette river and run along division from 8<sup>th</sup> avenue all the way up to the Gresham transit center. The river crossing is a decision yet to be made that's why you see two lines crossing the Willamette river. That's showing the new Tilikum crossing and the Hawthorne bridge. There's a preference for Tilikum so we would have access to OHSU and a little bit

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shorter trip to Portland state university. The challenge we have there is with the freight crossing of the Union Pacific tracks and the max light rail tracks. Trimet and pbob have been working with Union Pacific railroad to reduce delay due to the freight rail trains that cross through there. If -- we're working towards a solution there. If there's not a solution that allows us to find sort of acceptable delay to get to the crossing, we will be using the Hawthorne bridge. One of the actions is to direct staff to continue that work and decide which river crossing is the right route. Here's a little bit about the timeline. We're one of four in the queue to be reviewing and adopting this lpa. The Gresham city council, they adopted the lpa last night. Next week the lpa will go to the Multnomah county board of commission. Once the jurisdictions have approved it, it kicks off design. Trimet will begin that work again, convene community advisory committee and a policy and budget committee for the project. After all the local jurisdictions adopt this lpa, then metro considers it and that begins a process of amending the transportation plan to include the lpa. Metro hands off the lead role for the project to trimet and then the process of amending the rtp is expected to conclude in the spring and that's based on all the local jurisdictions adopting the lpa by the end of this year. This is really about the timing and why your decision today is so critical. In order to advance the design beginning in January of next year, we need to have all of the information required to submit our project to the federal transit administration for what they call a project rating through the small starts program. If we don't have all the information necessary to do that and it would push out the project a year and it's really critical for us, in terms of looking ahead, in February 2018, we'd like to see this project in the president's budget. I'll pause there. Any questions? I'll keep going. So, we talked earlier -- I think both bob and Leah -- we've had some conversation with community around the local action plan and we've bundled them together into conditions of approval. They're exhibit c in your packet. These were really -- this is based on this call from the community about specific actions that they wanted to hold us accountable for. And these commitments that I'll describe a little bit here are based on what the bureaus and agencies believe are achievable. But I'm going to sort of pause for a moment and just point out that the commitments here are part of broader goals and that for the agencies that are implementing these actions, there may be factors that come up that are out of our control whether it be budget resources or properties being available. Sort of, we've packaged this thinking what we believe is achievable but at the same time there may be times when come back to the council and ask for more resources to achieve them. A few highlights. The first sort of areas around community engagement, as I mentioned, they'll be a community advisory committee. That's something trimet will be leading and convening. They have a business outreach program for the transit project and then the Portland housing bureau, in conversation, has really agreed to encourage sort of more of a sense of partnership with the community to identify opportunities and goals and is willing to enter into an mou. Around affordable housing, if you remember, we were here in July. You heard from the housing bureau director, Kurt creager. We had identified housing units. We had a gap of about \$30 million. He was here back in July to explain how, based on new housing resources, he felt the ability to be able to fill that gap in the conditions of approval, there's more specificity about kind of how that commitment will play out in terms of where new housing construction would occur in the corridor, sort of in four key segments in east Portland. There would be 425. In the jade district, there is project under way that will have 47 affordable units. Somewhere in the corridor around Caesar Chavez, there's about 300 units anticipated and then in the Clinton triangle near the max orange line there's a project anticipated of about 70 to 120 units. So that's sort of how that -- the new affordable housing commitment is expected to take shape in the corridor so there's new affordable houses that access the transit service itself. There's a small rental

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rehab program that receives a general fund allocation to be able to do rehab on affordable houses in east Portland. So the next category's around economic development and business mitigation. So, the question is, how do we prepare business owners for the construction that's to come and insure that those businesses continue to thrive? So, this -- there's a number of actions here. Trimet plans to work closely with business owners to plan for construction. They have a solid track record from their previous projects with max orange light rail and transit mall and others. Pdc and their npi districts, they provide focus support and services, that include business technical assistance and small business loans, district grants and support. District staff. Workforce development and connecting to institutions. And then this last bullet here really, I think Steve mentioned this in the beginning with his comments, they'll be a need to seek additional funding to support those services in the npi districts and you'll hear more testimony that this is important. This is a map that shows the areas that the npi serves. It serves beyond the npi and the division corridor and all of east Portland. Trimet, through their dbc contracting and local hiring efforts, they've made some commitments there. Career training, a partnership that trimet is interested in with mount hood community college and pcc and a navigator to help people connect their skills with jobs. The last area of the conditions of approval are around transit service planning. It's been another focus of our conversations with the community. I think you'll hear more about this today. Trimet has committed to increasing service in the corridor by reallocating the service hours that are on the line 4 today to other parts of the corridor, that could include new north-south service. For east Portland, where the transit network needs, you know, more routes and more service, this has been one of their most important priorities. And then that last bullet is really about Powell boulevard will not be forgotten. We started with the inter Powell. Metro has offered to continue Powell boulevard. That will continue to advance as their high capacity plan gets amended and update. Sort of the last thing, we've had -- even since we put all of this information together, we've had further conversations with the community. There's four proposed amendments that I believe you would have all received. They are highlighted here. One is entering into a signed mou with the four community groups, opal, Apano, division midway alliance and east Portland action plan. That would really take those conditions of approval and memorialize them even further. That would be a document that would come back to you. Identifying a timeline for the housing strategy. Those housing units that I laid out for you, housing bureau believes that can be done within a five-year window. That they either be well under construction or occupied. A statement around the business technical assistance and that being a high priority for the city and then the last one really is to strengthen trimet's commitment to transit service planning in east Portland. Okay. That's everything I have for you. So, questions for us?

**Hales:** Just one. This is detail provoked by seeing progress on electric buses last weekend where they now have buses that can go all day on a single charge. When will equipment be selected for this project?

**Seneschal Biggs:** I'm going to look to trimet.

**Hales:** About two years? Good. That gives them two more years to make them even better. Other questions?

**Novick:** Thank you very much. This is not a question. I actually just wanted to move the amendments.

**Hales:** So, we have the package of four proposed amendments. I think there are copies for public, if you want them. That deal with the mou, the housing strategy, business technical assistance and transit service.

**Fritz:** Second.

**Hales:** Further discussion? Roll call, please.

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

**Hales:** Aye. We think they're non-controversial. Okay. Now, let's call on people for testimony then, please.

**Novick:** Our invited --

**Hales:** You have invited testimony?

**Novick:** We do. We have Chabre Vickers representing pcc southeast campus, Ian Stude representing Psu psu, Michael Harrison representing ohsu and Lori Boisen of the division midway alliance.

**Hales:** Okay. Great. Welcome.

**Chabre Vickers:** Good afternoon. My name is Chabre Vickers Community relations manager at the pcc southeast campus. I'm here on behalf of Dr. Jessica Howard campus president. We appreciate the opportunity to share our support for the locally-preferred alternative and we encourage your yes vote today. Thank you for what you've already done. Pcc southeast campus is part of a vibrant community and a wide range of knowledge. Our campus is at the intersection of 82nd avenue and southeast division street. Our neighbors and our community members can only be characterized by some of the lowest levels of income and educational team in the region and state. And we see the Powell-division project as key to insuring access to transportation. Many stakeholders and myself consider this a means to create an education corridor which links mount hood our se campus with climb center with Portland state university and Oregon health and science university. This relates to the classroom, both mount hood community college boast small business centers. Small businesses in affordable ways. Pcc's travel demand strategy requires that the college continue to make transit a priority and our students have supported to vote on this. We have increased our transit from 25% to 50% this year and our transit have recently doubled and remain in high demand. This lpa will support academic support for our students. Over 70% of our students live within five miles and an overwhelmingly majority choose to study in-person versus online. A majority identifies as non-white and 68% are under the age of 30. Pcc southeast strongly supports the Powell-division transit and development project, locally-preferred alternative and we encourage an affirmative vote today to advance this project. Thank you.

**Hales:** Thank you.

**Ian Stude:** Good afternoon, thank you for the opportunity to speak with you today. My name is Ian Stude. I'm here today to express psu's support for the Powell-division project. You should also have received a joint letter of support from Portland state and ohsu. Psu, we are well-aware of the multitude of positive impacts that can result from transit projects. We have a proven track record of supporting transit infrastructure. The net result is that the majority of psu students and employees utilize transit. Removing thousands of vehicles from the road each day. This has also allowed psu to develop thousands of spaces. We see similar process in the potential for the Powell-division project. In addition to our support, we urge the use of the tilikum bridge. This alignment choice is critical to insuring transit access to psu and ohsu. Our partnerships with ohsu and Portland community college will help. And, linking our campuses via a continuous alignment is a smart decision for the city and trimet to make. Portland state takes our responsibility very seriously and we wear our access-driven process with pride. An opportunity for east Portland residents to be able to access our campus more readily is a win for the entire city. Thank you, again, for the opportunity to speak here today and I'm happy to answer any questions.

**Hales:** Thank you.

**Michael Harrison:** Good afternoon, my name's Michael Harrison and I mange local government relations for ohsu. I'm here, like our partner institutions, to support the lpa today. Division, for an education corridor is compelling and one ohsu endorses. Through

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liv's sdc payments, ohsu has partnered with the city and trimet to improve connections. The tilikum crossing and light rail and the street car and bus service to the southern end of the central city. While we're extremely grateful, our hope is that this is just the beginning. Taking together, the existing crossing and transit viaduct are transit lanes. As auto congestion increases, routing additional transit across it will be significant, both in terms of transit efficiency and better-netting ohsu and psu into a city. Thank you for your consideration.

**Hales:** Thank you. Thank you, all, for working on this. Thank you very much. Let's take the next three? Good afternoon. Welcome.

**Lori Boisen:** I'm Lori Boisen, I'm the executive director for the division mid-way alliance and a steering committee member on the division transit and development project. Mayor hales and commissioners, I want to thank you for the opportunity to speak you today about the bus rapid project and the benefits for our community. Specifically, I would like to thank you, commissioner novick, for working with staff to add today's amendments to include a memorandum of understanding with community groups to assure that community stability goals are met. I don't believe dma would be advocating if you had not gotten the mou added to the resolution. As the title suggests, the division transit and development project is more than just a transit project. At the outset of this project, committee members identified the following goals and transit improvements. Establish a safe and convenient transit option. Create safe, healthy neighborhoods and improve access to social, educational activities, environmental and economic opportunities and bring reduced disparities and equitably distribute the benefits of change. Community groups recognized the opportunity to bring equitable development. And in November 2014, committee members released the stability goals that we believed, if met, would bring stability to our community. These goals have been reduced to the four. They are the increased business technical assistance and support, as well as workforce development opportunities. A housing investment strategy and timeline that will commit to housing projects along the alignment. A strengthened commitment to use the 1,400 service hours to use transit as well as a commitment to add new service on 148th or 162nd. To keep community at the table through construction. East Portland needs these commitments regardless of the transit project. A signed memorandum of understanding says that we are committed to success. We will advocate for the approved action plan. I want to thank you for your time and commitment to improving transit in Portland.

**Fritz:** Can I just a clarifying question I thought you just said there isn't currently bus transit on 148th or 162nd?

**Boisen:** The only bus service in east Portland is 122nd, 181st.

**Fritz:** Thank you for bringing that to my attention.

**Novick:** It's been an honor working with you over the last four years. When I hear division midway alliance, I think, aren't they the ones that won the second world war? [laughter]

**Hales:** Mr. Baugh?

\*\*\*\*: I'm going to allow him to go first.

**Kem Marks:** Good afternoon mayor and council I beg your indulgence in that it's not easy for me to read this because of my vision so if I stumble a little bit, my name is kem marks. I'm the east Portland action plan representative to the division high capacity rapid transit project. East Portland comprises 20% of the city's land and approximately 28% of the population, it has -- also has significantly higher concentrations of people of color, elderly, children, disabled and immigrants, a large segment of who are transit-dependent. On the record, it's not in my statement. I want to make sure that you all know that east Portland action plan voted against the lpa when it came up for a vote. Having said that, epap appreciates council's directive to the city bureaus to enter into an mou by June 15, 2017.

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However, we do hope it'll be faster than that. We support going forward at this point. With the stipulation that the mou, with the city agencies, needs to move beyond the content of exhibit c for the reasons stated below. East Portland is poised to lose much and gain little. Exhibit c was to have addressed our concerns, but the content and the commitments are inadequate to our needs. The few points will establish this fact. Portland housing bureau is proposing 85 to 125 affordable units along the alignment for east Portland. While Caesar Chavez and division is slated to get up to 300 units. Involuntary displacement can be prevented by investing in east Portland, but has to be now. At the very least, the number of affordable units should be comparable. Epap has long-argued the number four underlying service should not be eliminated. Our position wasn't seriously considered by trimet or metro. Trimet did add back four stops in east Portland, but only after epap and dma demonstrated that the number of people that would lose their primary stop was over -- 50% or higher in some places. Still, 37% of the east Portland stops will be eliminated. With respect to trimet, exhibit c demonstrates trimet's unwillingness to commit to the replacement of our loss of stops with north-south service and only alludes to it in the most equivocal language. The best contract lawyers would blush. Trimet is only willing to quote/unquote, look at north-south service by 2021, after the division project is finished. That is almost five years from now and is unacceptable. There are no north-south routes in east Portland and Gresham between 122nd and 181st. This is a gap of 2.9 miles. In addition, there are no -- I repeat, no routes in east Portland that directly go to the Columbia corridor where family-wage jobs are concentrated. Trimet should begin the planning to add its service immediately. Trimet should not be adding service to more affluent areas while east Portland waits. Trimet should be banking resources while it completes the title six analysis and planning process, which is expected to take 18 months. The council -- this council and the city, has a responsibility to advocate for east Portland with our trimet and metro partners. In that the current product does not demonstrate success thus far, we ask you to exert your influence at this juncture. We say that north-south service should be established on either 148th or 162nd before the transit project is completed and these routes should be prioritized over adding service to other parts of the network for equity sake, epap contends that no service should be added to any part of the network that have a higher median income than east Portland and a service gap less than the 2.9 miles that we experience in east Portland. We need city council to direct the above, be addressed proactively so that the community does not need to pursue alternative remedies, such as title six of the civil rights act of 1964. Thank you very much for your attention.

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

**Andre Baugh:** Andre Baugh Planning and sustainability commissioner. Today, I'm here as a citizen. First, I'd like to thank commissioner novick for the amendments, putting those in. I have not been a fan of this project from its inception and with those amendments, I am very encouraged that this project, and the communities can work together to be, I think, as successful as it can be. My concern all along with this project has not been about transit when it was the Powell-division, now the division-division. It's been about displacement of individuals. It's been about housing and community involvement and it's been about displace. Of businesses also. These amendments address four things. It focuses the resources on the corridor, the housing resources, the business resources. It focuses the communities in the corridor, not in the general east Portland. Second, it pushes the spending upfront. Displacement's going to happen upfront on these projects, not at the end of the project. So the faster we can spend for housing, business, preservation of individuals and businesses, the better off and the benefits will attribute to those communities faster. They get to stay in their communities and work with you, at city council, in accepting those benefits and, I guess, growing -- because transit does bring

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other benefits to communities. We see them improve. We've seen that downtown. We want those benefits to go to east Portland. But we don't want them to go to the residents today, not the ones that are coming in. The other part is, this issue around trimet and the service level. To me, this is a serious issue. I believe commissioner novick's pbot has put together a service enhancement that they're trying to get trimet to add more buses in east Portland into the 148th-162nd. How do you bring service back to a transit area and insure that they get better service overall because of a new transit line coming in? And that's important. These are people that are transit-dependent and we want them to use transit. You heard earlier from staff, buses are filled up on the lines they do have. How do we get them more transit to fill up more buses? And that's a good problem to have. I mean, that's a good feature to have, especially in the kind of north-south ways. And lastly, the community involvement, the mou is really an equity issue for me. It puts them in a perception area on the equal footing with everybody else on this issue. And, allows them to sit at the table. And that's important for low-income and minority communities and communities of color. This is a neighborhood and the number of neighborhoods that fill from time to time that in my experience on the planning commission, are not listened to and now you're saying, yeah, you're going to be at the table, you're going to be a part of that conversation and part of the planning process and we are going to listen to you. Thank you for that because I think the communities want to be at the table and provide input and be constructive members of this community and in my experience, I've been doing this as long as you, mayor. [laughter]

**Hales:** We shouldn't admit that. [laughter]

**Baugh:** I was just disappointed to see communities saying no to a transit project because it's been since the south [indiscernible]. If you remember that long ago, 96-97, that someone said no on a transit project. We have been the model city for bringing communities together to go to the federal government and we should continue that and you do that with involving communities and getting them to come forward. So, thank you very much. I guess the last thing I would say is, it's the accountability now. It is holding our partners to do what they say they're going to do. It's doing what we say we're going to do from the housing bureau and pbot and also, funding. You heard earlier, there's lack of business money for the business support. So, the budget's coming up are going to be coming up to insure that we fund these things because that's how the businesses today are going to probably have to utilize part of that money to stay there because transit does bring a lift and in property values and things. We want those businesses to be preserved and benefit from that lift coming from this project. Thank you.

**Hales:** Thank you.

**Fritz:** Is the understanding of the memorandum understanding that the parties are going to come back to us by June for how to do a proposal for 148th to 162nd?

**Baugh:** There's a process of planning that needs to start with trimet about how they're going to put together their transit service and I would encourage that to be part of the mou and I believe that's what's proposed in the mou.

**Fritz:** Yeah, it seems to me -- I'm -- I'll stop whining about the 44 not going off enough on Sundays. The service southwest, which has been improved. There's nothing on those two streets. Having a loop that would go one way and one the other way, just not coming into town, because lots of people don't want to catch the bus downtown. You mentioned about getting to the Columbia corridor. 59% of renters drive to work and we know a lot of east Portland has renters as community members. It's not surprising. When we're looking at the bus service to schools and we heard David Douglas and park rose have the yellow buses. When you miss the yellow bus, you have no other option. I hope trimet and others who are listening are hearing the urgency in my voice and commissioner I'll be sure to watch out for

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this and make sure it comes back. Thank you.

**Marks:** If I might, commissioner Fritz, part of the issue, again, that east Portland action plan is the trimet's timeline and waiting to start north-south service --

**Fritz:** I wanted to be very clear, that's not acceptable to me. I think it needs to happen sooner rather than later. You would have a challenge with running enough.

**Boisen:** Thank you, commissioner

**Parsons:** We have seven speakers. Please come up when I call your name.

**Douglas Allen:** My name is Doug Allen. I live in southeast Portland. Mayor Hales and members of the council, division brt is neither light rail neither a substitute for light rail. Quoting Neil McFarland, as you may know, trimet grew up 5% over 2005 to 2015. We're seeing actual year over year decline in the range of 5%. As population and density grow and expect to reduce reliance on the automobile, this disconnect between housing and our transportation system cannot continue. It must demonstrate a path towards increased transit ridership. There are three problems. There are excessive gaps between some of the stops. The fleet will be 60-foot long diesel buses. They will not operate any more often. Now remember, this is not an express bus. There is no underlying local service plan. The brt will be the local service. If trimet reduces access, ridership may not grow even if the signals tell the buses. Removing a majority of the stop? The stops are defined in the lpa with some gaps close to one-half mile. Stops should be no further apart than a quarter of a mile. Proven way to increase ridership is to increase frequency. It should be every 10 minutes with electric buses. Recent advances in battery technology mean that transit buses are now available at a lower life cycle cost. Why aren't electric buses a part of the plan? When I testified, I was told that electric buses were not part of the plan. They had been considered and rejected. Multiple project handouts make sure the service will not be increased. Unless you speak up now, the opportunity to use electric buses will be lost. Unless you ask for additional service, the project will be a waste of resources.

**Hales:** Thank you very much.

**Fritz:** Commissioner Novick, is that correct? There's no option for changing to a different technology?

**Novick:** I'd ask staff to come up and address that.

**Hales:** We'll do that later. We'll get you up.

**Terry Dublinski-Milton:** Terry Milton. I have handouts for you. I want to speak in favor of the project. But, specifically towards the issues that have been talked about in the inner neighborhoods. I'm speaking as a private citizen; I've been tracking this project from the beginning. Three years ago, I said, I told you so, it wouldn't work without dedicated lines on Powell. What has happened over the last year is when we realized that there wasn't enough money for Powell, it was pigeon-holed into division. A lot of this is because of the excitement of dealing with Powell because Powell was such a monster and I know that that's not part of this project. The reason why, I think for the inner neighborhoods, we should support it, the 30th station was added in the last couple of months. It completes the bike lane gap. We'll have increased reliability and capacity and it does increase the service on the 20 bus line. The 20's going to move up to frequent service. The biggest problem is at the Clinton triangle. We had an overpass that was pulled from 16th and Clinton area. And now when you get those freight trains that sit, people try to carry their bikes over, somebody's going to get a limb ripped off. Replacement of the overpass, which is part of the amendments, which was included, really does need to be part of this. I'm going to spend the last minute and 20 seconds talking about Powell. The excitement was because we were excited about fixing Powell and now we can't. It is a big project and so, what I want to talk about is the future of Powell and putting this as a high capacity project. I'm calling this the purple line. It could go from Clackamas town center to Beaverton transit

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center and cut the commute time to 53 minutes down to 30 minutes and shorten the commute time from Clackamas town center to Beaverton center. We have our single-family homes. The tech sector's in Beaverton. If we are going to drop down the people through Portland, we have to give them better transit. We need to redesign Powell, after the southwest corridor and the current administration will be gone and we'll probably have money for transit. It would allow us to really pull down the single occupancy rate. We're adding 20 high frequency buses on the 20 line without improvements. We need to pay attention. Thank you.

**John Carr:** Good afternoon, mayor Hales and commissioners. My name is John Carr, I'm a resident of South Tabor and I'm here as a representative of Portland Clean Air. Portland Clean Air has more than 1,500 Portland donors and is working with stakeholder groups. The addition of high capacity transit to the Powell-Division corridor will help improve local air quality by making transit more attractive than driving. I want to speak to the potential of this project to do even more toward reducing pollution, noise and carbon emissions. To do that, I want to focus on a central aspect that has come up. Regarding the bus rapid transit project. Project planners have considered using a newer bus technology. We have no reason to doubt that this is still their intention. The final recommendation before you leave the bus type an open type. Bus size is a larger 60-foot articulated bus. We ask you to weigh in on that today and amend the resolution to adopt the locally-preferred alternative to do battery electric buses. In its most recent national air toxics assessment, they reported that Portland is the worst American city for respiratory distress. They emit far less emission; electric buses take it all the way. According to a 2016 analysis and the Green Lining Institute, it is lower than diesel. The key factor in reaching the sustainability goals are 75% lower. Noise emissions, too, are significantly less according to a 2007 study. This is particularly important on a densely-urban route. Two North American manufacturers offer electric buses. Though the upfront cost is higher, lower fuel and maintenance costs make them a better deal than diesel. The lifespan of a bus is 12 years, by the way. Whether it's diesel or electric, the initial fleet purchase will likely be on Division Street until the year 2033. The Portland Streetcar and MAX have set the bar for clean, electric high capacity transit. If bus rapid transit is the future, electric buses have to be part of it. Portland Clean Air urges you to amend the resolution to specify a preference for battery electric buses. Thank you.

**Hales:** Thank you very much. Next three, please. Welcome. Good afternoon.

**Hales:** Good afternoon. Arlene, I think you get to go first, if you'd like to.

**Arlene Kinura:** Good afternoon, Mayor Hales, commissioners. Commissioner Novick, thank you very much for your amendment. I'm cautiously supporting this project because of the amendments. Without those amendments, I do not feel that it meets the needs that we, as community members, are doing our very best to provide services for the east Portland residents. In past, when the -- the wording says that it's aspirational. Unfortunately, the group that has paid for it has been our low-income bus riders, which we have a number of in east Portland and I ask -- I strongly urge that this motion, in all of its iterations, which includes also consideration for non-diesel buses, be supported. Thank you very much.

**Hales:** Thank you.

**Susan Pearce:** Hi, I'm Susan Pearce, speaking as chair of the Abernathy district neighborhood association. I'd like to talk about transportation plan number 20185, bridge that we refer to as the Brooklyn Bridge. On behalf of the board members and residents, I urge you to support the construction of a pedestrian and bicycle bridge across the up railroad and MAX tracks near the MAX Orange Line, Clinton station and the crossing at 11th, 12th and Milwaukee Boulevard. It is currently at the end of the TSP list. This is a

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matter of safety, zoning concept and reality and ridership and by the way, you're getting an emailed version of my comments. The bridge would replace a bridge that once crossed the up railroads but was removed during the construction of the orange line. There were assurances that the bridge was replaced. But it was set aside when federal funding was going to be 50% instead of 60%. While the project was under budget at the completion, federal funding was removed. The crossings at 11th, 12th and Milwaukee are frequently by slow-moving freight trains. They are likely to increase in length and frequency along with the passage of -- also blocking are the passages of the max trains and that complex signal cycle for that complex intersection. Bicyclists and pedestrians have been observed and documented on videos climbs between trains. Indeed, one of the elected officials in this room was videoed eight different -- at one stop, at one event -- eight different people climbs through, in a 35-minute period. And then that only -- it could have been more, but the battery died on his phone.

**Hales:** You're not saying one of the elected officials here climbed through the train?

**Pearce:** He didn't climb through the train; he was videoing others climbing through the train. [laughter] a bridge for pedestrians and bicyclists would offer an alternative to this very dangerous and risky activity. Zoning provides for increased density and limited parking for automobiles within one-quarter mile radius of a transit stop, including the Clinton station, a very reasonable concept. However, all residential sites are subject to those zoning rules and are unable to access the site often because of the blockage of the train. That belies that zoning concept. A hand -- I'm going to skip ahead because I'm -- we've noted that several times, in letters to you and the bureau of sustainability. Han residents from within and beyond the quarter-mile are reporting that they are fearful of relying on orange line for transit after having found themselves stuck on one side of the trains and then missing important commitments. So, potential ridership is therefore lost because people aren't even bothering to try.

**Hales:** Try to wrap-up Susan.

**Pearce:** You get my point. I do want to leap ahead to mention that hand -- I have a minute more. Han --

**Fritz:** It's been over a minute now.

**Hales:** We're giving you extra time.

**Pearce:** Hand opposes the brt for a number of reasons. You're getting an email on this, as well. One very important reason is, again, those long back-ups. The question isn't whether they can get across at 8th avenue, the question is whether they can even get to 8th avenue. Back-ups, we're very familiar with them. They can as far as 3rd and Harrison and 20th and division. That's a flaw. There are a few others, but for that reason, we originally applauded the improved benefits for east Portland but believe it could be better-spent elsewhere.

**Hales:** Thank you. Welcome.

**Rick Bartko:** Rick Bartko with division midway alliance, board member and treasurer and mill park resident. I'm speaking more with my mill park resident hat. I want to just say how incredibly supportive the city has been, the npi's, the neighborhood prosperity initiatives, their mentors, jade apano, east Portland action plan. These folks have come together to advocate for east Portland. Capacity-building is going great. These folks are getting the community engaged in a way that I think is very exciting. And hats off to all those folks. Second part is a biblical verse 20:9:18. Where there is no vision, the people perish. There's the second part of that. We won't go into that one i've seen that in a public space. I've seen that in a county commissioner's chambers before. This is a recommendation, maybe not this particular one. But perhaps here to provide a reminder to folks in the future that we have vision, not just some parts of the city, but all parts of the city in a way that

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benefits all citizens with social justice and equity, perhaps that's what the vision should be going forward. Thank you.

**Hales:** Thank you. Thank you, all. You have some more folks?

**Todd Struble:** My name is Todd Struble and I'm the jade district npi manager. I wanted to echo and reiterate a lot of the things we've heard. We're centered on preventing displacement and improving economic and health outcomes. This project has the potential to support that. We know it will bring displacement pressures. There are lots of good things in the local action plan we want to support and we want to appreciate the process and effort that city and project staff had gone through to work with community organizations and the leadership on the project considering displacement and land use issues early in on the process. That being said, we're going to hold project staff's feet to the fire, particularly with respect to the allocation of service hours. North and north-south routes. We're on 82nd and we hear that same concern from our residents and neighbors, that north-south is difficult. But I did want to go on record supporting the local action plan items related to housing and business mitigation. I continue to work with project staff to make sure our most vulnerable residents and businesses are protected from displacement. For example, little Tokyo in the Los Angeles area has implemented programs like zero interest loans through construction. It was a light rail program. There are funding mechanisms and we have ideas to work on project staff with for the businesses in our neighborhood. I want to reiterate the housing piece. Inclusionary zoning will impact coordination. And we're definitely going to go on record to support the ccc testimony that you'll likely hear tomorrow. With that, I think everything else I would talk about has already been said.

**Hales:** Thank you very much. So, I know we had one question for Allan. Maybe there are others. If you could come up and address the bus technology question?

**Allan Lehto:** Certainly, Mr. Mayor. Commissioners, thank you. Allan Lehto with trimet. On the bus technology, it is true that right now on kind of the sketch cost estimate we have, we are assuming articulated diesel buses. It is also true that we have a real interest in the ability to potentially run electric buses on this line. There is essentially one manufacturer right now you can buy an articulated electric bus from. I won't mention the name of it. It's a relatively newcomer to the space and has only recently gotten its compliance. We do hope that the other manufacturers who make buses will turn to articulated electric buses and that as you said, Mr. Mayor, we do have some more time to look at that as a possibility.

**Hales:** I think the concern you're hearing from the community and the council, with a climate action plan as aggressive as ours and being told we have to move faster, not slower or at the same pace, to build another project and rely on diesel buses would be a very unfortunate outcome.

**Lehto:** We didn't have any encouragement on the city -- wait.

**Fritz:** Can you address the reason why there isn't any north-south on 162nd and 148th?

**Lehto:** I think you probably know, there's a lot of east-west service in that area and that's - - for historical reasons, that's always been the stronger demand and continues to be so, unfortunately, despite the need for north-south service and so we are now, of course, looking in -- under the guidance of our service enhancement plan, which has a vision for including north-south service on both of those, looking at the opportunity. And, certainly not have -- have gotten farther than you got in testimony, part of the attachment you should have is a memo, talking about our commitment -- at the very least, reallocating the four division service to the corridor and putting at least one north-south service on that, as part of that proposed service.

**Fritz:** I don't really understand why it's connected to the Division-Powell rapid transit?

**Lehto:** Each year, our payroll taxes is slowly going up. Over the course of 10 years, a small increment. We have a relatively small amount we can invest. Right now, back in

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September, we improved the 122nd north-south service. We are looking to improve 180-181st. We would hope to do 148th or 162nd. The difference is that in 2021, when and if this project opens, then instead of taking the four division hours and putting that into the project, we're saying, just as we did with interstate max, just as we did with the orange line, saying all of those hours stay in the community and get reoriented to new service and that is so much more than we have available in any given year. It's a much greater opportunity to make really substantial improvements.

**Fritz:** Sometimes requires taking resources from somewhere else and putting it where there isn't any. The 94 rapid transit to barber transit center has been put on during in day, which is certainly very nice. I'd like you to look at what could you -- where could you reduce service in order to put it on those two streets? We know that there's a lot of low-income people there. The only grocery store's WinCo. They need it before 2021. Could you go and look at it, please?

**Lehto:** We certainly will. Not only now, but each year at that because we get to make some improvements every year.

**Fritz:** I don't think I've been asked to fill out a survey and see where things are too generous. I'd be happy to work with you on that.

**Lehto:** Thank you.

**Hales:** Questions for Allan or pbob staff? Thank you very much. If not, we might be ready to take action on the resolution.

**Novick:** This has been an extraordinary project with an extraordinary level of community involvement and it's been a difficult project and a contentious project for a lot of folks. I really appreciate people's willingness to work together and to work together beyond the point where they thought they were going to pull back from the project and to agree to continue working together based on commitments we are making now. I just want to thank the staff. I want to thank counselor Stacey and the folks from epap, from the division midway alliance. I want to thank Leah treat and Andrea Valderrama. I want to thank April and thank her for something. [laughter] really appreciate all the work. We have lots of work left to do. Aye.

**Fritz:** Well, thank you, commissioner novick, for your dedication to the bureau that you were given four years ago. You've achieved so many great things. It's not possible to list them all. You've done it by continuing to address the issues that most need to be addressed. I was at the Oregon walk fundraiser last Friday along with several other people in this room. Commissioner novick got a standing ovation before and after his speech. Thank you for all your work. Thank, everybody, who's here. We certainly need to have better service to east Portland and I'm glad we'll be able to work together on it. Aye.

**Saltzman:** I want to also thank commissioner novick for his leadership on this and the steering committee and metro councilors Stacey and Craddick. It's a slimmed down vision, but it makes more sense. We have adjusted the realities to some of the constraints we faced in the field in east and southeast Portland in terms of making a system work. I think the smaller, but articulated buses, hopefully they will be electric. I realize we don't want to rely on one vendor or one manufacturer. I hope that given all the concerns we have about diesel particulates; other manufacturers will take heed. So thank you for this good work and I look forward to this project being funded.

**Hales:** Let me start with what may seem like a reference. It isn't for me. A few weeks ago we had the south Portland neighborhood here with folks worried about the possibility the city would jam the street car further south from the waterfront their neighborhood. Certainly now, if not usually, transit projects are going to get built where people want them. They aren't going to get pushed into neighborhoods that don't want them. Here in Portland, especially. And frankly, I think now in the term oil and confusion about what's happening to

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our national government, that statement is even more true. It has been the case that transit projects funded in part by the federal government have been a bipartisan commitment. You get to a project that's approved by the federal government and they sign a contract that pays for half the capital cost. That's how we've built a lot of what we've built in the city. That's been the way that it works. So, a deal is a deal when you work with the federal government that day. Now we may be moving to the art of the deal instead of a deal is a deal and it may be that city's that can put up a higher local match will outpace us. So, all the more reason to come together and agree on what we do want and come together on a project that has community support, whether it's the technology, the routes or where the stops are. The better we get to yes here locally; the better chance we will have of having help to pay for this. And so therefore, I'm happy about the progress this project's made. I'm very happy to support this. Steve, I want to echo my colleague's comments, transportation's close to my heart and I wear the choo-choo, charley label proudly. When I asked you to lead this, I believed you would be successful and this is one more sign it was true and a legacy of good planning. Thank you, on behalf of this community and a lot of people who support transportation. Aye. Thank you all, very much. Okay. Take a breath and we'll move on.

**Novick:** Actually, I hope we don't take too long.

**Hales:** Would you read item 1368, please?

**Item 1368.**

**Hales:** Commissioner novick, there are a few council questions that have been resolved?

**Novick:** I'm desperate to get this passed in the next 7 minutes. We will meet east coast media deadlines; we want to spark a national movement. So although this is near and dear to my heart, I will say aye.

**Hales:** We got to call the question, first. [laughter] unless there's not any reason not to, we'll take a roll call vote.

**Novick:** Aye.

**Fritz:** I want to be very clear, when commissioner novick first told me about this, I was very interested. He flushed out. I got more interested. So, I have never traded votes on this council and I never will. I solidly support this. Have been for several months and I think we should just do more of these things. Aye.

**Saltzman:** Well, with all due respect to commissioner novick. I've been on this council long enough to experience severe days when we had to step forward and help our school districts by imposing a surcharge on the business license fee to raise \$20 million a year in 2003. I believe that the head room under the business income tax should be preserved for true unforeseen situations, true emergency situations, which given Oregon's revenue situation are never too far around the corner. I don't believe this is the right time and the right place and the right reason to increase the business income tax and I vote no.

**Hales:** Big problems with our time, climate, race relations, income inequality are being addressed by cities. It probably should be a federal priority. Right now, it falls to cities to do creative progressive policy making and that's exactly what this is. Aye. All right. Let's move on. We have 1369 is rescheduled. So you don't need to read that, correct?

**Parsons:** I should read it real quick.

**Item 1369.**

**Hales:** This is rescheduled to December 14 at 9:30 a.m. 1370?

**Item 1370.**

**Hales:** Commissioner Fritz?

**Fritz:** Thank you. I have been working on this since last July when the mayor told me he's not able to run for reelection because the time it takes to fundraise and the expenses of our local elections. What I just handed out is a substitute I'm sorry I didn't attach it to the

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memos for some reason, so this -- as you remember, the last -- hearing -- the hearing we had, I said that we would convene a work group to work through the issues that were raised. So representatives from common cause, osprig, communities of color, women voters, the auditor's office participated in that work group and these documents include the changes that will address the concerns and so I'd like to ask Christine Nieves to come forward and walk us through those details.

**Hales:** Good afternoon.

**Christine Nieves, Commissioner Fritz's Office:** Good afternoon, mayor, commissioners. Since then, we have put together a work group and come up with potential solutions to the concerns that were raised during the November 3 hearing. I will go through each substantive change. So, the first is the question of administration. We understand that the auditor's office was unable to administer this program. So, we searched for an appropriate administrator and landed on the office of neighborhood involvement. The office of neighborhood involvement administers many programs. The open and accountable elections program will be housed in the public involvement within oni. It will be staffed by a program coordinator and a program specialist. And thank you to commissioner Fish, who is not here today, for recommending this next change. So, in the current code, donors may only ask for public match for one candidate per race. Which means that donors can still give up to \$250 to any candidate but only request matching funds for one candidate per race. Thank you to former auditor Gary blackmer for recommending providing more time to set a foundation for this program. With the amendment before you, the funding will be included for this program in the 17-18 city budget. The program of actually providing matching funds will start in July 2019, for the 2020 elections. Training of potential candidates and their campaign treasurers will be required. An additional directive is added to the ordinance, clarifying the director of oni will begin the implementation process, which means hiring a consultant. Finally, thank you to commissioner novick for raising and helping to solve the following issues which arose due to it being staffed with oni. The conflict of interest of the commissioner in charge of oni and the overall program. So the solution we came up with was to require all changes, all administrative changes, to be brought before the full city council for consideration and adoption. And as you know, most changes will come through the open and accountable elections oversight board. That is the vehicle we have set up for the program to house changes. The second is the potential conflict of interest for commissioner in charge during an election. When this commissioner is up for election. In that situation, the mayor may appoint another commissioner to oversee the election. We saw this with the office of healthy rivers, which was housed in the bureau of environmental services. Commissioner Saltzman was in charge at the time, the office of health reported to commissioner Fritz and commissioner Saltzman, so that was the dual supervision we hope to model. If a commissioner in charge of oni is up for reelection and a complaint is file, the elections board will have the authority to appoint an outside investigatory body and this will be included in the proposed administrative changes.

**Fritz:** Any questions on those?

**Saltzman:** I didn't understand the change that commissioner Fish -- you lost me on that one.

**Nieves:** A donor can only request for public matching funds for one candidate per race. So, they can give per --

**Hales:** Per race? So they can't give contributions to everybody who's running.

**Fritz:** Only one will be matched. The concern is what if people were gaining up on a particular candidate and also to be responsible with public funds. What we found with public campaign financing before with voter and elections, some good-hearted people

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gave \$5 -- contributed because they believed in the system and not necessarily an impact on big dollars.

**Saltzman:** Thank you.

**Hales:** Other questions?

**Fritz:** I'd like to move the substitute and then I understand commissioner Saltzman has an amendment.

**Hales:** Commissioner Fritz moved the substitute. Is there a second?

**Novick:** Second.

**Hales:** So, let's take action on the substitute and then on the amendment?

**Saltzman:** I'd like to get the amendment on it and get testimony. I'm offering this -- although I support it, I'm offering it on behalf of commissioner Fish. That is to refer this item to the voters at the May 16, 2017 election.

**Fritz:** I'm willing to second that for the purpose of discussion as a professional support to my colleagues.

**Hales:** Thank you.

**Saltzman:** I would just say -- I believe I speak for commissioner Fish on this point, too -- I think we're better when we rely on our voters to affect major changes that cost them at their pocket books. We've done -- we did it with the arts tax. We didn't have to refer the arts tax, but we did. We better insulated ourselves from the onslaught of criticisms. We also have done it for the roads, just last year. And I think we're betting for doing that. Especially considering all the criticism, we encountered on the street fee. We submitted something to the voters. I've always ascribed to the voters and we're stronger for it. The children's levy has been renewed three times. I think we build trust and credibility with our public when we do it that way. And even in this issue, it's been voted on by voters. I can't remember what the year was.

**Fritz:** 2010.

**Saltzman:** I think it clearly establishes this is not untrodden ground when it comes to asking voters. I tend to think voters would support this but I think there is a puzzling, baffling fear not to ask for voter support. I think we'd be better off if we did. I appreciate commissioner Fritz's putting this together. I appreciate that. I think it would be better if it was to be voted on by the public.

**Hales:** So, we should take testimony on the substitute. I think we have a couple signed up, anyway. We'll stand by and see if we have questions for you, unless you have anything else to add?

**Fritz:** That was it, thank you.

**Hales:** Do we have someone signed up?

**Fritz:** We had some invited testimony, as well. Are they still here?

**Hales:** Come on up.

**Mike O'Callaghan:** I have one question, Mike O'Callaghan. Nobody knows -- this is true in every government authority in this country -- nobody knows what computer program is put in the computer when the ballots are counted. Will this provide accountability for that process or will that remain secret?

**Hales:** Good question.

**Fritz:** The county oversees the election. Our proposal does add safeguards for protecting public money and transparency of candidate behavior. The election office in Multnomah county is responsible for the counting of them

**O'Callaghan:** I'll take that as a no.

**Fritz:** That's not the focus of this --

**O'Callaghan:** I have a significant problem. As you mentioned, mayor, our most recent election, now you'll find this on Facebook, that there has been computer fraud committed.

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We saw when bush won over gore in Florida. I was on this in Alaska and I kind --

**Fritz:** Could you stop --

**O'Callaghan:** Little thing here for myself, okay? I litigated in 1992, the primary in Alaska. It took me five years. First time in the united states an official ballot had been declared illegal. I started checking into computerized tabulation. I litigated the 94 election, in which three incumbents were thrown out in the house. One who spent \$3,000 on his campaign. The head of the data processing review board said they refused the tests back. They ran it and found an error in the computer program that would allow ballots cast for one candidate to be for another. The judge wouldn't do anything. Legislature met, new election cycle. I quit. The fix it on. And I think we saw that with this last election. Okay. I want there to be a way to confirm that these votes are being accurately counted and if we don't know what computer program goes in the computer, just like taking your ballot and stuffing it in a box behind a door and somebody yells out what the results are. It is unacceptable. Please, put that in there so Multnomah county -- people at Portland state can write a computer code to check ballots. Anybody can. Please, secure our democracy. It is not secure now. Thank you.

**Hales:** Thank you very much. Whoever would like to go first?

**Kate Titus:** Good afternoon, mayor hales, commissioners. For the record, my name is Kate Titus. I'm on here on behalf of common cause and 30 local organizations. Briefly, I want to affirm the strength of this ordinance and the proposed amendments here today. I want to point out that open and accountable elections are based on a well-tested model. Portland will not be charted unknown territory. There's already an established body of expertise that is informed this ordinance and will guide rule making an implementation. Moreover, this policy is already proven itself as a tool to achieve three outcomes that we're seeking here in Portland. One to increase and diversify community participation in elections which I would say then adds to community trust in our elected government. Two to support a broader candidate pool and more represented government. And three to make it possible for a candidate to opt out of the big money politics if they choose. So with regard to the specific amendments before you we're supportive of the proposed amendments worked out in recent weeks to address oversight in administration of the program. First we're comfortable with oni housing this program there may come a point when the commission chooses to revisit this a point in which it could make sense to move administration to the auditor's office or even the state elections division. However, for the immediate start up and the for seeable future we believe that housing the program under oni provides advantages particularly for launching an affective community oversight commission. I also want to affirm the specific solutions proposed to address potential conflicts of interest related to placing oversight administration at oni, to be clear we would have to insulate against conflicts of interest regardless of where the program is housed oversight of all aspects of our election across the country is generally handled by elected public servants, so we can't completely avoid this issue, but instead we need to take steps to insulate against specific conflicts of interests created by any given arrangement. In this case, we believe smart precautions have been identified. By engaging a community board in the process of identifying and making any changes to the program and requiring all the administrative rules to be brought before the full commission for consideration, you create a healthy process for public input and transparent deliberation and limit the authority of a commissioner who is in charge of oni likewise, providing dual oversight in an elections program within oni during an election where the commissioner in charge is running for reelection provided a good safeguard to protect oni's staff and independence. In addition, a board that could also appoint -- the board could appoint an investigative body to replace oni open and accountable election staff as was mentioned by Christina and something I

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think also adds to this. I would like to touch on three other priorities I hope we don't lose sight of in the implementation provided we're able to go forward with this program. One I think all of us here are committed to find a way to ensure that all Portland residents if their eligible under state and federal law to contribute to political candidates should be allowed and encouraged to participate in this system by having their campaign contributions matched up to the first 50\$, this includes those who are not registered to vote or who are legal residents but not yet citizens we want to welcome all Portlanders to have a voice in the democratic process. As yet we have only identified the voter files as a means to verify the eligibility. We'll need to identify one or more additional methods to exclusivity during the bounds of the law. I believe we can work that out in implementation process. Two the current proposal provides that a single donor can give a match contribution to no more than one candidate as was just discussed. I believe what's really at stake here is that those contributors who have a greater capacity to give more than \$50 shouldn't be able to tap to be funds for unlimited gifts to multiple candidates. However, in principle, if a single candidate wanted to split their \$50 between two conditioning or even \$20 I think that is within the democratic spirit that has been extended and shouldn't be discouraged. I suggest this is an adjustment that should be discussed and worked out during the implementation process. Three, I would just remind us all to not forget the importance of making sure that this program is intuitive and easy to understand for candidates and contributors alike. To that end it will be important in the rule making to startup of making sure all materials are clear and accessible and there's a well-developed candidate training and public education come next in place, an integral part of the program. We have no objections to voters voting on any measure it is a costlier procedure to run a valid campaign. Or it's a general large mandate and then we want legislators to work out the details. So I see nothing wrong with leaders working out the details of a complex problem like this and providing the leadership that we're calling for I would hope you would all move forward with this and would not draw this out for multiple years' and great expense to all involved to have a protracted valid campaign if that's where it ends up I believe that the voters will lead on this, but today we call for your leadership.

**Fritz:** Thank you so much. And thank you for all your partnership and guidance on this process you've been integral to the process.

**Titus:** Thank you.

**Serena Cruz:** Good afternoon. I'm Serena Cruz. I come to you as a mom, a Sabin Neighbor and a former candidate for Portland city council and I'm here to show my support account for open and accountable elections. I don't think taking donations from people means you listen more, but what I like about open an accountable elections reform is that it treats everyone like a big donor. So that even small donations have a big impact. It does it all within our existing ways of campaigning. Under this system you still need to make your case to both donors and voters you still need a website, house parties, and, yes, you'll still dial for dollars. But now under the new program, every donation counts. When every donation counts, so does every perspective. Candidates are freer to think about a broader set of issues. To hear from more of Portland in particular those who are underrepresented in city council women, people of color, LGBTQ folks and east Portlanders. To that goal of engaging underrepresented Portlanders I have a recommendation for the proposal, I think only requiring candidates to file only by petition by collecting 100 signatures is not a necessary barrier in particular to candidates committed to engaging new parts of the electorate. If I'm trying to engage voters for the first time typically who don't participate in Portland elections seems a little backwards to me. I imagine first trying to explain to folks that I'm running and then that I need their signature right now, and then I come back and hope they'll support me with a donation that will be matched, it seems like it's a hurdle not

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worth going through one that disadvantages potential voters that don't already know their way around elections. I'd rather see a candidate be able to file by fee, head straight to engaging new donors without complicating the message further. As you all know a complicated message can sow distrust and that is at the heart of our problems today. I'm excited to see new voices come together shaping this proposal. Now I can think of no stronger statements than a unanimous city council saying our voices matter, not just on the city's advisory committees and task forces, but alongside you, helping to make Portland a better place from the highest decision-making people we have, our elected city council. Thank you.

**Hales:** Welcome. Good afternoon.

**Iris Hodge:** My name is Iris Hodge, representing Main Street Alliance of Oregon. We are a coalition of over 3,000 small business owners across the state with nearly 1,000 in Portland. We bring forward the voices of Oregon small business owners on key public policy issues. I also wanted to thank Commissioner Fritz for your leadership on this issue. We're excited to be working on this. We support the adoption of the open and accountable election initiative, because it will provide opportunities for more than first candidates to run for office and represent their communities. This effort would encourage more small business owners, women, people of color, young people, people from immigrant communities to run for office and engage with their electing officials. Currently our democracy is out of balance. Wealthy donors and corporate interest continues to influence our elections and our local policy conversations. Candidates are forced to spend more time raising money from a small group of wealthy individuals and special interest groups. Candidates have less time to spend engaging with their everyday constituents. Open and accountable elections can change how candidates campaign, because small donations from everyday Portlanders are matched. Candidates have more incentive to spend more time engaging with people of all backgrounds such as small businesses, students, renters, people of color, seniors and working people therefore MSA Oregon urges you to adopt open and accountable elections.

**Hales:** Thank you. Thank you all.

**Hales:** Do you have any other?

**Fritz:** I did not. Did anyone else want to testify?

**Hales:** All right, then let's take action on your package of amendments, yes, on adopting the substitute and then we'll take action on the amendment on behalf of --

**Fritz:** Yes, on the agenda.

**Hales:** We can't amend and adopt on the same day. Let's take action first on your substitute, Commissioner Fritz.

**Novick:** I'll give a big fat speech about how great this is when we pass it. Aye.

**Fritz:** I want to state my great gratitude for everybody that has been involved in this. Commissioner Novick, Commissioner Fish have made it better and I was kind of surprised to read in the media they think I traded votes if I was going to do that I would have held out for Time Raines in the Hall of Fame. A hard one for me, but I got there. Obviously I've been working on this system for 11 years and it's a really good day. Thank you so much to Christina Nieves and Tim Crail on my staff and everybody here is kind of waiting for us to vote to send this on to second meeting 15 minutes after five. Thank you. Thank you for everybody who has been involved. It's going to open things up, Aye.

**Novick:** Commissioner I forgot to say one thing, Portland December 7 that will now live in infamy.

**Saltzman:** No.

**Hales:** Thanks for leading us from the heart and it's served us well. Somewhere between Dan and me I've run nine -- I've led nine campaigns in the city of Portland, all have been

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successful and helped out with the gas tax, so I've had a lot of experience leading campaigns in the city. No one in Portland politics is bought and paid for we have ethical people serving to the best of their ability here in this council and in other local officers, but, of course, the money problem is here, too. The problem, of course, is the arms race of big, expensive candidates that's both a drain on the efforts of people who might be needing to do something else, like the public's business or have a life while trying to lead while running for their first office, so this is a problem that need to be addressed. And the current system, if you want to call it that, is a barrier to new candidates yes they occasionally succeed, but it's a rarity not a normal thing in our politics I think this is a reform that will make our city politics healthier, and that passes the Hippocratic oath of first doing no harm and second, making it better and I do believe this will do this. I also try to measure twice and cut once so I called mayor Bill de Blasio in New York who has been living with this situation for a while and he said yes, what that system that has been very much one of the models for this one has done for New York is meant there is a more robust and open political system that allows people to get into local leadership and reduces obviously in a city where there's a great deal of big money, the influence of big money, so to me that was testimony that was very persuasive in addition to good testimony we've heard here. Very pleased to support this. Aye.

**Fritz:** I would like to vote on the amendment.

**Novick:** Commissioner Saltzman Amendment? No.

**Fritz:** Well the reason I like these things with two votes is then you can say some of the things you forgot to say before. In this case, it was when I -- I asked Amalia Alacron Morris the director of ONI if she thought we could work to put the proposal inside her office. She said, sure, let's work on this, figure out how to get it done and I really, really appreciate that because it has been challenging. There's no perfect place, but for me having it in ONI is a really good thing. The voters in November 8<sup>th</sup> supported measure 26184 by 87%. That was the county election reform. That may or may not be constitutional, but it is an absolute indication that spending several hundred thousand dollars putting this on the ballot would be a waste of that and we know we're going into a budget where we're going to have to find cuts and I'm happy we'll be spending \$300,000 or more on a ballot measure question. We did refer the arts tax I supported that, and it came to light that the art tax isn't exactly perfect and has some challenges and inequities in it. I have said let's vote on the council to make it better. The majority of the council said, no, the voters have spoken, we would have to refer it back to the voters. That's another good reason to do this. This is a well-known system. It will be Portland-ized. The suggestions that Kate Titus has had for making sure everybody can legally donate is allowed to do so even they are not a registered voter with a signature is one example of that. The campaign mission is going to be looking at things and making it better. If they decide that changes -- all of those changes and the initial administrative rules will come to council for a vote works it will be modeling being open and accountable and I will just note we didn't send a construction excise tax to the voters. That is also going to raise the money, which I appreciate having for affordable housing, so no.

**Saltzman:** I think it would be better if it was voted on by our residents. They were discerning on what they choose to fund, not to fund. There's a lot of ingenuity behind this approach and I commend commissioner Fritz for that I feel it would be stronger and withstand the test of time and all sorts of other little challenges might be out there if it had the sealed approval from Portland owners, so I vote aye.

**Hales:** No.

**Hales:** That comes back for a second meeting next week. Thank you so much, commissioner Fritz. We have a few more items left in our endurance agenda today. The next one is 1371.

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**Item 1371.**

**Hales:** So this is a hearing on the formation of the local improvement district. We've had quite a bit of council discussion about this project including committing city funds to help support it. So I believe this is simply the opportunity for anyone that wishes to testify about the creation of the district to speak --

**Parsons:** Mayor, excuse me, this is scheduled next week.

**Hales:** Okay. I was wondering why we didn't have staff here.

**Hales:** Okay, we'll reschedule it rather than having me try to explain it all. 1214 at some particular time? Just regular agenda? Morning session? Yes, so ordered. 1372.

**Item 1372.**

**Hales:** Second reading roll call vote please.

**Novick:** Aye **Fritz:** Aye **Saltzman:** Aye **Hales:** Aye

**Item 1373.**

**Hales:** Second reading roll call.

**Novick:** Aye **Fritz:** Aye **Saltzman:** Aye **Hales:** Aye

**Hales:** 1374.

**Item 1374.**

**Hales:** Good afternoon.

**Teresa Elliot, Portland Water Bureau:** Good afternoon.

**Hales:** Evening I should say.

**Elliot:** Yeah, it is good evening. I'm Teresa Elliot chief engineer Portland water bureau. I will be very brief. I'm here to ask for your approval to allow the bureau to hire a construction contractor to build the pump station at our green leaf site on northwest skyline it will replace an existing pump station that has met the end of its services life. It will be designed specifically to improve the bureau's ability to provide fire flow in the west hills. And because it meets the -- it will meet the current building code, it will also be one we can call a seismic improvement as Well. Construction is expected to begin summer of 2019 and our construction cost is estimated to be just around 1.3\$. We have a low level of competence based on our ratings scale and we have an mwesb with 20% with 14% going to the dmws. Any questions?

**Hales:** Questions for Teresa.

**Hales:** It returns for second reading next week. 1375.

**Item 1375.**

**Hales:** And the council made a tentative decision in this case these are findings to support the decision. Is there a motion to adopt the findings?

**Fritz:** So Moved.

**Saltzman:** Second.

**Hales:** Roll call to accept the findings.

**Novick:** Aye **Fritz:** Aye **Saltzman:** Aye **Hales:** Aye

**Hales:** 1377. We did -76 earlier.

**Parsons:** And that's coming back tomorrow?

**Hales:** 1376. Sorry, I've lost the item number. 1364 are coming back for council deliberations and vote tomorrow.

**Saltzman:** Mayor, this is a good point for me to clarify on the record, I think it's our intent that if the weather doesn't cooperate tomorrow there will be not be a council, but if there is council tomorrow we will have the hearing on inclusionary zoning.

**Hales:** No, we have not cancelled the meeting yet.

**Fritz:** Since testimony was already taken on this if four of us could get here tomorrow we could vote on it then.

**Hales:** Right. So it's my intent to conduct the 2 p.m. Council meeting tomorrow even if we

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arrive in snow shoes because one we need to approve this because time is of the essence. Obviously the public can't here for a big discussion on inclusionary zoning for an issue like this. I don't want to preclude the public of participating in a council meeting which this is a discussion and decision for us having already had the hearing so if there's four of us and a few beleaguered staff getting here to support the --

**Saltzman:** At the end of the hearing earlier today, housing bureau staff said we could pass it next week with an emergency amendment with respect to Ellington. I don't want to predict what the weather will be like tomorrow or our ability to get here. It will not occur tomorrow if the weather doesn't cooperate. We'll do it instead on Tuesday.

**Hales:** So our plan is to act on 1374 and 1376 tomorrow regardless and we'll see about the rest. Okay, does that work for everyone? So then that item is continued until tomorrow. 1377 we can take up now.

**Item 1377.**

**Hales:** Commissioner Saltzman, do you have any comments?

**Saltzman:** This is for refinancing of the headwaters apartments in Sw, the refinancing will convert market rate units into affordable rate units. Also it would provide seismic upgrades and rehab and upgrade of the Fairfield apartments. It's part of our affordable housing stock providing homes for very low income, medically fragile people and people with disabilities. I don't think anybody is here to present on this, but I want to thank Kurt Creager for figuring out the refinancing, both the rehab, to do this has been on the agenda for a longtime, but Kurt helped with a decision to vote and Karl Dinkelspiel was integral to That decision and I don't think he wants to say anything. I didn't see you there, carl. We're here to approve.

**Fritz:** I'm not quite sure -- why are we dedicating money for a refinance?

**Hales:** Karl, you are on the spot. Come on up.

**Karl Dinkelspiel, Portland Housing Bureau:** I'm the senior program manager at the housing bureau. This item before you is simply to approve the contract for cbre that will facilitate a refinance for the headwaters. So headwaters has debt that was taken out by the city lights bonds about 10 years ago, something like that. We will be refinancing that. The building is now more valuable than it was, so we'll ask them to facilitate a hud loan to take out some portion of the city financing.

**Fritz:** This 350 to pay off the loan?

**Hales:** No, not at all.

**Fritz:** It cost that much to refinance it.

**Hales:** There are fees for cbre to refinance the loan.

**Fritz:** And how much will we save by refinancing.

**Dinkelspiel:** The question is not really around the savings, it's really about repositioning the asset so that the asset currently does not have affordability restrictions. We'll have 40% of units at 60% of the median family income, we'll also generate income so that we can use it on the fairfield which the city also owns to rehab the fairfield.

**Fritz:** And I apologize, it's been a very long day.

**Hales:** It has.

**Fritz:** Like mortgages are we paying off the mortgage or paying off the other one?

**Dinkelspiel:** We're paying off the existing mortgage with a -- It's called a crash-out refinance.

**Hales:** Any other questions for Karl? Anyone want to speak on this item. **Hales:** If not, it's an emergency ordinance we can vote. Let's do, please.

**Novick:** Aye.

**Fritz:** Colleagues I've been proud to serve with you this long day. Aye.

**Saltzman:** One for the record books. Aye.

**Hales:** Thank you all Aye. We're recessed until tomorrow at two p.m.

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**Parsons:** One more you continued. 1361.

**Hales:** What's the number again?

**Hales:** We're going to pull it back to my office for now..

**Fritz:** I can put on the record we had conversation by email and I thought the recommendation was to look at the whole thing rather than move ahead with this and not take care of the others.

**Hales:** We're going to pull it back for now and put it later on the calendar. Okay.

At 5:20 p.m. Council adjourned.

The December 8<sup>th</sup> meeting was canceled due to inclement weather.