



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15TH DAY OF FEBRUARY, 2017** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Fish, Fritz and Saltzman, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Jason Loos, Deputy City Attorney; and Elia Saolele and Mike Cohen, Sergeants at Arms.

Item Nos. 140 and 141 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
125	Request of Carl Wikman to address Council regarding celebration of Portland's only covered bridge, Cedar Crossing (Communication)	PLACED ON FILE
126	Request of Judy Cirillo to address Council regarding captioning, an invaluable tool for those with hearing loss (Communication)	PLACED ON FILE
127	Request of Terri Mundt to address Council regarding celebrate National Court Reporting and Captioning Week (Communication)	PLACED ON FILE
128	Request of Tevin Green to address Council regarding celebrate National Court Reporting and Captioning Week (Communication)	PLACED ON FILE
129	Request of Jeff McAllister to address Council regarding how the City was remiss in adequate preparation for snow storm Jupiter and to voice two proposals (Communication)	PLACED ON FILE
TIMES CERTAIN		
130	TIME CERTAIN: 9:45 AM – Proclaim February 15, 2017 to be Stan Penkin Day in Portland (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 10 minutes requested	PLACED ON FILE
131	TIME CERTAIN: 10:00 AM – Venture Portland North and East Portland Pilot Project year two progress report (Report introduced by Commissioner Fish) 45 minutes requested Motion to accept report: Moved by Saltzman and seconded by Fritz. (Y-4)	ACCEPTED

CONSENT AGENDA – NO DISCUSSION		
Mayor Ted Wheeler		
*132	Authorize a Memorandum of Understanding between Fourth Ave., LLC and Fifth Ave., LLC and the City of Portland for operation of a homeless shelter at SW 4 th and SW Washington (Ordinance) (Y-4)	188226
Office of Management and Finance		
*133	Authorize a Special Appropriation grant agreement with Airway Science for Kids in an amount not to exceed \$28,500 to expand their Teen Flight program to NE Portland (Ordinance) (Y-4)	188227
*134	Authorize a Special Appropriation grant agreement with The Community Cycling Center in an amount not to exceed \$55,000 for The Bicycle Summer Camp for Children in East Portland (Ordinance) (Y-4)	188228
*135	Authorize a Special Appropriation grant agreement with The Center for African Immigrants & Refugees in an amount not to exceed \$49,090 to reduce the achievement gap through enhanced learning preparedness for Somali school-aged students in SE Portland (Ordinance) (Y-4)	188229
*136	Authorize a Special Appropriation grant agreement with Volunteers of America Oregon in an amount not to exceed \$23,658 to provide economic empowerment services to adults and children who survived domestic violence (Ordinance) (Y-4)	188230
*137	Authorize a Special Appropriation grant agreement with Volunteers of America Oregon in an amount not to exceed \$76,341 to provide ongoing domestic violence advocacy, safety planning and emotional support to teens and to expand the scale of these services (Ordinance) (Y-4)	188231
*138	Authorize a Special Appropriation grant agreement with College Possible in an amount not to exceed \$100,000 to provide intensive college access and success programming for low-income Portland students (Ordinance) (Y-4)	188232
139	Extend term of franchise granted to Sprint Communications Company, LP to build and operate telecommunications facilities in City streets (Ordinance; amend Ordinance No. 172141)	PASSED TO SECOND READING FEBRUARY 22, 2017 AT 9:30 AM
Portland Housing Bureau		

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<p>*140 Amend Joint Office of Homeless Services Intergovernmental Agreement with Multnomah County to support ongoing implementation of activities to prevent and end homelessness through the partnership with the County and the A Home for Everyone collaborative and increase funds by \$2,558,474 (Ordinance; amend Contract No. 30005335) (Y-4)</p>	<p>188235</p>
<p style="text-align: center;">Commissioner Nick Fish Bureau of Environmental Services</p>	
<p>141 Authorize a contract with Parametrix, Inc for professional services for the Broadway & 94th Pump Station Upgrade Project No. E10783 in the amount of \$423,629 (Ordinance) Rescheduled to February 15, 2017 at 2:00 p.m. Motion to correct M/W/ESB participation to \$138,325 or 32.6%: Moved by Fish and seconded by Fritz. (Y-3; Eudaly and Saltzman absent)</p>	<p style="text-align: center;">PASSED TO SECOND READING AS AMENDED FEBRUARY 22, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Water Bureau</p>	
<p>142 Authorize an Intergovernmental Agreement for \$67,500 with the Mt. Hood National Forest for fire lookout services for the Bull Run Watershed (Second Reading Agenda 115) (Y-4)</p>	<p style="text-align: center;">188233</p>
<p style="text-align: center;">Commissioner Dan Saltzman Bureau of Transportation</p>	
<p>143 Remove conditions on the operation of a loading dock door serving a building located at 701 SW Broadway (Second Reading Agenda 117; amend Ordinance No. 141936) (Y-4)</p>	<p style="text-align: center;">188234</p>
<p style="text-align: center;">REGULAR AGENDA Morning Session</p>	
<p>*144 Authorize a Special Appropriation grant agreement with Metropolitan Public Defender in an amount not to exceed \$50,000 to implement the Immigration Protection Project (Ordinance introduced by Mayor Wheeler and Commissioner Fritz) 30 minutes requested (Y-4)</p>	<p style="text-align: center;">188236</p>
<p style="text-align: center;">Mayor Ted Wheeler Bureau of Police</p>	
<p>*145 Authorize disposal of surplus shields property and authorize the Portland Police Bureau to proceed with donation of the property (Ordinance)</p>	<p style="text-align: center;">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p style="text-align: center;">City Budget Office</p>	

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*146	<p>Authorize grant agreement with Hack Oregon, an Oregon non-profit corporation, to build open data web applications to promote engagement, awareness and quality of life with City data, not to exceed \$22,500 (Ordinance) 10 minutes requested (Y-4)</p>	<p>188237</p>
Office of Management and Finance		
147	<p>Accept bid of McDonald Excavating, Inc. for the SW Bond Ave, Surcharge and Retaining Wall Improvements project for \$3,142,479 (Procurement Report – Bid No. 00000431) Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
148	<p>Accept bid of Paul Brothers, Inc. for the Willamette Park Redevelopment Project for \$934,087 (Procurement Report – Bid No. 00000450) Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
Portland Housing Bureau		
*149	<p>Amend subrecipient contract with Community Alliance of Tenants to increase the grant by an amount not to exceed \$270,000 to support legal services program (Ordinance; amend Contract No. 32001389) (Y-4)</p>	<p>188238</p>
150	<p>Direct the Portland Housing Bureau to adopt an administrative rulemaking procedure (Previous Agenda 100) Motion to add Exhibit A procedure #5 regarding Commissioner notification: Moved by Fritz and seconded by Fish. (Y-4) (Y-4)</p>	<p>37267 AS AMENDED</p>
Commissioner Amanda Fritz		
Portland Parks & Recreation		
151	<p>Approve the designation of seven trees as City of Portland Heritage Trees and remove the Heritage Tree designation from five trees (Ordinance) 15 minutes requested</p>	<p>PASSED TO SECOND READING FEBRUARY 22, 2017 AT 9:30 AM</p>
Commissioner Nick Fish		
Office of Management and Finance		
152	<p>Refer amendments to the City of Portland Charter, Chapter 7, Finance, to the May 16, 2017 Special Election Ballot to authorize Council to interpret and administer provisions of the Transient Lodgings Tax (Resolution) 15 minutes requested (Y-4)</p>	<p>37268</p>

At 12:46 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15TH DAY OF FEBRUARY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Fish and Fritz, 3. Commissioner Saltzman arrived at 3:06 p.m., 4. Commissioner Fish left at 3:07 p.m., 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Senior Deputy City Attorney; and John Paolazzi and Elia Saolele, Sergeants at Arms.

The meeting recessed at 2:53 p.m. and reconvened at 3:06 p.m.

REGULAR AGENDA Afternoon Session Commissioner Nick Fish Bureau of Environmental Services		Disposition:
153	Authorize a contract with the lowest responsible bidder for construction of the Woodlawn-King Streets Sewer Rehabilitation Project No. E10331 for \$4,700,000 (Ordinance) 10 minutes requested	PASSED TO SECOND READING FEBRUARY 22, 2017 AT 9:30 AM
154	Authorize a contract with CH2M HILL Engineers, Inc. for professional services for the Columbia Boulevard Wastewater Treatment Plant Outfall 3 Improvements for \$674,612 Project No. E06923 (Ordinance) 10 minutes requested	PASSED TO SECOND READING FEBRUARY 22, 2017 AT 9:30 AM
155	Authorize a contract with the lowest responsible bidder for the construction of the Middle Hillsdale Rainfall Derived Inflow and Infiltration Pilot Project Laterals, Project No. E10617 for an estimated cost of \$3,400,000 (Ordinance) 10 minutes requested	PASSED TO SECOND READING FEBRUARY 22, 2017 AT 9:30 AM
156	Authorize a contract with Brown and Caldwell for professional services in development of the Bureau of Environmental Services Resiliency Master Plan for an estimated cost of \$499,299 (Ordinance) 15 minutes requested	PASSED TO SECOND READING FEBRUARY 22, 2017 AT 9:30 AM
Water Bureau		
*157	Authorize Intergovernmental Agreement with Multnomah County Department of Community Justice in the amount of \$375,000 to hire at-risk youth for outdoor maintenance and landscape services (Ordinance) 10 minutes requested (Y-4)	188239

TIMES CERTAIN

158 **TIME CERTAIN: 3:00 PM** – Improve land use and other City regulations through the Regulatory Improvement Code Amendment Package 8 – Technical Amendments (Ordinance introduced by Mayor Wheeler; amend Title 17, Title 24 and Title 33) 90 minutes requested for items 158 and 159

Motions for items 158 and 159 are numbered in the order motions were made.

1. Motion to adopt amendment to Item 3, Regular Lot lines to remove the requirement that the adjusted property lines to be at a right angle to the street; as stated in Wheeler 2/9/2017 memo: Moved by Wheeler and seconded by Fritz.

Vote to be taken 2/22/2017.

2. Motion to adopt amendment to Item 33, Definitions – Seep or Spring to remove the amendments to the stream definition; as stated in Wheeler 2/9/2017 memo: Moved by Wheeler and seconded by Fritz. Vote to be taken 2/22/2017.

4. Motion to add Inclusionary Housing Minimum Parking Requirements as stated in Wheeler 2/9/2017 memo: Moved by Wheeler and seconded by Fritz. Vote to be taken 2/22/2017.

5. Motion to amend 33.930.025 Measuring Development Standards as stated in Saltzman 2/14/2017 memo: Moved by Saltzman and seconded by Fritz. Vote to be taken 2/22/2017.

6. Motion to correct Title 33 Table 825-1 as stated in Eudaly 2/15/2017 memo: Moved by Wheeler and seconded by Fritz. Vote to be taken 2/22/2017.

7. Motion to accept Fritz amendment to 33.710.030 Commissioner, Committees, and Boards Generally as stated in 2/15/2017 handout: Moved by Fritz and seconded by Wheeler. Vote to be taken 2/22/2017.

**CONTINUED TO
FEBRUARY 22, 2017
AT 11:00 AM
TIME CERTAIN**

159 Improve City tree regulations through the Regulatory Improvement Code Amendment Package 8-Technical Amendments (Ordinance introduced by Mayor Wheeler; amend Title 11)

3. Motion to correct several minor typos and/or errors identified by City Auditor; as stated in Wheeler 2/9/2017 memo: Moved by Wheeler and seconded by Fritz. Vote to be taken 2/22/2017.

**CONTINUED TO
FEBRUARY 22, 2017
AT 11:00 AM
TIME CERTAIN**

At 4:00 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **16TH DAY OF FEBRUARY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn Beaumont, Chief Deputy City Attorney and Jim Wood and Elia Saolele, Sergeants at Arms.

160 TIME CERTAIN: 2:00 PM – Consider proposal of Willie Dean, Ground Up Design Works, for Demolition Review, and the Bureau of Development Services Staff and Portland Historic Landmarks Commission recommendation for denial, for the demolition of a contributing garage in the Ladd’s Addition Historic District at 1445 SE Division St (Hearing introduced by Commissioner Eudaly; LU 16-270658 DM) 1 hour requested

Motion to adopt Staff and Portland Historic Landmarks

Commission recommendation for denial: Moved by Fritz and seconded by Fish. (Y-5)

**ADOPT STAFF AND
PORTLAND HISTORIC
LANDMARKS
COMMISSION
RECOMMENDATION**

At 2:32 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: *** means unidentified speaker.**

FEBRUARY 15, 2017 9:30 AM

Wheeler: This is the Wednesday, February 15 Portland of the city council meeting. Karla, please call the roll.

Fritz: Here **Fish:** Here **Saltzman:** Here **Eudaly:** **Wheeler:** Here

Wheeler: Could you -- actually, no, I have to read this. Sorry. So our next order of business is communications. I want to say a few words regarding council proceedings and decorum. The purpose of the city council hearings is to hear recommendation from the community on the public's business, in order to give due consideration to issues before the council, we have to endeavor to preserve the order of decorum of these meetings. To make sure the process is clear to everyone, both those here and those watching at home or on tv, I want to quickly review some of the testimony guidelines. My hope is that these details help everyone to feel comfortable and indeed to also ensure the decorum is maintained. During the meeting there is two opportunities for public participation. The first is communications. If you would like to have the opportunity to speak to the council through communications, you need to make arrangements in advance to do that. We always welcome hearing people during the communications, and of course, throughout this session first readings to report resolutions and ordinances, there will be public testimony, but it has to be focused on the issue at hand. Please do state your name for the record, and we don't need your specific address. If you are a lobbyist we ask that you disclose that, if you are here representing an organization, we ask that you disclose that, as well. Individuals typically get three minutes to testify. Sometimes due to time constraints, we have to shorten that, if that's the case we will let you know. There is a lighting system up there and a bunch of beeps. It will be obvious when you have 30 seconds left, and then it will just go ballistic when you hit the time limit. If you have handouts, please give them to Karla she's the council clerk and she will make sure that we get them. It goes without saying that disruptions to the meeting, disrupting testimony, that is obviously not allowed. We want to make sure that everybody has an opportunity to be heard. We ask that people not express applause or dismay with anybody's testimony. A simple thumbs up or down or jazz hands or whatever helps to keep the meeting moving. So with that Karla, could you please call our first communications for the day.

Item 125.

Wheeler: I am sorry to hear that. Very good. Next item, please.

Item 126.

Wheeler: Good morning.

Judy Cirillo: Good morning. I am Judy Cirillo. This year I am president of the hearing loss association Portland chapter, and we are a chapter of the hearing loss association of America, which is a nation-wide organization, which works on legislation affecting people with hearing loss as well as communication skills and just a support group really, a lot of it is, because being a person with a hearing loss is a special situation, and there is more and more of us dealing with this. I also have a hearing loss. I wear two hearing aids. I will tell you it's a frustrating thing, even though I have pretty good hearing aids. Last night I was at

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a meeting and I was in the back row, that was a big mistake. I had a really hard time hearing what was being said even with the microphone because different people with hearing loss have different issues. Some don't hear the low tones, some don't hear the high tones so there could be certain sounds and syllables missed, and a syllable missed can throw off the whole conversation. Things like noisy rooms, rooms that don't have adequate carpeting or curtains or high ceilings -- these can all affect the sound, and noisy restaurants are the worst. You cannot hear in them. So I will give you a little background information. As you know today people are -- many more aging people, and aging has a definite effect on hearing so we're seeing many more people with hearing loss. We also live in a noisy world. Ear phones, noise in the workplace, all these things over a long-term period affect noise. Hereditary is a big part of it. Both my parents lost hearing as I got older so I was not shocked when it happened to me. People living longer, as I said. There are 48 million Americans with hearing loss. Hearing loss has been shown to negatively impact almost every dimension of life, physical, mental, and emotional health, people's perception of mental acuity, social skills, family relationships, self-esteem, school, work, all these things are affected by hearing, and there is a law today, the Americans with disabilities' act that people with hearing loss should be accommodated in the workplace. So whatever accommodations are necessary within reason are to be made. Also obviously it affects earnings, and it's an invisible condition. People might think that someone with a hearing loss is very aloof or confused or they are not very intelligent, and the whole time the problem is that they are not hearing right. I was a nurse for many years in clinics, and I remember working with one woman. She had diabetes. I spent quite a bit of time talking with her and one day I noticed it said this woman is mentally retarded. I got so angry because she was not retarded. It was just that the doctor had not picked up on the fact that she had a hearing loss. So this is the kind of perceptions that people have. The daily impact of hearing loss. I told you about my situation at the meeting.

Wheeler: I am going to have to ask you to start wrapping it up, please.

Cirillo: Oh, ok. Sorry. I just want to thank the council for what they have done in the past to increase captioning at meetings on tv screens. I understand that the council unanimously approved the ordinance that requires tv screens in public places in Portland, to keep the captions turned on. I know Amanda Fritz was very instrumental in that and the whole council.

Fritz: I am personally enforcing it by visiting as many establishments as possible.

Cirillo: Well thank you. And I think this is wonderful. I love it myself. So thank you all very much.

Wheeler: Thank you for your testimony. Karla, please call the next item.

Item 127.

Wheeler: Good morning.

Terri Mundt: Good morning. My name is Terri Mundt, and on behalf of the Oregon court reporter's association and the national court reporter's association I want to thank you Mayor Wheeler and council members for inviting us here this morning to celebrate our national court reporting and captioning week. I have been a court reporter since 1976, and I now teach court reporting at Sumner college. Court reporting is a fantastic career. Obviously court reporters work in the traditional setting in our courts. They also do pretrial depositions, arbitrations, hearings of all sorts. You can see what captioners do. You have a wonderful example here of captioning. One of the messages that we want to share with you today is that court reporters use cutting edge technology to bring the spoken word to text accurately and in real-time, and you can see that yourself. According to an industry outlook study released in August of 2014 approximately 5,000, to 5,500 court reporters will retire over the next several years creating a real demand for new court reporters coming

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into the field. Annual salaries of court reporters and captioners can reach upward of \$80,000, and the career does not require a traditional four-year college degree, so our students are often out in the field working way ahead of their counterparts who are in a four-year college. So one of the messages that we want to say is if you know a high school graduate, a community college student, someone looking for a career change to a fantastic career tell them about court reporting and captioning. Tell them to visit our national association's website or the Oregon court reporter's association website. Thank you for your time.

Wheeler: Thank you for being here. Appreciate it. Karla, please call the next item.

Item 128.

Wheeler: Good morning.

Tevin Green: Good morning. I was actually here last year, and at that time I was still a student. I had, I believe, about six months left, I believe, maybe. But I graduated in June of last year. I had a job maybe seven days later, basically. There are jobs out there to be had, to be found, and I have a couple of friends that just found work after graduating, you know, seven months ago. So I've been blessed to have the opportunity that I have. I have enjoyed every moment. It took me a while to find what I wanted to do, but when I found court reporting the school, I asked now that I've been working, it has been an amazing opportunity to work with the community in a way that I would have never expected. It is my job to scribe the testimony of the men and women in the state of Oregon. It is a privilege because their word, their testimony is important. It's a part of their record and their significant legal matters that they are a part of. It is just really, really important that gets down and is great that it's my job to do that. For the most part everything is very serious. It's a legal matter. Nobody -- you walk into a law office and you say hey, how is it going, most people don't say great. I am at a law office, at a deposition right now, so it can be tense sometimes, but there is always an opportunity for -- not always, there is occasionally opportunities for levity, which is great. I just recently distinguished the difference between a sweet of furniture and a suite of furniture, you know suite, so I had to stop and ask the attorney, suite? So that was a funny little circumstance that I was in the midst of something much more serious. It's a great moment to sit and realize that, you know, this is a serious times and serious things happening but my job gives me the chance to embrace the little moments that are simpler in the midst of a dramatic event which is what most of my job is. There is occasional chances for a lot of levity. I have enjoyed the job. I am trying to tell my friends about it, but it's hard to pitch off the bat because they think just writing all the time. It's kind of like a game. You learn how to create these briefs to write things quicker or faster, and you have a surprising amount of interaction with people in your community, which is easily my favorite part of it. Thank you.

Wheeler: Thank you. We appreciate your testimony.

Green: Thank you very much.

Wheeler: Next item, please, Karla.

Item 129.

Wheeler: Mr. McAllister, are you here today? All right. Maybe next time. Could we please move quickly to the consent agenda? Karla, any item, I understand items 140 and 141 have both been pulled. Have other items been pulled?

Fish: The 141 will be pulled to the afternoon session.

Wheeler: To the afternoon. Very good. Session 140 has been pulled. Please call the roll on the remainder.

Fritz: Aye.

Fish: I apologize. I have a bit of a head cold and I can't speak well but I want to acknowledge that Julie Mancini is here on behalf of college possible. We are awarding a

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\$100,000 grant to support their outstanding work in our community. There may be other grantees in the room, but colleagues, it's an honor roll of great community activities and programs which we have a chance to fund through our new special process so I am pleased and honored to support them today. Aye.

Saltzman: Aye.

Wheeler: Aye. The consent agenda is adopted. Please call the next item. Let's go to the time certain items. Take care of those and then we can go to the pulled items.

Item 130.

Wheeler: Mr. Stanley Penkin and Eloise come on up. I want to start with an apology, Commissioner Fish was all teed up to adopt this, and as our arts commissioner obviously was a leading voice in this, however today he showed up with no voice. The apology is this, I think I got him sick last week, so he very much wanted to read this. He asked if I would please read it on behalf of the entire Portland city council. Whereas Stan penkin was a strong advocate for the creation and passage of the arts education and access fund commonly known as the arts tax and has played an indispensable role in its implementation. Whereas Stan served as the first chair of the arts oversight committee from December 2012 until December 31st, 2016. Whereas under Stan's leadership the arts oversight committee has been an accountable, transparent, and engaged, representative body faithfully overseeing the distribution of public resources every year, whereas Stan is a dedicated civic leader and volunteer serving as the secretary of the pearl district neighborhood association secretary of the nonprofit organization friendly streets, president of the Oregon children's theater board, board secretary of the theater group, boom arts, co-founder and treasurer of the Oregon art pact and is a member of the Portland planned comprehensive plan community involvement committee and the cultural advocacy coalition. Whereas in 2014 Stan received the prestigious civic gold award from the northwest examiner. Whereas the city of Portland is Grateful for Stan's exemplary service to our community, and now therefore I, ted wheeler, mayor of the city of Portland, Oregon, the city of roses do hereby proceed claim February 15, 2017 to be Stan penkin day in Portland, Oregon, and encourage all residents to observe this day. Thank you. [applause]

Stan Penkin: Is it ok for me to leave now?

Wheeler: No [laughter] do you want to take a photo after people are done? Thank you.

Penkin: Thank you.

Fritz: I have seldom see anyone who is more anxious about getting an award like this. You are very humble as well as the good things that you do thank you.

Wheeler: Commissioner Fish has invited a couple of people to speak. Eloise is here.

Eloise Damrosh: Thank you, I am Eloise Damrosh, the executive director of the regional arts and culture council, and I want to second everything that you said, and in fact, I learned some things about what Stan does that I didn't know before, but we've been working closely ever since before the arts tax passed, very closely and I have been amazed at how first of all he was willing to stand up and be appointed to a group that had virtually only the barest bone structure and very little substance of what it was going to do. Citizen oversight committee is a broad name. So first of all I am amazed and thankful that Stan was willing to take on a pretty big charge, and then he managed with his Committee to actually give form to what this job was and make sure that the taxpayers' money was being directed the way that they voted to have it be directed. And I think that he's done a remarkable job of that. I think that -- I attend most of his meetings. I think the citizens should be proud of what he has accomplished on their behalf, and I thank every one of them for passing this remarkable piece of legislation, which is doing some really great

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things that we're going to be talking more and more about as the tax moves along in its life. So thank you. Thank you, Stan. [applause]

Penkin: I must say I am not that comfortable with this. It feels strange because I am usually on this side of the table advocating for something and trying to get you guys to vote for something or maybe not vote for something, so it feels very strange. Also there are other items when you have always, as you were candidates for office, you were on the other side of the Oregon arts tax table. When we've been grilling you about your commitment to the arts. So thank you mayor and commissioners. I am very honored by this recognition. I also want to thank the community of Portland. When Suzanne and I moved here from New York almost 14 years ago we were very taken by how welcoming and inviting the city is. There are many opportunities to get involved, and if someone wants to it's really very easy to do so. I would just want to say that during these years I've been really honored, privileged to have met and worked with so many committed individuals who give their time and energy and effort and most of all passion for good causes and doing good things. While I appreciate this honor today, it does take a team and it does take a village. Some of those teammates are in this room today. So I feel that this proclamation belongs to them just as well as it does to me. And to Suzanne, my dearest -- wherever she is. Here she is, who so often when I come home from a meeting, a gathering, a coffee date and she takes one look in my eyes as only she can see, and she says ok, what the heck did you sign up for now. So thank you, thank you very much for putting up with my meetings, my intense hours on the computer, late night phone calls, my babbling on, my frustrations, thank you, thank you very much. I couldn't do any of this without your support. Lastly as I look around the chambers and I see hundreds and hundreds of people here standing room only. I just want to remind you all please remember to pay your arts tax. Thank you, thank you. [applause]

Wheeler: Commissioner Fish --

Fish: Stan, I want to add one more comment. It would be an understatement to say that the arts tax rollout was controversial. There were a lot of hiccups early on. And you have been a steadfast defender of the arts tax as you have also been so diligent in making sure that there was the kind of oversight which is necessary to retain public trust in this new endeavor. To put the human face on this, today 30,000, or over 30,000 children receive some arts instruction in the schools, and as Eloise will remind us, kids want to do better, it's something about activating the right part of the brain, so that's a lot of people in our community who benefit from this tax, and I can't think of anyone who has done more to maintain public confidence and trust in this tax than you. So a heartfelt thank you. I hope you can join me on march 6 at 9:00 a.m., the date that the supreme court has scheduled to hear the final appeal of the arts tax. The arts tax has survived, prevailed in every legal challenge to date. On march 6 at Lewis and Clark law school at 9:00 a.m. --

Penkin: I will be there.

Fish: The supreme court has scheduled a public hearing. I know you will be there. When we win that last fight, we'll be on solid footing forever. So to my friend, Stan penkin, thank you very much.

Penkin: Thank you, sir.

Wheeler: Thank you, commissioner. [applause] if you would not mind could we take a photograph with the proclamation? Everybody who is here with Stan come on up and where do we do it, right here? Is this the best spot? Do you want to bring your family up? Next item certain item please.

Item 131.

Wheeler: Commissioner Fish.

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Fish: I would like to welcome heather hoell forward the executive director of venture Portland to present the annual report. Heather will introduce our other invited guests. She will present this morning. Welcome, heather.

Heather Hoell: Thank you commissioner Fish. I am going to turn it over to Michelle while we do a little furniture rearranging.

Michelle Wood: Thank you, commissioner Fish. Good morning mayor wheeler and commissioners. Mayor wheeler, it's nice to meet you and look forward to working with you in the future.

Wheeler: Thank you. If you could state your name for the record.

Wood: I'm Michelle wood, the president of venture Portland. I am also a small business owner. My husband and I own integrate architecture and planning in the Kenton neighborhood. In 2016 after several years of significant business growth integrate expanded into a storefront location, rehabbing a vacant space in the historic building on north Denver avenue. This move helped another home-based business launch a brick and mortar store. This move enlightened a critical -- enlivened a corner in Kenton and would not have been possible without assistance from commissioner Fish, Saltzman, and the staff at bds so thank you very much.

Wheeler: By the way I also want to acknowledge mat Grumm because a particular little glitch came to us we went to matt and matt had, I think, it resolved by lunchtime.

Wood: He did.

Wheeler: It was the right thing to do but required council intervention so commissioner Saltzman thank you for that.

Wood: And thank you very much. It did make things much easier for us. We're thrilled to be part of the business district in Kenton. 2016 was also a big year for venture Portland as we celebrated our 30th anniversary. In the three decades since our founding we have grown into a powerful economic engine made up of 50 business districts in neighborhoods around Portland, containing 19,200 businesses and providing 267,000 jobs. We are the only entity in Portland that works exclusively at the business district level making us the support system for all of the city's neighborhood business districts. 98% of Portland's neighborhood businesses have five or fewer employees. As commissioner Eudaly and those dedicated business owners know firsthand in Portland, small is really big. Venture Portland promotes these business districts and commercial corridors and supports the dedicated volunteers that manage them with training, technical assistance, and grants. In fact, over the last 21 years in partnership with the city, venture Portland invested more than 1.3 million in business district growth, leveraging an additional 4.2 million in private business district investment. As president of venture Portland I know that the strength of this organization has always come from our collective efforts, and the belief that the business of Portland is about more than just business. It is about people, neighborhoods, and culture. It's about passion and dedication. And starting something because you believe that your idea is the idea. It's about a vision for our cities at business owners, residents and elected officials share, a vision that celebrates the individualism and distinct flavor that makes Portland, Portland. The knowledge that our diverse neighborhoods and unique views make up the fabric that binds us and our cities together. Yes, the business of Portland is about a lot more than just business. It is about growing business and connecting neighborhoods and making more out of the business districts we all call home. Venture Portland means business, and so do all of you. I will turn it over to heather to discuss our 2016 accomplishments and plans for 2017.

Wheeler: Thank you.

Hoell: Thank you Michelle. Good morning mayor wheeler and Commissioners. I am heather hoell, the executive director of venture Portland. As Michelle noted earlier 2016

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was our diamond anniversary year. We started our celebration with our annual city council presentation followed by a festive and fabulous party highlighting business districts throughout the years. At the party we launched a city-wide selfie competition encouraging Portlanders to take photos of their favorite neighborhood businesses. As always the creativity of our small business community shined bright as business owners and customers sent in hundreds of photos at businesses city-wide. Thanks for taking so much fun selfies, commissioner Fish. I had a great time visiting some of your favorite neighborhood businesses with you.

Wheeler: How many favorite businesses did you pick, commissioner? That's quite a few.

Hoell: He was very prolific in each of them.

Fish: Prolific is better than promiscuous --

Hoell: After the celebrations we got back to the business of supporting neighborhood business districts with training, technical assistance and grants. The brief overview provides a snapshot of the work over the last 12 months. After five years of sustained double-digit growth we once again expanded access to our capacity building services. We increased the participation in our training and technical assistance program 11% with almost 600 business district leaders attending one of our trainings that covered everything from the legal responsibilities of nonprofit officers to the creation of an enhanced services district, to asset mapping in our diverse and rapidly evolving neighborhoods. And we addressed more than 500 district-specific requests from business districts city-wide. A 22% increase over what I reported to you last year. This in-depth personalized support helped associations successfully navigate major leadership transitions and managed the significant business mix and demographics changes in our diverse neighborhoods. Over the last year we provided more than 2,300 hours of training and technical assistance to business district leaders from emerging and established districts. A 38% increase over 2015. And for a little perspective, in just the first six months of this fiscal year, we have already exceeded the entire number of training and technical assistance hours that we provided in fiscal year 2013-2014, a clear sign that the need for our services is growing. We also significantly expanded access to our grants. Awarding a record-setting \$112,000 to fund the 36 business district projects leveraging almost a half a million dollars in additional business district private investments. That's a more than 4-1 match making these dollars some of the most efficient that the city of Portland spends. In addition, 69% of our total grants went to underserved business districts in east and north Portland. The following are a few examples of how these catalytic funds strengthened the districts. After helping the east side launch their hugely successful market, which just happened over the weekend, last year the event now draws 20,000 people into the district twice a year in February and May. We awarded an economic development grant to the central east side industrial council to help them to create an enhanced services district, expected to be the first created in the city in more than a decade. After significant business district research and outreach the midway business association discovered that 80% of the midway businesses had no online presence. When I say no online presence, I mean no Yelp review. No Google map listing. No Facebook. No other social media, and no website. With 84% of all purchases now researched online before being made in person, this incredible digital divide was putting midway businesses at a huge economic disadvantage. With our grant funds midway rebuilt its website creating search engine optimized micro-sites for midway businesses, and bringing 22% of their members online for the very first time. Montevilla also revised their website to provide micro-sites for businesses highlighting the diversity of businesses in this rapidly gentrifying district. They used their site to drive traffic to their street fair, which in the second year of a full street closure thank you Pbot, attracted 12,000 attendees making it the single largest public event that occurs in east

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Portland. We also helped nob hill take advantage of the once in a lifetime world indoor track and field championships that came to Portland with a shopping relay race, and then supported the district's resiliency effort following November's devastating explosion. Finally, we funded a new multi-lingual website for st. John's, which better met the needs of this diverse district and helped to increase their membership by 60%. The overwhelming majority of Portland businesses are neighborhood based, which means that the neighborhood businesses power Portland's economy. All year but especially during the holidays, venture Portland helped to ensure cash registers rang city-wide. In addition to helping launch six new business district events between Halloween and new year's, we once again partnered with our home grown little boxes program to generated more than 19,000 business visits and \$400,000 in holiday retail sales in just 16 shopping hours. And we continued to support Multnomah village's golden ticket program which generated 4.5 million in retail sales in Hillsdale and Multnomah village over the last five years. We also increased our own private revenue generation 154%. Leveraging \$550,000 in prior to funds last year. A 1.5-1 match to our city grant. We helped to connect neighborhood businesses and city bureaus. For the third year in a row we work with all permitting bureaus to ensure that 100% of the business district street fairs were permitted. This is a yeoman's effort with extra huge thanks to pbob for making this process manageable and affordable for volunteer-run business associations. The parking cost reduction made these events which attract 1 million visitors during the summer months, significantly easier for business districts to fund. With council's vote last fall, we -- excuse me. We corrected a systemic inequity insuring that business and neighborhood associations now receive the same notifications for the first time. We continued our partnership with bes and pbob to mitigate the impact of construction and demonstration projects on neighborhood businesses, especially during the critical holiday retail period. We supported neighborhood economic development efforts city-wide, hosted business-specific focus groups on proposed zoning changes, especially mixed use and design overlay with bps, and as a member of the age-friendly Portland and Multnomah county task force venture Portland maintained our age friendly business certification. Last but not least I wanted to recognize venture Portland's dedicated volunteers. Our board made up of one represent from each business district contributed a whopping 1,369 volunteer hours last year. These volunteer hours equaled to .68, fte or 26 hours a week, and in addition to each board member's work in their own business and business district. Our success would not be possible without the exceptional commitment. Last year following the success of our east Portland pilot project you all invested additional resources in venture Portland to expand this effort into north Portland. The catalytic effort addressing disparity, gentrification in nine districts has three short term goals, to increase the membership, volunteers and revenue. I am proud to report that in the first 18 months of this work we have exceeded all of our goals. We increased membership 96% so that almost half of all business district members in targeted districts are new. We increased volunteerism 29% while diversifying business district leadership and bringing it in line with the demographic populations that they represent. We helped the business associations generate 160,000 in new revenue to help support the neighborhood businesses. That's not all. We also made significant progress on our long-term goals to create a business support network that crosses the business district boundaries, creates ties between businesses, and residents, and improved district identity and positive public perception of east and north Portland. We help districts launch a dozen events to help make cash registers ring in lagging parts Portland. We improved perception of east Portland with 15 positive media stories. We increased the district capacity to help the city invest more than 100 million in public infrastructure projects in these nine districts. So how have we done it? First we hired professional staff as business district organizers

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and placed them directly into business districts. We offered seed funding to help districts experiment with new programs to better serve the diverse businesses in their districts, and we provided innovative and personalized technical assistance to districts, including helping them identify 49 geographic nodes or clusters across nine districts, and two city quadrants, and analyzing 5,000 diversity points including business type, size, location, longevity and business owner gender, ethnicity and race. As well as the diversity and leadership skills of district volunteers to help these targeted groups that strong membership holds and diversity benchmarks. Our organizers visited more than 2,000 businesses and using their feedback added 78 new business benefits to better serve the mix in these rapidly evolving districts. And finally we helped to design 20 new district-specific generating events. I could talk about the success of the project all day but wanted to let you hear spell from the business district leaders who have benefited so greatly from your support. Marina.

Marina Martinez: Hello council. I am marina Martinez and I'm too close to the mic. Way too close. I am the district organizer for 82nd avenue, foster avenue, area, and Kenton business district. Last august we launched around the world in 82 dishes, a month long food tour on 82nd avenue. 70% of the 45 participating restaurants were minority owned, and one-third went on to become brand new business association members.

Fritz: Are the captions showing up or not? Sorry, go ahead.

Martinez: Oh, sure. One-third of our participants went on to become business association members because of the program. We produced a five-language passport and generated more than 300 purchases during the campaign. Without pilot project funding for passport production and translation and dedicated staffing to successfully address the cultural and language barriers with these diverse businesses, this hugely successful district-wide event would not have happened. I hope that you all join us for our second annual tour of 82nd avenue in august. I am also of course the organizer for foster road, and as you know foster is preparing for an extensive 18-month long construction project that will result in a radical new multi-million-dollar streetscape. While the majority of district businesses are thrilled about This coming training we understand that the change is scary and lengthy construction can be threatening to a business's visibility. To support the businesses during this time of transition to mitigate the impact of long-term construction and to help anchor businesses in our rapidly evolving district. Foster used our pilot project funding to launch a new business website and district map and create a tasting tour of the district businesses. We also want to note that because the pilot project helped to strengthen the relationships between the business districts 82nd avenue and foster area were able to work together to rapidly mobilize four other neighborhood associations to address the harassment and intimidation occurring at our places of worship. We used pilot project funding to develop a multi-lingual statement of support for the diversity that makes our community strong. As the only staffer of the six business and neighborhood associations involved in this effort I can easily say that without pilot project funding for my position this powerful statement of our shared values would not have happened.

Nidal Kahl: I am Nidal Kahl, and I'm the secretary of the gateway area business association board. I am also the owner of furniture plus on northeast Halsey, and the chair of the Halsey/Weidler group managing the \$35 million investment in the Halsey couplet. This has been invaluable. We launched two new events in 2016, including a district cleanup that removed nearly 500 pounds of trash from our district and a passport promotion during the small business week that generated almost 200 business visits and made cash registers ring with an additional 5,000 in sales. The pilot project investment of staff in our district also freed up my time as a volunteer to help guide the multi-bureau, multi-million-dollar infrastructure project that is bringing a new streetscape, gateway park, and housing to our commercial corridor. This pilot project has been both a game changer

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and a life saver for gateway and I urge you to continue this funding. Finally, as a venture Portland board member I am able to see the exponential positive effects the pilot project has had on all of the participating districts. This project just makes good business sense. Thank you.

Wheeler: Thank you.

Martinez: I am the organizer for Kenton, and this fall Kenton used pilot project funds to significantly expand our trick or treat on Denver street event drawing 1,000 kids to this annual safe family friendly event. This spring we will launch a new district map targeting the businesses on Lombard street who like foster will be experiencing a lengthy construction as part of the multi-million-dollar streetscape. I hope to see you at our brand new Paul Bunyan beerfest which will raise funds for the renovations to our Paul Bunyan statue.

Brad Forkner: I am Brad Forkner the Organizer for the Midway and William business districts. As you heard earlier Midway used pilot project funding to address the divide in our district. On Earth Day we are launching a new event called Business to Buttes linking our not very well-known businesses with our districted largest fascination Powell Butte. Without the pilot project the funding and creative support system there is no way that Midway would have been able to implement this event that will involve 50 businesses and 20 partnering organizations. I hope that you will join us on one of our three guided tours, and follow a self-guided tour of the Midway businesses. Thank you.

Calvin Hoff: I am Calvin Hoff, the organizer for the Gateway area Montavilla East Tabor and Parkrose business districts. As you heard earlier Montavilla used our pilot project funds to expand the street fair and also to launch Frosty Fest, a new weekend long holiday event that not only increased the retail and restaurant sales 10% but helped Montavilla businesses to survive December's severe weather. In October Parkrose held its second annual trunk or treat at Parkrose High School. This event gathers the businesses in the non-pedestrian friendly district in a safe and walkable space and coupons to adults. After launching the event in 2015, in record-setting range, we drew 1,100 attendees, a 43% increase. The district businesses and local partners like the team from PPB's North Precinct dress up and have a great time giving back to our hugely diverse community. We are also using pilot project funds to promote the businesses that contribute to the Business Association's college scholarship program, in a district that speaks 24 different languages, district businesses have raised more than 80,000 over the last several years to make college attainable to Parkrose's best and brightest.

Wheeler: Thank you.

Forkner: As you may have noticed the Williams district is undergoing massive changes with ten new high-rise buildings, 1,000 new apartments, 1,000 square feet of new retail space and a newly completed commuter bike lane. We have been under construction for the last three solid years. To remind people that Williams is not just a difficult construction site we use project funds to launch Walk Williams Wednesday, a six-month program featuring the late business hours, discounts, deals, and the opportunity to win prizes just by visiting the district businesses. In order to combat the previous displacement of the Williams African-American population and the gentrification pressure in this vibrant district, we are honoring our history and embracing our change by incorporating district's history into all of our programming. I hope to see all of you next on March 8.

Hoell: Thank you. Thank you Brad, Calvin, Marina and Nidal. The districts city-wide have come together over the last 90 days to weather a series of crises ranging from protests to severe weather. By leveraging their creativity and promoting their shared values they have proven that the business of Portland is about more than just business. It is working. Our ongoing public private partnership drives Portland's economy. Last year Portland's

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neighborhood businesses contributed more than 100 million in taxes helping fund essentially city services like the first responders and parks. Now it's your turn to once again invest in the businesses and the business districts that make Portland, Portland. As you design the fiscal year 2017-2018 budgets we ask you to transition our overwhelmingly successful pilot project into a fully funded and ongoing catalytic investment initiative that will continue to benefit targeted business districts most in need of support. This investment will touch one-third of all neighborhood businesses in Portland's rapidly evolving district and provide critical stability for the staff and district volunteers working to strengthen our economy and ensure our shared prosperity. Together we are a growing business and connecting neighborhoods. Thank you for your support. I am happy to answer any questions if you have got them.

Wheeler: Thank you. Any council questions? Commissioner Fish?

Fish: Thank you very much. Excellent presentation. A couple of things, the \$200,000 in that slide, that's a one-time ask?

Hoell: Oh, would love it if it was ongoing. But I will take the money in any way that you are willing to give it.

Fish: Heather you have your annual dinner in April?

Hoell: Yes.

Fish: Do you know the date offhand?

Hoell: It is April 24, the fourth Monday in April for our annual meeting.

Fish: I know we put an invitation in to have a special guest speak at that event.

Hoell: Yes.

Wheeler: My goal is going to be there to make sure that I take more selfies than commissioner Fish.

Hoell: That would be great.

Fish: I will volunteer to get him home afterwards.

Hoell: Wonderful.

Fish: I want to just share something with you Heather and my colleagues. On Friday Jamie Dunphy and I went out to Parkrose to visit small businesses. We stopped at an old warehouse building, which had been dilapidated and out of use. Now is home to something called swell extracts. They are a cannabis related business that's very heavy on technology, and they create an oil and then they create a product. Whatever anyone, whatever anyone in this room thinks positively or negatively about cannabis it turns out that it's a pretty good job creator, and it's now, I think, he's nodding, but it has become one of the bigger growing employers in Parkrose and the other value of going out there is I learned firsthand how challenging some of the permitting issues are because there is no precedent. Every bureau has some rule that does not fit what they are doing. I thought it was interesting that in the middle of Parkrose in a space that's been underutilized for a long time you have this growing business, and there were a lot of young people there making a decent wage with benefits, so perhaps that's the future. The other question that I wanted to ask you is we've been working for a number of years on getting pbot, the transportation bureau and bes the sewer storm water bureau to coordinate, and the goal was when doing capital construction projects, we wanted to make sure that we timed the work so that it did not unduly negatively impact the businesses. We had coffees in the neighborhood, found out what people's needs were. Pbot has been transferred to commissioner Saltzman. I think it would be charitable to acknowledge that January was a rough month for all of us.

Hoell: Very rough.

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Fish: The front line people that report to him. Are we on track to continue that collaboration? Or do we need to have some follow-up meetings or how would you take the temperature of what we are trying to do in terms of coordinating amongst the bureaus?

Hoelle: We are on track. Pbot has been an outstanding partner, and we are excited to work with you, commissioner Saltzman, as you settle into this bureau. The communication has increased the blackout during the retail period that these bureaus have agreed to has been exceptional in doing one cut and getting the work coordinated instead of multiple cuts to the streets also has been great. Pbot has done an outstanding job insuring that all the fares got permitted despite where the construction is happening across the city for the third year in a row. So it's been very good from the on the street perspective.

Fish: I would say that Dan's office has already been enormously helpful in terms of working out some issues with respect to the Portland rose festival. He has the transportation bureau and we have had a meeting or two so we want to continue a high level of coordination. It does not mean that we cannot prevent these projects from happening. We want to make sure that they are sequenced in ways that don't unduly impacted peak shopping seasons and hours of operation that really unduly burden small businesses. The final thing that I wanted to ask Michelle since you and I had a letter to the editor of the tribune, since thanksgiving we really have had a lot of severe weather. We know it has had a significant impact on small business, put the human face on that, what does it mean for a small business to have as many days offline as they have had since November?

Wood: Sure. In some cases, it can mean the difference between black and red for the end of the year. Some businesses, especially depend on the holiday shopping season to get into the black. This year we found many, many small businesses not able to make up that gap in the final months of the year. So that was really hard for businesses. It's also hard when they can't -- when the employees can't come to work, so business owners are faced with paying employees for days that they cannot be open or not paying their employees and having to worry about their employees being able to make rent and so forth. The weather was extremely challenging this past year for small businesses, specifically retailers, but also businesses who just couldn't get their employees into work and were forced to sort of close the business and operations for days at a time.

Fish: That's one of the reasons heather you are encouraging people to show small business the love and to get out and take your sweetie out for dinner, buy from a neighborhood local business and help folks that really did have a rough winter season.

Wood: When we start talking to the community about this issue, about pay attention to your neighborhood businesses, if you are looking to make a purchase think first, is this something that I can purchase in my neighborhood? It's not that big of an ask. People usually say, actually, I think that I can do that. It's really a matter of just the p.r. campaign of trying to get people to make that choice first before they go online, you know, spend ten minutes, run them down to the store in your neighborhood or in the neighborhood where you work and support a local business.

Hoell: I would also say that all of you could be incredibly helpful using the bully pulpit that you have got. When there is severe weather or other things instead of telling people to stay home, tell them to stay off of the roads if they are not safe, to be passed but it's perfectly great to go and walk down the street and make sure that you are going to your neighborhood business to help them to stay in business despite severe weather.

Wheeler: Can you tell us, what is the trend with regard to rent of commercial space in Portland for small businesses in the business districts? What are your operators telling you?

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Wood: It's not the same exact situation as it is with residential rents and housing. But commercial rents are increasing steadily and business owners and neighborhoods that are being gentrified are certainly finding rents are raised to a point that they have to leave the neighborhood. That's one of the things that venture Portland is trying to really trying to work on is to keep some diversity in the neighborhoods to make sure that we are supporting these businesses that would otherwise fall through the cracks by creating business districts that create a sort of network of support in the neighborhood. We have a lot of our revenue-generating events are specifically for that reason to get attention to businesses, to make sure that they are able to stay where they are but certainly rents are increasing all over the city.

Hoell: I would also say we have a great partnership with the bureau of planning and sustainability. Their economic planner provides us an annual overview of what is happening with the commercial lease rates in the districts all across the city. We are able to look at places that are on the brink of gentrification, that are going to be doing the experiencing of gentrification and so that business associations can work with property owners in their district to try and mitigate this displacement of longstanding businesses.

Wheeler: Do you have any statistics on what percentage of Portlanders are employed by small sole proprietor businesses?

Hoell: Neighborhood businesses provide about half of the jobs in the city of Portland. 267,000 at last count.

Wheeler: Thank you very much. I appreciate that.

Fritz: This is a fabulous report. Thank you all for taking the time away from your business or your jobs to come and give us this. Your funding goes to the Portland development commission, right?

Hoell: Yes.

Fritz: Are you required to turn in more details on how each grant was spent and the outcomes of that?

Hoell: Yes. We have a very expensive grant stewardship program that tracks all of the evaluations. We have a benchmarking program that we use that looks at how grantees perform year over year if they are working on ongoing projects. We do provide on a quarterly basis a very extensive written work plan review to pdc, our contract manager, and we also provide that to commissioner Fish who is the liaison to venture Portland, and we do an annual report as well that provides a big wrap-up within that work plan format as well as in a narrative.

Fritz: Thank you.

Wheeler: Very good. Before I call for a motion is there any public testimony on this?

Moore-Love: Yes, we have one person signed up.

Wheeler: Why don't we give you a break. Excellent presentation.

Hoell/Wood: Thank you very much.

Wheeler: Thank you commissioner Fish. We'll let you stay just in case somebody raises questions that perhaps you would like to address. Good morning.

Charles Bridge Crane Johnson: Good morning commissioners. For the record these mics are really live. I am Charles bridge crane Johnson. One thing that we heard in this presentation from venture Portland is that the activity in two quadrants, in Portland we have five quadrants. So in nine districts in those two quadrants, and in addition to helping small businesses write in the neighborhoods, the only neighborhoods a lot of Portlanders can afford to live in, though, I think we also want to look at making sure the small business in the southwest is not disproportionately pale and white. So I hope that in your future on goings and as doctor Morland Kapue on the pdc board work with venture Portland will see that not only are we stimulating businesses among the diverse neighborhoods, we're also

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making it possible for diverse people to come and to do small business in the whitest quadrants of Portland. Of course you know, we face challenges. We have a growing popular city, but for business owners, when we hear that, the theft of a plastic card that becomes valueless after it is reported stolen, is part of one of two police shootings in our city. We know that we have a lot more work ahead of us besides the business incubation, the death of Quanice Hayes reminds us that just as we were able to find money to put into incubation, business stabilization, and improving commercial districts we have to make sure that every citizen in Portland feels not only equal opportunity in business but safety. Thank you.

Wheeler: Thank you. Good morning.

Lightning: Good morning. I am lightning. I represent lightning super watchdog pdx Multnomah county. I really like what I am seeing here. Some of the issues that I might have is that when you are looking at this many jobs being created, or the possibility of more jobs being created in the future, we have to, I think, to look at this from the city itself as a whole that if they are able to produce these kind of results and we're looking at these numbers from the small business community, the innovators, creators, tech companies coming in and starting out small with the potential to end up like Amazon, who is building 900,000 square foot warehouse over near Gresham, we have to start understanding that we need to increase the investment dollars to venture Portland, plain and simple. We need to increase the value there. We need to increase the opportunity. For us not to do that is just not -- it's not wise for the city not to. In my opinion venture Portland should have a minimum of a million dollars funded to them. To me that's on the low side. We have to look at the small business owners become the big business owners in the future if they do very well. This city has to recognize that and fund them as though they will become a Jeff Bezos and invest in a large warehouse that we just saw recently, and we need to fund the business owners and take it more serious on job creation, future employment for all the people in the city, and also I would like to see venture Portland work with, and I am sure you possibly do, with Uber, Lyft, Airbnb, and utilize their services to provide advertising for your services more jobs created. We are seeing something here in this city where the outside companies coming in are growing very fast but they are also doing a tremendous amount for this city and the small business owners in place, so we need to take advantage of the big businesses coming in and supporting the small business owners alongside them and growing at a rapid pace. Thank you.

Wheeler: Thank you. Is that it? I will entertain a motion.

Saltzman: Move the report.

Fritz: Second.

Wheeler: Please call the roll.

Fritz: As always this is a very exciting and comprehensive report. Very much -- grateful to have Heather Hoell and all the people who came today as well as everybody working so hard in the business districts. I was exceptionally glad to hear from Marina the districts are working together so those small part time 10 hour or 15 hours a week by partnering together you get close to a full-time job and I am sure each of them is more than that, but that's what you get paid for. So thank you very much for doing that. I was struck that the little box's report for Multnomah village it was 19,000 visits and Nearly \$400,000 in profits, and in gateway it was 250 visits and \$5,000 in profits. So that's reflective of some business districts don't have the folks living around them, that have the cash to be able to spend locally nor have they had assistance with setting up websites and such, so I say congratulations to gateway, they did start things moving and more people should be starting to think where is the coffee shop in my neighborhood rather than is there one, which for many years has been really a challenge. I agree with lightning that we should

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increase funding not only for the small grants but for the neighborhood association and the diversity leadership. Venture Portland gets 200,000, in 95 neighborhoods, and diverse civic leadership partners get less than that. Versus last year we allocated 100 million in the appropriations. While I share commissioner Fish's delight in being able to fund outside organizations, we get so much return both in the business district and the neighborhood associations is, diversity and civic leadership partners to you know, yours is the four to one, and theirs is 6-1 return on investment and as much as possible I believe fund the things that we are responsible for and then look to other things that we would like to, as well. So thank you very much for spending the taxpayers' money wisely for generating business taxes which is helpful to the general fund and I look forward to continuing to work with you. Aye.

Fish: To heather Hoell and her team congratulations on the report. Another stellar year, and Michelle wood, board chair, and the executive team and all of our partners who took time out today to be with us thank you for your service. There is a couple of facts that on a day like today I think that we need to remember. When we buy something at a local business, 70 cents of every dollar stays here. That's incredibly powerful. Let me give you a personal example. I know that I can go on the internet and buy books at a discount. That's the world that we live in. But at what cost? The reason I go to Powell's and Broadway books and all my favorite local independent bookstores is because they are supporting local jobs. They support little league. They pay taxes. They give back in many ways and taking nothing away from the internet retailers but they don't pay taxes. They don't employ people locally, and they are not investing in things like little league. So I would ask people to remember that. You can go online and save a buck. But at what cost? And I think that supporting our neighborhood businesses is a way of keeping the dollars local, supporting our values, and ultimately investing in the kind of Portland that we want, and a Portland future that we want. So I am grateful to venture Portland for the work that they do. I think I almost had the votes to take a motion after lightning testified, and do a special -- take the funds out of our contingency but you have demonstrated this year as you have in prior years that every dollar we invest in venture Portland has a ripple effect. I am especially proud of the work you have done in east Portland to build the capacity of the emerging business districts, which we hope will become the destinations of tomorrow. So thank you for your good work and I am proud to vote aye.

Saltzman: Thank you for a very impressive report and that report reflects the good work that venture Portland has done in the past year in organizing business districts, and thank you to all the business owners who take time out of a really tough, demanding job being a business owner to come here and to testify but more importantly to spend time organizing your districts and your fellow businesses and to market yourself, I am stunned by the lack of online presence of so many businesses in some of the neighborhoods, so offering those micro websites seems like a tremendous benefit because so many of us do everything online these days or we are counting on an online presence in order to sort of ferret out what business we want to patronize or not. Great work and very impressive report. Thank you, aye.

Wheeler: I want to thank heather and Michelle and everybody who testified this morning. It's great to have people take time away from their day, and I know that business operators are very busy people. It was time well spent. I found this to be a thorough report. I want to underscore one statistic that I heard today, which is that half of the people in this city over 267,000 people are employed by neighborhood businesses. Maintaining the health of those businesses is critically important, and I am glad we have venture Portland out there helping to create that support network, provide the technical assistance, and give us feedback and information on how we can be helpful to that effort. I also just want to point

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out as I was looking at this slide show which I thought was great. These business this is many cases represent the identity and the character of our individual neighborhoods. They are in many regards what make Portland, Portland and what make individual neighborhoods special. And I asked that question about the rent because frankly while I don't have a philosophical objection to national retailers they don't provide that identity and character that's unique to Portland the way that sole proprietorships are. I think it's something worth fighting for and continuing to strengthen and to preserve. Obviously I will add to my colleague's chorus of support. I vote aye, the report is adopted and we'll see you in the not too distant future. Thank you.

Hoell: Thank you very much.

Wheeler: Thank you. Karla could we bring the item 140 because I believe that there's some staff folks waiting to testify. If you could bring that to the front of the regular agenda, please.

Item 140.

Wheeler: Director Creager good morning.

Kurt Creager, Director, Portland Housing Bureau: Kurt Creager, housing bureau director. With me is Jennifer Chang. The way that we are structured the joint office of homeless services created last July through intergovernmental agreements so their entire budget from the city flows through the housing bureau, and we have an intergovernmental agreement that governs that flow of funds and the governance of the joint office, and Jennifer Chang administers that agreement, and she will explain the reason for this resolution.

Jennifer Chang, Portland Housing Bureau: Good morning mayor and commissioners. As Kurt mentioned I am Jennifer with the housing bureau policy team and also serve as the liaison of our bureau to the joint office of homeless services. Yesterday morning city council heard a great briefing from the joint office of homeless services on the progress that we have made over the past nine months through very targeted and intentional efforts through a home for everyone. This ordinance that you have before you is an amendment to the joint office, homeless services iga that further advances this work. It accommodates the council funding from last year's -- or this current year's fall bump to provide expanded emergency services and shelter and housing placement activities that are there.

Wheeler: Those funds have been approved. Those were approved by the prior city council.

Chang: That's true, yes. And those from the fall bump which were approved go to fund expanded shelter and emergency services and housing placement activities. And it also allows for some funding to support increased permanent supportive housing investments that are furthering a home for everyone's goals. Commissioner Fish and others had discussed this yesterday as an ongoing, important gap, and need in our community. The collaborative work between the housing bureau and through -- and the city and housing bureau with the joint office continue and we're looking for ways to build upon that collaboration, in addition to allowing for these funds the amendment makes some technical and grammar corrections to the iga language, and that's a basic summary.

Wheeler: Thank you. Any questions? Any public testimony on this item? If you could just stick around for a few minutes in case, there is questions raised. Thank you. Just a reminder for public testimony, this is a technical amendment to the iga with the joint office. This is not about the funding. The funding was approved in a public process before the city council. Name on the record, please.

Wayne Wignes: I missed my opportunity to speak about the funding.

Wheeler: Are you all right?

Joe Walsh: Yeah. I just get tied up.

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Wheeler: Ok. Sorry. You can start over. I apologize.

Wayne Wignes: I am wayne wignes. Five weeks ago, I am inside for the first time in a few years, I shower every day, got rid of the bugs, able to lay down when I study, and I have a place to be during the day and organize myself. These are the things that make a home, not just simply being inside at night. I feel the change already, you know. I review my old comments, and I pass people, I maybe flipped off and realized wow I had a chip on my shoulder. But that's what it does to you, it puts you in war mode when you have to experience odot or the police, sweeping away everybody you find safety, trust, and a sense of belonging with and you are left alone sleeping with a pick axe looking over your shoulder every five minutes. Then to follow that up you get to read in the paper about other people discussing what to do with your life about how shelters and overpriced units so small that you cannot invite a friend over, or a solution to homelessness rather than the underlying cause. It is experiences like these that make me want to show up to public meetings and say you are killing me. But when I show up to these meetings, the board of commissioners, after listening to them kill about 45 minutes, congratulating one another, they say could you please keep it to two minutes because we're running out of time here. Now we're -- okay, I missed the funding opportunity to speak about that but we're discussing handing 3 million to an agency that has not involved homeless people in their decision-making process. On the contrary. I went to a meeting two months ago and they were turning homeless people away from -- at the door. This was a public meeting about homeless.

Fish: This is not home forward but a home for everyone. There is a difference, it's at the county and they have a specific subcommittee that is made up of homeless men and women that have input into the plan.

Wignes: I've been looking for meetings and I have not found that.

Fish: If you will give us your email address and contact information we will make sure that you are invited.

Wignes: That's not going to help the other 4,000 who should be talked to.

Wheeler: If you could stick to the technical amendment we would appreciate it. Thank you.

Walsh: The technical, you have got to be technical.

Wheeler: That's what we are discussing.

Walsh: Technicality.

Wignes: There is a job security for them.

Walsh: People are dying.

Wignes: I invite you to be homeless, in other bigger cities that have been there and tried that. The problem as I see it begins with the founding fathers. James Madison said it is the role of the government to protect people, people's right to own property. Who put what in place to protect the people from the property ownership itself? This was an issue back in the 1700s but more today. Land use, is unprecedented in heights. Exit options have not narrowed. They have disappeared entirely. This is not going to get better -- this will get worse before it gets better, it will not get better until someone tries something new, but I would like to thank you. I heard about you going down to st. Francis and getting to know people directly. Not all homeless people agree with me. I can't speak for everybody and that's the whole point we need to talk to them. Not the select few who can get emails about this meeting somewhere. Real solutions, begin with observations so thank you for going down and actually getting to know people in those places.

Wheeler: Appreciate it. Thank you.

Lightning: Good morning. I am lightning and I represent lightning super watchdog pdx. One of the concerns that I had on this was the federal funding itself on the hud grants. I noticed the numbers were at about 1,826,000. Again my focus is I want to see the federal

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funding increased and I don't want to see our position in the city be jeopardized towards federal funding in the way that we might deal with the new president Donald trump. I want to make sure that we have an understanding from the elected officials in the city that we need to start focusing on that federal funding and if you don't want to deal with president trump, deal with vice president pence, deal with the housing bureau, I believe Mr. Carson at this time. We need to have negotiations continue to go because we obviously don't have enough funding here from the federal level. We need to increase that. The only way to do that is through negotiating. We have to have representatives from Portland to try to get in on those meetings. Try to get in on those discussions. It's very important if you dislike president trump that's ok. Deal with the vice president. Deal with other people but negotiations have to be made from this city or we will lose out on the opportunity of those federal funds. President trump doesn't think much of Oregon. Doesn't think much Portland. That's ok. A lot of people from here don't think much of him, but doesn't mean we still can't negotiate on things that will benefit the city as a whole and the people in this city as a whole and as elected officials we sometimes have to look past the point of whether we like someone or not and understand your job is to negotiate federal funding to continue to come to this city in a reasonable manner to take care of the people in this city whether you like the president or not. That's ok. But we have to have strong negotiations and have people trying to have meetings and ask for this type of funding and keep us posted on what we are denied and why we are being denied and try to correct that to get on the receiving side of this federal funding and future funding in the future that we might be able to obtain through the federal government. Thank you.

Wheeler: Thank you. Good morning.

Walsh: Good morning, I am joe Walsh and I represent individuals for justice. Lightning brought up an interesting fact in this whole concept. We have to work together. We're stuck. I don't like any of you up there. We're stuck with each other. We have to work with each other because of what's outside the gates. There is an old saying when I was studying Latin about the Barbarians at the gates. That's what we have, barbarians at the gates. You guys have spent 13 years spending millions and millions and millions of dollars. We still have the same number of people on the street. If you talk to you it's about 1800. If you talk to people that actually work on the street, it's more like 4,000. 5,000. We don't know. We don't know where all the camps are. This money that you are using is wasted over and over and over again. We have 16,000 people hanging by their fingertips according to mark. Not me. According to your lead person on this. 16,000 that are on sofa's, that are living with their parents. They are hanging on their fingertips and that's why we put people into emergency shelters and we end up with the same number of people on the streets. They fall off. We have the other thing that's going on with the rent. I congratulate you. I was late today because I was in federal court, and it's now back into state court. I don't know if you know that or not. Judge Simon kicked it to state court which made me laugh. We have to work together mayor. I don't like you. I don't trust you. We have to work together commissioners. I don't like you or trust you. We have to work together. We have to stand together because what is outside of the gate is worse than me, worse than you. These people are vicious, and when lightning brings up we have to get to more federal money, the first thought that went through my mind was good luck with that one. So anyway I wanted to say that to you, from this point on I am trying to be patient. I am trying to be cooperative. I will try to be nicer, a word that does not sit well with me. Thank you for your patience. I know I am over time. That's the Irish in me. I usually do go over time.

Wheeler: Thank you sir. Good morning.

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Shedrick Wilkins: I will take this up with the county. I recently -- shedrick Wilkins. The interesting thing we have had a cold winter and probably the worst in eight years, and I went into the bus station to use the bathroom and got chased out. My comment about housing, is housing a fixed structure? Is it a person living in a tent? I can own property and sleep in a tent but you have to use a bathroom. The bathrooms are not a privacy. One of my things that we rejected terminal 1, although the city voted for it but rejected by the business community, I have a feeling in the bud Clark commons you could pay people to go into the bus stations and clean the bathrooms, one of the reasons they don't allow people to go in there is they mess up the bathrooms and pay people at the bud Clark commons who are in the basement I was there to clean these things. And the bus station and the train station are open 24hours a day, actually during the winter storm I went into the bus station to warm my hands, but they won't allow you near the bathrooms. So can something be arranged so that if we have another cold winter like this that people can be encouraged that are sleeping in tents and people are going to sleep in tents anywhere. Anytime I see a sweep of the bus station are the tents flow back in there anyway, so why don't you make Chinatown a tent city. And historically I want to tell you one thing my father came here in 1950, he slept out of a truck and at the Blanchet house and he said he got a good job later on and Portland treated him quite well and why don't you treat homeless people and try to make sure when their cold and they have to use the bathroom. You know if you use the bathroom in the bushes its indecency and yet there's these bathrooms there and the only reason they won't let you use them is basically they have to clean up and can't you get some volunteers I'll volunteer to clean up the bathrooms and stop chasing people out of warm places. There's a second story on the train station that's vacant, warm, that nobody uses or the train station as well. You know, and it reflects on Portland. And you know what? You go into the bud Clark commons there's a big sign in the front door we treat people like human beings, even if they do or don't make it in this city. My father made it in this city and he was homeless.

Wheeler: Thank you, sir. Good morning.

Johnson: Good morning, commissioners. Charles bridge crane Johnson. Sometimes it's difficult for citizens to limit their testimony to the technical aspects because we have to look at the ten-page pdf, and I guess it would be great if one of you -- so it's kind of unclear from the exhibit where -- I'm presuming this is a net increase of \$2,558,474. I don't know if that's to the 15 million or taking it up to 15 million. I think many of us not necessarily need the street cleared up right away but would like to know if 100% of that money is administrative and staff and how that contrasts to capital investment and expansion in actual numbers of spaces where people are not sleeping outside and defecating on the sidewalks because the security guards will chase them from the pdc-owned train station and bus station. The gentleman who testified about recently getting housing unfortunately sometimes a home for everyone does meet in the big room on the north side of tpi at the bud Clark commons, and sometimes from person experience even if you're on the list it is difficult for people that don't look like they are getting 20, 30, 40, 50, \$100,000 salaries to get in there. I'll talk to the gentleman and make sure he makes a connection with Mr. Jolin so that he can have stakeholder input.

Wheeler: Thank you very much. Were there any further questions for city council? Please call the roll.

Fritz: Thank you mayor for bringing this to council and having a discussion about it. It's unfortunate that nobody who testified was at the joint session we had with the county yesterday going through the home for everyone plan for more than two hours. I do -- that will be posted online so I do encourage you to review the presentation, and it was live at the time also I believe. One thing that stuck with me most was in the past two years, 6,000

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people have been housed who were previously homeless. The reason we're still seeing people on the streets is that 6,000 became homeless. People who say that people choose to be outside, even with Obamacare, no, medical expenses were often the reason they became houseless. They are Portlanders. Portland is their home. They just don't have a house. I'm very glad to support this ordinance. It does do something that the council approved last year. Thank you for the explanation. I am sorry, commissioner Eudaly is not able to be here. She's sick. I wish her well. I appreciate her staff being here. Council those who were here last year remember we appropriated \$ 350,000 for an outreach project so Mr. Widmer and others could get information about the plan, how they can intersect. And feel even more part of the process. I appreciate your comment, commissioner Fish, that home for everyone does have people with lived experience on the committees, we still have lots of people in the housed and unhoused community who don't know what the plan is or how they can participate. I do hope that that project will move forward soon also. Aye.

Fish: Commissioner Fritz mentioned yesterday's joint city-county public hearing. It was a two-hour hearing in which we got a full update and report on home for everyone and our coordinated efforts to reduce homelessness in our community. For anyone present today that was not able to join us yesterday or see it on cable tv, both commissioner Fritz or my office can provide you with a copy of the power point which was excellent. Would welcome feedback on the priorities laid out in that power point. Aye.

Saltzman: Well, thanks to the housing bureau, Jennifer in particular for overseeing this intergovernmental agreement. It's a very importantly office that we formed, the city and county. I think it as we saw yesterday I think it is providing better services and certainly better service coordination to our public. So thank you. Aye.

Wheeler: Thank you very much. I want to thank the housing team for coming back. Aye. The ordinance is approved. Could you please call the next item, the first on the regular agenda?

Item 144.

Wheeler: Commissioner Fritz.

Fritz: Thank you, mayor wheeler. About two weeks ago Anne lininger who is my state representative, also an attorney, called me to ask if the city would be willing to support the metropolitan public defender's new immigration protection project. She was only halfway through asking before I said, yes, yes, what do you need? It was about the same time the executive order banning immigration from seven Muslim countries was in effect.

Commissioner Fish, mayor wheeler and I went to educational trust and heard some very frightening things there. I have been a u.s. citizen for 25 years. This is the first time I have felt like a second class citizen knowing that anyone even with an American passport can be denied entry apparently. So I was very excited about this particular project. I know the whole council joins me not only in standing strong and together and supporting our community with statements, et cetera, we really need to go beyond that and do things. Particularly using people with expertise to make sure that our neighbors have their rights. I could just read the findings in the ordinance they so well describe the need in the envisioned project but I'm going to turn it over to the public defender's office and others. Thank you for being here, gentlemen.

*****: Thank you.

Wheeler: Good morning.

Alex Bassos: Mayor wheeler, commissioner Fritz, commissioners, thank you, commissioner Fritz, for that eloquent exposition of this project. Exactly on course. I'm Alex bassos, director of our community law program at the metropolitan public defender including our current immigration program. We have more than 60 attorneys and 120 staff over two counties. We so appreciate your willingness to allow this emergency measure. It

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seems to us that the only thing that we really know right now in this time of fear and uncertainty is that we don't know what is about to happen. We need to be prepared for whatever is about to happen so that we can respond quickly and effectively. We have seen just in the last few days a woman in Arizona who was doing everything she was supposed to, taken away from her citizen kids. We saw in this state a brother with nothing on his record who was just in the wrong place at the wrong time taken in by ice and just yesterday a dream act kid with nothing on his record taken in. We just don't know what is about to happen. This additional funding will allow us to respond effectively and quickly to whatever that is. It's our plan to partner with organizations in the community. We have talked to so many folks and we're so happy that Mr. Jama is able to be here to talk from that perspective of the community organization. But we have talked to so many folks who are feeling this great need in the community, so it's our plan to partner with those organizations primarily to work with and through them to respond to that fear and uncertainty that's out there, to talk to as many folks as possible to help them with whatever solution we can in terms of immigration, clearing people's records, preparing them for legal safety plans in a worst case scenario. Whatever we can do to help people in the community. Additionally, we're going to partner with the immigration nonprofits who are out there to accept the cases that they have been reluctant to take. Anything that has any kind of criminal record even an old arrest is something that the existing immigration nonprofit attorneys are reluctant to take. Partly because they just don't have any state level practice attorneys for the most part and aren't familiar with criminal records, how to look at them and what's there. Then there's a small army of attorneys out there who want to volunteer and do pro bono kinds of work. So we want to be resource attorneys for them providing them with the information they need so they can be most effective in helping us out. It's going to take us all working together and this emergency measure allows that. We thank you so much for allowing it.

Wheeler: Thank you. Good morning.

Michael Hsu: Good morning. Thank you, city council, for the opportunity to speak today. I'm Michael Hsu, currently staff attorney at metropolitan public defender. Since president trump issued his executive order on January 25th, prioritizing undocumented immigrants for deportation the immigrant population has been living in fear. I personally understand that fear because up until two months ago I had been living as an undocumented person in America. Had been doing so for the past 21 years. I attended elementary school here, high school, undergrad and law school in America and in 2011 graduated from Lewis and Clarke law school with honors and passed the Oregon state bar. There are other educational and professional accomplishments that I can list. Those do not paint the complete picture of my journey because America is also where at the age of nine I first learned how to kick a soccer ball. It's where I learned how to carve a pumpkin for Halloween. It's where I learned to roast turkey for thanksgiving and how to sing jingle bells for Christmas. It's where I have represented veterans in court hearings and where I volunteered my time mentoring at risk youth. America is where I grew up, where I volunteer, work and pay taxes. It's where I consider my home. One of the most difficult things about being undocumented is the inability to feel safe in one's own home. Undocumented people are constantly worried about being uprooted from their communities, separated from their loved ones or detained in a center with no way to find help. Some of that fear was alleviated by president Obama when he created the daca program in 2011. Some call it the dream act program. It gave undocumented people who arrived in the united states as children the ability to apply for work permits. I was a beneficiary of that program. After I graduated law school, I obtained a work permit and became the first undocumented person in America to be licensed to practice law.

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Wheeler: That's impressive.

Hsu: For the first time since I was nine I felt like I could come out of the shadows and live my life to its fullest potential. My situation is not unique, however. Over 750,000 people have received work permits since the daca program was created five years ago. With the new administration, however, people have been thrown back into a state of fear, they are going back into the shadows. Employees are afraid of losing their jobs, students afraid of losing their ability to pay for school and mothers are afraid of losing their children. I would ask the city council today to support metropolitan public defenders' goal of creating a program that protects vulnerable immigrant communities. The program goal is to create a legal team that has extensive knowledge of criminal laws and criminal justice issues and apply that to the immigrant community. Immigrants need these services now more than ever. This program would provide them with that service so that fewer immigrants in Portland would have to live in fear. They can hopefully escape from the shadows, contribute to this beautiful city, and find solace in America, the place they consider home. Thank you.

Wheeler: Thank you very much. Good morning.

Kayse Jama: Good morning, mayor, good morning, commissioners. I'm Kayse Jama the executive director of unit Oregon. It's hard to follow that testimony. I really appreciate you. It's a great pleasure. So many of our community members have had similar experiences, working hard, paying tax, and making sure they send their kids to school. Thank you for your contribution to our community and our country. As a former refugee I can relate to that experience because I call also Portland home. I call Oregon my home. I call this country my country. It's a great place to live. But as my colleague said, since the election, our community is facing a lot of fear. We have been engaged and really having discussions and meetings and creating space where people can share with us their most intimate fears that they have after they election. I echo it's a difficult time. But I don't think fear should live with us as a community. What we can do for those most vulnerable populations in our state and city. With that I really, really appreciate you taking the step forward making sure that immigrants can have legal advice that they need to support what they need. I have been working in this field for many years. One thing I also -- observed is that immigrants and refugees interact with our system. Not only to immigration but they tie a system. Whether it's legal -- but immigration is very specific experience they have to experience to make sure they stay here. What I realized a small minor infraction or bigger - - legal issues, between, you know, last issues to small issues, the only solution is deportation. There's no legal system. The scale of justice is not equal. All deportation. So when I met Alex he came to my office and he shared with me on this project I was really excited. Couple days ago I got a call from clients who are in exactly the same position. People who are calling our offices, I'm afraid, I may have -- I don't know how whether I should apply or not. Community member I'm not a lawyer I tell them I cannot advise you, I have to find someone to help you. This is what's needed but sometimes I notice d.a's when negotiating with someone if they keep a plea sometimes there's no discussion between the immigration consequences of that deal. If they look into the legal perspective, then later on the individual realizes that because of plea deals they took has immigration consequences this kind of project that the metropolitan public defenders are proposing is what we need in this time to make sure that people are protected. With that said, thank you so much for your support. I'm looking forward to working with Alex and his team.

Wheeler: Thank you for being here. Are there any questions for this panel?

Fish: I have a couple many. Thank you for the presentation in the handout it says it would cost about \$250,000 to launch this immigrant protection project. Would that be the annual budget for this going forward?

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Bassos: Commissioner Fish, yes, we believe it would be about \$250,000 a year to have two attorneys and some staff, and support staff.

Fish: By our action we're going to take today we're going to contribute 50,000. Where else are you going to seek funding?

Bassos: We are hopeful that we are going to get some money from the county, we are doing fund-raising at various levels from foundations, individual fund-raising, high level donor fund-raising. Reaching out wherever we can and we're pretty hopeful that we'll be able to put that money together, but even if it were only the \$50,000, we would cut the project into constituent parts and go forward with something. It would serve the people of this community even if we weren't able to get any additional money but we are very hopeful that we're going to get that additional money. I'm sure you're aware there's a lot of concern in the community just in the number of people calling us wanting to donate and volunteer and do whatever they can.

Fish: Commissioner Fritz is sending me a subliminal signal.

Fritz: Thank you commissioner for yielding. On that topic I know there's a lot of people like me, who are like I want to do something, unite Oregon is already a nonprofit. Would you have the capacity to set up a fund for this so if someone in the community wanted to send \$10, \$1, 100 could they send it to you and it be directed to the project? Or is there another way they could send it.

Bassos: There is, commissioner Fritz. Thank you so much for mentioning that. [laughter] immigrant protection project.org is a website that buy the middle of today should be open and working and will allow people to donate. It will describe fully this project.

Fritz: Thank you, commissioner.

Fish: I have this sinking feeling that we're going to be in this situation for at least four years. I'm very appreciative of the mayor and commissioner Fritz for bringing this forward today. But I think we have to plan for the longer term. So I hope that in our regular budget cycle the same ask or potentially more if necessary is put forth and that we consider that as part of the city's response. Currently, as you gentlemen know, we're a sanctuary state. A little confusion about what the city's status is versus the state but technically we're a sanctuary state. We can't use public funds to prosecute people whose only offense is they may have over stayed their visas or may be undocumented. That's the law we're bound by. I think that makes us a sanctuary city. Of the two executive orders in question here the sanctuary city one in my view is over broad and unconstitutional we'll test that, but the folks that hated the affordable care act set a precedent on that one. We'll find out if what's good for the goose is good for the gander. You can't compel states to expend Medicaid at the threat of coercion of having Medicaid money withheld. I can't see how you can follow through on president trump's threat to cities, sanctuary cities. Of course the Muslim ban, another so-called federal judge just declared that unconstitutional this week, so the tide is going our way. But I would as part of the city's response I know the mayor has obtained council approval to follow some amicus actions to join with other legal actions. I think the city of san Francisco is a model challenge to some of this, but our attorney general is pursuing. I'm pleased it will be investing some resources on the legal front. But this closer to home is about as close a nexus to what we need to do with the people that we serve. So mayor and colleague, I would ask this also be considered in the regular budget and that we be thinking about a four-year cycle of support. There's a ramp-up phase to get a program like this going. You're not going to be able to get the most competent lawyers to come if you tell them it's only a six-month gig. I think we have to prepare for the long term fight here. I would hope that we could invest over a four-year period. Thank you for your work.

Bassos: Thank you.

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Wheeler: Is there any public testimony on this matter?

Moore-Love: Yes, two people.

Wheeler: Mr. Walsh, sounds like you want to come up too. Why don't you go ahead and come up?

Shedrick Wilkins: Again I'm Shedrick Wilkins. My contribution to this Sunday I went to the St. Peter catholic church, this was harassed by some trump people in the last couple weeks saying these catholic people shouldn't be here, they are not Christians and a bunch of stuff. For at least the next six months I will be there at noon when they have their mass. I wish only to comfort these people. They might feel uncomfortable with these people chanting outside, like six or ten people. I understand we are called interceptors in which there were 100 people there. I didn't know anything about it until I read it in the Portland tribune so at noon on Sundays I will be there to comfort them to make sure they don't feel worried that they are going to be deported. I do feel confident commissioner Fish says some money will be allocated from the city to try to make sure that they can stay here. That also means I'm not wasting my time. It's kind of bad for me to sit there and put in some time when this is a hopeless situation. It does appear to me that California, Oregon and Washington state do seem to have a need for not to oppose trump's views about how nonresidents shouldn't live here. I'm doing my part as commissioner Fritz said to do something about that. Just to comfort them that the whole entire city doesn't want to get rid of them.

Wheeler: Thank you, Shedrick.

Wheeler: Good morning.

Joe Walsh: Good morning. For the record I'm joe Walsh issue. I would just like to compliment commissioner Fish. You were thinking along the same lines I was. This is going to be a four-year project. I was amazed how fast ice reacted to the election. Think about this. They were in our courts. They were in the county courts arresting people. We got information that they were on the buses and the trains also. So when the trimet ticket guy threw the person off the train, they went into the arms of ice. That was about two days after the election we were getting reports on it. So ice has given been given a green light by somebody and then on the news if you're following the news it was more than here. It was like five states, six states that ice is going crazy. Because they got a green light from somebody. So the \$50,000 is honorable. It's a good move. It should be more. It should be like the commissioner I think that I understood you, commissioner Fish, when you said, look, this thing is going to go on for four years, the \$50,000 is kind of like a down payment. It's going to be more. The activist community will surround this building and I said this to the commission and the county, we will physically put our bodies around this building if we have immigrants inside the building to protect them. We need you to stand next to us. That's what we need. When it really gets bad, we need you next to us. I don't want to look around and not see you. A lot of protests and a lot of individuals you're not there. This one you must be there. Because it's going to get really bad. This guy in the white house is crazy. There are more technical terms we could use, but he's crazy. And he gets up in the morning and he does what he feels like. That's crazy. So the \$50,000, I'm not asking for an amendment just saying to you straight out, it's going to cost you more. So think about that. And we have to protect these people every way we can. My father came from Ireland. I'm first generation. So I'm very sensitive to this. Please stand with us. And don't abandon us when the feds come down and they do things like going after the marijuana. They are going to pressure the hell out of us and we need you really badly.

Wheeler: Thank you, sir. Good morning.

Charles Johnson: Good morning, commissioners. Charles bridge crane Johnson. As Mr. Walsh noted, the stand you take and public actions you take are going to be perhaps even

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more important than this \$50,000. I believe across the river sort of parallel person to our police commissioner ted wheeler here, sheriff mike Reese, last I knew unfortunately sheriff Reese had an internal investigation going on because of lone wolf collaborators with ice and Cbp. So in addition to all four of you voting aye momentarily and passing this important funding, you need to stand with the immigrant community and unfortunately attentively manage the police department and the sheriff's department. I don't think anyone in America would say there are zero racists or zero bigots employed by sheriff's departments and police departments. When people go into the justice center above our jail that we are building, iga type of building, their immigration status is talked about right in court. In theory on the pretense of protecting that person. But if a jail staff person overhears that discussion and that jail staff person decides to go lone wolf and rogue and call up ice, say case number such and such, Fernando so and so, we need to know that person will lose their job. Please make this seed investment. Some of you who watch media closely may know that about every tech company made a public statement about the importance of immigration. And so when the people are here from metropolitan public defenders they mentioned high level donors I'm sure they will go into northwest Portland in the 1400 block and knock on the door of Microsoft corporation. So Microsoft corporation cannot just protect its own immigrants but can be a participant in this community and fund this project with us t. That would apply for our neighbor e-bay. I forget why Google's office is. Airbnb is going to contribute not to protect their own workers but the low income food service workers and sanitation workers that we all depend on. I look forward to strong leadership from the business community as well as the \$50,000 seed you're putting in.

Wheeler: Good morning.

Lightning: I'm lightning. I represent lightening superwatchdog pdx. I absolutely agree with this funding being implemented. One of the concerns I have is that pertaining to the Syrian refugees and seeing the suffering of the people, I want to also make it be clear that we need to offer foreign aid at this time. I disagree with president trump on how he rolled out this executive order. I think he's done this too fast with not doing a lot of thinking in the direction he needs to go. I believe that the immigration system itself needs to be modernized, reforms need to be put into place. This will take time, though, such as with these attorneys to overlook that implement this on a gradual basis over time. Mr. Trump's position on keeping the united states safe I do agree with him on that. I do agree with the vetting process being looked at and understanding that we do need to implement certain things that will provide more safety for the people in the united states who are here currently. People coming from foreign countries also need to have that understanding we're trying to provide more safety for the people in the united states, have a more clear understanding why we do have 50 million refugees at this time. Why things are so unstable at this time. How we implement things to correct that and stabilize situations for people so they don't have to flee their countries and in some areas as turkey, Sweden and other areas that have had open arm policies are changing at this time because they don't have enough capacity. We need to keep looking at this very close, make sure that resources are still provided to the Syrian refugees, and amp that up at this time. Continue to work with president trump and understand to look at this from a humanitarian position that when people are suffering, you have to step up also and try to do what you can do. That needs to be looked at very close. Thank you.

Wheeler: Thank you. Please call the roll.

Fritz: Thank you colleagues for your support on this. Particularly thank you, mayor wheeler. The first time I told him about this again I only got halfway through and he was very supportive. This is just the first of many actions city council will be taking to look after all our community members. One of my favorite union chants on labor marches is working

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folks are under attack. What do we do? Stand up, fight back. Right now immigrants are under attack. What do we do? Stand up, fight back. I don't usually use the word fight in my political advertising because my sentiment is that if your fighting that's not where you want to be. You want to be in dialogue, pressing hard but not resort to violence. In this particular instance I think that is clearly not worked. We have not been able to elect a president who would not do any of these things. I became a citizen in September 1992 having lived in Portland for six years I was in September because I mailed the registration card as I left the courtroom and so that I could vote for Hillary Clinton, as first lady. I cherished that right to be an American citizen. I know others do too yet even I is an immigrant who looks and talks like I do is privileged compared with others who are here or want to be here seeking the American dream. So colleagues I very much appreciate your support on this state representative Anne Lininger, Alex Bassos and Michael Hsu, thank you for being here. Thank you, Kayse Jama and your leadership with unite Oregon. Mayor Wheeler and Commissioner Eudaly watched an event last night that was standing up and rallying for immigrant rights. Kayse has been a leader in our community for many years now and is the person that we turn to, to help with challenges. When we have the alleged bombing in pioneer courthouse square in November, thanksgiving, Kayse was the person I contacted to say, how can we help the Somali community and how can the Somali community be held safe. So I greatly appreciate his leadership. Commissioner Eudaly was at the event even though she is very sick. That's why she is off today. I know she will be bringing several other measures forward very soon to support Portland united against hate. We can't wait for the regular budget process for that. That was started in one place that originated was in the on-budget advisory committee last year when suddenly after the election it became clear that cutting 1% or 5% was only part of the challenges we're facing as a community. I appreciate commissioner Eudaly attending last night and being very clear that she will continue that work in partnership with the office of neighborhood involvement and our community. I just want to mention we could -- I could have asked for more. We could probably have put the entire amount down. But people are wanting to help. I felt that last night as people gathering together. Tell us what we can help with. Immigrant protection project.org. Let's see how much we can do. Send \$10, send \$100, send one if you can so you have done your bit other than attending rallies. It's important to show that we care and puts words into action. Mayor Wheeler is working on coordinating a welcoming cities resolution. Portland parks staff and director Mike Abbate are looking at if ICE comes walking into our community centers what are their legal resources. The city attorney's office wants to make themselves available. So we can fight this. We are Portland. We have leaders in the immigrant community and we're friends with our immigrant communities. This is a very exciting action. Thank you very much. Aye. Thank Tim Crail, my chief of staff, who has led this work ever since I mentioned it also our community partners, American civil liberty union of Oregon, Oregon law center, the immigration refugee community organization otherwise known as IRCO, the Oregon Latino health coalition, Latino network and many others. So thank you. Aye.

Fish: I want to thank the mayor and commissioner Fritz for bringing this forward. I wholeheartedly support it. I think commissioner Fritz is right. Providing seed money and then challenging the community is exactly the right thing to do. But I also hope we have a chance during the regular budget to consider a multiyear request. My mother was born in Montreal, Canada. Came to this country and seek a better life. My mother-in-law was born in Cordova in the south of Spain and came here with a sixth grade education, no English, to start a better life. We all have stories of how immigrants and refugees have shaped our lives and we know that immigrants, refugees and native people built this nation. So it's appropriate for us to stand with folks in this time of peril. This is one of a number of actions

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which I will wholeheartedly support. I thank the metropolitan public defender agency for their great work. It's times like this that you actually get more attention for the work you do, which is hard work and not very glamorous, under-funded. The lawyers in a public defender office have chosen and had the choice to work for more in jobs that are probably easier but they have chosen this work because it's pure public service. You deserve our thanks and our respect. Thank you, colleagues. Aye.

Saltzman: Well, I want to thank commissioner Fritz, mayor wheeler for bringing forward this funding request. I also want to acknowledge metropolitan public defenders for the role you're playing with immigrants and refugees but also the role you play every day with low income Oregonians, juveniles and criminal matters. You're a very strong organization and I'm not sure how we would function as a society without an organization like yourself. Thank you for that. I look forward to working with you as we stand up for the rights of the immigrants, refugees in our community. Aye.

Wheeler: I want to add my thanks to commissioner Fritz. Thank you very much for your leadership on this and your team's leadership. You're right. I got about halfway through the description and said I'm in. I was asked a very provocative question by a former colleague of yours, randy Leonard, about 12 years ago when I approached him and said I was thinking about running for public office. The question that he asked me then and it's a question I think about a lot still, which is this. What are you prepared to lay it all down for? What issues? This is right now that single most important issue before us that I'm prepared to lay it all down for. We will continue to, and I'm going to use the word fight. We're in a fight for what is a core American value. We're in a fight for what is a core community value. The fact of the matter is this community is better for having an immigrant community, and I could bury you in facts but I won't do that for you today but Michael's story I think is just one of many incredible stories I have heard. This has touched a nerve with this community. We went to a great event last night. I was really sorry I had to follow Kayse Jama in the speaker's lineup. That's always a bad thing. Kayse is so eloquent in the way he presents these things. Not long ago, most all of us here went to metropolitan, the Muslim education trust, sorry, out in Tigard. There were something like 1400 people in that room. Every single event I have been to related to this matter, it seems that the passion is actually growing. It's not withering. People feel that something really, really important is on the line. Lane, I see you here. I appreciate the work that you and the public defenders do. It's very important work. Commissioner, I appreciate that we're putting real money behind an actual solution that's tangible, immediate, it's going to start to have an impact starting right now. And I agree that there's a lot more that we can do and I want you to know, I speak for this whole council, I don't think anyone here will correct me, we're prepared to lay it all on the line for this issue. So thank you, commissioner, for bringing this first of many packages forward. Thank you to your team. Thanks for everybody who worked on this. Thanks for the community partners who put their blood, sweat and tears into this effort. I vote aye. The ordinance is adopted. That's the good news. Now bad news. I'm looking at our agenda. It's now 11:45. We have eight more items to cover. Some are meaty. So with the forbearance of everyone here if you could try to keep your testimony to two minutes, I don't like doing it, I don't like it but if you could try I would appreciate it. We also have a marathon session this afternoon. I want to make sure that the council has time to do other business between those two things. I would ask the clerk to return item 145 to my office. I still have questions about that. With the forbearance of my colleagues I'm going to ask that 145 be returned to my office.

Moore-Love: Read the title?

Wheeler: Please do.

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Wheeler: I don't hear any objection. That's withdrawn. Please read the next item.

Item 146.

Wheeler: Very good. Thank you very much. Just to be clear we have reserved ten minutes of testimony so if you could keep in this that time frame I would appreciate it.

Shannon Carney, City Budget Office: We'll be brief. Thanks so much. My name is Shannon Carney I'm the performance management analyst with the city budget office. I'm with the housing bureau and Portland fire and rescue. We call ourselves earth, wind and fire. You can decide who is who. We're here to talk about a grant agreement we're proposing for consideration with the local nonprofit group Hack Oregon. Our bureaus have been collaborating on this project and we're hoping to enter into this agreement in a joint fashion. Hack Oregon is a community powered nonprofit building open data projects to promote quality of life in Oregon. The motto is making public information public knowledge. They are a strong force driving civic engagement with local technology community. They train hundreds of adults on open source software coding and project management skills in a real life production environment. Trainees work side by side with experts in the field on projects, one of several web application processes each season that address real world challenges. That's where the city of Oregon and other organizations like this come in. To be successful this organization relies on public data, so the city of Portland we obviously have a wealth of that type of information. Currently not all of it in some ways not even a lot of it is equally accessible to outside organizations like Hack Oregon. Outside a public records request it's not that easily available. So our bureaus are here to change that. We want to work with this organization not just in response to a request but as a partner interested in the questions posed by the technology community and especially in the creative solutions that they may propose to some long standing challenges. This type of partnership is key to treating the city data not as information that must be collected, reported and archived but something that is a strategic asset we can learn from and drive better decisions. The project is anticipated to build a demonstration open data portal for the city. We hope this will show how interesting and useful our existing day-to-day city information becomes when we share it in an accessible format and partner with the community to ask and answer new questions. This project is I think unique because Hack Oregon has engaged city staff such as us that may never otherwise have found ourselves at a hack-a-thon or weekend start-up event. I anticipate our understanding of what it takes to build a large scale technology project will pay dividends in the city in future years as well as connection to the community for recruitment and bringing new talent into the city. It's a one-time grant but we anticipate it will build relationships with the organization and we can build with other bureaus too. With that I'll toss it to you.

Bimal RajBhandary, Portland Housing Bureau: My name is Bimal RajBhandary I work for Portland housing bureau as a data analyst for the past couple of months I have had an opportunity to take a class at Hack Oregon as well as to collaborate with them on housing related projects. This has been a great opportunity for the city as well as the bureau to work with a local open source organization and community so that we can share data in a very useful manner. Of course I'm benefiting from this working with entity volunteers, coders, programmers and data scientists associated with the Hack Oregon as they write civic applications and hoping that through this partnership we'll be able to gain more insight about the housing related issues and particularly leading to making policy and civic engagement. I realize that we're not compared to Boston or San Francisco in working with open source community but I'm very interested and excited about this collaboration with Hack Oregon and I'm sure this will be a win-win situation for the city as well as for the open source community and residents of the city as well. Thank you for giving us this opportunity.

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Wheeler: Thank you, sir.

Mark Whitaker, Portland Fire and Rescue: Good morning. Mark Whitaker with Portland fire and rescue. From the fire bureau's perspective, certainly what interested most about this project was the ability to collaborate with professionals outside government and give them a chance to look at our data and perhaps tell a story that we're for the telling or tell it differently or identify gaps or new things that we haven't looked at. That's why when this opportunity was presented to us we viewed it as a chance to innovate and hopefully learn some new things and hopefully walk away with some new ways of presenting and thinking about how we interact with our data and present it to the public.

Wheeler: Thank you. Any council questions? Any public testimony on this item?

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

Wheeler: Come on up. Thank you.

Whitaker: Thank you.

Wheeler: If you could hang around in case we have follow-up.

Catherine Nikolovski: Good morning. I'll be very brief because I know that we're running - - I'm Catherine Nikolovski, founder and executive director of Hack Oregon. I thought I could add to the earth, wind and fire team today. Very proud to hear them making statements on behalf of Hack Oregon and the work that actually we have been doing since summer.

We're preparing for a public demo on May 1 at the OMSI IMAX theater so everyone is invited to actually see what we build and meet the volunteers behind the project. I think that one of the things that when we're in such a tense political time nationally looking at all of the overwhelming positivity and creative talent in Oregon this is something everyone can feel really good about. We have enormous amounts of talent across tech and design and other kinds of strategic development. We're fundamentally nonpartisan. Have really no stake in what kinds of stories we're telling around these themes. We're trying to break ground on important issues like housing and homelessness to try to understand how to better allocate resources and bring something new to the table that is sometimes beyond the scope of what government actually can afford to do because it's very expensive to run these data projects. We have all these folks coming from some of the best technical areas in Oregon working together on these super teams alongside teams with government. It's not even about open data as an issue. It's about every other issue that data is a part of. If we can understand the Portland budget better to apply toward things like emergency response and homelessness and housing, we think it benefits everybody. That creative exercise is also producing a lot of work force development talent and we do get other kinds of funding to run this by actually training and putting people back into technical positions.

Wheeler: Thank you. Congratulations on your success.

Nikolovski: Thank you.

Wheeler: Good morning.

Charles Johnson: Good morning, commissioners, Charles Bridge Crane Johnson. Another piece of the data puzzle we need to open up, something you unfortunately have to witness all the time is that this table is too often occupied by people like Shedrick and myself more white men, not really what leadership in Oregon needs. So I just wanted to particularly note that this is one of the few women we have had come up for citizen comment. I hope that commissioner Fritz and Mayor Wheeler will take a look at if we're getting equity in public engagement. Part of that is just stand back. I probably need to come up less but I thought it was so important that, Mayor, you, commissioner, in addition to opening the data, people that sign up in the five comments, do we get any kind of diversity? Are we really reaching the level of inclusion as a city? That's a small project that Hack Oregon people may not want to take on and may find the data is not there, but if we're going to be a city of leadership you need to listen to ideas Hack Oregon is bringing

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forth so that decision making can be -- we can really live democracy. It didn't work that well in November. I think not a lot of people in Oregon are happy with how our democratic process is not -- we have a populist demagogue in the white house yet here the people feel we have an unpopular national leadership. So these ideas to hack Oregon is suggesting as we grow the tech community that is the real job creation place taking that -- take that seriously, have a very open and engaging policy to let specialist data analysts develop policies that will protect privacy but open data.

Wheeler: Thank you.

Shedrick Wilkins: This computer technology can be used to make surveys, statistical things like how many people, these things can go do databases and count numbers and tell me how many are being evicted, how many people are on food stamps, how many don't get food stamps. It's important when you say something people quote statistics, makes a company like hers can basically convert that very rapidly.

Wheeler: Thank you. Is that end of public testimony? Please call the roll.

Fritz: Thank you for your work. Aye.

Fish: Very pleased to support this. Aye.

Saltzman: I appreciate the collaboration between the housing bureau, Portland fire rescue and the budget office. Sounds great. Aye.

Wheeler: I would like to see more of this. Aye. The ordinance is adopted. Next item, please.

Item 147.

Wheeler: Good morning.

Larry Pelatt, Procurement Services: Good morning. Barely. I'm Larry Pelatt from procurement services. You have before you the procurement report recommending a contract award for McDonald excavating for the southwest bond avenue surcharge retaining wall improvement project. The \$3,142,478.69 the original engineer's estimate was \$3,260,619. The bureaus confident level was moderate. The project was advertised on the electronic procurement system November 4, 2016, and bids were opened December 20th, 2016. Eight bids were received and response to the solicitation. McDonald Excavating is the lowest responsive and responsible bidder at \$3,142,478.69. Fortunately, it's 3.6% under the engineer's estimate and includes all bid items included in the original engineer's estimate. The bureau of transportation along with procurement services identified an aspirational goal for certified disadvantaged, minority, women and emerging small business firm's subcontractor and supply utilization at 20% of the hard construction costs for the project. McDonald excavating acting as prime contractor identified the following areas for subcontracting, trucking and flagging. There's \$628,823 or 20.1% of dmwesb utilization identified on this project. Dbe subcontractor supplier 15.86% and wbe participation at 4.1% McDonald excavating is not a said certified dmw or esb contractor. They are an Oregon corporation and they are in compliance with all city requirements for contracting. If you have any questions I can answer them. I don't think anyone from pbob is here.

Wheeler: Any questions? Any public testimony on this item?

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

Wheeler: I need a motion and second.

Fish: So moved.

Fritz: Second.

Wheeler: Motioned and seconded. Please call the roll.

Fritz: Thanks for the report. Aye.

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

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Wheeler: Just for future reference, I have gone -- I have a larger question about procurement and contracting. I want to make sure that we are opening doors that go beyond just trucking and flagging. I want to make sure that we're reaching down and creating journeymen opportunities, advanced training opportunities so these companies can actually expand beyond -- I don't mean to belittle trucking and flagging but that's some of the lower value-added in these projects and the big resources come higher up the construction food chain. So I want to continue to work with you on that. You know that. Aye. The report is accepted. Thank you. Please read the next item.

Item 148.

Wheeler: Now it's afternoon. Good afternoon.

Pelatt: Good afternoon. Mayor, commissioners, I'm Larry Pelatt, procurement services. You have before you the procurement report recommending a contract award to Paul Brothers, Inc., for the Willamette Park redevelopment project for \$934,085.95. The original engineer's estimate on this project was \$960,000. The bureau's confidence level was moderate. The project was advertised on the city's electronic procurement system on October 10th. Bids were opened November 28. Five bids were received and Paul Brothers, Inc., is the lowest responsive and responsible bidder at \$934,085.95, which is 2.7% under the engineer's estimate and includes all bid items in the original estimate. The bureau of Parks Recreation with Procurement Services identified an aspirational goal for certified disadvantaged minority and women and emerging small business contractor and supplier utilization of 20% of the hard construction costs for this project. Paul Brothers acting as prime contractor identified the following areas for subcontracting concrete work, trucking, fencing, signage, hydro siding and metal fabrication. There is \$271,290 or 29.1% of certified firm utilization on this project apportioned as follows. DBE subcontractor at 12.0%, WBE subcontractor utilization participation 6%. Together they are apportioned as follows. WBE, fencing, signage, manufacturing, pre-cast pavers, \$72,400. DBE, concrete and trucking at \$112,090 then ESB, metal fabrication and hydro seeding, \$89,600. Paul Brothers is not a state certified DMW or ESB contractor. They are an Oregon corporation and are in compliance with all city requirements for contracting.

Wheeler: Council questions?

Fish: I seem to recall we had this discussion before about Paul Brothers, but what is the significance of the fact that they are not a state certified but they have EEO certification and are in compliance with our equal benefits program? What's the distinction you want to track on that?

Pelatt: State certification, commissioner, is the disadvantaged minority, women or emerging small business. Narrow category. EEO is a federally mandated piece of equal opportunity employment. It essentially anyone who is going to be in business after so long is pretty much going to be EEO certified. Essentially we cannot do business with them if they are not EEO certified. The equal benefits part is part of the resolution I believe from 14 years ago requiring firms that offer benefits to employees and their spouses do not discriminate based upon any kind of sexual orientation or any other qualifying event relative to employment. They really are very, very different. The last two are requirements of the city for us to engage in business with the firm.

Fritz: Thank you.

Wheeler: Any public testimony?

Moore-Love: I don't have a sign-up sheet.

Fish: Move the report.

Fritz: Second.

Wheeler: We have a motion and a second. Please call the roll.

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Fritz: Thank you, commissioner Fish, for your partnership on this. This project is funded partly by the water bureau, partly through parks and recreation. I'm glad to see over 20%, which obviously surpasses the goal. Also the disadvantaged businesses and women businesses are the majority of that allocation. So that's good. The parks gave a presentation on this project in November. It involved the entrances to the park and greenway trail. That's a separation between bicyclists and pedestrians. Construct new trails to create an additional walk for park users and moving the dog-off-leash area. Thank you. Looking forward to it. Aye.

Fish: We're looking forward to seeing it as well and it will join a brand new pump station which is going to be quite a community resource. Aye.

Saltzman: Aye.

Wheeler: Aye. The report is accepted. Thank you for your time. Next item, please.

Item 149.

Wheeler: Good afternoon.

Creager: Thank you, mayor, members of council. Kurt Creager, housing bureau director. I would like to introduce Kim McCarty who does all our fair housing planning within the city of Portland. Because of the intense interest over renter protections I thought it would be good if Kim could quickly summarize this amendment.

Kim McCarty, Portland Housing Bureau: Thank you. This amendment is an amendment of our master ordinance, our master ordinance requires that any contract over \$100,000 come back to council. This contract with the community alliance of tenants adds to their contract \$270,000 to support legal services and advocacy for renters. It's also specifically asking that they do outreach in east Portland with the focus on low income renters, immigrants and refugees. It also includes a robust coordination with self-enhancement, inc., Apono, and Irco. I'm open for any questions you may have.

Wheeler: Any questions?

Fritz: This was previously approved in the budget? Where is the money coming from?

McCarty: Yes, the money was previously approved for advocacy and legal services and then we followed through doing a procurement process.

Wheeler: Thank you. Is there any public testimony on this item?

Moore-Love: I didn't have a signup sheet.

Wheeler: Thank you. If you could stick around for a few minutes. Good afternoon.

Walsh: Good afternoon. For the record I'm Joe Walsh. I represent individuals for justice. I was curious, how much did we spend last year on this? Do we know? Or is this brand new?

Wheeler: Come on up.

McCarty: The community alliance of tenants last year their grant was about a little over \$100,000. This year it's \$218,000. This particular activity is new.

Wheeler: Thank you.

Walsh: This is --

Matthew Tschabold, Portland Housing Bureau: One quick additional element of context, Matthew Tschabold with the housing bureau. This allocation of funds was a part of the discussion around funds home for everyone planning effort specifically looking at legal services for individuals that were homeless or at risk of homelessness. In the partition of responsibilities between the city, joint office and county renter protections stayed with the city.

Wheeler: Thank you.

Walsh: We would just applaud the increase or ongoing funding. We need these kinds of programs. Renters are in desperate shape. We're all afraid. I'm a renter. So the landlord could come up to me tomorrow and say, we're raising your rent. A thousand dollars.

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Because of what's happened in recently I have some protection. Not a lot, some. But he can still do that. So legal help for tenants is a worthy goal. We support it and we congratulate you. See, I can be nice. Congratulations.

Wheeler: Thank you, sir. Please -- is there any further discussion? Please call the roll.

Fritz: Thank you very much for the procurement and the explanation of this. I have several awards in my office and the one from community alliance of tenants is my most treasured one, thank you for working with this great organization. Aye.

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

Wheeler: Easy aye. The ordinance is adopted. Next.

Item 150.

Wheeler: There you are. Good.

Wheeler: Good afternoon. State your name for the record.

Victoria James, Portland Housing Bureau: Good afternoon, mayor, commissioners. I'm Victoria James. I am housing policy analyst at the Portland housing bureau. This piece of legislation would allow the Portland housing bureau to adopt formalized rulemaking procedures for the rulemaking authority we were granted through the inclusionary housing ordinance passed on the 21st of December. Essentially, this resolution just lays out the period of time that we would need to notify the public and the procedure for that. Yeah. Basically just sets up the procedure that we would need to go through any time we are adopting, amending or repealing rules in relation to the limited rulemaking authority we have on inclusionary housing.

Wheeler: Thank you, Victoria. Any questions?

Fish: Could you give us a quick update on the steps the bureau is taking to set up a stakeholder group to consider potential modifications going forward to the renter protections legislation we passed?

Tschabold: So we are working -- Matthew Tschabold for the record from the housing bureau. I have been sick the past couple of days so I had to cancel a meeting and we rescheduled that this Friday to talk through what the process will look like, to work through the work plan.

Fish: Thank you.

Fritz: I just heard from one of my staff there's a difference between the two code sections, 30.01.120 and 03.130. Are we clear on who does have the adoption power?

Tschabold: So the housing bureau has fairly limited rulemaking authority. For title 30 it's in relation specifically to inclusionary housing program, not the structure itself but detailed implementation as far as the requirements in the offsetting incentives those are based in code. One of the incentives is property tax exemptions in title 3. The rulemaking authority as it relates to any sort of process or reporting requirements associated with the program that's outlined in code the authority would need to be granted to the housing bureau in both title 30 and 3 which it has been. So the rules of the housing bureau would be creating would relate to both because the inclusionary requirement is both in the zoning code as well as title 30. One of the incentives is in title 3.

Fritz: That would not change the code then. Council is still in charge of changing the code.

Tschabold: Correct.

Fritz: My other question is regarding where we are with making all of the administrative rules similar between the different bureaus. I know that the housing bureau hasn't had one. Have you been part of any discussion on a standard we could look at for all bureaus?

Tschabold: At this point we haven't been part of a conversation although we talked with the auditor's office with respect to formalizing a lot of our Portland policy documents which you'll be seeing in the next weeks and months as to what the standard protocol is and the guidance that we received from the auditor's office as well as the attorneys is absent of

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formal city formalized standardized city process to as best we can use the attorney general's guidance on administrative rulemaking, which is what we followed.

Fritz: Colleagues, I think we should have a single system. I'll check in with Celia Heron in the office of management and finance. My understanding is one of the changes since the last time we discussed this is that in response to my concern, thank you, is the commission in charge shall be provided prior to adoption of amendments or repeal of these rules. I appreciate that. Colleagues, I would like you to consider also doing what the director of human resources does when she is considering rule changes, which is at least to notify all the council of what those changes are. Since we're delegating that responsibility and community members might not normally be going every week to the housing bureau's website and might not be aware we can help raise any concerns we think might be in the community and help publicized fact that these are happening. Certainly if I'm ever in charge of the housing bureau that would be my resolve.

Wheeler: I am in charge of the housing bureau indirectly as the commissioner. What I will do is work with your team and also with Kristin Dennis and we'll get that ironed out.

Fritz: Thank you.

Wheeler: You bet. Any further questions? Is there any public testimony on this item in.

Moore-Love: Are we still considering the amendment to exhibit A?

Fritz: So moved.

Fish: Second.

Wheeler: Motion and second on the amendment. Let's take up the discussion on the amendment. Any further discussion? Please call the roll on the amendment.

Fritz: I appreciate your response to my concern. Aye.

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

Wheeler: Aye. The amendment passes to the main motion. Is there further public testimony on this item? If none, please call the roll.

Fritz: Reading further into my notes the staff at omf are waiting for the instructions about the rulemaking process city-wide for all bureaus, I'm happy to work with Kristin and you on helping that to happen. Aye.

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

Wheeler: Aye. The resolution is adopted as amended. Next item, please.

Item 151.

Wheeler: Commissioner Fritz?

Fritz: Colleagues I'm sure your all quite disappointed this is so late in the agenda for several of you this is one of your favorite events of the year. Very happy to introduce the seven new trees and to explain why removal of designation for five trees. The heritage tree program is an important part of raising public awareness regarding the contribution that trees provide to our community. Thanks to urban forestry commissioner Greg everhart and former Portland employee and volunteer after she retired. She will give us a brief explanation.

Gregg Everhart: I'm Gregg everhart on urban forestry commission. I chair the heritage tree committee. I wanted more time but I'm going to try to reduce it to the essentials. Can we get a power point presentation? Because this is sort of a matter of show and tell. I do hope when you get your copy of the current heritage tree guide book that you will see these trees. I also for the commissioners -- if I knew where you live but by neighborhood I gave you a map I hope you'll use in your neighborhood. It shows the discrepancies that we have, not every neighborhood has a heritage tree. So we would like to change that. For instance, commissioners Eudaly and Fritz live in neighborhoods I believe with no heritage trees. Where commissioner Fish has moved from one that has had only one but now is in more older part of town.

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Fish: An abundance.

Everhart: Has 12 magnificent, huge trees. Commissioner Saltzman actually just I think because one site has so many trees is in another part of town that is rich in heritage trees. What you see around here every day is something that can really inspire you. When I came before the council last year, the ordinance has trees to be delisted as well as new heritage trees. We need you to approve both lists but I didn't bring pictures of the trees to be delisted. I apologize for that I realized later there was an interest in that. There were two last year. This year there's five. That's not enough years to see a trend but we have had this program for 20 years and I'm concerned that some of the early giants are starting to age out. We're all, they are, we're all going to die, but I think we need to sort of step up this program because some of those initial trees are fading. I want to show them as a last thing where we honor them and point out that we're also going to need more funding for this project. Currently we have no program where we actually look at all these heritage trees each year. We operate on a complaint basis or one of the committee members or an arborist in town sees a tree in trouble and calls it in then staff responds. When staff actually needs to go and do work on the tree, or in these cases take them down, that also comes out of a very limited budget. So --

Fritz: Could you explain to us what a tree has to be to qualify --

Everhart: I'll get there. People sometimes use the acronym holy. I never know what the y is, historic connected with an historic person action event or site. Old. Old age.

Fritz: Is it on public and private property?

Everhart: Both. The qualifications for both are the same. They need to be large or old or of an interesting or unusual horticultural variety. So you qualify if it's a public tree the city can actually just designate it. If it's on private property, the private property owner signs a consent form. They basically say in other words we protect and value this tree and we actually commit any heirs or to whom we sell it to also protect it. It's a designation that brings protection to the tree. Brings a plaque. It gets it into the guide book that you'll get. People like me and visitors to the city, if you use your guide book, leave it in your office where people can look at it while waiting to see you. It's just a special thing. There are maybe 300 of these trees the population ebbs and flows every year. They are magnificent from the smallest to the very large. I want to show you the ones that are no longer with us. We lost four trees this year. The first was an American chestnut. This is a tree you've heard of being in trouble throughout this country. This one lost that limb you see, a big scar on it. The tree started to die. It's located between the sidewalk and a home that is used as a daycare. The city forester by code can declare a tree emergency and remove a heritage tree. In this case this tree is gone but we need you to delist it.

Fritz: I have two American chestnuts that I planted 23 years ago. How much longer do they have to survive before they might become heritage?

Everhart: How big are they?

Fritz: Not as wide as that for sure.

Everhart: Nominate them. We'll come measure them.

Fritz: I'm on a mission.

Everhart: That would be great. That's exactly what we need.

Wheeler: What do you do with the wood when they are removed?

Everhart: There's a whole process. An elm tree could be infected by Dutch elm disease. Others are quite valuable wood. Urban forestry, I don't have the city forester with me but a whole community of arborists is working on it. If environmentally zoned the wood is actually returned to the site. We lost a madrone tree a couple years ago. It became play equipment in madrone park for which it was named. Urban forestry is in the forefront leading with sort of repurposing.

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Wheeler: Is there a specific process related to that?

Everhart: Yes, but I can't cover it in ten minutes.

Wheeler: The answer is yes. I'll look it up. Thanks.

Everhart: I'll have Jim get the information to you. Our city forester. This is the hybrid birch. You can just see that it's losing leaves up top. It was reported by the homeowner as well as a volunteer tree inspector. Again, it was an immediate hazard and it got its removal permit. But you can see just how big some of these trees are. I wanted also to show you there's diversity. However, the last three of the trees to be delisted are elm trees and we have elm trees in the city that are 100 and more years old. That on the left is a branch that was four foot in diameter that came down that left the other two branches unstable. So this tree was definitely a hazard. They are so big that they can hit a number of buildings and the street.

Saltzman: Was this in the storm?

Everhart: Yes. Yes. It can be wind; it can be water. We will have more delisting's next year because we had ice and snow damage this year. This tree is actually still standing. This is in Laurelhurst it wasn't deemed to be an immediate hazard. It's a potential hazard. It's been on the list for 20 years. I actually live near this tree so I visited it numerous times. It's in Laurelhurst on the street. It's impressive to see when a tree is reported how carefully urban forestry checks on it and prunes it and kind of does everything they can do. They have cleaned out the dead wood and the crown. They have taken weight off the end of these extremely long branches. But it's over 100 years old. That's how old Laurelhurst is. It's had a succession of ever bigger branches come down and even with a pruning really they are to the point where they can't do anything more for this tree. There's decay in the crown, the top of the tree, in the trunk, and at the base. So in this case, because it wasn't an immediate hazard, it was potential, we used the process that's in code and we sent public notice and had a hearing at the urban forestry commission. We did have one person testify saying she just hoped it could be there for another year or two. We have arborists that are tree risk assessor, and the neighbor that is next to this tree agrees with this that although they have loved it, it's time to go. So because it's a heritage tree we need you to concur with delisting it so urban forestry can take it down. This elm tree is down. It actually was flagging in the elm monitor program was where this was spotted. They go around checking for signs of Dutch elm disease. This tested positive. So it was removed immediately because it is something that can spread to the other trees. So those are the five candidates for what we call delisting. They will come off the list. That means come arbor month in April we'll have them out of that guide book. Won't be completely accurate because we have lost some trees that I can't tell you about until the urban forestry commission okays it. I want to add the diameter breast height of these trees because you have had to rule appeared make regulations regarding removal of trees. I can't stress too much that trees grow at different rates. So you'll see some very significant trees that aren't that big. But where I know that I will give you their age. This tree is very close to my age. It's over 60. It has a diameter breast height of only seven inches but it's the largest bald cypress we know of in Portland. It's in the Maplewood neighborhood association which has only three heritage trees, in a site where we had two trees designated last year. This tree is horticulturally significant and historically significant. There was a nursery there that lasted through two families, two generations each. The current owner was a daughter of that second nurseryman. She has really got a wonderful tree collection there. So this tree which is native to sort of the southern swampy part of this country is now being planted as a street tree but has not reached the size, so it's a great place for people to see what a bald cypress can do. The next tree is very unusual. I have the curator of hoard arboretum on the committee. Not one of us thinks there's another one of these in the city. This is from

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northern and central china. Its named lace bark pine by the way the bark starts to flake off after about ten years and you have that astonishing multi-colored trunk.

Saltzman: Is there one in the arboretum?

Everhart: No. Barton has been inspired to see if he can find one. This tree is 62 years old. It will be years before something would actually show this bark. Again, this is only ten inches' diameter breast height. This tree by contrast is about five feet across. This is 66 inches. The house is was built in 1916. May have grown from an acorn that someone brought from the Midwest a lot of people settled here from areas where this tree is native. This was my favorite tree of the two days that we toured all the potential nominees. It's had great care. It probably can live several more centuries. People that nominated it live there so they are very devoted to it. This one next is really an unusual tree. You've just seen a huge tree. But this camper down elm is only 20 feet tall. It's trunk just because of the way it grows is over two feet in diameter. It's kind of like a little storybook tree. Although we have two of these trees on our list, this would be the second one for foster Powell. You don't have many heritage trees east or even near 205. But you could walk under this tree and see this incredible structure. It's probably 70 years old. Because all the camper down elms come from one original tree. They are a cultivar that's grafted.

Fish: Go back to that for one second. That elm looks suspiciously like a weeping willow. Are they related in any way?

Everhart: No. One is in the genus Salix, which has whole different characteristics. This is more closely related to the giant elms we see on our neighborhood streets and had as failures. I don't think you saw the three elms that have or will be coming down. Some people really like weeping trees. You're correct, it's got a similar form to a weeping willow but different leaf. This tree is called Cindy. [laughter] by its neighbors. It's a landmark. Up in arbor lodge it was nominated by a member of their tree team. We haven't figured out why it's named Cindy, but people go through, it's a landmark. They meditate, pray, they do yoga. We felt some kind of a functional point of view this is a great example of a large form conifer that's actually happy in a planting strip. From a storm water habitat, those functional reasons this is a great example would be a great place for people to visit. And it's huge. It's native to Oregon, not necessarily to Portland. The final two trees are in one of our parks fern hill park they would be addition to the two trees that Concordia neighborhood has although they just lost one so they're really down to one. They are 25 and 27 inches dbh what's significant about these trees that they are not a cultivar we just finished our street tree inventory we've got a lot of these trees, but they've got a form that's tightly oval and vertical you see them in narrow planting strips. So we think this tree would actually be very resistant to some of the pest diseases it's not invasive and having it as a heritage tree would actually promote people planting it more frequently. So that's one of the trees and there's this one that's in a more shady setting, this is my last slide and I'm really sorry to rush through and not really describe how their nominated if you wanna ask me any questions am happy to answer it, but I wanted to close with a fact that heritage trees are not distributed equally through this city and there's a lot of potential reasons for that it's lot size planting strip width the history of large lots, tree collectors who might have been wealthy individuals just some parts of the city being older than others or having nursery's or old orchards. We think these trees are inspiring from a really awesome and majestic so we welcome you to spot trees we hope that we will find more partners in some of these neighborhoods and add some more types of species and perhaps find the tallest native conifer in every neighborhood that currently doesn't have a heritage tree. That's it.

Fritz: Fabulous thank you.

Wheeler: So I will share my tree story. When I was growing up those of you by the Lloyd center, it used to be a lot smaller than it is today. And it used to have sort of an H shape to

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it, and a atrium restaurant. I can't remember the name of the restaurant. The restaurant looked out, and what was it?

Saltzman: The Aladdin?

Wheeler: It looked out onto a really large tree. I was like seven or eight so I couldn't tell you what that was but that was in my great grandmother's backyard. My grandmother and mom used to like to take me there and say that's the yard that we used to play in and grow up in. As the Lloyd center expanded it disappeared but that's the tree story. Any questions? Regarding this good report?

Saltzman: Thank you for your good work.

Wheeler: Any public testimony on this matter? This is a non-emergency first reading and moves to a second reading. Thank you.

Fritz: Thank you very much for all your work on the urban forestry commission. It is very helpful.

Wheeler: Thank you.

Wheeler: Last item.

Item 152.

Thomas Lannom, Revenue Division: Good morning mayor and council, I am Thomas Lannom.

Fish: Let me tee you up first. I am the place-holder on this but only because we need to have somebody to get it on the agenda. The resolution before us today asks voters to approve a common sense update to our city charter concerning the transient lodging tax specifically as it relates to the new so-called sharing economy. The transient lodging tax is a tax on all hotels and motels in the city of Portland. Our charter language dates to the 1970s and needs to be updated to reflect the growth and short-term rentals which we understand is anything below one month's stay. At present any guest staying at a traditional brick and mortar hotel pays 6% of city of Portland transient lodging tax collected by the hotel. When it comes to short-term rentals however the rules are being treated differently. Most of the companies in the short-term rental business are currently following the law, collecting taxes directly from their website. A handful of companies have taken a different position and claim they are subject to the city charter so they don't bother to collect local taxes as my colleagues know this -- one of these is in litigation. This not only revenues owed to the city but impacts our ability to provide services but also creates an unfair advantage for certain short-term rentals. The city believes it is time to make sure that everyone plays by the same rules, and Thomas Lannom and Scott Moede are here to provide a concise presentation on why we should refer this to the voters in May.

Lannom: Thank you. I should have said good afternoon. I am Thomas lannom, and this is Scott moede from the city attorney's office. Before you today is a resolution referring a measure to the 2017 special election ballot asking voters to amend the Portland city charter section 7-113, transient lodging tax, also known as the hotel-motel tax. This change is housekeeping in nature and is intended to modernize the charter by expressly allowing the city council to define charter terms by the city ordinance to reflect today's hotel and motel and internet enabled short-term rental marketplace. The bulk of the lodging tax language in the charter was written in 1971 and uses terms such as operator and owner in the description of the proprietors of brick and mortar hotel operations. It is these owners and operators who are responsible for collecting and remitting the hotel tax among other obligations. In a recent U.S district court ruling the court ruled the traditional dictionary definition of the terms does not encompass the short-term rental industry operating on websites such as Airbnb, home away, and others and finding they are not owners or operators. It also called into question the city council's authority to define the terms as it is done in numerous code amendments over the years, most recently in December of 2016.

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This is necessary to level the playing field in the industry insuring all hotel and short-term rental guest this is Portland pay a uniformed tax and that the city collects the tax revenue is entitled to under the charter. I will stop there and entertain any questions you have.

Fish: I have a couple. Do you recall what percentage of short-term rentals are in compliance with our consumer safety rules?

Lannom: Approximately 20% of the listings we can see online are in compliance with the code.

Fish: And that could be solved easily if the folks who run these portals refuse to allow anyone to advertise that did not establish that they had a valid business license?

Lannom: That's correct.

Fish: Colleagues we are aware of other legal challenges brought in the past to various aspects of the sharing economy and to claims that the companies involved don't provide the service as advertised. They are just a broker, in essence a glorified app. That argument has been used to seek to shield them from federal civil rights' laws, local consumer laws and a host of things. I wish that we did not spend so much time having to fight this from a defensive posture. I wish these companies were better corporate citizens, but we are required to take these actions and the reason I ask us to act on this today is we cannot anticipate today or tomorrow where technology is taking us. We should not be hand strung in providing common sense extrapolation of our charter to cover new technology. This change would allow the council to interpret it broadly in the future to cover new and innovative ideas that come into the marketplace. It seems like a common sense and straightforward thing to do and without prejudice to the view that we will continue to take in court that our charter does cover the underlying economic activity.

Wheeler: Any further council questions? Is there any public testimony on this item? Come on up. Can you do it in two minutes?

Linda Gardner: Good afternoon mayor wheeler and commissioner, I am Linda gardener, I'm a lobbyist and I represent expedia. Expedia is an American travel company located in the pacific northwest. It owns and operates several online travel brands including short-term platform, vacation rental sites, such as home away and vrvo. Expedia urges you to vote no on the referral of the amendment to the transient lodging tax provisions to the Portland city charter. Expedia believes that it is ill-advised. It has the appearance of being an attempt to expand taxing authority. This is the responsibility as you know reserved for the voters of Portland and we are concerned that this measure could be seen as circumventing that right. As you also know you have a Great deal of authority under article 1, section 2 of the charter and 13-201 to enact ordinances and administer the authority given you under the charter. I also wanted to let you know that expedia feels we can do more working together cooperatively to achieve your goals of collecting more of the transient lodging taxes to which you are entitled. We have a productive dialogue about how we can develop the processes and procedures that both meet your goals and fit with our business model. Expedia is committed to working cooperatively with the city, and we hope that the city is also willing to work cooperatively. We think that we can accomplish much more that way. I heard a lot of what you said, and I think that a lot of the differences in compliance are based upon different business models. Some people collect and some don't collect the revenues, and I am not prepared to talk about the litigation or anything because I am not involved in it, and actually have been fairly recently hired -- is that my dinger? But I think that if we have an opportunity to talk about this, and thank you, mayor wheeler, a couple of your staff members have most kindly agreed to meet with us next week. We look forward to it.

Fish: We don't view them as mutually exclusive. If there is a way to enter into a negotiated agreement where expedia, which were home away or vrvo or any number of parties Want

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to comply with the law I think that you should be open to that. Regrettably we're in court, and as you know at least one of these lawsuits was not initiated by the city but think for being here.

Gardner: It's regrettable to us, as well.

Wheeler: We appreciate it. Thank you for your testimony. Is there any other public testimony? Please call the roll.

Fritz: Thank you Ms. Gardner for your patience in staying until the very end of the agenda. I appreciate that. And I agree with commissioner Fish, the two are not mutually exclusive. I think this clarifies more cleanly and I am happy to support it. Thank you Mr. Lannom. Aye.

Fish: I have sincerely, so that we don't spend as much time in the future as we have in the past, engaging our friends in the sharing economy this way, mayor. I am all for technology and change, and if members of my family that love using the sharing economy and the convenience it offers, but let's be clear that this council has consistently said that we have an obligation to make sure that the rules apply to everybody. We collect a modest tax, which is used to provide basic services, if we don't it shifts the burden to other parties or reduces the level of services that we provide, and we have said that, that the law should apply to everyone. We have established some basic consumer safety and protection rules to protect Portlanders and guests. In my eight years I have never witnessed anything quite like this. Again I hope that this is not a preview of where the new economy is taking us. We know that there is a lot of very smart people, particularly in Silicon Valley coming up with innovative and creative ideas to capture the power of the internet and harness it going forward. But the bottom line is we're talking about collecting a modest tax on the lodging and making sure that the community standards apply so anyone who engages in this transaction knows that they have a safe unit. By safe unit, because we've been accused of overregulating, let's be clear we are talking about making sure that there is a working smoke detector, that there is a -- an inspection, and a basic egress and ingress that is required of any place of domicile. So these are not cutting edge, unique issues, but what we have seen consistently from this industry is an unwillingness by some, not all but by some to flout community standards and to not be particularly good corporate citizens. I regret that we have to take these actions. I regret that Thomas spends as much time as he does with sharply worded letters, but we have an obligation. We have met our obligation. It is time for this industry to Step up and meet its obligation. Aye.

Saltzman: Aye.

Wheeler: Aye. The resolution is adopted. Before we adjourn I just want to clarify so we're adding item 141 from the consent agenda to the beginning of the regular agenda.

Fish: We'll have an amendment at that point.

Wheeler: Ok. Great. We are adjourned. Thank you everybody.

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.**

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Wheeler: This is the afternoon session of the Portland city council, February 15, 2017. Karla, call the roll, please.

[roll call taken]

Wheeler: Call the first item, please.

Item 153.

Wheeler: I'm sorry, could you go back to 141? I should have reminded you.

Item 141.

Fish: So no presentation Paul Suto is here and you'll be walking us through an amendment.

Paul Suto, Bureau of Environmental Services: It's actually a new contract.

Fish: Why don't you introduce yourself.

Suto: Paul Suto, supervising engineer for bureau of environmental services. Good afternoon. The northeast Broadway 94th pump station project is essentially a pump station upgrade project. This is to authorize a contract for consultant design services for the project. So what we basically have, I got a quick project background. It's a pump station we built in 1989 so it's beyond that 25-year life cycle we typically like to get our pump stations rehabbed in. It's a dated design so we'll be modifying the current type of design to our traditional wet well submersible type pump station. It's a very tight site, so we have some issues with odot right away. It's near i-205 just south of rocky butte. There's some maintenance issues currently at the pump station. So as I mentioned we're basically going to convert it to a duplex type pump station, improve drainage and make it more maintenance -- more reliable. As far as the pta contract with parametrix, it's essentially more of our standard engineering and project management type services supporting the pre-design phase, design phase, advertise, notice to proceed construction and start-up/close-out phases. The total fee is \$423,629. The mwesb is \$138,325 which comes out to 32.6% of the contract. The total project budget is \$2,024,000.

Fish: Colleagues, I move the amendment which corrects finding 3 and substitutes \$138,325 for the \$150,386. It reduces participation from 33.8% to 32.6%, still I would say stellar. Also modifies the impact statement accordingly.

Fritz: Second.

Wheeler: We have a motion and second. Why don't we take care of the amendment first. No further discussion? Carla please call the roll.

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

Wheeler: Aye. The amendment passes. Back to you. Back to --

Fish: That's the presentation. First reading.

Wheeler: This is a first reading. It moves to be second reading. First reading, nonemergency.

Fish: Anyone signed up to testify?

Moore-Love: I didn't have a signup sheet.

Wheeler: Thank you. Next item, please.

Item 153.

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Wheeler: Commissioner Fish?

Fish: Mayor, colleagues, this ordinance would authorize a contract to replace or repair over 73,000 feet of public sewer pipe that is on average 90 years old or older and failing due to age. This is the equivalent of 14 miles of pipe. The project will benefit portions of six neighborhoods in inner north and northeast Portland and will take about a year to complete. With us are Dave Hammond and John Houle, who will walk us through the presentation.

John Houle, Bureau of Environmental Services: Good afternoon. As commissioner Fish stated I'm John Houle, supervising engineer with the city of Portland bureau of environmental services. With me is David Hammond, the project manager for this project. As commissioner Fish stated we're here to request authorization to award the contract for construction of the Woodlawn/king streets sewer rehabilitation project. It's within the phase 2 large scale sewer rehabilitation program. Funding is available in the bureau's approved capital improvement budget. Mr. Hammond will go through and provide a brief overview of the project.

David Hammond, Bureau of Environmental Services: Good morning. I'm David Hammond. I'm with the bureau of environmental services. As John mentioned, the Woodlawn/king street sewer rehab project is part of the phase 2 large scale sewer rehab program currently funded under the bureau's approved operating fund. The map shows 23 neighborhood project areas all outlined in purple. This phase 2 program addresses system needs and targets the worst sewer pipes in the city. As of December 2016 six projects have been completed to replace or rehabilitate approximately 30 miles of sewer pipe at a cost of approximately \$80 million. This project, the Woodlawn/king streets project, is in north Portland shown in green on that map. This project is bounded by Lombard street to the north, going street to the south, Vancouver avenue to the west and 17th avenue to the east. Many of the sewer pipes we're installed in the 1920's and have begun to deteriorate. Several pipes and manholes are in need of rehabilitation or replacement. The top picture is an example of a pipe in poor condition that will be rehabilitated. The bottom picture is an example of a pipe in good condition that does not require any work at this time. Rehabilitation or replacement of sewers in poor condition will protect public health and the environment, increase sewer capacity and reliability and reduce the risk of street flooding and basement backups. This project will improve the aging sewer infrastructure in the project area. Constructing approximately 10,500 lineal feet of new main line pipe and 52 manholes. Rehabilitating approximately 5700 lineal feet of main line pipe and ten manhole bases and replacing approximately 358 surface laterals. Construction of new main line pipe and replacement of existing service laterals will use the open cut excavation method. Approximately 220 lineal feet near King elementary school will be constructed through a method known as pipe bursting and 5700 feet of pipe will be rehabilitated using the trenchless method as cured in place or cipp. This project will cause minor short term traffic and parking disruptions. Bes public involved staff have reached out to residents and business owners in the Woodlawn/king neighborhood to identify and mitigate specific issues including minimizing work in front of commercial properties and scheduling work around special events. Newsletters were mailed out to 6481 residents and property owners within the project boundaries. Project presentations were made at Woodlawn/king, piedmont and Humboldt neighborhood associations. Surveys were conducted with local businesses regarding hours of operation and other daily operations. A web page was created and maintained with current project information, schedule, location, method of construction activities, public meeting dates and noise variance permit information. Temporary traffic control measures will maintain traffic flows as well as ensure worker and pedestrian safety. Nighttime work will be required along northeast Killingsworth between

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mlk and northeast 8th avenue. These night work areas were identified by a traffic analysis to improve safety. Special events such as neighborhood farmer's markets, Alberta street event, north Sunday parkways and mlk dream run were identified by outreach staff during outreach events. No traffic lanes or sidewalks will be closed and no material storage will be permitted on those streets. The engineer's estimate of construction is \$4,700,000 with a high level of confidence. Bid advertisement is scheduled for late February, 2017.

Procurement services will select the lowest responsible bidder and award the contract. If authorized, procurement of the construction contract will occur between march and May of 2017 with construction activities commencing in June. The duration of construction is one year. Now we're available for questions if you should have any.

Wheeler: Thank you. Colleagues?

Fish: Thank you.

Wheeler: Any further questions for this panel?

Fish: Sorry commissioner Eudaly is not here. She lives in this neighborhood. She may have something to say about the planned work on killingsworth between mlk and 8th or 9th, although my recollection is that's largely a commercial strip. There isn't a lot of residential, there's some but there's a lot of commercial. The night work is not going to prevent the restaurants and other businesses from operating?

Hammond: No. It will be late at night. 11:00, 12:00.

Fish: Okay.

Wheeler: When you say you're working around certain community events and listed some does that mean you don't do work or reduce work?

Hammond: You don't work in the areas that would impact those events for the actual event or for parking --

Fish: You work somewhere else.

Hammond: Geographically stay away from those areas. We don't allow parking or staging in areas needed by operations of that event or for participants.

Wheeler: Makes good sense. Looking at the large purple overlay map, that strikes me as being a very substantial set of projects. Is that typical that you come in and do a large series of these projects at once?

Houle: These are not coincidental. These have been done over the course of starting in 2010 and continuing through 2016 and we anticipate that these projects of that type and scale will continue well into the future.

Wheeler: Okay. I appreciate it. Thank you. Is there any public testimony on this item?

Moore-Love: I don't have a signup sheet.

Wheeler: This is nonemergency first reading so it moves to second reading. Thank you. Next item.

Item 154.

Wheeler: Commissioner Fish?

Fish: Brenda Sherwood and Paul suto are with us this afternoon. The treatment plant outfall 3 was built in 1999 as part of the come binds sewer overflow or cso program. Field inspections have determined there's damage due to sediment deposits. This project will restore complete function and affect effluent discharge capacity along among other benefits.

Suto: Paul suto, supervising engineer with bes.

Brenda Sherwood, Bureau of Environmental Services: I'm Brenda Sherwood, project manager with bes.

Suto: So this first slide is essentially showing the project location. I think most folks are familiar with the plant in north Portland. The green is the Columbia boulevard wastewater treatment area and the red is the project location. So the outfall system is located in the

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Columbia river just off of Hayden island. It discharges into the Columbia river and a little more background on this, it's basically treated wastewater from the Columbia boulevard wastewater treatment plant that travels from that green area basically north to Hayden island, about two miles, until it gets to the outfall and is discharged into the river. The project objectives are basically to rehab and do more analysis to make sure we do it right and not have to come back in the future. These kind of murky shots here are some underwater photography of our typical outfall system. There's kind of a hand there with a glove on it grasping a branch of the pipe and there's missing hardware there, part of the inspection results that we have. The other thing I wanted to mention about outfall three, it's intermittently used. What that tends to lead to is descending of the outfall depending on river conditions.

Fish: One of the benefits of being sick you watch a lot of cable tv. I was watching the other night -- what do you call it.

Wheeler: Must have been good.

Fish: Anyway, it's a cable show that was doing underwater photography. Because of mapping and technology, the way they showed things under water is they drain the Atlantic. So they do a simulation as if you've drained the entire ocean then you go down and look at the submarines that were from world war ii or battle ships or other things. The technology allows them to do it. It's just fascinating watching the draining of the ocean then close-ups. "national geographic." another benefit of being sick is you lose brain power. [laughter] not taking anything away from the photographs, just saying "national geographic" just drains the whole river.

Suto: We can do that. With the sanding in and the damage to the outfall essentially what we run the risk of not having capacity during weather events. Here's some more diagrams. The top photo, the black and white one, basically shows the profile or side-view of the outfall that's the pipe on the bottom, an 84-inch diameter pipe with 18 diffusers. Those are the vertical lines that you see. The dashed line just below the hatched area was the original design condition for the outfall back in 1999. You can see that ideal condition, all the diffusers were above the sanded in layer so they can discharge properly. That hatched area is the result of one of our recent surveys that shows the sand what we call a sand wave since it's a dynamic process. We go back a few months later this hatched area could look very different. Then jumping down to the more colorful photo that's more like a plan view, topographic view of the river bottom essentially. The yellow line is the actual outfall. The yellow dots are the diffusers. The blue are areas where the river bottom is shallow enough to allow the diffusers to protrude above it but the green are the mounds that we're concerned about. This is just a snapshot of the challenge we're dealing with on this project. So what we need to do for this project is to model various conditions, do sampling in the river to make sure we capture our worst case conditions. When we do the improvements the diffusers can tolerate various sand deposition that can occur in the Columbia river. Since we're on the river I wanted to point out we're expecting to be required to do in-water work and there's a restricted period because of the salmon Fishing that occurs in the Columbia from November through February. So the project budget and schedule, the total project cost is estimated to be \$2,354,000 with a construction contract estimated to be 1.1 million. Since we're just starting this project there's a low level of confidence in that cost estimate so we just made assumptions for the repairs. We'll need to do the analysis and modeling to confirm those numbers.

Wheeler: Is the 674, is that the initial phase? What is that actually?

Suto: That's for the professional services, for the consultant to do the work so we can basically put together a biddable set of documents for construction.

Wheeler: Very good.

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Suto: That is what is known.

Wheeler: Is that included in the 2-3.

Suto: It's included in the total project cost. From a schedule standpoint we're expecting to pre-design this calendar year, design the following year, to advertise in spring of 2019 and meet that in-water work window from November 2019 through march of 2020. Now, the pte contract, ch2m hill was selected based on a competitive process. The fee is \$674,612. We set this up two-tiered. We have base tasks we need to get done for \$508,733. These contingency tasks of \$165,879, and these are for potential biological assessments that we may need to do in a sediment evaluation triggered by the army corps of engineers when we get into the permitting and we would expect to know this by the time that we get done with pre-design and start the design phase. If we're able to utilize the optional tasks from 10.7% to 23.5%. So that's it. We recommend the contract award to ch2m hill. Thank you for your time. We're happy to answer any questions.

Wheeler: Good presentation. Any questions? Anyone signed up?

Wheeler: This is a non-emergency first reading it moves to second reading as amended. Thank you both. Next item, please.

Item 155.

Fish: My goal is to in the course of the afternoon introduce you to all of the employees of the bureau of environmental services that are coming up two at a time.

Wheeler: I'm waiting to hear who brands these different projects.

Fish: We're joined by bes engineer's patty nelson and tammy cleys. This is the last of three pilot projects designed to keep storm water and ground water out of sanitary sewers in southwest Portland. Cracks in sanitary sewer pipes allow ground water to flow into the sewer main causing overflows. This project will replace 228 deteriorated laterals in southwest Portland. By preventing storm water from getting into sanitary sewers, the project will reduce overflows and protect public health and our environment. Ladies?

Tammy Cleys, Bureau of Environmental Services: Good morning, mayor, council. I'm tammy cleys, supervising engineer. For environmental services. Joining me is patty nelson, project manager for middle Hillside. As commissioner Fish reported, this is part of a bigger program for our rain-derived ini program. We're targeting southwest Portland to address sewer capacity, pump station capacity and wastewater treatment issues and concerns.

Patty Nelson, Bureau of Environmental Services: Good morning. I'm patty nelson, senior engineer with environmental services, project manager on this project. So today we're here to authorize contract for construction of the middle Hillside we call it rdii for short, lateral project. The project is necessary to meet a mutual agreement to relieve sanitary sewer overflows. This is a picture of one of our sanitary sewers overflowing in a street. The goal to prevent storm water from entering the system and reducing overflows and protecting public health and the environment. This little diagram of what rdii is, rainfall derived inflow infiltration basically storm water enters through deteriorated pipes including main lines and sewers for a variety of reasons with roots, root intrusion, joint failures and a number of other things. We have found through rehabilitation of the sewers and laterals we're seeing a 70% reduction of the rain-derived inflow and infiltration so it's quite effective. This project specifically focuses only on the sewer laterals. As tammy mentioned this is the last of three pilot projects focusing on the sewer lateral rehab.

Wheeler: I apologize. I missed it. Where is the sewer lateral? What is a sewer lateral?

Nelson: Okay, let's see if I can -- so from the house there's a pipe shown running underneath a tree with some roots into a larger pipe. That's what we refer to as a sewer lateral.

Wheeler: It's not the big pipe itself, it's the connectors.

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Nelson: Exactly. It's collecting sewage from the houses, taking it to the public sewer to the main line.

Wheeler: Thank you.

Fish: Mike Stuhr they call them laterals. We call them pigtails. Are they the same?

Fish: We'll get to you later. A pigtail and a lateral, first cousins.

Wheeler: Don't be distracted by this. We'll come back.

Nelson: This project is in southwest Portland just to orient you Robert grey middle school is on the southern boundary; sunset boulevard runs through the middle of neighborhood. It's generally the Hillsdale neighborhood. This project will rehabilitate 228 laterals, 4500 linear feet of six-inch pipe. Unique is we're also working on private property so we have 152 properties where we're going on to private properties and there are 67 additional linear feet of sewer lateral pipe ranging from four to six inches that we'll be rehabilitating.

Wheeler: I'm sorry to ask a basic question, is that public property or private property? Whose responsibility is it?

Nelson: Private property.

Wheeler: Are they contracting with the city or are we simply doing it?

Nelson: This is a pilot project. We did outreach to the neighborhood and so the property owners who are interested in participating, secured participation agreements, assessed their sewer laterals to see the condition whether or not there was a public benefit to rehabilitating them then we secured easements for participation and that gives us the right to go on to the property and rehabilitate the sewer on the private property.

Wheeler: Who is paying for all that?

Nelson: We are.

Wheeler: Okay.

Fish: To follow up on the mayor's question, it's fair to say that the laterals in these cases haven't technically failed. Is that correct? They haven't reached a point where they have failed and would otherwise have to be replaced by the homeowner.

Cleys: They have not.

Fish: Because of the condition of the lateral it's causing storm water, excess storm water to enter the sewer system, which is putting our permits at risk because it's exacerbating our storm water over -- cso overflow.

Cleys: Even more so than just our permits we have a memorandum of understanding with deq to solve that overflow we had on the first slide and the only method that what's causing that is the infiltration into our system. We can only get so much of that out using just the public. So to stop that overflow and meet our deq requirements we have to get the inflow and infiltration out of the entire system. We can't get enough in just the public --

Fish: The net effect is we're in compliance with an agreement with deq, and the homeowner gets a benefit because the lateral is being replaced, and so it's a twofer, but absent us finding a willing homeowner to participate, which does have some inconvenience since the front of the house gets torn up, they are under no obligation to replace their lateral unless we approach them, is that correct?

Cleys: That is that correct.

Wheeler: That's helpful. I appreciate that digression. Very helpful for me.

Nelson: Our engineer's estimate is \$3.4 million, level of confidence is high. We're hoping to advertise late February with construction starting in June and similar to the other project, we're anticipating a year for construction. In terms of outreach, this project has been very intensive as you can imagine working with individual property owners so outreach started in 2014. We have done a number of mailers to property owners, we have had open houses and our staff have gone outdoor to door. With those members or property owners

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participating, we have done a little more outreach working specifically with them and talking about what their needs or concerns are. With that if you have any questions --

Wheeler: Great. Any council questions? Is there any public testimony?

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

Wheeler: This is a nonemergency first reading. It moves to second reading. Thank you for the presentation.

Nelson: Thank you.

Wheeler: Next item, please.

Item 156.

Wheeler: Commissioner?

Fish: Mayor, colleagues, climate change and earthquake risk pose challenges for waste around storm water infrastructure. This contract will help bes develop a resiliency master plan identifying risk and prioritizing spending to reduce risk of infrastructure failure. A resiliency plan will help inform the capital and operating plan for the next five years and put us on a trajectory for improvement for 50 years. I'll introduce bes principle engineer Jennifer Belknap Williamson.

Jennifer Belknap Williamson, Bureau of Environmental Services: Mayor, commissioners, I am the person you were wanting to see earlier who is responsible for some of the names of projects. My role in bes is planning our capital program. Not completely my fault but we have long project names. I manage what's called the asset systems management division which does capital planning and asset management which is how we reduce risk. I'm Jennifer Belknap Williamson. This is Anne Castleton from emergency management. I'm going to share what we're planning to do with the master metro area plan for water and storm water infrastructure and I'll share plans about how that fits in with the broader resiliency work going on. This is an exciting project for us in terms of looking at lifeline utilities that really form the basis of our communities. Wastewater and storm water service provision is one of what we call a lifeline utility that can have a major impact to the community's ability to bounce back after a natural disaster. We're really looking at what we can do to improve the resiliency of our infrastructure so the whole community can be more resilient. You're probably familiar with the Oregon resilience plan which looked at the things we need to do as a state to prepare for a magnitude 9 earthquake. One of the main drivers behind it is for utilities that form these lifelines to look at how they are vulnerable and how we need to reinvest in our system so our communities can recover more quickly. Current estimates are our wastewater infrastructure could take from one to three years to recover after a major earthquake. Through this project we'll be identifying ways that we can chip away at that problem and hopefully bring recovery time back to a matter of months. So the bes resiliency master plan will focus on two major natural disaster risks, risk associated with earthquakes and climate change. We're going to be looking at how we can reduce risk of infrastructure failure and how we can increase our ability to bounce back faster after a major natural disaster. The scope of the project is starting with where we have the risks for what we're calling our backbone infrastructure, things like our treatment plants, pump stations, our largest pipes, things the most difficult and most costly to repair or replace after a major natural disaster. We'll be looking at what are the risks of that infrastructure in a seismic event, under climate change scenarios, what are the actions we can take to reduce that system vulnerability. Then we'll look at how to prioritize the action sos we can take early action to get the most bang for the buck and spread out this work over a 50-year time frame so we're minimizing overall rate impacts to the community while still making meaningful progress. The ends point is to make a successful implementation strategy. To share a few examples of the type of technical work this professional services contract will support for us there's a lot of great work going on in

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the city and in the region that we'll be building upon. You may be familiar with the Portland water bureau's study on seismic risks. We'll be taking maps that they developed, here's an example of liquefaction risks. Liquefaction happens when you have ground water in soil that when it starts shaking the soil changes from being able to be a solid, stable thing that can support buildings and pipelines to being essentially a liquid soil. Think of quicksand for what that looks like. We have these detailed liquefaction risk zone maps. We'll be bringing in the best infrastructure looking into what is our likelihood of failure of large pipes and what can we do to reduce that failure. Another example on the other side is fragility analysis where you look at where your pipes are most likely to break and that can help us inform which pipes do we want to repair proactively, which do we want to have a good plan in place for how to repair them if something did fail inside them. Another example of a seismic risk assessment is looking at the two wastewater treatment plants, Columbia boulevard and Tryon creek. We're scheduled to do a lot of investment in the two treatment plants over ten years for capacity expansion and replacing aging infrastructure. We'll be looking at what are the best practices now for designing those types of structures and systems so they are more resilient for worker safety and ultimate functionality. Switching gears to the climate side risk of things, climate change poses a lot of variability in terms of future predictions, rainfall changes and how that may impact us from flooding and other risks. So we're going to be looking at how we can manage meeting our levels of service to our customers around drainage and flood control management and water quality requirements and look at the range of future scenarios out there for climate change and consider how we might do things differently for storm water management or for building or designing our system to minimize the impacts of these changes. An example of what that looks like is what's called climate downscaling. You have large global climate models that can give you a prediction for a region like the whole region of the pacific northwest. What 50 years from now or 100 years from now our rainfall patterns might look like but they are a fairly coarse scale so we're going to be downscaling those to what does that mean for Portland, for our sewer and storm water systems. Then we'll be looking at different approaches to designing the system to be more resilient to future scenarios. The schedule for this project as I mentioned, this is a very long term implementation approach. There's 50 years here. This is not to scale. The next year and a half of this project is this professional services agreement to really work with us on a risk assessment, policy and design recommendations, developing either new capital projects or looking at our existing capital projects and what we need to change to make them more resilient. Then the implementation phase is the next five to ten years with ongoing implementation over the next 50 years but through that time we'll probably be getting new technologies and new data to support the work.

Fish: Hold this slide for a second, Jennifer. Given that we can't really predict when the big one is going to come, but the "New Yorker" magazine certainly has our full attention, are you -- is this timeline anticipating that a substantial amount of the work will be done in a certain time frame? Is there front loaded, back loaded or --

Belknap Williamson: Part of this study will help us better understand that, to get an understanding of what our highest risks are and what can we do in the short term to shore up those risks. But I do think it's going to be a gradual improvement over time. I think in the next five to ten years we're doing a lot of work on our large diameter sewers that we have planned so I think we'll make improvements in some of those key critical infrastructure areas. In some of our other infrastructure like pump stations we have 99 pump stations that help us bring wastewater to the treatment plants. Those are probably going to take longer to make them more resilient. Another piece of this in terms of what can we do in the short term versus long term as you noted everybody is aware of this issue now. There's a

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lot of work going on between jurisdictions and different government agencies trying to figure out how to deal with fuel shortages or electricity problems and those are things that we as a bureau can't control but they are going to affect our ability to recover. So we certainly are going to do our best to try to make the most impactful work early on but I think it's going to be a really long term incremental progress. So looking through the lens of the environmental services infrastructure. How can we protect the public while protecting the rate impacts to our customers and working to build the knowledge base within our own internal staff to integrate resiliency further into our capital program and our operational practices. There's a lot of good work going on in this throughout the region, and as you probably know city council -- not city council, city club of Portland came out this morning with a report on ideas for how Portland can better recover from a major earthquake.

Fish: Actually I was pleased early on they gave a shout out to the city for the Willamette river crossing plan that I think we begin next year.

Belknap Williamson: Yes. So the water bureau is doing some great stuff to invest in our infrastructure. Our goal is to be right there with them. We're working closely with supporting and building upon the different city, state efforts. Climate change strategy is a good blueprint for work throughout the city and bes has a lot of actions in that that are going to be implement through this resiliency plan. Then the mitigation action plan that emergency management managed the development over the last year of their actions in that that this plan will also help support. We're looking for it to be a really good, integrated piece of work that can help not only bes's infrastructure but overall community efforts. I'll give Anne a few minutes then we'll open it up for questions.

Anne Castleton, Portland Bureau of Emergency Management: Mayor, commissioners, I am Anne Castleton, the city's coop planner. Director Merlo wanted to be here and when she found she could not she asked me to step in and address you. We support this resilience plan as Jennifer just mentioned. We have the Oregon resilience plan which lays out a strategy for us and we have just finished in October the mitigation action plan. So this plan agenda Jennifer is proposing allows bes to step into a leadership role in accomplishing some things that are really necessary. One thing that carmen wanted me to mention is just that pbem has seen over the last five years or six years a lot of mat ration in the way bes is addressing risk and approaching risk in that now conversations seem to revolve around building and redundancies and quick recovery and things from the pbem perspective we love to see. We're happy to see. I would say personally as the city's coop planner I have looked at all 25 of the city plans several times over and one of the things that keeps coming up is all the interdependency between what bureaus expect other bureaus to do and what we're looking for, for them to do. I would say that every single one of those plans takes as an unquestionable assumption that they will have running water and sewer. Those are currently at our current levels questionable assumptions. So I don't know if we can continue to take those assumptions for granted, but supporting this plan I think would go a long ways towards us understanding our situation more clearly.

Wheeler: Thank you. Colleagues? Any more questions? I appreciate this very much. Is there any public testimony?

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

Wheeler: This is a nonemergency first item moves to second reading. Thank you very much for the presentation.

Fish: Thank you, ladies.

Wheeler: Next item, please.

Item 157.

Fish: Mayor and colleagues, this item authorizes continuation of a 25-year partnership between the Portland water bureau and the Multnomah county department of juvenile

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justice project payback program. The five-year \$375,000 agreement is budgeted for \$75,000 a year. If approved, it will run through fiscal year 2020-2021. This is in the financial forecast and approval of this will not have an impact on rates. This program provides an opportunity for at-risk youth to do seasonal work for the water bureau and develop good work skills while learning work habits while learning professional skills. Crews help with basic maintenance of sites and facilities and work on landscape and site restoration work at the conclusion of projects.

Michael Stuhr, Director, Portland Bureau of Transportation: Good afternoon, Mr. Mayor, commissioners. I'm joined by Tom our property manager; commissioner Fish gave an excellent briefing. Do you have any questions?

Fish: Is the connector that was identified in that chart the same what we call a pigtail?
[laughter]

Stuhr: A pigtail would be on our side. But generally speaking it serves the purpose of their lateral is two parts for us, a service line to the house, from the meter to the house and from the meter to the main line.

Fish: Thank you.

Wheeler: This is very appropriate to the conversation yesterday, the joint meeting with Multnomah county. I realize this is reaching into the juvenile justice work and I'm obviously very, very strongly supportive of this type of effort. It was also mentioned during our meeting yesterday talking about housing issues that we have a number of organizations here like new avenues for youth, outside in, Janice youth and others that work with homeless youth. This have their own set of job training programs. We had quite an interesting conversation about their results. I think they had something like 180 people participate in their program, 40 actually found employment. It just occurred to me as I was reading the t.f. to this and commissioner Fish's comments this is center target some of those opportunities. If you're ever looking for a broadening of those opportunities, it might be interesting to go beyond the juvenile justice program and start looking at the homeless youth continuum as maybe another potential source.

Stuhr: We have been working with the county on this for 30 years I think. We also have a similar program through the community justice organization for adults.

Wheeler: Excellent.

Fish: So this benefit to the young person is develop good work habits, learn professional skills, potentially get a reference for a later date. Do we know whether any of these young people who have participated while incarcerated have so the employment with the city in some capacity?

Stuhr: I don't know. Maybe Tom knows.

Thomas Klutz, Portland Water Bureau: Not to my knowledge.

Stuhr: We can certainly ask them.

Fish: I would be interested in knowing. In a perfect world, a young person that does this gets the attention of a supervisor, does his or her time and is released. Be nice to know that there might be an entry level position down the road in the city where that person could build on the skills they develop while doing their service.

Stuhr: I can tell you this for sure, they work hard.

Fish: Thank you both.

Wheeler: Further questions? Is there any public testimony on this item? Good afternoon.

Shedrick Wilkins: I'm Shedrick Wilkins, a former juvenile delinquent kind of. This is an important program. [laughter] I actually I dropped out of Madison high school and I ended up mowing lawns and doing landscaping and things like that. After washing dishes and stuff I worked at a restaurant and found out that without a high school diploma this is what you're going to be doing. So it's quite instructive to have at-risk youth do these kinds of

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jobs and realize maybe that's the kinds of job you'll be doing if you don't go to school. The interesting thing is I might not have dropped out of high school, as a juvenile delinquent I climbed on a school roof and the police thought I was stealing something but I managed to evade three police cars, so those are the kinds of schools you might want to have if you join the army. I'll just say I kind of wish I had got caught and maybe I would have finished high school knowing what kinds of jobs you can get if you don't go to school then too when I took my ged I found out you should study the book and sit down like all the students did in high school.

Wheeler: Thank you for that. There being no further public testimony, Karla, please call the roll.

Moore-Love: This is an emergency. We need four people.

Fish: Aw, jeez. Dan is joining us at three.

Wheeler: Why don't we take a recess now. We have a time certain that doesn't start until 3:00. We'll recess for about seven minutes.

Fish: I have an excused absence. For the afternoon work we don't need more than three, is that correct?

Moore-Love: Correct. Those are nonemergency ordinance.

Fish: I'll be back at 3:00.

Wheeler: Thanks.

Wheeler: We'll return at 3:00.

At 2:53 p.m. council recessed.

At 3:06 p.m. council reconvened.

Wheeler: Alright good afternoon everybody we are back and when we left off we were about to take a vote on item 157. Karla would you like to call the roll please.

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

Wheeler: Aye. The ordinance is adopted. The next item, please, if you could read the next two together, please.

Item 158.

Item 159.

Wheeler: With the forbearance of my colleagues here is how I would like to proceed on this. Commissioner Eudaly has an amendment. She's obviously not able to be here to introduce that this afternoon. I have got some bureau amendments; commissioner Saltzman has an amendment I understand. Commissioner Fritz has a potential amendment to that amendment. So here's what I would propose we do. We could continue this but I think that's a bad idea since we have a lot of people here prepared to testify. Let's put all of the amendments on the table. We'll get seconds for those amendments. We'll ask somebody from commissioner Eudaly's team to read or explain her amendment then all the amendments will be on the table prior to the planned testimony so people will be able to testify with those amendments. In mind I will be able to take some public testimony with those amendments in mind then next week we'll actually vote on the amendments. If that's

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Fritz: That would be after the presentation.

Wheeler: That's correct. Why don't we put the amendments on the table up front prior to the staff presentation or would you prefer, colleagues, to do it after.

Fritz: I think better afterwards because the public at home may not know what we're talking about.

Wheeler: Is that okay with you? Very good. Let me first start off by saying this is a first reading ever the regulatory improvement code amendment package 8 otherwise known as recap 8. This hearing is for legislative action to amend the zoning and tree codes. Staff is going to present the planning and sustainability commission and urban forestry's

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recommendation then we'll hear testimony from community members. The council will then deliberate and as I said we probably won't take formal action until next week. I would like to thank the bureau of planning and sustainability and the bureau of development services for bringing this project forward and all of the groundwork that went into making this possible today. So without further ado I'll turn the hearing over for Joe Zehnder and Paul Scarlett. I'll let you guys do your own introductions.

Joe Zehnder, Bureau of Planning and Sustainability: Well, good afternoon, commissioners. I'm Joe Zehnder, chief planner with the bureau of planning and sustainability. I'm filling in today for our director, Susan Anderson, who is out of town with PSU president presenting at a conference on the successful partnership that we have had with PSU and students working on the climate action plan. So you're stuck with me today. What we're presenting is recap 8 as the mayor said. This is our annual process to undertake technical changes to the zoning codes. These are changes that clarify provisions, simplify provisions and address problems that BDC staff has at the counter adding to the overall efficiency of our system. This package of amendments were recommended by the planning and sustainability commission and by the urban forestry commission. This packet includes both zoning code and tree code changes. So with that, I'll turn it over to Paul Scarlett.

Paul Scarlett, Director, Bureau of Development Services: Thanks, Joe. Good afternoon, mayor, commissioners. I'm Paul Scarlett, bureau of development services director. I am pleased to be co-presenting with Joe and this is an arrangement that's been I'm going to go out on a limb and say for the eighth year at least. We have been doing this as a partnership between bureau of planning and sustainability and this year point out that the parks and recreation bureau particularly urban forestry was part of this process as well. It includes amendments to the tree code. Couple things that really stand out in terms of trying to improve the zoning code to allow for development review process to go smoother, easier, and a lot more straightforward for customers and employees, it's done through this process. There's small amendments. We enjoyed the arrangement to identify and participate in a collaborative way with bureau of planning and sustainability staff. I want to particularly thank our staff Kristin Cooper, who's one of the lead staff from bureau of development services who has worked with staff from bureau of planning and sustainability in identifying and trying -- finding solutions which goes through the process with the sustainability commission and so forth then here to council. There are a couple items I would like to call your attention to that will assist us in this time of robust development and activity where we can allow for the process to go smoother with the changes. So for example we have a lot of lots subdivision, land division occurring over two-year period of time there's about 322. With this one of the amendments calls to straighten out the lines, more of a technical term, tried to reduce the squiggleness so we had about close to 60 of those situations. They do create difficulty especially in the future trying to figure out how do you build around infrastructure and so forth. That's one of the amendment as part of this report. Another item that we have been able to manage since September is we have a process interpretation which essentially says if the resources on -- if a structure is on the city's resources and needs to be removed, it needs to be a 120-day delay. That's a practice and interpretation. State law was an interpretation occurred last September. We have had a practice. Now we're codifying the practice as part of recap 8. So that will be a good thing. It gives folks around an option to have some say about the removal requests. Another item is I touched on the parks and recreation having to play a role in here, that since the adoption of the tree code back in 2015, tree protection, protection of tree roots has not been very clear, so we have an amendment here that speaks to how far from a tree where development is occurring where there needs to be protection. Staff will go a

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little more into detail but I just wanted to touch on a couple of things that will make developers, our lives a lot easier because these are a lot more straightforward. They have been addressed, resolved through these proposed changes. Over all of course we have been doing this for like I said about eight years and look forward to that partnership. I think it works really well to identify these small changes which then can go into effect and make the whole development review process smoother and easier, so thank you.

Zehnder: With that I'm going to bring up Sandra wood and the staff team to do the presentation.

Wheeler: Thank you.

Wheeler: Then we'll hear from Chris smith from the planning and sustainability commission and mark from the urban forestry division as commission as well.

Wheeler: Good afternoon.

Sandra Wood, Bureau of Planning and Sustainability: Good afternoon. I'm Sandra wood with the bureau of planning and sustainability, co-development manager. With me is Kathryn hartinger, staff planner and recap 8 project manager and Jeff Caudill, who is our environmental planner and our environmental team. Worked on the title 11 changes. As both joe and Paul mentioned, we're here really representing a larger team of people so we have several people in the audience that we might call up for questions as you're deliberating and discussing amendments and such. Just a quick refresher, recap 8 is amending four city codes so I thought I would put a whole list of Portland city code up on the screen. There are 33 titles in the city code. The last one is the planning and zoning code which is title 33. Title 11 is the tree code, and that's our newest city title as you know several years ago we consolidated all the tree regulations into one city title number 11. Those are the two main things we'll be amending today. Within each title is described how those titles and regulations can be amended. In the zoning code it describes that staff at bureau of planning sustainability brings recommendations to the planning and sustainability commission who holds a hearing and makes recommendations to city council. For title 11, the tree code, it says that staff from all three of our bureaus bring recommendations to the urban forestry commission and the planning and sustainability commission. Indeed, in this case both held hearings and both have recommendations and both of the letters are in your documents. We are proposing amendments to title 17, the public improvement code, and the title 24, which is the building regulations code. Both of those are not substances, they are incident just being made to make the other codes consistent. The language changes. So what is recap 8? As joe described it's an annual amendment package to keep the zoning code current and well functions. We have a variety of subjects in it but we put them together into one project to achieve economies of scale. The key feature is they are minor policy amendments and technical amendments, not broad brush policy decisions. As we are deciding on what the work plan is which we do take to the planning sustainability commission for a hearing, we did this this case also, we ranked all the suggestions we received from the public and from staff by these four criteria. One of which is the variety of stakeholders affected by the regulations. The geographic applicability that this regulation affect every property in the city or just a few properties. What's the degree of impact? In other words, how problematic is the regulation when one can't meet it. And the regulatory improvement. What is the potential for improving the regulation without adding complexity? So we tried to be as scientific as possible when choosing our work plan and that guides us to make sure that we are addressing the right issues and getting the biggest bang for our buck. Recap 8 includes many code amendments in the zoning code. We're proposing 12 minor policy amendments in the blue box. Most of them have to do with land divisions and property line adjustments and about 15 technical and clarification items for the tree code. We're proposing eight minor policy

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amendments and nine technical amendments. I will pass it on to Kathryn to describe the public involvement process and the substance of the work. Thank you.

Kathryn Hartinger, Bureau of Planning and Sustainability: Hi. So Jeff and I are going to highlight some of the items in the recap package. First I wanted to review some of the public outreach around this project. The public discussion draft came out in August of last year. There was a seven-week review and comment period associated with that. During that time, we met with a number of neighborhood coalitions, drack, the city wide land use group, and we also did commission briefings with the historic land martial commission and urban forestry commission. The proposed draft came out in November. We continued meeting with the coalitions then the planning and sustainability commission and urban forestry commission both held hearings in December. When we're done you'll be hearing from commissioners from both bodies. The recommended draft which we're here to talk about today came out January 18 of this year. So I want to go over a few items you may have noticed this appeared on your desk while you were in recess. It may be easy to follow along here. First item I want to highlight is number 3 related to property line adjustments and regular lot lines. A property line adjust relocates a single existing common property line between two abutting lots. This amendment introduces new standards to encourage regularly shaped lots by requiring the adjusted lines be straight or no more than 20% longer or shorter than the existing line. So in the example on the screen, this would no longer be allowed without an adjustment because the old line was just a straight line. The new line would be too long. The next item, relates to 6 and 7, for lot and plat consolidations, this really just streamlines and simplifies the lot consolidation process by allowing creation of three lots in one procedure rather than requiring three separate procedures. In the illustration to go from the kinds of con figs rage on the left, the configuration on the right currently you would need to go through three lot consolidation procedures. This would allow you to do that in one. The next item is number 10, related to right of way dedication. This amendment really just more clearly states existing policy that development standards including setbacks, far, building coverage and landscaping apply to a site after dedication of public or private right of way. Number 11, relating to loading standards. Outside the city they must generally provide forward ingress and egress from a site even when there's no parking on site. You can imagine that can take up a good amount of space dedicated exclusively to a truck being able to turn around. So we removed this requirement in central city a number of years ago and as the city continues to get more dense it made sense to remove it outside the central city as well. Lastly, director scarlet mentioned this number 14, this amendment would require notice and a 120-day delay for the removal from the historic resource inventory. With that I'm going to turn it over to Jeff, who will be talking about some of the amendments in title 11 related to trees.

Jeff Caudill, Bureau of Planning and Sustainability: Thank you. Thank you for having me. So as was mentioned we had eight minor policy recommendations, changes to the title 11 tree code. I'm just going to highlight three of those, one that again director scarlet had mentioned but the first item was number 34, which is related to heritage trees. So to give a little bit of background the heritage tree program was actually established in 1993. There are almost 300 trees on the -- within the heritage tree program currently. That includes private, public and street trees. So it was this amendment addresses heritage trees on private property. There was a heritage tree removed from the west hills in December of 2016 illegally. I would also say heritage trees are provided the most stringent protections within the city. It actually comes to you, city council, for approval to be added and removed. So in that process when a private tree was removed, it came to urban forestry's purview that the maximum they could charge was \$1,000 plus a \$250 administrative fee, so 1250. That amount is inconsistent with what exists for city and street

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trees, which is on a per inch basis. What we are proposing is for private trees to make it consistent with what is existing for city and street trees. The fee structure would be \$300 per inch for damage to heritage tree and \$600 per inch for removal. Next couple of items are 37 and 38.

Wheeler: Is the inches' circumference or height?

Caudill: It's Dbh. It's Radius, diameter. I'm sorry, diameter. Breast height. Sorry. So the next two, 37 and 38, which is we are addressing these sort of together and this is one of the issues raised. One thing that has been happening, the issue has come up at the permit counter is requirements for tree protection for any development activities at all including if you're doing something in the front yard you still have to protect things in the backyard. This is part of the tree protection is root protection zone as identified for all existing trees that are to be preserved which is in the graphic on the right there of the slide. So what we have done is to try to streamline that process and not require tree protection in all cases. We have identified particular activities that would not require tree protection and those include when work is done within ten feet of an existing structure and as long as no trees are proposed to be removed and the work is not within the root protection zone of existing trees, if a homeowner is doing a replacement of a deck or fence and not expanding the size of that deck or fence it would also not require currently it does require tree protection so now it would no longer require that. We have also identified allowance for the installation of required landscaping within the root protection zone without any kind of issue with bds, basically during the development review. The language was unclear related to landscaping in the root protection zone. Then the final one is number 39. So as a part of all development in the development situations an applicant is required to preserve one-third of the existing trees on the site. So as a part of that they prepare a tree plan identifying which trees would be preserved and which are not. As part of that tree preservation the intent of title 11 was to not include things that are dead, dying, dangerous or nuisance species in that tree preservation. The language is a little unclear on that. Those types of trees are addressed but not specifically related to the tree plan. So to further clarify that we have added language where when a tree inspector comes on site and they are confirming those trees that are to be preserved, if they are in any of those categories, dead, dying, dangerous or nuisance, they will identify that and a revision will be required. If there are not alternative, healthy, non-nuisance trees available they have the option of fee in lieu. I wanted to highlight those. With that we would just say you have two ordinances, one addressing title 33, 17 and 24, another separate one addressing title 11. We would recommend adoption of those ordinances along with any amendments you might have today and also to adopt the commentary legislative intent.

Wheeler: We appreciate it. Any further questions? It's my understanding Chris Smith is representing the planning and sustainability commission. Thank you.

Chris Smith: Good afternoon. Chris Smith, vice chair of the planning and sustainability commission. I was presiding at our hearing and work session on this topic. I believe this is the first psc recommendation carried to the new council, so mayor, let me welcome you to your new role including as our commissioner charge.

Wheeler: Thank you.

Smith: Recap when done well is a relatively noncontroversial topic. This year I think it was done well. We had a minimum public testimony. The testimony we did have was primarily around tree protections including some desire to stray from protections in the package and I'm sure you'll hear more about that from my colleague. We chose to amend only one area of the package as it came through us having to do with the lot line adjustments as a goal to simplify those reconfigurations so people have a better idea what they are buying in terms of the shape of their lot. We slightly shifted the balance to allow a little more flexibility while

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still preserving the basic intent of that program. We had one commissioner who dissented from that view. But the package was passed by a large majority. I'm happy to answer any questions.

Wheeler: Very good.

Fritz: No questions --

Meryl Redisch: Thank you for having me. I serve on the urban forestry commission. I'm Meryl Redisch. First I want to thank the bureau of planning and sustainability staff for helping us make this city a smooth process. I think that they were very responsive to the urban forestry commission concerns and we work very well together. We held a public hearing it wasn't heavily attended it was doing bad weather, but we used that opportunity to really go through each and every item and look at it and went over it with a fine tooth comb so we really had a good understanding of what all of the items meant we really support what's in this recap proposal. There a couple of things I just want to not because I think they are worth noting and that is the heritage tree penalties that were increased that are now consistent with trees in private property so we were satisfied about that. And then the other think is the amenity bonus we were really concerned at first that the preservation of trees were given a lower amenity bonus and we asked for that to be increased and that was -- that was done. So, we were happy about that. There is one thing, though, that I want to bring up because I have the mike. It is not part of the recap process. This is something that is quite larger and is more complex, but it's really, really important and it's a concern of the urban forestry commission and the community, as I hear it. Title 11 and tree preservation standards do not apply for lots under 5,000-square-feet. And so what we are seeing, across the city, are developers who are developing lots that are over 5,000-square-feet, they have big trees. Either need of Doug firs or other large trees and they divide the lot and the lot is then under 5,000-square-feet so they can remove all the trees and what we're seeing is a loss of trees and a real -- a real problem across neighborhoods. So, while the recap program, of course, does not address something as large and complicated as that, I want to bring this to your attention because the technical tree -- excuse me, the tree code advisory code committee that commissioner Fritz convened a couple of years ago to look at the tree code included this among other things in their recommendations so I hope that in the future, we can do more -- bigger revision of the tree code and really see what is working and what is still being -- what we're losing, as a community and a city. So, thank you.

Wheeler: Great. Any further questions for either of these two?

Fritz: Well on that subject, there's 41 items in this recap project. I've got an additional 45 items for the tree code alone that we would really like to work on. So although there are urgent things in this process, I appreciate you bringing it up that we need to get serious about correcting things that have worked differently from the way we thought they would.

Redisch: Thank you, commissioner Fritz.

Wheeler: I want to thank you both for your service. So, at this point, why don't we go ahead and read into the record amendments and second them for discussion purposes. Then we can take public testimony. We won't actually vote anything today. We'll just continue it to next week. I'll start. These are amendments that have been brought forth that were eluded to by the bureaus. You should have all received a memo with these four amendments in them and if not, let me know. The first is related to item three, regular lot lines, on page 95. Remove the requirement that the adjusted property line must be -- excuse me. Remove the requirement that the adjusted properly line must be at a right angle to the street, removing the unintended consequence of making properly line adjustments without an adjustment incredibly difficult to do in certain areas of the city. Can I get a second?

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Fritz: Second.

Wheeler: Number two, related to 33, definitions. Seep or spring stream on page 113. Remove amendments to the stream definition eliminating the language that would require that streams that are in pipes be preserved in tracts.

*****: In tracts?

Wheeler: In tracts. Do you want to come up and explain that one?

Fritz: Second.

Wheeler: Item three -- I told you these were technical. Correct errors at the city auditor's request.

Fritz: Second.

Wheeler: Number four -- this is not currently in the recommended draft. I'd like to add a technical fix to recap eight that would implement the council's intent from last December related to inclusionary housing parking requirements. That is, waive parking requirements for projects that build affordable housing and require parking for those that pay a fee in lieu.

Fritz: Second.

Wheeler: So, we have these amendments on the table. They have been seconded for the purpose of discussion. Commissioner Saltzman?

Saltzman: So, your last amendment, let me just -- that was a restatement of what we did --

Wheeler: That is correct. It makes it consistent with the inclusionary housing parking requirements.

Fritz: I concur with that.

Saltzman: Yeah. So I have an amendment. I think your office has all received copies. I'd like to thank commissioner Fritz for her suggestion to clarify this amendment. This amendment applies to circumstances where a proposed development triggers the dedication of additional public right of way. The purpose of the amendment would be to calculate the floor-area ratio based on the site area as it exists before the additional right of way is dedicated at the time of the building permit application. Calculating the area ratio after the dedication results in reduced development capacity and in the case of residents, a development can limit the number of housing units, whether market or affordable. I'd like to thank Damien hall for bringing this to my attention. So, that is what this amendment does.

Fritz: Second. Commissioner Saltzman already incorporated my suggestion so it doesn't need to be amended.

Wheeler: We have wheeler amendments, Saltzman amendments. Commissioner Eudaly had an amendment. I don't know if someone from her team wanted to read that? At a minimum, it would be great if somebody could come up in and explain it to us. I'll either introduce it or not. It's your discretion.

Marshall Runkel, Commissioner Eudaly's Office: Hi, I'm Marshall Runkel from commissioner eudaly's team. Thank you, mayor. Members of the council. The amendment that commissioner eudaly's office would like to offer came up in the context of a -- one of the great things about this job is helping community partners through the development review process. So, this error came to light in looking at the requirements for project in the cully neighborhood, the living cully plaza, which was formally the sugar shack, one of the biggest blights in our city, in my opinion. If you look, this is -- this amendment would just adjust the requirements that are included in a table so that the requirement in design districts, with a d-overlay, would match exactly what the requirements are in other design districts in the city. So, if you look at the whole table, the criteria is consistent in all of the other design districts in the city. And because of a scrivening error in translating the table from one format to another, it just wasn't translated into the d, design overlay area. I think

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this is clearly consistent with the idea of recap where we're spotting and correcting errors. I don't believe there are any policy issues. This is a correcting a scrivening error.

Fritz: I'll second that for discussion. I do have a question about it, though. I'm surprised you have a d-overlay in cully.

Runkel: I'm not familiar --

Fritz: That might be a question for staff. More particularly, as commissioner eudaly's drawn our attention to this particular table, I see that it's got design overlay zones for type ii and type iii and the cut off is whether the project cost \$2,188,650 and my question to staff is how on earth did we arrive at that number and is it still the right number so that's something I'd like to get some more information about later.

Wheeler: We now have --

Saltzman: Did you offer the amendment, mayor?

Wheeler: I'm offering it on behalf of commissioner Eudaly and commissioner Fritz seconded it for discussion purposes.

Fritz: I have one more and I apologize to staff for just noticing it and I've only got one copy so if you two could share. This is part of the recap package, relating to the length of terms of commissioners in 33.710.030 and the existing amendments actually it's not clear the way it's been typed up. The existing amendment says that in the event a new member is unable to be appointed prior to the expiration of an existing members term, the term of the existing member may be extended to up to one year. I certainly, understand the challenges of filling the many boards and commissions within the bureau of development services. And, I knew, when I was the commissioner I knew they were coming up and so having the deadline, it seems unreasonable to say there's only one person in the entire city who can be found to fill out -- to continue their turn. In some of our boards and commissioner particularly the planning and sustainability commission, we had term limits on the sustainability commission. We had term limits on the planning commission. When they were combined, that started the clock all over again. We have some members at the planning and sustainability commission who have served for a lot longer than two terms. The amendments I would like to propose is in the event of an unexpected vacancy and a new member is unable to be appointed by the expiration of an existing members term, the term of the existing member may be extended by up to four months rather than one year. This should be a little more urgency to getting new into that position. The other problem with the way it's couched right now, the -- it puts the term, the staggered terms perhaps to be on a more people rolling off at the same time as needing to come on and get out of the staggered terms we set up with all our boards and commissions. So I'd like to move that amendment for discussion.

Wheeler: I'll second that for discussion. So, we now have amendments on the table. We've heard the testimony. Is there public testimony?

Moore-Love: I have a list here.

Wheeler: Thank you.

Moore-Love: We have five people -- four people.

Wheeler: Good afternoon.

Gregg Everhart: I'm Gregg Everhart. I'm here as a Sunnyside resident not as a urban forestry commissioner or heritage tree committee member. You could guess that that's the topic that I'm interested in. So, I actually have given a short package of three sheets to you. It has sort of my outline of input and then it has a letter I thought that was very moving and pertinent regarding the grand fir that was removed illegally and I want to note that not only was that tree 24 inches in diameter at breast height, we're not allowed on the property to see how old it was, the penalty was \$1,000 plus the \$250 fee. That's not something that discourages someone if they're bound and determined to develop a property. We have

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private trees, in particular, that are in sites that are very tempting. The property owners paid \$1.8 million for their property. Possibly even this fee would not have deterred someone who could buy that much property and then perhaps subdivide it. Based on the 24 inches, it would have been closer to \$15,000 for the penalty. I wanted to Jeff's comment they did have to replant. They chose really small, cute, ornamental trees and they'll never have the value that a big conifer has in terms of wildlife, storm water and so on. So, I know that for some people, they're concerned that private properties have signed on one deal they have basically agreed to protect their tree. It could be perceived that now we would be punishing them if they damage or injure their trees. So the last two pages are actually the sample form that urban forestry staff gives to people when they're contemplating actually consenting to this destination. They may have nominated their tree but when they see this, they realize it is actually a serious business that they are waiving some of their rights -- they're promising to care for this tree and promising on behalf of their eventual heirs. So it literally says it's going to bind all their successors, heirs, it's unlawful for anyone to remove or harm a heritage tree. It's already something that people are aware of so I personally am just glad that this might protect some of those 150 or so private trees from the ramped development that's really doing in a lot of our unprotected trees.

Wheeler: Thank you very much.

Peggy Moretti: I'm Peggy Moretti, executive director of restore Oregon. Restore Oregon is a nonprofit working to preserve, reuse and pass along the historic areas that make our area unique. I'm here to endorse the codifying of the 120-day demolition period. It represents a very small piece of a much larger policy strategy necessary to curb the demolition epidemic that has been chewing up Portland neighborhoods. The vast majority of demolitions are adding no real density, they are replacing modest affordable homes with bigger, more expensive ones. An examination of demolitions by restore Oregon in 2016, revealed that for each housing unit demolished, the replacement was 1.3 new housing units and most all of them more expensive. The proposed demolition of 136-year-old farm house in the reed neighborhood is a current example of the value of the demolition delay. It was built in 1880 and sits on a 8,000 square foot lot. It appears a developer plans to demo this neighborhood icon and replace it with two more expensive homes. The delay period has afforded a neighbor the opportunity to attempt to purchase the property, save the house and possibly add an adu. We need better incentives for restoration and reuse. Those would come in the form of tax credits, tax rebates, fee reductions, code flexibility and expanded deconstruction requirements. The new goal five rules, which restore Oregon fought to create need to be implemented by the city. That could include an update of the historic resources inventory. And a process by which new historic districts will be able to establish design review standards through a public review process. Portland's unique older neighborhoods and commercial corridors are under a greater threat now than any time in the last 50 years. As you grapple with demands with affordability, sustainability and economic development, the members of restore Oregon asks you to consider this. Is the historic homes, neighborhoods, churches and schools that make Portland authentically Portland and not a bland any place USA what you do in the next year is going to determine what Portland looks like for generations to come.

Alan Hipolito: Good afternoon. Members of the council, mayor wheeler, I'm Alan Hipolito, I work for Verde tax-exempt nonprofit in the cully neighborhood. Good to see you at the Portland united against hate. Thank you for your time. I want to provide a little context to the application, with regard to eudaly's proposed amendment. Several years ago Verde together with habitat for humanity Portland metro east and Hacienda community development corporation through what can only be called a bootstrapped operation we're not deep-pocketed developers, we're able to require the former sugar shack that runs from

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basically cully, killingsworth, Portland highway, purchase it from the former owners who had significant legal action for money laundering and prostitution. There was another purchaser on our heels. We wanted to turn it into a place that serves cully children and families and reinforces cully's identity as a diverse neighborhood in a changing Portland. The fact that this error in application or translation to this table has put a significant barrier in our way. We have a representative of our sustainable food sector at the table with us. Negotiating a code development opportunity that would bring jobs, contracting and improve the site. This is one of the real barriers to us. We find ourselves not subject to the same thresholds that apply to the other planned districts. We went through on a similar project at cully park, we went through type 3. It's a challenging process. If this misapplication could be addressed, it would remove a significant barrier to our ability to return that to a community serving use. We can always sell it. There's demand for the property but the things we're getting are more about storage facilities and dollar stores and things that don't offer us the chance for deep community benefit and so to the extent this error could be corrected, it could remove a challenge to our community.

Saltzman: Is this an exemption from design review?

Hipolito: No, the design overlay is a function that came from the color main street and transportation study that happened --

Saltzman: I know what design overlay is, is the result of your amendment to remove this from the design overlay requirement somehow.

Fritz: It's the type of review, if it's under they get to use the type 2, instead of type 3.

Saltzman: Type 3 verses type 2.

Hipolito: Based on the value of the exterior proposed that's what the thresholds apply to. If we're under 2.866,51 million, we're type 2, which is still review and over 2.1, et cetera, we'd be in type 3 which is a whole different type of ball game.

Saltzman: I didn't mean to interrupt you.

Hipolito: That's all I had. I appreciate the time very much.

Wheeler: Great. Thank you. Next.

Fritz: And thank you for your leadership yesterday, Alan that was really a good event with Portland against hate.

Hipolito: We have some good work ahead.

Wheeler: Thank you.

Moore-Love: Damien hall is the last person who signed up.

Wheeler: Greetings.

Damien Hall: Mayor wheeler, commissioners. Thanks for the opportunity to speak to you today. I'm here in support of the amendment to minor adjustment item 10, which commissioner Saltzman has proposed with the language addition from commissioner Fritz. Just going to speak real briefly about what that amendment would do. It fixes an ambiguity in the code, by clarifying that development standards are calculated after dedication, that's the current version. Here, this amendment would not include floor-area ratio in that rule, basing f.a.r. Provides construction of more residential units, at all affordability levels. To be clear, this is not a major change or a departure from current policy and the status quo because f.a.r. and height allowances remain the same and it's not the master stroke that's going to solve the city's housing deficit. It does allow for incremental progress towards some of the city's most challenging housing goals and it also has the added benefit of not costing the city anything to implement. As demonstrated by the letters which I believe were submitted to members of the council this amendment has widespread support from the affordable housing community and the market rate development community and really has – it presents those communities to have another tool to try to bring more units online in the city. Unless you have any questions, that's really all that I have today.

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Wheeler: Thank you very much.

Moore-Love: We have one more.

Wheeler: One more?

Simon Jaworsfe: My name is Simon. I've been a long-time Portland resident and I've been to these type of meetings before and there was talk about, you know, from the blond-haired lady, from preserving old buildings and he's talking about increasing housing and, you know, I don't believe in, you know -- first of all, I think we should preserve these heritage buildings. I think they're important to the heritage of Portland and its personality. As far as increasing density, as this last gentleman mentioned, I don't think it's appropriate to cram more people in the downtown area, especially if it's prime business space for store and retail and business office and so forth. Projects like what they're doing with the light rail line, where more condos are being built in the rural areas, you know, that -- that wouldn't -- could be served very nicely through mass transit such as the max to downtown is a much better idea, you know, and that's the old concept that Portland has always had in the earlier parts of the last 20th century. Thank you very much.

Wheeler: Thank you for your testimony. We appreciate it. Could we have bps come up, please? I want to clarify a few things. It's my understanding that you're going to put the amendments on your website and we're going to ask for public input?

Wood: That would work just fine.

Wheeler: And I don't know if you have further questions for the team at this time.

Fritz: I don't know whether you're able to answer that question about why it's \$21.88 million, blah, blah, blah does anybody know the answer.

Wood: So, there are many dollar thresholds in the zoning code and they get automatically updated every march 1, based on the cost of construction. The nonconforming thresholds is another example. It is based on a percentage. It started at the flat \$2 million threshold and then it starts to get weird after a year.

Fritz: Yeah, perhaps in recap nine, that might be looked at again. Cause when I saw that it was for one particular exemption for one property that needed to be exactly that. Im glad to hear it's not that nefarious

Wood: And we're also -- you're probably familiar with the design overlay zone assessments project. We'll be here April 26, before council, with our assessment of our whole overlay system, with a map. We had a great session between the planning and sustainability commission and the design commission a joint session. So those thresholds we'll be discussing it more in-depth.

Fritz: The area in cully does have a d-overlay?

Wood: It does. That property got an exd. The ex-zone always comes with a design overlay on it.

Fritz: Very good spot by commissioner Eudaly. Appreciate the explanations.

Wheeler: Any further questions with that? With that, we will continue 158 and 159 to 11 a.m. On Wednesday, February 22.

Wood: One clarification, you'll be taking written testimony on the amendments until next week?

Wheeler: That is correct. If people want to do that, where do they go to get information on the amendments?

Wood: They can look on our website; it is www.Portlandoregon.gov/bps/ recap. And we'll have the amendments there.

Fritz: Perhaps on the front page of planning if you could put a direct link to that is helpful. You're not going to take any more verbal testimony live next week?

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Wheeler: That's correct. We've had our staff testimony; we've taken public testimony. Next week, we'll continue deliberations on those amendments. With that, I believe we are adjourned. Thank you, everybody.

Wood: Thank you.

Fritz: Nice job.

At 4:00 p.m. council recessed.

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Key: *** means unidentified speaker.**

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Wheeler: Good afternoon this the Thursday afternoon February 16 session, Karla Please call the roll.

[roll call taken]

Wheeler: Standard declaration regarding public conduct. Anyone who speaks as a lobbyist, say so. If you're representing an organization, please say so. Please everyone behave. That means everyone gets to be heard. When you speak please state your name for the record. Clerk, please read the first item. The only item today.

Item 160.

Wheeler: First the city attorney will make some comments regarding today's hearing.

Kathryn Beaumont, Chief Deputy City Attorney: Good afternoon. I have several guidelines to present that are required by state law that will describe the type of hearing we're having today, the order of testimony and guidelines for presenting testimony. First today's hearing is an evidentiary hearing. Which means if you are presenting testimony you may present new evidence to the council in support of your testimony. In terms of the order of procedure, the council will hear testimony in the following order. First a staff report by bds staff for approximately ten minutes. Following the staff report city council will hear from interested persons in the following order. The applicant will go first and will have 15 minutes to address council. After the applicant the council will hear from individuals or organizations who support the applicant's proposal each person will have three minutes to speak. If there are any opponents or organizations who oppose the applicant's proposal, the council will hear testimony from opponents for three minutes each. If there was testimony in opposition, then the council will allow the applicant five minutes of rebuttal. Then close the hearing and deliberate.

Wheeler: Thank you.

Beaumont: Wait. I have one more.

Wheeler: Very good. Sorry.

Beaumont: I would like to announce several guidelines for presenting testimony to city council today. Any documents you wish to become part of the record should be given to the clerk. Similarly, original of any or copy of any slides, photographs, drawings, maps, videos or other items you share with council during testimony including power point presentations should be given to the clerk to make sure they become part of the record. You must direct testimony to the approval criteria for this land use review. Bds staff will identify the appropriate approval criteria as part of their staff report to the council. You must raise any issues with clearly enough for the council and parties to have an opportunity to respond to the issues. If you don't, you will be precluded from raising that issue to the land use board of appeals. If the applicant fails to raise constitutional or other issues related to proposed conditions of approval with enough specificity to allow council to respond the applicant will be precluded from bringing an action for damages in circuit court. That completes my statement.

Wheeler: Thank you. Do any members of the Portland city council have any conflicts that they would like to declare? There are no conflicts declared by city council. Do any

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members of the council have ex parte contacts to declare information gathered outside of this hearing they would like to disclose? There are no ex parte contacts or information gathered outside of this hearing on the part of the city council. Have any members of the council made any visits to the site involved in this matter? No city commissioner has made any visits to the site. Do council members have any other members that need to be discussed before we begin the hearing? Seeing none, we'll start with the staff report. You have ten minutes. Please state your name.

Art Graves, Bureau of Development Services: Good afternoon, mayor, commissioners. I'm art graves. So just to jump into it, the type 4 demo review how it got here is pre-app conference. We had a notice, it was posted. We had an historic landmarks meeting. Staff prepared recommendations from that and then the hearing today. So background for demolition review, in 2002 there was a resolution. In 2004 there was an ordinance essentially expanded and strengthened the city's demolition review regulations to protect more historic resources. Demolition review gives the public an opportunity to comment on the proposed demolition of a historic resource and allows opportunities for alternatives to demolition to be explored. City council reviewed the proposal, hold a public hearing, and either approve, approve with conditions or deny demolition of the resource. Precedents, just to provide background, in 2010 the kernan building proposed demolition of a contributing one-story commercial building in new japan town, Chinatown historic district to be replaced with the four story Blanchett house. City council noted the new proposed facility encompassing low-income housing, soup kitchen and other related services is the highest, best use of the site. Feeling the proposal on balance met the majority of the approval criteria it was approved. No 2014 the buck prater building was demolition of an eight-block three story former hospital building to be replaced with a four to six story apartment building. This was denied. City council noted a new market rate apartment building did not provide significant public benefit to compensate for loss of this historic resource so they felt it didn't meet the criteria. In 2015, the Washington park reservoir 3, 4 to be replaced with a new underground reservoir with reflecting pools. This was approved. City council recognized the impact of geological resource mitigation proposed was comparable to the magnitude of the loss of the resources. On balance it was approved. In 2015, a different garage in the Ladd's historic district proposed demolition of a contributing garage to be replaced with a new garage with an upper level dwelling unit. City council recognize the garage was significantly deteriorated. The feeling was the proposed replacement structure would help strengthen and enhance the character of the district. Again on balance the council feeling was that the majority of the approval criteria had been met. Approval criteria for demolition review is found in Portland's zoning code title 33 in the 800 section 846 stating that demolition review recognizes historic resources are irreplaceable assets that preserve a heritage, beautify the city, enhance it, civic identity and promote economic vitality. The specific approval criteria 846.080. Proposes to demolish historic resource will be approved if the review body finds one of the following approval criteria is met. 1. Denial of a demolition permit would deprive owner of all probably economic use of the site or 2. Demolition of the resource has been evaluated against and on balance has been found support of the goals of the comprehensive plan. The evaluation criteria are listed below in A-F. A little bit about Ladd's. It is an historic district created in 1988. It was found to meet the following national register listing criteria listed on the slight a through c. Some of the aesthetics, design, age, scale and mass of the building, the street and alley layouts and placement in relationship of the buildings to the streets and alleys. Like the large front lawns without driveways, garage locations on the alleys, so on. The site we're talking about today is in the southwestern quadrant of Ladd's. It's the area in red. Zoned r5, single dwelling, obviously with an overlay of historic resource

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protection. The slide on the left is showing the Ladd's historic district. The blue is showing contributing resources in the district. The yellow is showing noncontributing resources. The slide on the right is just trying to kind of dial in a little bit to show the relationship of where the garage is in relationship to the house and other amenities in the area such as that large lot to the northwest of the site is the Abernathy elementary school. The cs zone is storefront commercial zone to the west. below that out of the district is a multi-dwelling zone. So this is the site outlined in red. The arrow is pointing to the garage on the site. Again, the garage is on the north site off the alley. The specific site, this is the contributing house, 1923 house on the site. The garage as it was photographed on January 25th last year by staff. Again, it's a 1923 garage and house. So the specific issue at hand, this is the image of the 1923 garage approximately a year ago and this was taken while it was going through a review on the historic resource review to make alterations to the garage to become an adu. An accessory dwelling unit. These are pictures of the garage. They are dated September of 2006 when the garage had been demoed. 2016. Sorry. So as part of the historic resource to convert the garage into an adu, these next few images are showing the plans that were submitted for that approval. The top is the existing plan. Then the proposed site plan showing alterations to make it an adu. These were submitted elevations at the time of the existing contributing garage and proposed elevations. So applicants' response to approval criteria the original garage had significant structural problems including a failing foundation that made the building a liability. Demolishing the garage and not redeveloping the site would degrade the desired character of the area. Concerns the dilapidated one-car garage does not constitute a significant historical resource. The intention remains to build the approved adu per the previously mentioned land use review. Staff findings, historic the approved historic decision provided for alterations to the contributing garage into an adu while preserving the entire structure to avoid demolition of the garage. It reinforces the district's alley garage character, construction is possible without demolition, and no additional public benefit is achieved by demolition beyond what is already approved. So in short construction of a new adu is possible without demolition. The historic landmarks commission wrote a letter supporting staff's recommendation of denial. This is just illustrating goals and policies staff feels are not applicable or not met regarding the comprehensive plan goals. In summary because the alterations were fully accommodated within the previously approved resource review demolition of the 1923 resource was not necessary. In summary, potential paths moving forward a denial of the proposed demolition following adoption of the staff report, final decision, will be issued and the applicant could move forward per the previous decision. An alternate path would be if city council wanted to approve demolition staff would be required to revise the staff report. It would need to return to city council and any new adu proposal would require a new resource review as well. So in conclusion, the zoning code requirements for demolition of certain contributing structures can be amended and revised to allow a lower level of review for demolition of accessory structures. Bds staff is always interacting with bps staff however we're aware there's always a hierarchy of importance and urgency and some areas of the code have deserved and received more attention than others.

Fish: Maybe it's because I'm under the weather. Can we go back one slide? I think that your presentation was excellent. Actually wish every issue that came to council even outside land use review had an historical section to remind us what we have done in the past and how it fits together. Would you walk us through these options again then just put it in the context of the fact that the structure has been demolished? Give us the practical impact of each option.

Graves: Okay. So starting with the denial?

Fish: Yes.

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Graves: Staff is recommending denial.

Fish: The structure has been demolished.

Graves: But yes it's still on site there are pieces of the garage on site. So the applicant intends to rebuild the garage using those pieces per the previously approved land use decision. So if denial -- if city council supports staff's decision then we can effectively move forward and the applicant can continue -- build the garage per the land use decision.

Wheeler: Is it your belief the applicant will support your recommendation for denial?

Graves: I do.

Wheeler: Now I'm with you.

Fritz: The alternative is if we support demolition they cart off whatever is there and make a different adu?

Graves: Again that would require another -- if they were going to change what was previously approved that would require another historic resource review.

Fritz: Other than the inconvenience of coming downtown on a Thursday afternoon, is there any penalty for having demolished it first?

Hillary Adam, Bureau of Development Services: Hillary Adam, development service I work with art. Currently bds has not levied any fines against the applicant. We encourage them to move forward with this type 4 to go through the process that's required by code, so no fines have been assessed.

Fritz: How much is the type 4 review?

Adam: Generally, it's rather expensive because a pre-application conference is required. Those run over \$4,000. The type 4 review is over \$8,000. I believe that given the scale of the building that was demolished they received lower assessment of those fees.

Fritz: There already has been some financial penalty in certainly the hassle of having to go through this.

Adam: Typically, those fees are assessed due to paper pushing, staff time cause we're a fee based bureau.

Fish: If I could -- will you have a situation where you have the staff report and you have the applicant concurring, just so I'm clear, is one of the reasons we're holding this hearing is to gauge whether the public is in accord with that? And to give the public a chance to testify if there's some voice in the community that disagrees with the staff report and with the applicant's position?

Adam: I would say that's definitely one of the reasons but the biggest reason is that it's required by code.

Fritz: That's what we heard at the end that we should probably change the code, that this could be heard even at the administrative level or by the commission rather than coming to council.

Wheeler: I would urge that and commissioner Fritz has forgotten more about this than I know but it seems to me in a case like this we have a thoughtful staff recommendation, the applicant in concurring and potentially the safety valve of neighborhood association that does not oppose, there ought to be an administrative method that saves bringing it forward to council. I would agree. I would love to see an administrative remedy. Opt out if there's a neighborhood of opposition or something.

Adam: After the previous type 4 for the garage there was conversation among city council about changing that code as quickly as possible, but those things take time.

Fish: Added to the recap?

Fritz: No. Not this one, but the next one.

Adam: We tried but it seemed like too big --

Fish: Did they give you emergency authority?

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Fritz: I would point out just the fact that there's only been a few of these might be because there is that extra effort. If we were to make it too easy everyone would be knocking down their historic structures.

Fish: Since we're here can I just ask the -- it seems to me there may be an elephant in the room. Having looked at the slide of the original garage, it looked kind of shabby to me and did not have the same character as the case we had before in that district. Is there an argument that we're overregulating the structure?

Grave: I guess.

Fish: Given this condition, location, just the photograph you gave us, is there a risk that we're putting this applicant for too many hoops for a structure that maybe in the best of circumstances was going to be replaced?

Adam: I would generally agree with that but the code does not distinguish between primary contributing structures and accessory contributing structures so we have to apply the code equally. We can discuss with our higher ups as to maybe looking at how we interpret the word demolition.

Fish: We want -- I don't want to drive -- suggest we drive a huge loophole through what is otherwise the intent here, but some of the things you told us about the condition of the structure, the fact that the photograph confirmed it's not in great shape, the fact that the person wanted to in an historically sensitive way update it and have an adu, it seems to me there's a lot of the city's values that are being met by virtue of the action the applicant wants to take here or the owner and the applicant. I would hate to be so inflexible that we require maintaining a not very distinguished structure that may work against long term viability of any --

Fritz: It was in part of the proposal so that's gone through the historic resources review often with all the structures once they've got new paint, and incorporated into a sensitively designed structure it will indeed continue to be a contributing structure.

Fish: I get that we don't want to create an exception here unless your contractor inadvertently demolishes it in which case we let you off the hook. Someone maybe with not such pure motives would take advantage of that.

Fritz: The hearing board just said the applicant is supportive of accepting our review.

Fish: My guess is the applicant is supportive in part because of the burdens of going through the alternative process.

Wheeler: Let's find out. The applicant is up next and gets 15 minutes. Any other questions for this panel? State your name for the record.

William Dean: I'm William dean.

Wheeler: You get 15 minutes if you need it.

Dean: I don't think I need the whole 15. Most of what you were discussing is pretty much the gist of it. I'm the designer and I went through the type 2 review and turned the plans over to a contractor that was going to build the project and when -- part of the project was to replace the foundation and in doing so the contractor misunderstood the intent of or I guess the requirements behind preserve because he felt that moving the small four walls and two roof panels ten feet to the side to do the groundwork then put them back where they were was sufficient. A sufficient way to allow for the preservation and obviously that's what's gotten us into this situation to begin with. So the intent was never to demolish the structure in terms of to cart it away in a dumpster and build something brand new. It's a matter of the means that were executed do not conform with the current allowances for whether something deserves demolition. So I mean I'm here basically to represent my client and just we are interested in whatever possibility allows the project to get under way. As quickly as possible. There's been an eight-month delay on the project already.

Wheeler: You support the hearing officer's recommendation?

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Dean: I do.

Fish: What would the alternative relief before us that would require you to redesign it, go through another hoop through historic review?

Dean: Yeah. Yeah. I suppose that if you --

Fish: There's no interest in doing that?

Dean: No, I don't, my client doesn't.

Wheeler: Thank you. Next up, any supporters of the applicant who would like to testify. We do take public testimony but has to be in order. Supporters?

Moore-Love: No one signed up.

Wheeler: Opponents of the applicant?

Moore-Love: No one signed up.

Wheeler: Great. Council discussion. I will of course -- well, I also need to say -- first of all council discussion. I'll get to the next part later.

Eudaly: I'm a little concerned about establishing a precedent where we say a structure needs to be left intact and then -- I wouldn't call this a demolition. More of a deconstruction, right? But these circumstances seem a little extraordinary to me where the intent to preserve this structure was there. I don't know how you would pour a foundation and leave the original structure in place. And obviously they have saved it. And it was the result of miscommunication of the contractor. I feel pretty satisfied.

Wheeler: Further discussion? At this point the evidentiary record is now closed. That means the council is not going to accept any more oral or written testimony on the land use appeal people at this point. I would accept a motion if somebody would enter pain one.

Fritz: I move acceptance of the Portland historic landmarks commission recommendation for denial.

Fish: Second.

Wheeler: Commissioner Fritz moves, commissioner Fish seconds. Any further discussion?

Fish: I want to say because we won't have staff here, we're going set a tentative date. It was really a suburb presentation on an issue that has a little wrinkle. We appreciate that.

Wheeler: They finished with two seconds left. I love that. Thank you for that. Please call the roll.

Beaumont: May I make clear by council voting to adopt the recommendation you're making a final decision today.

Wheeler: That's correct.

Beaumont: It will be done.

Wheeler: Call the roll.

Fritz: Well as usual excellent work by the staff in development services and historic landmarks commission. You have this case has very much shown that some glitches in the code that still need to be figured out. I'm glad that we're not figuring them out on the fly here but rather we'll go through a proper process so that we can make things easier but not too easy when these historic structures are considered. Thank you very much to the applicant for walking us through this and for your willingness to make this -- continue to contribute to the Ladd's historic nature. Aye.

Fish: This has been a very good discussion. Mr. Dean, you can advise the owners after this hearing that once this is constructed they choose to move into the adu as part of a downsizing they will not be covered by the renter relocation ordinance we passed.

[laughter] aye.

Saltzman: Aye. **Eudaly:** Aye.

Wheeler: My view on this might have been different had a demolition been carried out. It's pretty obvious there was not an intention to demolish. Seems like it was as commissioner

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Eudaly described a miscommunication. A mistake. I therefore vote aye. It's unanimous that the hearings officer's recommendation is upheld. This council session is now adjourned.

Moore-Love: Do we need to set a date?

Beaumont: No the council has voted to adopt the landmarks commission's recommendation as their decision so we're done.

Fish: Karla under this mayor we've streamlined all that stuff.

At 2:32 p.m. council adjourned.