



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **19TH DAY OF APRIL, 2017** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Saltzman, 5. Commissioner Saltzman left at 12:17 p.m.

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

Item Nos. 375 and 376 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 11:37 a.m. and reconvened at 11:47 p.m.

COMMUNICATIONS		Disposition:
365	Request of Jim D. Whittenburg to address Council regarding traffic control and affordable housing (Communication)	PLACED ON FILE
366	Request of Ken Thrasher to address Council regarding College Possible Portland (Communication)	PLACED ON FILE
367	Request of Paige Hill to address Council regarding College Possible Portland (Communication)	PLACED ON FILE
368	Request of David Kif Davis to address Council regarding targeting of journalist and whistleblowers and activist by the City (Communication)	PLACED ON FILE
369	Request of Farrell Richartz to address Council regarding proposed cuts to the street cleaning program at the Portland Bureau of Transportation (Communication)	PLACED ON FILE
TIMES CERTAIN		
*370	TIME CERTAIN: 9:45 AM – Authorize a competitive solicitation and contract with the lowest responsible bidder, and provide payment for construction of the Columbia Boulevard Wastewater Treatment Plant Renewable Natural Gas Facility Project, for an estimated cost of \$9,000,000 (Ordinance introduced by Commissioner Fish) 1 hour requested for items 370-372. (Y-5)	188322

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<p>*371</p>	<p>Authorize High Pressure Gas Service Rider agreement with Northwest Natural Gas Company for a Renewable Compressed Natural Gas fueling station, at the Columbia Boulevard Wastewater Treatment Plant, for an estimated cost of \$1,941,830 (Ordinance introduced by Commissioner Fish) (Y-5)</p>	<p>188323</p>
<p>*372</p>	<p>Authorize interconnection agreement with Northwest Natural Gas Company for transporting renewable natural gas produced at the Columbia Boulevard Wastewater Treatment Plant, for an estimated cost of \$1,050,000 (Ordinance introduced by Commissioner Fish) (Y-5)</p>	<p>188324</p>
<p>373</p>	<p>TIME CERTAIN: 10:45 AM – Recognize May 23, 2017 to be Mayor Harry Lane Day in Portland (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 15 minutes requested for items 373 and 374.</p>	<p>PLACED ON FILE</p>
<p>*374</p>	<p>Authorize a Memorandum of Understanding with the Rose Festival Foundation to assign and outline the City and Foundation’s roles and responsibilities for the annual Portland Rose Festival (Ordinance introduced by Commissioner Fish) (Y-5)</p>	<p>188325</p>
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">Bureau of Emergency Management</p> <p>375 Authorize an Intergovernmental Agreement with Multnomah and Washington Counties for the crisis information management system WebEOC shared software (Ordinance)</p>		
<p style="text-align: center;">Bureau of Planning & Sustainability</p> <p>*376 Authorize a Grant Agreement to accept \$25,000 from Drive Oregon Foundation to support Low Cost Air Quality Sensor work, an air quality sensor project in the Powell-Division corridor (Ordinance) (Y-5)</p>		
<p>*377</p>	<p>Amend six grants with the Neighborhood District Coalitions for Community Collection to add funds and extend the term to June 30, 2019 for \$200,464 (Ordinance; amend Contract Nos. 32000456, 32000457, 32000458, 32000460, 32000461, 32000825) (Y-5)</p>	<p>188321</p>
<p>378</p>	<p style="text-align: center;">Office of Management and Finance</p> <p>Extend the City 2013-2017 Equal Employment Opportunity Affirmative Action Plan for six additional months to December 31, 2017 (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING APRIL 26, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p>		

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379	Approve allocation of \$10,000 annually of Portland Children's Levy revenues to fund event sponsorship through June 2019 (Ordinance)	PASSED TO SECOND READING APRIL 26, 2017 AT 9:30 AM
REGULAR AGENDA		
380	Proclaim April 19, 2017 Jefferson High School Basketball Day (Proclamation introduced by Mayor Wheeler and Commissioner Saltzman) 15 minutes requested	PLACED ON FILE
Mayor Ted Wheeler		
Bureau of Police		
*381	Authorize Chief of Police to sign lease agreements of real property for Police Bureau Criminal Investigation needs (Ordinance) Motion to add approval of Mayor to directive a: Moved by Fish and seconded by Wheeler. (Y-3; N-1 Eudaly; Saltzman absent)	CONTINUED TO APRIL 26, 2017 AT 9:30 AM AS AMENDED
Office of Management and Finance		
382	Change the salary grade for the Nonrepresented classification of Neighborhood Involvement and Programs Director (Ordinance) Rescheduled to April 19, 2017 at 2:00 p.m. Rescheduled to April 20, 2017 at 2:00 p.m.	PASSED TO SECOND READING APRIL 26, 2017 AT 9:30 AM
Commissioner Dan Saltzman		
Bureau of Transportation		
383	Accept a grant in the amount of \$1,000,000 from Oregon Department of Transportation for the Regional Signal System Concept of Operations and Implementation (Second Reading Agenda 350) (Y-4; Saltzman absent)	188327
Portland Fire & Rescue		
384	Authorize a purchase order with Pierce Manufacturing, Inc. for the purchase of three emergency response apparatus for a total not-to-exceed amount of \$2,000,000 (Second Reading Agenda 361) (Y-4; Saltzman absent)	188328
Commissioner Chloe Eudaly		
Bureau of Development Services		
385	Amend marijuana business regulations definition of wholesaler, and use of temporary Certificate of Occupancy (Second Reading Agenda 351; amend Code Sections 14B.130.020 and .070) (Y-4; Saltzman absent)	188329

City Auditor Mary Hull Caballero

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386	Assess property for sidewalk repair for the Portland Bureau of Transportation (Second Reading Agenda 362; Y1091) (Y-4; Saltzman absent)	188330
387	Amend Independent Police Review code to revise filing process, investigation, and appeal provisions of complaints of police officer misconduct (Second Reading 364; amend Code Chapter 3.21) (Y-4; Saltzman absent)	188331 AS AMENDED

At 12:45 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **19TH DAY OF APRIL, 2017** AT 2:00 P.M.

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

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

388	TIME CERTAIN: 2:00 PM – Accept the Portland Design Commission 2017 State of the City Design Report (Report introduced by Commissioner Eudaly) 1 hour requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)	ACCEPTED
389	TIME CERTAIN: 3:00 PM – Accept progress report regarding commitments with Mt. Tabor Neighborhood Association for Mt. Tabor Park Reservoirs (Report introduced by Commissioner Fish) 30 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4)	ACCEPTED
390	TIME CERTAIN: 3:30 PM – Appeal of residents of the 937 Condominiums against the noise variance granted to Bremik Construction to conduct six day-long concrete pours with early morning set up for the hotel construction project located at 485 NW 9 th Ave (Hearing introduced by Auditor Hull Caballero) 1 hour requested	CONTINUED TO APRIL 26, 2017 AT 9:30 AM

At 5:25 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **20TH DAY OF APRIL, 2017** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Kathryn Beaumont, Chief Deputy City Attorney and Roger Hediger and Jim Wood, Sergeants at Arms.

391

TIME CERTAIN: 2:00 PM – Amend ordinance that vacated a portion of SW Madison St between SW 10th Ave and SW Park Ave to replace and add new conditions and grant an easement to enable the Portland Art Museum to plan for a new Rothko Pavilion (Ordinance introduced by Commissioner Saltzman; amend Ordinance No. 127882) 2 hours requested

**REFERRED TO
COMMISSIONER OF
PUBLIC AFFAIRS**

At 4:08 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.

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.**

April 19, 2017 9:30am

Wheeler: Good morning everybody before we call our formal session into order. Commissioner Fritz would like to read a proclamation on behalf of arbor day. Commissioner Fritz.

Fritz: Thank you mayor good morning, everybody is there anybody here in honor of the arbor day proclamation come on up please. Whereas pioneers entering the treeless plains of Nebraska territory were encouraged by the state board of agriculture to set aside one day to plant trees. So April 10, 1972 was declared the first arbor day in the united states. And whereas Jay sterling-multon the founder of arbor day believed that other holidays repose upon the past, arbor day proposes for the future. And whereas arbor day is the opportunity to reaffirm commitment to preserving our urban forest and planting trees for our children's children to enjoy. And whereas friends of trees has planted 500,000 trees and native plants since being founded in 1989. And whereas community volunteers, staff and partner organizations work year round with Portland parks and recreations urban forestry division to preserve and enhance the urban forest so that all may benefit from more than 200, 020 street trees 1.2 million park trees and enumerable private trees. And whereas for the fortieth consecutive year, Portland will be recognized by the national arbor day foundation with a tree city USA award. And whereas arbor day is a time to celebrate the importance of diversity not only in trees of the urban forest but the roots of our communities. Now therefore Ted Wheeler mayor of the city of Portland, Oregon; the city of roses does hereby proclaims April 22nd, 2017 to be arbor day in Portland and encourages all residents to observe this day.

Wheeler: Thank you commissioner good morning, everybody. This is the Wednesday morning April 19th meeting of the Portland city council. Karla please call the roll.

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

Wheeler: Before we go to the consent, I would request we move item 380 to the beginning of the agenda. Please read item 380.

Item 380.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. We're honored today to have the high school boys' basketball team here who won the state 6a championship. And they did it in an unprecedented manner they had one loss all season. We're proud of them. And we have the proclamation which I'll read and then maybe get a picture with the team. Whereas on Saturday march 11th, 2017, the Jefferson high school boys' basketball team defeated Clackamas 70-67 to win the Oregon state a state championship title. And whereas the Jefferson boys' basketball team proved that they are a league of their own by winning the class 6a state championship title. The first year the team competed in that division. And whereas the Jefferson boys' basketball program has previously won 8 state championship titles at the class 5a level. And the city of Portland would like to recognize ty warner, sage lay, Amari Stafford, Dilimer Ryan, Davonte banks, Romeo akil, Isaiah Mitchell, comaka Hippa, head coach pat Strickland, Marcus Jahones, Sishawn Strickland, kilian Vance, Geno West, Robert ford, Thomas miles, Trevon Richmond, and Soloman Campbell for

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their historic win in the 2017-6a boy's state championship game. And whereas the Jefferson students continue to inspire the community and set a positive example with their good sportsmanship, hard work and dedication. And whereas the Jefferson alumni continue to give back to their school and community. And whereas the city celebrates the 2017 championship win by Portland's own Jefferson boys' basketball team. And whereas the city of Portland recognizes this championship would not have been possible without the support of parents, teachers, coaches, administrators and community members. Now therefore Ted wheeler, mayor of the city of Portland, the city of roses do hereby proclaim April 19th, 2017 to be Jefferson high school basketball day in Portland and encourage all residents to observe this day.

Fritz: I just want to check did we get everybody's name?

Saltzman: I apologize if I didn't pass it to you. Coach Strickland did you wanna say a few words or did you just want to have a team picture with the city council?

Wheeler: Good morning and congratulations.

Coach Strickland: Good morning we appreciate you guys having us here. I just want to thank these young men for the outstanding year that they put forward. It couldn't have been possible without the student body, administrators, parents, and the community in general. Glad to be here thank you.

Wheeler: I know we have a number of people here for the 9:45 time certain. But we can't start that yet. So let's go into communications before we get to the 9:45 time certain. We'll do consent when we get to it. First item. Oh, wait, I forgot -- I have to read this. Thank you everybody for your patience. These are new microphones. There will still be adjustment. I apologize if it's hard for people to hear. If it is, just raise your hand or something and we'll start trying to adjust the volumes to make it a little easier for everybody. The purpose of council meetings is to do the city's business including hearing from the community on issues of concern. In order for us to hear from everyone and to give do consideration and matters before the council, we must all endeavor to preserve the order of these meetings. To make sure the process is clear for everyone, I want to review some of the basic guidelines which I hope will help everybody to feel comfortable, respected, welcome and safe at the meeting and also ensure the decorum is maintained. There are two opportunities for public participation during the meeting. First, we have an opportunity for people to sign up for communications to briefly speak about any subject on which they would like to speak. These items must be scheduled in advance with the clerk's office. Second, people may sign up on the first readings of reports, resolutions and ordinances. Your testimony must address the matter being considered at the time. Please state your name for the record. We don't need your address. If you are a lobbyist, please disclose that. If you are here representing an organization, we appreciate that as well. Individuals have three minutes to testify unless otherwise stated. When you have 30 seconds left, the yellow light is going to flash. When your time is done, the red light will come on. Conduct that disrupts the meeting, for example shouting or interrupting other people's testimony or interrupting during council deliberations or speaking off topic will not be allowed. If there is a disruption, I'll issue a warning. If any further disruption occurs, anyone who is disrupting the meeting will be subject to ejection for remainder of the meeting. Anyone who fails to leave the meeting will be subject to arrest for trespass. If folks would like to show support, do a thumbs up. Thank you and let's get started. Please call the first item.

Item 365.

Wheeler: Good morning.

Jim Whittenburg: Mayor wheeler, commissioners good to see you all again.

Wheeler: Thank you, sir.

Whittenburg: I kind of wish I wasn't here this morning. I don't feel very well; did you get

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the things I sent.

Wheeler: Yes.

Whittenburg: Okay. My sister is a landlord. She has apartments out in Lake Oswego where she lives and she would be pretty much like this woman I read in the paper this morning. Her name is Diane Cassidy. She says she doesn't need government regulations getting in her way of her property management decisions. So she doesn't need you people to be there -- my sister doesn't need you either. These are our properties. They are our business. And the government is taking away the control we have over our own business. I just looked at that and say how could anybody be stupid enough to say that? But that's the way the property managers are in this area. They think they can do anything they want to with their properties. They don't have to abide by government regulations and rules and they are just getting in the way. Does that sound like someone we have in the white house right now? I don't feel very safe with him. In the middle of this thing here, I want you all to know I realize I'm getting along in years, but I knew with tom McCall and wayne Morris, Mark Hatfield and Bob Schwab and Edith Green and all these people, they were my generation. These were people I worked with and they were all pleasant people. They said hello to you they said how are you doing today? What's going on? I don't hear that much anymore. I don't feel that people in the public office care about me. I just had a birthday last week. I'm 78 years old now and I'm getting pretty creaky. Things are not working well. My knees and my shoulders. It's hard to get around. Finally, these people were legends to some of you, but they were real people to me. I knew wayne Morris. I sat down and talked with him. I knew tom McCall. I was in his hotel room and went to Miami beach Florida for the convention where he does a pretty good job there in the bars at night. He's a good guy. He's a nice guy. And he always asks you are we doing okay for you? Are we doing what you need? I thought that was very gracious of you. Mark Hatfield would meet me at airports and he'd be at capitol hill. Sit down and talk with me. These are things you don't see much anymore. Politicians so often are making rules and sticking it to us and stuffing their paychecks in their pocket and going home. If you'll take a look at some of these things, I put them out here. There are some things in here I want you to see towards the end. The outsider. I really appreciate that. That means the real people the unpopular decisions is what gets people in trouble I asked last night at the dinner table with my family. We couldn't come up with one thing good about city council. Well, they said it's only April, but maybe even June or July. So you are not very popular right now. Kind of like the congress. You got to work on that a little bit. Maybe talk it out a little bit. I'm going to miss you people. Cause I'm not going to see you much anymore. I'm in retirement and I'm there because of health right now. And it's important to a lot of us what you guys do up here. If you make bad decisions, we all pay for it.

Wheeler: I'm really sorry, but we have a bunch of people signed up.

Whittenburg: I'm out of here. See you in the future.

Wheeler: Be well. Thank you, sir. Next item please.

Item 366.

Item 367.

Ken Thrasher: I'm ken thrasher. I'm the board chair for college possible. I'm going to move this back a bit. In Portland and I'm here to give you a bit of a report card along with Paige hill, one of our program managers. And with us is Emily Williams who is now a student who is now in college having transitioned out of high school. We want to thank you for your past support of college possible. Last year in the education funding, we would ask you would consider us again this year within that discretionary education fund. We've grown this program we're in the fourth year we started with 140 students in Portland, we are now over 900 students being served through the expansion of the program and

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investments made. We had average increase of 26% last year for students. 96% of students earned admission to college and 80% of our students continued on to the sophomore year and we're working on that other 20% to continue. We will graduate students at a 10-1 ratio to their low income peers who are all first generation, 90%. 73% are student of colors and 71% are women. So we are having great results and for the students that enter college we'll graduate students at a 4-1 ratio. So preparing the young people for the workplace tomorrow and reducing social cost is our goal. We have great metrics and I'm going to let Paige and Emily tell you more about it so they can use my time.

Paige Hill: Hi, my name is Paige Hill. I'm a former American coach with College Possible at David Douglas High School. And I'm a current staff member. And I'm going to be quick. I want Emily to talk as much as possible. We ask our coaches to be one-third teacher, one-third friend and one-third mentor to our students. That's a rare and necessary role in the lives of young people. We're so proud of our results. And those come from a lot of hard work on our curriculum and lesson planning. Most of them come from relationships with students. So Ken talked about our 26% ACT score increase, when I was a coach at David Douglas the day before we took an exam I had this really awesome lesson I worked so hard on. I think it was on quadratic equations and I got the sense my students were nervous to take the test. So I threw out the whole lesson plan and we wrote raps together about our favorite ACT strategies. And the next day, my students set the record of the highest ACT scoring increase in the history of College Possible Portland. And those raps are still hanging on my desk. So I love working for College Possible because of our results. Mostly, I do it because we insert people into young people's lives in a really positive way. And I want to pass it over to Emily to talk about it more.

Emily Williams: Good morning. Sorry. Thank you, City Council, for allowing me to be here to testify for the College Access Program College Possible. My name is Emily Williams and I'm the oldest of four children and I'm a first generation college freshman at Portland Community College. I'm also proud to be a third year member of the College Possible program. My aspirations in graduating college is pursuing a masters in political science and one day working as a member of Metro would be impossible without the support of these amazing leaders. I'm here today on behalf of College Possible requesting we be included in next year's proposed budget. This morning I'll be addressing why I believe College Possible is such an amazing program and how it affected my goals in college education. Most students are confused and uncertain on what to do preparing for college and entering it. As a young adult, it's hard to find people that can help you get ready for life after high school. Especially when you're like me and first in your family to go to college. I benefited from multiple components of the College Possible program. For instance, they granted me access to amazing dedicated leaders willing to advocate for me and my college journey a journey that seemed foreign and scary without any help. Through the program, I learned about resources most first generation college students never know how to find. College Possible gave me the opportunity to train and study for college placement, college enrollment and scholarships. This came with enriching activities and a coach mentoring I continue to receive. Without their training, I might not have transitioned so easily into the college experience. The safety net of having a community has benefited my career. Once again, I'd like to thank you for allowing me to express my values.

Fish: Emily can I ask you a question? Do you have any family members here today?

Williams: Yes, I do.

Fish: Could you introduce them?

Williams: My grandmother, Cindy Williams she's been a security here for the past 10 years, she's amazing. And my little sister, Chloe, who is also trying to get into college the

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next couple years.

Wheeler: Thank you, all, very much. We appreciate that. And congratulations. Thank you. Next item.

Item 368.

Joe Walsh: Kif called me last night and asked if you would give permission for me to explain why he's not here. I know that's unusual it'll only take me a few seconds.

Wheeler: I'm sorry, I cannot extend that courtesy.

Walsh: You're denying him the right to be here.

Wheeler: He signed up. If he's here --

Walsh: If he comes he could get arrested. So he's not here because commissioner Fish's staffer got a restraining order.

Wheeler: This is a disruption in violation to council policy. If you continue, you will be asked to leave. Please sit down. Next item, please.

Item 369.

Wheeler: Good morning.

Farrell Richartz: Good morning.

Wheeler: Thanks for being here.

Richartz: Good morning I'm Farrell Richartz I'm a business manager for laborers local 483 I wanted to start off by thanking you for the public budget hearings and for engaging in different conversations around the budget. It's really appreciated. I worked in street cleaning for 10 years with the Portland bureau of transportation. Currently street cleaning is 13 men and women who work the day shift 14 men and women who work the night shift. They keep the streets clean, bike lanes clean, the catch basins clear, the ada ramps clear and accessible. Mow and maintain green spaces throughout the city, clean and maintain stairways throughout the city. And their the first responders in snow and ice and those teams include some of the most skilled snow plow drivers and anti-ice truck drivers. So just feel like it reaches into so many parts of our community that sometimes the idea of street cleaning seems like cosmetic something that can get shuffled off. And it goes a lot deeper than that. I wanted to touch as well on the matter of patrol. So that would be the police officer the horses and the stable attendance and it goes to community policing. They are out in the community interacting with folks. They are visible and available to citizens. And depending on the scenario that's going on they are approachable and folks really like that. They've been around for 142 years since 1875. So there's a lot of historic value there. I just found this online that history of the amount of patrol has got some great stories in there. Like tom and jerry in 1911 that the gray wagon horses they were trying to figure out why there was a water faucet that kept getting turned on so they surveyed the building and found out it was tom the horse reaching over there with his teeth and opening up the water getting a drink. So they ended up having to shorten his tether to keep him from doing that. Finally, I wanted to speak about pre-school. It's an invaluable community service and it's a community value and the pre-school program itself is an investment in Portland's families. The structure and the staff are already in place. And there's no limit to the amount of diversity as far as the staff its already one of the most diverse staff among Portland's workers. And there's no limit to the amount of services in the diversity of families that can be served. Keeping that and trying to increase the use of it rather than shying away from it now is really important Portland value. I appreciate your time.

Wheeler: Thank you. I appreciate it very much. Thank you for being here. We will quickly do the consent agenda items that have not been pulled and move to the times certain. First of all, 375 I am pulling back and we'll return that one to the office and bring it back at the request of the bureau. And 376 has been pulled on to the regular agenda. Any other items been pulled?

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Moore-Love: That's the only request I have.

Wheeler: Please call the roll.

Fish: Aye Saltzman: Aye Eudaly: Aye Fritz: Aye Wheeler: Aye

Wheeler: The consent is adopted. The next three items we'll read them together. If we can read 370, 371 and 372 together.

Item 370. Item 371. Item 372.

Wheeler: Commissioner Fish

Fish: Thank you mayor we have a very exciting announcement and presentation today and I have opening remarks I would like to move forward bureau of environmental services director Mike Jordan, supervising engineer of this project Paul Suto and director of the bureau of planning sustainability Susan Anderson. If the three of you would come forward. In celebration of earth day I'm pleased to introduce an innovative venture to turn waste into clean energy while earning money for our rate payers. When I was explaining this to my 13-year-old he said I should describe it this way "We're turning poop into power" with council's approval today, the bureau of environmental services will begin construction on a new project to capture clean and convert 100% of the waste methane from the sewage treatment process into renewable natural gas. According to our friends at the bureau of planning and sustainability, this will be the city's single largest greenhouse gas reduction project to date. This project is a triple win for our city. Instead of burning excess methane as we have always done, the city will capture this methane and convert it to clean fuel dramatically reducing the carbon emissions from our sewage treatment plant. This clean fuel will be used to replace more than \$1 million gallons of dirty diesel truck fuel the city uses every year. And the excess fuel will be sold through our partnership with northwest natural. We're estimating this will generate \$3 million a year. This means we'll be able to pay back the entire projects cost in a few years and have a dedicated source of funding for our rate payers. With us this morning is mike Jordan, Paul suto, and director Anderson, welcome and I'll turn it over to the three of you.

Mike Jordan, Director, Bureau of Environmental Services: Thank you. Board members of the city council, good morning. Thanks for having us today. For the record, my name is mike Jordan I'm the director of the bureau of environmental services. We have a number of speakers today. And so my job is to give you context about the plant and what we do. And then Susan will have a few remarks and Paul will take you to the details of the project and ordinance that are before you. We treat \$28 billion gallons of sewage at the Columbia boulevard wastewater treatment plant each year. That's over 120 gallons per person per day that is treated at the plant returned as clean water to the environment. In the process of doing that, we recover other resources. We currently treat the bio solids and their transported to eastern Oregon for agricultural purposes. We also currently recover about 77% of the biogas and methane that comes from the process. We use that to generate electricity for use at the plant. Also to generate heat for the bioprocess that we use and we also so another portion of it to a local manufacturer. So that still leaves 23% of the methane that's produced by the process that gets flared and emits carbon dioxide to the atmosphere. Over the last few years, we've studied a number of alternatives, how to effectively from a triple bottom line perspective utilize that methane. Of all the options we've looked at, the highest return on that investment in triple bottom line sense, by far, is the use of this methane in the way we're proposing today. It would allow us from a rate payer's perspective to get a significant return to the rate payers from an economic perspective. Environmental benefit for reduced carbo emissions and a social benefit for reducing the harm fuel effects of diesel emissions in our community. You have three ordinances before you today. One to build the facility itself at the treatment plant. Second, in a partnership with northwest natural to put a fueling station at the plant for compressed

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natural gas. And lastly, a monitoring facility which will allow us to be able to inject that gas directly into northwest natural infrastructure for its distribution and sale of the renewable product. A couple last points before I turn this over and give up the microphone, one, I can't say enough about how essential the partnership with northwest natural is to make all of this happen. Without being able to access their infrastructure, we would not be able to receive the economic benefit. We would also not be able to realize the health benefit of distribution and displacement of diesel fuel in a broad sense to the community. Secondly there has been discussion of this project for some time both at council and the staff level and one of the real unknowns has been is this market really real can we really get the return on this investment. Council should know that we recently went through the rfp process and received 7 proposals from quote, unquote off takers of the fuel. We've awarded one proposal to clean energy fuels who will buy our renewable natural gas product and sell it on the energy market via traceable credits its very important that, that term be there cause those credits do two things for us. They allow us to get a premium price for the product, but they also allow us to ensure through a contractual arrangement that our product displaces diesel fuel and goes into the transportation sector. So with that, in closing, a couple of thank yous. I want to thank Susan and bps for their partnership without their assistance and advice and research over the years we wouldn't have gotten this far. Danny Grady on bps staff is a person who worked most closely by us. I want to thank Paul suto and Vu Hahn who have been working on this project long before I got to the bureau and really done work to get us to this point. With that, I'll turn it over to Susan.

Susan Anderson, Director, Bureau of Planning and Sustainability: Good morning, mayor, councilmembers. Susan Anderson director of the bureau of planning and sustainability. I'm pleased to be here. This is a project that's been a long time coming. And I think we talked about it when I worked for commissioner Saltzman several years ago I think it's a great project in terms of pushing forward on the mayor's new 100% energy goal. I've worked with northwest natural gas for more than 20 years now off and on and on different projects and this is by far my favorite one. It shows the company's commitment to sustainability and the commitment to the Portland community and their commitment to understanding and moving some of their products to be renewable energy. Bes has done a great job at looking at all of the different benefits of this project. Not just this one but also the electricity generation they've done over the years. If they had to buy that power on the market, it would be about a million dollars a year so it's a huge savings. There are great economic environmental and social equity and public health benefits. As commissioner Fish mentioned, the project will generate \$3 million in annual revenue. It will pay for itself in four years and produce significant savings for bes rate payers for many years to come. From social equity and public health point of view renewable natural gas will be used in vehicles to offset the use of diesel fuel. As you know diesel is particularly a problem for north northeast Portland has the highest particular matter counts in the state. And as the renewable natural gas market grows, those that are living along our major transportation corridors will definitely see these benefits. Finally, from an environmental point of view it's not just about our local air quality as mike mentioned its about reducing carbon emissions significantly, as we look for ways to get to our 100% renewable energy goal, reducing the total city government carbon footprint is essential we need to walk our talk we can't be out there trying to work with residents and company's and everyone else. This project alone will reduce our carbon footprint by one-third. We need innovation in the transportation arena. We are moving fast and furious in the electricity generation area, but on the gas side and transportation, we need a lot of work and this is a great project that show cases that. We're going to need solutions in every shape and form there's no silver bullet on this to get to 100% renewable energy worldwide and or right here in Portland. We're going to

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need wind and solar and geothermal and biofuels. And this is a piece of the project and part of the package. I'm thrilled to be a partner with Mike. Glad he took this and pushed it. And there's a gentleman some of you know Dave Tooze who worked on this for years he's retired now, but I'm sure he's hopefully watching at home and thrilled that this is finally coming together. So thank you.

Paul Suto, Bureau of Environmental Services: Good morning. For the record, Paul Suto, supervising engineer with BES. I'll walk you through the project just a quick overview of the presentation today. I'll just talk about basically what biogas and renewable natural gas and ongr just to get folks oriented on the terminology. Give a couple highlights of bios gas use at the Columbia boulevard treatment plant and get into the key elements today that we're presenting as ordinances for you to consider for approval. And then I'll give a quick recap hopefully of the financials, project schedule and benefits that already been stated on the project. So what is bio gas and what is renewable natural gas? Basically, they are related as part of the treatment process. Bio gas consists of about 60% methane gas its produced continuously as we treat the solids and wastewater at the treatment plant a very slow and biological process. Hence the term biogas or some folks also use bio methane this has done in the absence of air so its called an aerobic process. So there's bacteria in the process that convert the solids to methane, carbon dioxide and some other trace compounds. So after the biogas is produced, it needs to be renewable natural gas or RNG. So that's basically chemically identical to our natural gas and this is done by removing the carbon dioxide dimension and eliminating and reducing some of these trace compounds. So a history of biogas use at Columbia boulevard. So just some quick highlights back when the plant was built in 1952. We'd already been using the waste biogas to heat the digesters for the process and also the administration building at the time. In recent history, we added the facility that was able to produce heat for the plant and electricity and powers about 40% of the powers electrical needs. However, we still had about 23% of the gas remaining that was still flared. So we wanted to find a solution for that. So here we are with the project goals. Basically, our ultimate goal was to reduce the amount of gas that was being flared or eliminated and achieve 100% methane recovery at the Columbia boulevard plant. And then as mentioned before, we didn't want to recover the methane, we wanted to get the best value for the rate payer in terms of the triple bottom line analysis economic, social and environmental. So it was a key part of the project as Susan mentioned we wanted to align with the climate action plan as well. And as Mike had stated earlier we found that by converting the biogas to renewable natural gas had the best benefits for us in terms of cleaner air, greenhouse gas productions and revenue. So this kind of cartoon and aerial of the plant is basically showing the concept of the facility that we plan on building here. So what's shown in yellow is essentially the existing digester so these are large tanks. These hold over about \$2 million gallons of the waste material. But what we need to add is this methane processing facility that's shown in green to produce the renewable natural gas and then we can connect to northwest naturals distribution system as well as a fueling facility on site for the project. And then once it's in the distribution system, it opens up a network of opportunities for us in terms of where to sell the renewable natural gas as a vehicle fuel. This is just kind of a general map that shows us there's a lot of activity in the country. We do need more activity here in the northwest with respect to CNG fueling. So this next slide shows the plant overview with the facilities we're presenting here before you we've got what is called the future production facility on here for renewable natural gas and then we've got basically a piping system that connects to what's labeled as the custody transfer which is the northwest natural receipt facility. So that's essentially the gate keeping part of it and want to make sure and northwest natural wants to make sure that the gas product that we produce meets the

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standards so once it passes through that facility and meets the standard it goes in what's shown as an additional pipe in pink that we'll need to add. And ultimately, we're going to connect to the existing northwest natural main shown in yellow there at the top of the screen. And I also want to point out the fueling station location is planned to be located near the existing fueling station that we have at the plant that uses gasoline and diesel. So here are just some photos to show what these facilities will likely look like. This is a picture of the equipment that we're expecting to install at the plant. Basically, it's a large container for the one part you see there on the lower half of the screen. That houses most of the equipment, motors, electrical equipment, pumps and so forth. And then there are two towers associated with the renewable natural gas treatment facility. And one is to actually remove the co2 and other trace compounds or the biogas. And then we have another tower that helps regenerate that water. And here the process is pretty green itself that it is able to regenerate the water that's used in the gas cleaning process. And then the next component is the on-site renewable energy fueling station that's item 371 on the council agenda today. And this is a simplified rendering essentially so it's got some key components here to highlight. One is that large box in the upper right corner, that's the compressor. So we have to get it to high enough pressure so it can be dispensed into vehicles. And then on the right there, there are three cylinders that are horizontal and that's where the gas is stored. And then the fuel dispensing stations. So our goal here with this facility is to enter a schedule 8 agreement with northwest natural where they design, build and maintain the facility and we'll reimburse the cost of that facility over time to northwest natural. We plan on using and Oregon department of energy alternative vehicle fuel, infrastructure tax credit for this part of the project. And the last key part is the northwest natural monitoring facility its also referred to as the inner connection or receiving facilities. That's item 372 on the agenda today. And as I showed in the map, its going to be located on the plant side and it will be on bes property on the plant side. And designed, built, operated and maintained by northwest natural and we'll be paying the cost of that to them. All right, now the financials part of this. So just a little recap on previous approved council item a few years ago for the design of the project. We were approved \$1.29 million and the ordinances before you today item 370 is for the renewable natural gas treatment facility. That's estimated to be \$9 million and then we have the northwest natural inner connection facility item 372 estimated to \$1.05 million and the renewable cng fueling station item 371 that's estimated to be \$1.94 million. So total project costs are estimated to be \$15.5 million. And just to highlight here the revenue as mike said earlier we found an off taker buyer for it and we expect to range from 3 to \$10 million. We're showing the range here we're planning on the more conservative side of \$3 million. The market today is \$10 million if we would have built this facility already it would be that substantial. So we'll see where the market heads with that. And this is tied to both federal incentives and also state incentives in the state of California and now the state of Oregon. We're very fortunate to have Oregon also have a clean fuels program where there are credits available on the environmental attribute market.

Wheeler: Could I ask what are the most significant variables or the most significant risk factors to these financials?

Suto: It is essentially that renewable identification number the ring market. It's a federally supported program. What we've seen over time is the volume targets meaning the amount of renewable credits that need to be purchased those typically have increased that's what's driven the market. That would be the risk if there was a change in that. That's why we're falling on the more conservative so say the \$3 million.

Wheeler: So in the absence of those credits it's still viable at the \$3 million level?

Suto: Yeah let's say if the federal program disappeared theoretically, and assuming the

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state of Oregon, state of California programs were still in play then we'd be around the \$3 million target.

Wheeler: What's the time frame? If that's later, forget it.

Suto: I have one more slide. So a schedule the thing that jumps out here is the fueling station, that's Oregon department of energy tax credit want to be able to compete for that or get reimbursed for that. We're trying to push to have that in the ground by the end of this calendar year. And building the facility and the interconnect facility. Our goal is to get that completed, have it and be done by the end of next calendar year December of 2018.

Which is why we're here presenting this as an emergency so we can maximize the revenue return for the ratepayers. And then lastly, just to bring home the benefits of the project the triple bottom line of course that's been mentioned already and the greenhouse gas benefits of 21,000 tons of co2 per year eliminated estimating conservative side of \$3 million of annual revenue. And to put that into another context from environmental stand point, basically, replacing enough diesel fuel to power about 154 garbage trucks per year. So that's the end of the presentation. I'd be happy to answer any questions.

Fish: Mayor, we have one more panel after this panel.

Wheeler: Very good. Any questions?

Fritz: I just have a technical question that's going back to high school chemistry and that is the byproduct of this is carbon dioxide. Have we looked at how are we going to fix that to fix I think it's h2o plus the carbon dioxide and you have chlorophyll and that's fixed and can be used for that. Would it be a capturing of that biproduct? Not yet?

Suto: I think some folks are theorizing but we haven't seen anything practical on that side yet.

Anderson: The main issue is that methane is a much more powerful greenhouse gas and so anything you can do to get methane into co2 is a huge benefit and all the other projects we do are on carbon sequestration and other things.

Fritz: That might be for a future council to keep going cause it's really terrific work.

Anderson: Thank you.

Saltzman: Do we have compressed natural gas vehicles in our fleet?

Suto: We are working on that at bes we have some in the budget coming up this year and we're trying to line up the fueling station so we can operate this fueling station at the end of the year on natural gas to start using the vehicles we have onsite in the coming year. So the plan is to start phasing those in.

Saltzman: Will this fueling station be open to the public?

Suto: No. It will just be available for city vehicles and city contracted vehicles at the Columbia boulevard site.

Wheeler: Can this be used for I thought I heard you say it, but I'm not positive. This can be a replacement for the diesel vehicles so the heavy industrial vehicles is that correct?

Suto: That's correct.

Wheeler: Good news. Glad to hear it. Thank you very much.

Fish: Let me introduce the next panel. We're honored to be joined by the president and ceo of northwest natural, Mr. David Anderson. From the citizen's utility board of Oregon Janice Thompson. And from Oregon environmental council climate director, Jana gastellum. Welcome.

Wheeler: Good morning.

Fish: Who wants to go first? Mr. Anderson?

David Anderson: I'd be happy to, mayor wheeler commissioner Fish members of the council. Thank you for having us here exciting day to be here with the state champs too. I'm here to provide testimony about the ground breaking project. My name is David Anderson. I'm the president and ceo of northwest natural. We've been proud to serve the

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city of Portland for almost 160 years. We've been serving customers here longer than a state has been a state. We pay close attention to the needs of the customers and communities we serve we take pride in our northwest roots and the environmental stewardship that drives us to tackle complex problems. And to lead the way for others to follow and this renewable natural gas project is an example of this pioneering spirit. Through this project we're able to take an environmental challenge which was wastewater that produced greenhouse gas emissions and turns it into renewable energy that can be delivered through our existing pipeline system. And that's a system that is one of the newest and tightest pipeline system in the country. We've been collaborating with the city's team for a long time to make this project a reality. And once the direction was set Northwest natural worked through a number of technical issues including the engineering challenge to design a quality specification for the renewable natural gas that will flow into our system and into the trucks you just heard about. With your approval today we will move forward to build and maintain the infrastructure needed to serve the facility. Needless to say we're incredibly excited that our efforts would culminate in the largest project Portland has ever done. Its through partnerships like these that our pipeline system can be used in new ways. We can help communities close the loop on waste, substantially reduce emissions and improve air quality. That's a valuable proposition that's hard to beat. And it's why we believe this will be the first of many other renewable natural gas projects to come. We would like to thank the bureau of environmental services and the bureau of planning and sustainability for their leadership on this effort. We look forward to partnering with the city of Portland on other innovative projects that drive us to a low carbon future in ways that are equitable to all the communities that we serve. With your vote today Portland takes a step forward towards that future and thank you from the company and a personal thank you from me.

Janice Thompson: Janice Thompson Oregon citizens utility board or cub. Cub Fully supports Portland's triple bottom line approach and want to concur with earlier comments about focus on transportation sector projects in terms of addressing greenhouse gases. We've been pleased to support it at the state level the low carbon fuel standards and are doing quite a bit of work in that whole transportation arena at the state level. Regarding this project our emphasis was on the economics and ensuring good value to Portland sewer and wastewater customers, we were very intrigued by the revenue generation potential of this project, but in order to make money you have to spend money and so our concern was ensuring an acceptable pay back and an acceptable level of risk. Along the way cub asked some questions and I appreciate all the responses from bes for example mayor wheeler you mentioned several of the risks those are exactly the types of questions good examples of the questions I was asking like the risks are acceptable. Another thing about risk is that this is not this is technology that is not unusual or untried, but the market is this environmental incentive driven market which requires careful analysis and so it was really great as Paul mentioned or Mike and Paul mentioned when the response to the offtake rfp really confirmed everybody's best hunches along the way. That the economics were really going to pan out quite well. So the attention to detail and careful analysis of costs and benefits by bes along the way is commendable. The effort has taken persistence because it's been a complicated project development that has taken time to get all the pieces lined up. So the various project elements are aligning with good analysis of the risks and quite acceptable payback period and cub does urge your support for the ordinances before you this morning.

Wheeler: Thank you. We appreciate your hard work this morning.

Jana Gastellum: Mayor and city commissioners, my name is Jana Gastellum I'm the climate program director at the Oregon environmental council. And I'm pleased to be here

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in support of the bureau of environmental services proposal to capture and convert waste to bio methane into renewable clean transportation fuel. The largest share of our climate pollution comes from transportation emissions at both the city and state levels. And local actions to address climate change are becoming more important than ever for three reasons. One global co2 levels continue to sky rocket surpassing levels not seen for millions of years. Two climate impacts are being felt here in Oregon in the forms of melting snow pack, warming rivers, dying fish and more extreme heat that harms people. And three the government is rolling back climate and clean air protections at the federal government at a startling rate. And as earth day approaches I think Americans are in need of leadership. With Portland's action today, the city of Portland steps up as a climate and clean air leader thank you for that. Portland has an opportunity with this project to make significant climate pollution reductions. Over the past seven and a half years I've been working on that statewide clean fuels program that requires rigorous greenhouse gas accounting of the full life cycle impacts of transportation fuels. And we know from this accounting that bio methane from wastewater treatment plants like the project proposed today when compared to diesel fuel can result in 70% to 90% carbon intensity reduction. That's an astonishing reduction and is excellent for the climate. So utilizing those waste streams particularly as a transportation fuel is a huge benefit for the climate. A vehicle importance are the air quality benefits project can provide for our area. Diesel is one of the worst culprit polluting our air quality. Diesel is exceptionally harmful to the human health. Those toxic substances and exhaust are able to hitch a ride on those particulates in the body that goes through our blood streams they circulate through our entire bodies. And diesel exhaust is linked to strokes, heart attacks, asthma and other diseases. And it's impacting local air quality is personal to me. I have two kids who attend a pre-school not far from i-84. They are outside, jumping, running, being creative. I think about their developing hearts and lungs. And I know that kids all over the city are playing and living and breathing their bust roadways. So we need solutions to harmful diesel pollution and converting vehicles to run on cleaner fuels like renewable natural gas or electricity is essential. And unfortunately the state legislature earlier this year gutted a bill to clean up dirty diesel. So again, your local level leadership matters a great deal. And finally, not only is relying on petroleum problematic for the climate and air, but not so great for pocketbooks. Every drop of gasoline and diesel that we consume is imported into the state which means that we export our energy dollars. This project keeps more dollars circulating locally in Portland. It's not every day you have a proposal that addresses Portland's climate pollution, reduces toxic air pollution and enhances local economic activity. Every step we make at the local level to address climate change matters for health now and our future. I thank you and encourage the support of this project.

Wheeler: Thank you. Any questions for this panel? Thank you. We appreciate. Any public testimony on this item?

Lightning: My name is lightning I represent lightning super watch dog. I've done communications in the past on diesel particulates. My main concern was having a day care center just outside of the Portland building where the buses came by every few minutes. And it was going up in the air floating into that day care center playground. I have a real problem with action not being taken by the mayor hales when I brought that to his attention. I understand the day care center is no longer there. This project here, like I say, is a very amazing project pertaining to the climate change and the issues we're dealing with and the diesel situation. I haven't heard any cost on the retro fitting of any vehicles I'd like more data on that over-all cost how that will be paid are there tax credits and incentives to go in that direction. Again, if we decide not to retro fit the vehicles, will northwest natural gas be able to market the renewable natural gas in an efficient manner

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to where we will still meet our projected gross income? I'm amazed on the overall cost with this project. Also looking at the cost recovery. And I know commissioner Saltzman is looking at the numbers here and going this is impressive. And the reality is that why this project hasn't taken place sooner. But again, I understand northwest natural gas may have had a lot of the control position on this. Again, my position also pertaining if we decide not to use this on city vehicles is northwest natural gas and the city looking at doing airplane fuel. Again, that's the highest dollar paid out. I don't know if you can go in the direction from this. And if northwest natural gas being close to the airport that's looked at that situation. The numbers here are so impressive. If you are talking \$3 million up to what I heard market \$10 million per year. Paying your profit off in two years and then pure profit is absolutely amazing. It's an amazing project it's a win for the city. A win for the environment. It's a win for the young children in this city that have to breathe in this diesel particulates. And it will affect them in recent years and that's why they stand on that to shut down any diesel vehicles in at least the central city location in the urban area for the children. Thank you.

Fish: Can I just say this? As usual, you've raised good questions. We'll get you written answers. I'm pleased you flagged the issue whether we will partner with the port because they have vehicles. That's a question we're going to pursue to see whether we have enough capacity we can bring them in as a partner and sell them the natural gas.

Lightning: And I want to make it clear I'm talking about airplanes and that's a highest dollar amount per se, especially, if you can send it to china. Thank you.

Wheeler: Thank you. Good morning.

Wheeler: Can you help with the button? Thank you.

Nancy Newell: My name is Nancy Newell. I've worked on this for years. I raised it here. And Eric Stine was one of the commissioners here. Susan Anderson was visionary has done tremendous research. You have a real honorable citizen. And I'm so glad she's still here. I'm concerned about whether the bank held the interest on some kind of loan for this project to go forward. If it did, I think we should get that interest back and get it back to the taxpayers. Because this supports standing rock. If it's the same banks supporting standing rock, let's make a real point to them that their policies are detrimental and we don't want them to profit like they have in the past. Thank you.

Wheeler: Thank you. Appreciate it.

Matthew Denton: Good morning. Matthew Denton I live in the Portsmouth area and I serve on the citizen advisory committee for the Columbia boulevard wastewater treatment plant. I'm speaking in favor of the project to produce renewable natural gas into the northwest gas system and to build a renewable natural gas fueling station. Back in 1905, there was the first transcontinental automobile race from New York to Portland. These are the first motorized vehicles to travel the Oregon trail. The winner completed the race in 44 days just in time for the Lewis and Clark exposition. The cars ran on gasoline. Gas stations didn't exist. The main use of gasoline was dry cleaning so the car would stop at drug stores and buy dry cleaning supplies. More cars were made and gas stations came into existence, but the trip was only possible because you could buy gasoline. People buy gasoline powered cars today because gasoline is readily available. Yes, you can buy electric cars but people will worry about where you can charge it. Even though we have made huge improvements in the electric vehicle charging infrastructure, it doesn't compare to over a century of gasoline. People don't want to install more charging stations unless there are more cars to use them. And people don't want to buy new cars unless there are new charging stations. Natural gas fueling in the city is much like electric car charging was 10 years ago it barely exist. You also can't walk into a car dealership and buy a natural gas car you have to convert it. The conversion isn't difficult, but very few fueling stations very

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few people do that. Converging to gasoline from diesel, natural gas is cleaner in almost every regard no particulates which is good for the planet and for the people that live nearby. The natural gas and the sewage treatment plant is a renewable fuel that comes from decomposing sewage. Currently, the treatment plant burns some of that fuel in an engine to make electricity. And while we could use that to power electric vehicles, its far more efficient to burn the gas in the vehicles directly. First, we have to solve the chicken and the egg problem of fueling stations and vehicles. Portland has the opportunity to be on the leading edge by running city vehicles on natural gas. We don't have to wait for the rest of the country we are big enough to build our own fueling stations and convert vehicles. And most of our vehicles stay inside city limits, we don't have to worry about other natural gas stations. This project is grateful the city's long-term goals in getting more renewables, but this project also fits in the goals of the citizen advisory committee. The cac was originally formed because the sewage treatment plant smelled bad. Prior to the 1980's the sewage treatment plant had no other control facilities at all and longtime cac members recall trucks of damp sewage coming from the Tryon creek plant or leaving the plant in eastern Oregon with uncovered decomposing sewage. Thanks to a lot of work by the plant, things are a lot better so now the biggest air quality complaint is diesel exhaust, by giving city vehicles converted to using renewable natural gas we can make positive steps toward cleaner air, but first Portland needs to be a leader and build a renewable natural gas fueling station thank you.

Wheeler: Thank you for your testimony.

Denton: Thank you.

Star Stauffer: Good morning. Is it nice to have our building back?

Wheeler: Yes, it is.

Stauffer: Well, you all know who I am I'm Star Stauffer. I have a few concerns about northwest natural gas. Where is the emergency plan? And who has checked it with regard to the safety of this facility. Should there be an explosion or a leak? Considering not far down the street there's an entire community of marginalized community members and there's a river right there and that is a high-traffic area. My other concern with northwest natural is not extremely related to this project but consider it's going to affect the community members who have to pay for northwest natural gas, I need to bring it up. They have almost no programs for people who have trouble paying their bill. While I have your attention here you guys need to do something about that. I can't tell you how many people this winter went without heat because northwest natural shut them off for be past due and would not work with them. And it was extremely cold outside so if we're going to building a new facility and we think it could pay for itself in four years, I don't know, my math isn't the best if you look back on my transcripts. It seems to me that what you are saying is this is going to be an extremely profitable facility. But for who? The white leaders of northwest natural gas or the actual community it's being built in. You are not going to sit here and profit off this community and not work with them to keep their heat on. That's not going to work. I'll fill the place up with protestors and shut it down day after day if that's how its going to be. They need to work with the community instead of just shutting off their gas. These people need to have heat. And this last winter with people dying of exposure is extremely crucial they come up with some type of program and some kind of outreach to get to the community members who have trouble paying their bills. Shutting them off is not acceptable. And it should never be an answer. Shame on northwest natural.

Wheeler: Thank you.

Charles Johnson: Good morning commissioners for the record Charles Bridge Crane Johnson I'm a little concerned that each of these items when we talk about -- first, let's look at the language. When we look at the first item, the \$9 million and it says at the end of

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each of these budget items, it says the last line it say 370 yadayada is so estimated even \$9 million. Then when we go down to 371 which is a fueling station, the gentleman that's on the Columbia wastewater board just talked about a fueling station. Perhaps there will be a provision for privately operated natural gas vehicles to be fueled there. That's almost another \$2 million, \$1.9 million. And then those first two things are capital expenditure that have actual cost. The next thing is an agreement as literally there will be a dispersement by the city. An agreement cost is different from a capitol cost. Its just like sometimes city's pay huge millions of dollars to build a stadium. There not really worried about the costs they just make agreements. When we look in to the five pages on these items, we see the cost recovery is somewhere between 3 to 8 years. That's really not a very impressive assessment. It's disappointing as citizens even though we have the citizen's utility board which has generally credible that there's no real document saying we sell at x price. That's why we have this huge 100% window. It might be three years to recover it might be 8 years. I don't really think that you use that type of brief summary here serves the citizens and there's no pointer to who's got the actual data so other outsiders can make a judgment of are these reasonably adjusted? And a neat green thing. The direct cash is going to award a contract for the building. Which pays directly to northwest natural?

Fish: The proceeds come back to rate payers.

Johnson: Once the proceeds exceed. That would be interesting for you to inform the people. The proceeds eventually if this remains a profitable project, why is this initial outlay from the city? This is such a glorified capitalist society this is such a great deal. Why is it northwest natural who going to go to a new more expensive office building? Why are they able to put this up themselves and give us revenue the first year?

Wheeler: Thank you. Appreciate it.

Wheeler: All right. And we'll have to do them separately. Any further council discussion or questions? With that, we'll vote on these independently. 370. Call the roll.

Fish: Mayor I'll give my closing remarks on this one and they'll apply to each of the items before us. In the four years that I've had the honor of leading the bureau of environmental services, I've learned a lot. And one of the important lessons I learned is what's good for the environment is good for our rate payers. This project is a triple win for Portland. We'll be eliminating 21,000 tons of greenhouse gas emissions each year and we will be reducing our reliance on dirty diesel and we will be earning millions of dollars for our rate payers. There are a lot of people I need to thank that brought us to this day. I want to thank director Michael Jordan and his team at the bureau of environmental services. And I want to call out the two people at the staff level who embodied the meaning of perseverance. We can spend all day talking about the hurdles we had to overcome legal regulatory, practical, financial Paul Suto and Vu Hahn have worked tirelessly to get this right. They don't usually get the kind of attention they deserve so I want to thank both of them for their public service. I want to thank Susan Anderson and the team at the bureau of planning and sustainability. For as long as I've been on this council Susan has been the quarterback of guiding this council on our climate action plan and all of the sustainability programs in the city which have generated not national but international attention. Thank you Susan to you and your team for being key partners. I want to thank Dan Saltzman. An odd feature of our form of government is that good ideas usually start here. They are usually brought to fruition under a commissioner who wasn't there at the first meeting or wasn't there with the original idea. So it takes a team I remember when we did the big pipe I think it was earl Blumenauer that was sort of at the beginning of that process. It was Dan Saltzman that brought it home so Dan thank you for the work that you've done to make this day possible. Mayor, I want to thank you and the other day you and Susan set a high bar for our city to get to 100% renewable energy and today the bureau of environmental services is making

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a big statement about doing our part to help get to that audacious goal. I want to thank our partners at northwest natural. Not just for this venture cause it took a lot of work to get through all the regulatory stuff and all the legal and practical challenges. We've been very conservative about what we think is the return on the project. As you listen to the PowerPoint, the upside is astonishing. And I think the insurance policy we have is whatever goes on in dc, it's likely that Cascadia the region will continue to be leaders in creating markets for our product. We've put a threshold of a modest number of \$3 million. It could be more if we continue to have this robust market for this product. So thank you northwest natural and the president for joining us. Not just on this, but for your project on superfund that is going to be crucial to making progress in cleaning up the harbor. I want to thank everyone who took time to testify today. And particularly want to thank the citizen's utility board of Oregon. People need to know that cub is a residential rate-payer advocate. And they represent residential rate payers statewide against private utilities. We are the first city in Oregon where the cub has served as a rate payer advocate for residential ratepayers in the context of public utility. And because of Janice and the expertise that cub brings to the table we've been able to save rate payers a lot of money so we are very grateful for that relationship. Thank you to the cac and our friend from north Portland for being here. We've made a lot of progress since the day's people complained about the odor. And we're going to do better by not flaring that methane gas. I want to thank my colleagues for the support over the years. A number of years ago we were in a situation where the public wasn't so clear about our direction or about our discipline and how we stand for dollars. I think that narrative has changed dramatically. And thank the council for the support they've given over these past four years. This earth day the environmental movement is facing challenges on a national level. But whatever may be happening in Washington d.c., today the city of Portland is making clear we will continue to lead by example on clean air, clean water, and clean energy. It is a proud day for the bureau of environmental services. And finally a guy on my team who does all the work and gets none of the glory is Jamie dunphy and I want to thank Jamie for his great service as well. Aye.

Saltzman: Well congratulations, commissioner Fish. Bureau of environmental services, bureau of planning sustainability, northwest natural. This is a great accomplishment. As commissioner Fish alluded to I was the commissioner in charge of bes in 2008. And we got the cogeneration capacity going, but I was frustrated by that remaining 23% that was all just a waste of nothing it was just flaring. And worldwide you see nothing flaring all over the place, in landfills, oil pipeline, everywhere and we are wasting a tremendous amount of untapped energy. I'm proud we are taking the steps to capture all that methane and put it to good use whether its fueling vehicles, producing electricity, selling it to malarkey roofing lets not forget about them they are a good industry as well. So I wanted to recognize Dave tooze who was mentioned earlier with the bureau of planning and sustainability. He is the go-to person over the years for making renewable energy projects for understanding all of the complicated things like schedule H whatever that is, but there's all these schedules and tax credits and things like that it's a very complicated world so I'm very happy that you've managed to work this all out thank you all aye.

Eudaly: I want to thank Mike and Susan and commissioner Fish and Commissioner Saltzman and everyone who's worked so hard on this. For many years as a resident of a neighborhood in northeast Portland with high levels of air pollution I thank you as the mother of a child with asthma and someone who has been recently diagnosed with asthma myself I want to thank you as a very disappointed resident of the state of Oregon in our legislature for dropping the ball on dirty diesel I want to thank you. And I also appreciate the buy local aspect which hadn't really occurred to me until today so happy very happy to support this. Aye.

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Fritz: Thank you commissioner Saltzman and commissioner Fish this is a wonderful project and I'd be happy to vote for it every time. Components of it have come to council overtime and we were able to see many returns to the ratepayers and just fabulous project. Thank you, thanks to all the staff and I was particularly happy to see that there was already a citizen advisory committee established for the treatment plant and also joining a thanks to the citizen utility board and the Portland utility board so this process has certainly had robust community involvement and I appreciate that aye.

Wheeler: I want to add my thanks to commissioner Fish for bringing it home, commissioner Saltzman for starting this process without your leadership this would not have happened and in many communities around the country it wouldn't have even been started. And commissioner Fish I just want to say personally I admire the work and partnerships that you've created to help bring this into fruition. I want to thank all of the appropriate acronyms from the various bureaus to the cub to the cac. This was very much a community engaged process. I wish Jim hadn't left as early as he did. He came up and feeling depressed during communications and said he couldn't think of anything that the Portland city council had done that was positive. And I've been mulling over that comment ever since. And it occurred to me every vote we take here is controversial. No matter what we do or how good our intentions are or how much homework we completed. This is one of those rare circumstances where the community has come together, worked really hard over the period of many years to bring this home. So the promise is good. As we were admonished during public testimony. There's a wide range of potential outcomes or at least on the fiscal part of this. So I'm going into this with my usual sense of reserve. The main thing for me here isn't actually the financials even if it's the worst case scenario the eight year pay off or let's say it's 10-year payoff. It is imperative as commissioner Eudaly just said as we move forward on the carbon reduction goals. And I share her concern the state is not taking dirty diesel as seriously as the state should take it. Should be a top climate priority and I think it's important we keep pushing them to do the right thing. So thank you to all of you who made this reality. Commissioner Fish in particular. I vote aye. And the ordinance is adopted. And now I assume we'll go to 371 and 372 quickly.

Fish: Aye **Saltzman:** Aye **Eudaly:** Aye **Fritz:** Aye **Wheeler:** Aye

Wheeler: Ordinance 371 passed. Next item, please.

Fish: Aye **Saltzman:** Aye **Eudaly:** Aye **Fritz:** Aye **Wheeler:** Aye

Wheeler: Item 372, the ordinance has passed. And with the consent of my colleagues, we'll still hold off for a minute on the pulled item from the consent agenda and go to items 373 and 374 that are time certain. If we can have those read together. And we'll vote separately.

Item 373.

Wheeler: Commissioner Fish.

Fish: Thank you mayor and colleagues if Liam Frost and Jeff Curtis would take seats we have two items before the council today. One is a proclamation honoring famous figure from Portland's past which we're get a quick introduction on and then the mayors going to read that. And second, we're going to take up a memorandum of understanding to formalize the relationship between the city of Portland and our official award winning festival. Liam Frost I think he got a new suit for this day so in honor of that why don't you take it away for us.

Liam Frost, Commissioner Fish: Thank you. Good morning, mayor, commissioners. For the record, Liam frost. I serve as policy director for nick Fish. One of the many hats I wear I have recently become the lead to the Portland rose festival in January. And I've thoroughly enjoyed jumping into the renewed energy around the rose festival working with Jeff and Marilyn Clint and their team at well as Matt Grumm in commissioner Saltzman's office and

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Jennifer Arguinzoni in your office Mr. mayor. So today before you, there are two rose festival related items. The first is a rather special proclamation in honor of mayor Harry Lane. Here to tell us more about Harry Lane is Jeff Curtis. And in spirit, Harry Lane himself.

Jeff Curtis: Mayor Wheeler and council, Jeff Curtis for the record. CEO for the Portland Rose Festival Foundation. Ten years ago in our centennial, thanks to some grant funding from the city of Portland and other sources under leadership Marilyn Clint, we developed our living history program. Which is designed to take the history of the Rose Festival and combine that with the magic and history of the city of Portland especially around the turn of the century. If you look back at Portland's rose history, it happened between 1900 and 1910 there were some visionary things taking place in our community. And one man was at the forefront of that and that was our mayor at the time known as the father of the Rose Festival Mayor Harry Lane. Why this year matters is that on May 23rd will be 100 years since his passing it's right on the eve of the 2017 Rose Festival so we want to celebrate his legacy and proclaim a special day and we want to take the education that we've been doing with kids in schools. Mr. Lane has taught thousands of kids in our schools over the 10 years, the history of Portland's specific around turn of the century and his vision. I want to let the citizens of Portland know more about it and that's this proclamation kind of celebrates that with that said I want to introduce distinguished Mayor Harry Lane.

Mayor Harry Lane: Thank you Jeff, it's a pleasure to be back here in City Hall which was built in 1895 and I can't remember where my office was, but I served for two terms in 1905 to 1909 and had an interesting council because we had 15 members in the city council and they were elected by their political party. I was a Democrat one other person was Democrat the other 13 were Republicans it was a very interesting time, but never the less we came together and following the wonderful expedition of Lewis and Clark that was held here for five months in 1905 we brought in a 1.6 million people to this city to visit all the expositions and we met in October of 1905 to congratulate ourselves and other who had invested in the expedition and as Mayor I issued this proclamation at a dinner meeting on October 14, 1905. I'd like to read that to you at this point and this would be regarding the success of the Lewis and Clark expedition and what we could do next. I was recommending a Rose Festival. It would be the greatest permanent advertisement for this city that was ever attempted and would make Portland famed as a Rose City worldwide. Let the city improvement spirit take hold of the people. Let them plant roses which will grow in the summer. Let them plant hedges of trees. We will then have a beautiful green and red city, green with fir and red with roses. Let the people paint their houses. Let the great railroads make this a center and great seaport and we'll soon have the most wonderful and most famous city in the United States. Let us maintain a permanent exposition which would attract thousands to our city every year and be the greatest advertisement for Portland ever instituted. What Los Angeles is as a winter resort Portland with its delightful climate would be a summer resort. That was passed and the festival, which incorporated in 1905 for the state of Oregon, and we have continued and continued much because of the support of the city council and we're now in our 110th year. Thank you.

Wheeler: Thank you. We too have a proclamation. Mayor, I was pleased to see here's our formal proclamation that is nice to know that some things are timeless like printing it out in larger type. [laughter] This is the Mayor Harry Lane proclamation. Whereas Harry Lane served as Portland's mayor from 1905 through 1909 and whereas prior to serving as Mayor Harry Lane was a physician, an advocate for public health, treating many Portlanders without charge, and working for clean water, pure food, and disease prevention. Whereas Harry Lane was a supporter of women's rights and appointed a woman, Ester Poll Lovejoy, as the first city health officer and appointed one of the first female police officers in the nation, Lola G. Baldwin. Whereas Harry Lane battled machine politics and was unafraid to

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challenge corrupt business practices wherever he found them. Whereas Harry Lane was a man of vision who called for a permanent rose carnival to be held annually during the summer season and is known as the father of the rose festival. Whereas Harry Lane began the fundraising for the rose festival with a \$100 contribution of his own money encouraging others to give because, "they would be aiding to maintain a permanent exposition which would attract thousands every year to our city and be the greatest advertisement for Portland". Whereas, in 2007 during its centennial celebration the Portland rose festival recreated Mayor Harry Lane as a character in the rose festival living history program and whereas for ten years' Mayor Harry Lane has been portrayed by David Rionda, a Portlander with a deep appreciation for Harry Lane's heritage who has taken his story to thousands of students and adults in the Portland area. And whereas Harry Lane passed away 100 years ago on May 23, 1917, and is buried in Portland's Lone Fir Cemetery. Whereas the city of Portland desires to collaborate with the Portland rose festival, Portland's official festival to honor the legacy of Harry Lane. Now therefore I, Ted Wheeler, Mayor of Portland, do hereby recognize May 23, 2017, as Mayor Harry Lane Day and invite citizens to celebrate the life of Portland's 35th Mayor. [applause] Thank you.

Lane: Thank you.

Wheeler: We will move quickly -- Commissioner Fish?

Fish: Thank you very much. We have a second item before us. Mayor, I want to begin by thanking you for assigning me the role of council liaison to the rose festival. It is our official festival and it's a great honor to work with Jeff Curtis and his crack team. As you may know, in 2010, the council declared the rose festival to be the official festival of the city of Portland. It serves as the city's premier annual event attracting people from all over the world and showcasing the best of Portland. The work Jeff and his team put in year round make each festival bigger and better and it's extraordinary. It's an honor to work with Jeff and the board and we look forward to continuing build on a strong foundation. Here to tell us more about the mou before us is Liam Frost. Liam got a new suit for this occasion. [laughter] Liam is my liaison to the rose festival.

Frost: Good to see you all again.

Moore-Love: Excuse me, I need to read the title first.

Item 374.

Frost: So for the record, Liam Frost, policy director for Commissioner Nick Fish. Before you is a memorandum of understanding between the city of Portland and Rose Festival Foundation which memorializes the collaboration between the city and the Rose Festival Foundation. This mou was originally passed in 2012, it's been updated reviewed by city attorneys and by relevant staff of the city. Before I hand it over to Jeff and Brett I do just want to give a shout out and acknowledge Allison Madsen of Pbot, special events coordinator for the city. Any massive event that you see downtown throughout the year Allison has her fingerprints all over it. I think she is here somewhere. Thank you, Allison.

Curtis: Jeff Curtis, CEO of the Rose Festival Foundation. I want to thank council for this opportunity to bring this forward. Our mou. It's the significant step in the building and maintaining of our relationship. I want to introduce Brett Baker, chairman, president of our board of directors. I think his role is appropriate given our theme, which is brilliant this year. Brilliant in this context in this room as relates to leadership relates to the values and principles of bringing an idea forward like Mayor Harry Lane did and thus we are celebrating at the same time acknowledging the growth and development of the today's festival. I want to introduce Brett Baker.

Brett Baker: As Jeff said I'm Brett Baker. I have the honor of presiding over the Portland of the Portland rose festival right now. I want to relate a little bit about why it's special to me. Like so many folks in Oregon, I'm a native Oregonian, grew up in Salem. I had the

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privilege of coming up to the festival most every year. My grandparents came to the rose festival almost when the festival started around the turn of the last century. They really shared their love of the rose festival with me and I think that started very early in my life to have a great love for the organization, the festival. Then as I became older as a younger adult, going back about 20 years, I would say young commercial banker and I became the banker of the rose festival organization before I was on the board. Then I started to really realize not only all the fun stuff about the festival and the family stuff about the festival but really the huge economic impact it has on the local economy and driving positive feelings about Oregon on the national stage. The combination of those two things really make the organization special to me. Really bonds families together, generation over generation. It's really unique because it bonds the community together. It's a large secular event. Even in this day and age we have 500,000 people that come in person to these events. No place else, not only in Portland or Oregon, the entire northwest united states, do that many people come to an event. So I think that really speaks to the relevance of the organization still today. And I have to mention very sadly we lost one of our legendary leaders. Hillman Luteman, or lutey, as he was known by his many, many friends. He had a unique heritage of service to the organization in that his dad, Hillman Luteman senior, was president of the rose festival in 1934, then lutey was four years later. He served for decades on the committee. His day job, he served for five decades as executive at Portland general electric. He was always a humble, human, caring individual. It's a real honor for me and I'm sure I speak for the board that we get to follow in the footsteps of men and women like lutey, who can still give this gift to the city of Portland. With that I'm going to turn it back to my friends and ceo Jeff Curtis.

Fish: This mou was approved by the council in 2012. It probably took longer than necessary to get to this point but we're going to ask council to take really the formal action of approving the mou this updated version which was previously approved in 2012, then ask you if you would join Jeff and actually sign the original document and present mayor lane with his proclamation.

Curtis: I want to be brief and offer more context for the mou and the spirit of what it means. It's a practical document but I think it shows what is not shown to some degree is the vision and leadership about what it means and how we work with the city. As its official festival. What makes rose festival unique and different, there are too many to name in this room but there's no other celebration that draws over \$1.5 million people, an economic impact of \$165 million annually, not to mention it's the signature event of our great city. We do this with a philanthropic purpose. Arts, youth, education, volunteerism, stewardship of the environment. But mainly we do it for our community, for Portland. There's nothing like it. As the official festival we celebrate Portland, its great way of life and it brings the community together. That in essence, this document is the nuts and bolts of that. It's up to us, myself, Brett, our staff, volunteers, to celebrate the legacy of mayor lane's vision with the thousands of people that have led it prior to this year to the volunteers that dedicate their time and efforts. That's what this document kind of memorializes structurally but it takes a lot of vision and leadership and positive thinking going forward. Now, it was mentioned that the mou is not a new thing. I think it's 110 years in the making because it did just 105 years ago we were in front of council for the same purpose and it happened to be the last council meeting in December, and thus it stuck in a pile of paperwork under the new administration in 2013. While the festival continued we still felt strongly that this as we continued to move forward having this document signed by our mayor matters. I appreciate, nick, for your leadership as you took over the council liaison role to make this a priority. Mayor wheeler, thank you for acknowledging the purpose and importance. Amanda Fritz, thank you for -- you created the whole official festival status. So thank you

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for that. Commissioner Eudaly, I look forward to working with you and your vision of the city and how the rose festival can incorporate those things.

Fish: We actually have event picked out for all of them.

Curtis: Absolutely correct. [laughter]

Curtis: As I close I want to say I'm up here as coe but there's a lot of people in our past and present committed to the focus and development of this festival. It takes a partnership with the city lead council to make it happen. It actually takes a true partnership and this symbolizes that on a go forward basis. So thank you very much.

Fritz: I was wondering if you could touch on the information you gave us in terms of the economic benefits. I think people love it because it's the rose festival, but this handout is a very impressive list of benefits.

Curtis: We get that question a lot. People see the fleets come in, see the court making their appearance, see the concerts on the waterfront but what the true purpose, this document does a good job of exemplifying that. Mayor lane when he started the festival in 1907 wanted to put Portland on the map, create a carnival of roses symbolize our city but there was another purpose. That was to bring people to Portland and have a significant economic boost annually. Thus 65 million is an independent study done six years ago. We're in the process of updating that in the next two years, spending in Portland during the entire time of the festival. We're very proud of that annually not to mention what we give back to the city, expend in the city and direct parks resources and bring people together with our parades and things of that nature. This does a good job of putting that on paper and what doesn't get talked about is our cultural side, the sister city relationships that use it as a platform to come together as well as our environmental stewardship.

Wheeler: Commissioner Eudaly?

Eudaly: Can I make a request? As a downtown business owner, former downtown business owner that did not particularly benefit from the rose festival, that took the opportunity to take a break from holding events and open late the day of the rose festival I'm going to suggest that we might want to invest in a lot more public rest rooms. That was my main experience with the rose festival. As a business owner. Other than that, thank you.

Fritz: What does this memorandum of understanding say about that? Commissioner Randy Leonard who was the liaison to the rose festival famously had the restroom duct tape resolution way back in my first term. Does this resolution address that?

Curtis: Not directly. No. That's not directly. Those items tend to come up on another document basis, year to year cases where the city supports that. This document does not address the specific number of port-a-potties. It addresses the context of how we work together the resources of pbot, parks, what we invest, what the city invests but doesn't cover specifically that topic.

Fritz: When I sat on the duct tape committee, before I got on council, it came with a promise there would be more city funded port-a-potties. Over time it's been back and forth as to how many and who's paying for them and that's important.

Curtis: I think for the record that's a topic that i'm going to discuss and continue to have with our liaison and council. That's a topic, the funding has been eroded from that originally intent from that task force. We want to continue to talk about that.

Wheeler: Very good. Any further questions for this panel? Carla, do we have anyone signed up for public testimony on the mou?

Moore-Love: Yes, we have eight people signed up.

Wheeler: Very good.

Wheeler: Good morning.

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Mimi German: Good morning. I'm Mimi German. I -- should I wait for more people to come in so this is a quorum?

Wheeler: No you can continue, we just can't take the vote without the quorum.

Moore-Love: Here's commissioner Saltzman.

German: My issue -- my issue with the rose festival is not the rose festival itself. My issue is fleet week. If we can sit here and talk sanely about the need for more port-a-potties, which is a necessity, I think that we can honestly have a conversation now about if Portland is the city that we all love and we're all trying to do best by, especially in this time of trump, why are we still including fleet week warships in our river to glorify war, which is what they do, because every year the news gets on, all the media says, families, come take your kids out to show them all these warships because it's great. We need to rethink what it is we're doing when we talk about making Portland the place that we believe it is. I personally do not believe that we should be glorifying war, especially in Portland. So I wanted to have my testimony be that the people and planners of the rose festival defund fleet week completely. You can use all that money for 10,000 port-a-potties. You can use that money to support the peace effort, the anti-trump efforts that we seriously need to be doing rather than boosting up internal security here against protesters, which is again what trump is busy doing, and have a new look at where we are right now in this time of 2017 in this era of trump in our city. My request is to be taken seriously that we start to defund fleet week. I know that that can't happen for this summer, but I think that this is something that needs to get looked at. Why are we in any way, shape or form glorifying war and warships in this city? It's insane. That's my testimony.

Wheeler: Thank you. Good morning.

Cameron Stark: I'm Cameron stark. I'm a resident of Portland. I want to back up what Mimi said about defunding fleet week. I have to say the rose festival does not bond families. Those ships bomb families. It's what they do. So it does not send a very good message to people of our country and to the outlook of our values in Portland, Oregon, when we have these massive warships sitting outside a big festival where it's supposed to be the pride of our city. It's egregious and insane that we think that that's appropriate that we normalize war and bombs. It's just terrible. I understand it brings the rose festival brings a whole bunch of money to the city, but it can be done in a more appropriate way that doesn't include the slaughter of innocent people. Bombs are not what we want to be reflected on. We do not support that. As a whole we don't support war. I know the democrats are probably out there voting to go to war with Syria but the people of America do not support it. Thank you.

Wheeler: Thank you. Good morning.

Nancy Newell: Good morning. I'm Nancy newel. I agree having the military and the fleet week is the wrong message. We have the only university in the country that offers peaceful conflict resolution certificates in a master's program and we don't honor that program or advertise that program which our city stands for in as many ways as possible. The military budget is now 60% of our entire budget. We are causing havoc, environmental havoc in our country, all over the world. We're sending students into the military because they are not getting jobs in other sectors because so much of the money is going into the element of destruction. I understand that you're trying to honor the people that provide service, but warships, definitely a terrible message. Especially because their pollution rate is the highest in the world and they're fuel use rate is extremely high. And here we are a city trying to lead everybody else into other answers, and we're promoting this kind of honoring of something that is totally against our principles. It doesn't make any sense. We have so much better use of money in this community. Many people that would come out on a peaceful conflict resolution parade. Although it's very popular, that's the problem. We're

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now dropping massive bombs with a crazy president in Afghanistan. What do you think that's going to do to the security of this part of the world? Where we speak out against war particularly do you think with a nuclear power plant operating on the river and the nuclear storage that we're not a major target? I think we are putting our own people into a form of almost panic because of the nature of the dangers of the existence of citizenship today. Our message should be continually this is not appropriate. We believe that other answers, war is never the answer. That kind of emphasis on total destruction, is horribly an answer and I think we can be stronger about it.

Wheeler: Thank you. Next three, please.

Wheeler: Good morning.

Star Stauffer: Good morning. Star Stauffer. I'm going to back up what they said about fleet week. We need to defund that. I'm quite frankly don't really see why we can't park those huge, disgusting things somewhere else this summer. Considering the obvious lack of diversity in the rose festival right back here and the lack of diversity on this council and the lack of diversity in the Portland police, lack of diversity in our military, the fact that we're bombing people who are, I don't know, innocent, just because they happen to be brown or worship something different than we're used to, do you not want any marginalized people to visit the rose festival, just white people? When you have Portland police officers and military men and warships talked outside I don't know how anyone who Muslim, black, a refugee, immigration status, is supposed to feel safe. How are they supposed to partake in this wonderful community event? By the way it's not a gift when you eliminate all of those people from being able to enjoy it. What is this? This is like some white supremacist circle jerk. Are you kidding me on this? Really? Warships in police? Do you guys have any indication of what's going on in the world around you? We are aware that 11,000 people were bombed by us last week, right? We have not forgotten that. We are aware that people of color are being gunned down in the street because they weren't lucky enough to be born white. Hmm. It but hey, let's sit here and talk about a mayor that's been dead for god knows how long and honor one more white man. God forbid another white man not go without honor. Thank god for him. What's he doing today? Who cares about that right now? How is that relevant today? We have a president who doesn't even know which martin Luther king is dead and which one the day was born. Are we serious right now? Warships, police, military men do not communicate safety. So I don't know, I won't be partaking. I'll probably be protesting. Screw your festival. It isn't a gift to me, my friends or our marginalized community members. I don't care what he did for women. What does that do me now? What good does it do her? What good does it do to people who are hiding out because they don't belong. White people don't belong here either, why don't you go back to where you came from. If we're going to honor somebody why don't you honor native Americans, which by the way has nothing to do with the rose festival.

Teresa Raiford: Oh, yeah.

Stauffer: You did steal the land from them.

Raiford: Oh, yeah.

Stauffer: Don't park ships on their rivers and try to tell them it's a gift. Shame.

Wheeler: Thank you.

Stauffer: No, you're not welcome.

Wheeler: Good afternoon.

Charles Johnson: Good morning. Most likely no person of color know black resident of Portland has smoke in here today so if Ms. Raiford is ready to go I would like to have her -- I'm Charles bridge crane Johnson. So I kind of grew up all that white privilege so I'll read you something from the white media. From rose festival court to death on frozen streets. Karen bass, lonely struggle. There's another headline that comes up, says a few months

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before the publicly co-financed nonprofit that evicted her sent her to her death, she was on a police connected mental health hold, so look forward to the rose festival foundation next year coming back with a big commemoration for the late great Karen bass.

Raiford: She was one of yours. Why don't you honor her?

Johnson: Maybe we can get that in this year. So the women and men that spoke before me adequately -- well, there's so much to say about fleet week and the military industrial complex. It's changed a lot. Ms. Raiford reminds me that before we got rid of the draft, military industrial complex was used as a genocidal execution machine to get black african-american males to go die in Vietnam. Even now regardless of a veteran's race, certainly work for black veterans, they have a hard time getting the essential services they were lied to and deceived about to take their low paying jobs where they may or may not have gotten skills that ready them for the work force. As a city that talks in high aspirations when we have the rose festival coming in fleet week even though we think we have housed all our homeless veterans, it's a great chance for us to review how well we are serving people who have gotten into that boondoggle of serve your country and then either die or get out and don't have your country serve you. It's okay to have little parties and stuff where we try to find equitable goodness when there's just been goodness that benefited white men we don't need to have a party about that. That's pretty much 365 days a year. I hope that also a lot of times when we have issues come before this council we try to apply an equity lens and talk about minority, women led businesses.

Raiford: Minor priorities.

Johnson: I haven't heard any synchronism between that and the rose festival. I know upon reflection we redouble our efforts.

Wheeler: Thank you. Next.

Raiford: For the record I'm teressa raiford, a native Oregonian. My great-great grandmother was born here in McMinnville, Oregon, and my great-grandmother was raised in Portland, Oregon. She lived in southwest off 2nd. We are the roses. While we continue to proclaim and celebrate white supremacy and the leaders in this state and the leaders in the city of Portland, mayors that have put in policies and mandates that continue to support state sanctioned discrimination I would hope that we would come to a point where we would recognize that empowering white supremacy that on this day last year I was actually next door at Multnomah county on trial for protesting. One year later, progressiveness, which Mr. Lane was noted for, does not exist here because today it's illegal to protest in city hall. Correct? Is it illegal to protest in city hall?

Wheeler: City hall is actually a public space.

Raiford: Is it illegal to protest in here as of today?

Wheeler: I can ask the attorney. [speaking simultaneously]

Raiford: I believe it's illegal to protest in here because when I came in I was stopped by guards and when I walked up here into the chambers I was told it was filled to capacity including the balcony that I could be moved into a room across the hall when I could watch on the streaming live tv set, right? I didn't get it either because some of my comrades that came in after me were sitting in city council chambers when I took my grievance to the mayor's office with the students that I came here with so they could file an appointment with you hopefully you'll do that. Again when we go back to the rose festival and we talk about we are the roses, and we talk about our most vulnerable citizens, the ones who are usually swept away so that we can have fleet week, thank you for opening up in time to make sure you don't have to take that type of embarrassment when you sweep our comrades off the street. That's not a long-term opportunity but I hope you look into more developmental partners that may change some of the building infrastructure and instead of

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demolishing them they do rehab and registration like restore Oregon did. Remember? Okay. Thank you guys again and I'll be testifying on other matters but we are the roses.

Wheeler: Thank you. Next three, please.

Wheeler: Good morning.

Sam Resnick: Good morning. Mayor, city commissioners, I'm Sam Resnick, a citizen of the city of Portland. I would like to propose a change to the proclamation of mayor Harry Lane Day. I would like to propose that the day be changed to Kif Davis Day --

Wheeler: This is not regarding the proclamation. This is regarding the mou.

Resnick: I understand but this is -- [speaking simultaneously]

Resnick: It says agenda item 373 and 374 -- [speaking simultaneously] we're still on item 373. This is wasting my time.

Wheeler: Please stick to the mou. Thank you.

Resnick: You know what? I think I'm done.

Wheeler: Very good. Is there any other public testimony? Call the roll.

Fish: I want to thank the rose festival

Wheeler: This is a disruption in violation of city council rules. If you do it again, you'll be asked to leave. [shouting]

Wheeler: Are you going to testify?

Resnick: No, I'm just going to sit here.

Wheeler: You get three minutes to sit there.

Resnick: Okay. Three minutes of silence for Quance Hayes. I would like three minutes of silence for Freddie Gray.

Wheeler: This is related to the mou and council rules are clear. The testimony is related to the item under discussion. If you're not going to speak to the item under discussion --

Resnick: It's very rude to speak during a moment of silence for someone who was --

Wheeler: Sir, can you ask him to leave, please. [shouting]

Wheeler: Security. Hello? Greetings. Yes. He's violating council rules. Please ask him to leave. [speaking simultaneously]

Wheeler: We'll have to take a brief recess. We're clearing the chambers. We're going to clear the chambers for about five minutes. We'll be back.

At 11:37 a.m. council recessed.

At 11:47 a.m. council reconvened.

Wheeler: We're back. Sorry for the disruption. Sorry, commissioner.

Fish: I was in the middle of casting a vote. Thank you, mayor. Again I want to close by thanking Jeff Curtis --

Wheeler: I'm sorry legal council is raising a flag here. That's correct.

Fish: Could you ask commissioner Fritz to join us?

Wheeler: We have our quorum so we're back in session. Commissioner Fish.

Fish: So mayor again I want to thank our friends at the rose festival and particularly Jeff Curtis, the leader, for a wonderful partnership in executing the mou today. We are signaling an even stronger relationship between our official festival and city hall. It's an honor to be the liaison to the rose festival and we're looking for many good things for years to come. Thank you. Aye.

Saltzman: Thank you rose festival association. Aye.

Eudaly: I thank members of the public brought up some solid points that we need to consider in the future. This mou certainly doesn't preclude those conversations and I look forward to further discussions with the rose festival and my colleagues. Aye.

Fritz: It was unfortunate we had the disruption. I was going to ask for more information about the funding of Fleet Week. Obviously we can continue to have those conversations and also about safety for people coming downtown during the festival and the potential

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impacts of the staff on the ships interrupting what's on land. I know that festival has been working on that. I'm particularly proud of having sponsored the resolution with mayor Adams and commissioner Randy Leonard one of the few that I can remember I sponsored with the two members of the 2010 council to make it the official festival of Portland. I appreciate commissioner Fish's work on the memorandum of understanding and also the conversation that there are still some things not completely tied down. We'll continue to work. I very much appreciate the economic impact of the festival. Also efforts of the festival to diversify participants, particularly on the rose court. That makes them one of my favorite programs of the festival cause it's not a beauty pageant. It's not just for show, the young women who are selected generally have absolutely phenomenal academic records, participatory way they have been nominated to the court and they are given a businessmen mentor and a lot of training which will serve them in whatever they choose to do the rest of their lives. It's really leadership training as well as acknowledging the leaders that have already been in their particular high schools. I look forward to all the events this year and thank you. Aye.

Wheeler: I very much support the rose festival folks coming in today. I want to appreciate the work that went into the mou. It was a long process and it is of course a living document which means it's always subject to change at the request of the council, at the request of the rose festival, and I want to appreciate their efforts particularly those who volunteer their time and their talent to help support these efforts in the city. So I vote aye. The ordinance is passed. Before we move to the first item that was pulled, item 376, I have been asked to reread the statement of conduct. I'm not going to read all of it, just the portion that people may have missed first time. People may sign up for public testimony on the first readings of reports, resolutions and ordinances. If you sign up your testimony must address the matter being considered at the time. Conduct that disrupts the meeting for example shouting or interrupting others' testimony or interrupting during council deliberations is not allowed. People who disrupt meetings face ejection from the meeting. If there's a disruption, I'll issue a warning if any further disruption occurs anyone disrupting the meeting will be subjected to ejection for the remainder of the meeting. Anyone who fails to leave after being ejected will be subject to arrest for trespass. Please call the next item.

Item 376.

Wheeler: Good morning.

Ken Martin, Bureau of Planning and Sustainability: My name is Ken martin with the bureau of planning and sustainability. I manage the smart cities team there as well as supporting bureaus across the city with their smart cities work. I'm here with Christine Kendrick on the bps smart city team leading a national conversation around design, deployment and evaluation of low cost real time internet connected air quality sensors which we are about to start piloting here in Portland, Christine will give a quick overview of the project referenced in item 376.

Christine Kendrick, Bureau of Planning and Sustainability: Hi. This afternoon. Mayor, city commissioners. The funds in this ordinance are to support an ongoing project being led by the bureau's planning and sustainability. It's a project funded by the national institute of standards and technology where we are going to be deploying three types of lower cost air quality sensors that are connected at signalized intersections. The idea and goals of this project are to understand how the technology can be used to increase the density of air quality measurements for the city of Portland, to understand how we can use these technologies to better understand the changes in air quality and climate as a result of other city of Portland projects, and the goals of these funds are also to develop a community engagement plan about how to share data, how it could be expanded to other locations past this pilot project. Thank you.

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Wheeler: Any questions?

Fritz: Was this pulled just to tell people about it?

Wheeler: I'm not sure. Any public testimony on this item?

Moore-Love: Mr. Bridge crane wants to testify.

Wheeler: Come on up, sir.

Charles Johnson: Good morning, commissioners. Charles bridge crane Johnson. I hope the city will take this very seriously. We know the state by some reports is facing a \$1.6 billion revenue shortfall. Many of us have severe doubts and concerns about the department of environmental quality so I think it's incumbent upon you commissioners, perhaps a kick in the keester from the public, to talk about new air quality public health safety structures. This is a good start. But I hope you'll be positioned to move quickly. The technology that's here should be cost effective to place in all the neighborhood community centers and, you know, we wish when our tax dollars go to Washington and come back or to Salem and come back that we can do good with them but we're learning at least for the next four years that we sometimes have to seize the initiative like we have done with the biogas project. So I hope that all of you regardless of how it matches with your portfolio as commissioners will look at this project and even if you only think about your home neighborhood because god knows we want clean air around your house, ted wheeler, if we ever have to come visit you again. With the crisis with the deq, the fact that it was the united states forest service almost independent work studying moths, that led us to learn about the toxins from glass plants in our city, this is a great opportunity for city leadership on an even smaller micro community scale to let people participate in and be engaged with what is killing us in our air. There are things we have failed on the state level to deal with diesel particulates as far as banning but we can least develop an open data network that affirms where the problem is the worst and see what action can be taken on the municipal government level. Thank you.

Wheeler: Thank you. Please call the roll.

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

Fritz: Thank you for the presentation and for your good work. Aye.

Wheeler: Aye. The ordinance is adopted. Next item, please.

Item 381.

Wheeler: Good morning.

Dave Hendrie, Portland Police Bureau: I'm Dave Hendrie, commander with the Portland police bureau in the detective division. We're bringing forth an ordinance that would allow the chief of police to sign agreements for real property in the city. In my recent move, July of this year, into the detective division looking at some of the ongoing long term cases, criminal cases that we had, I started reviewing the need to actually have long term ability to lease real property for confidential investigations that are going forth. Upon reviewing I thought we had the authority to do that and I realize no, we do not. It runs through a very arduous task to get it approved and it has to be approved outside our bureau chain which in our confidential investigations brought concerns to life namely in any investigation you try to keep the investigation and those who know about the facts of it fairly well contained to keep the confidentiality of it and the integrity of the investigation. In this case in reviewing what would happen it would leave our office and fall through and ultimately be signed off through multiple folks including the director of internal business services. We decided that we would like to put forth an ordinance that would allow the chief of police to be able to do that, keep it in-house, protects the confidentiality and the need for long term lease. There's a timeliness factor with our investigations when we need to have a place to put something up, sometimes it's immediate. There's also considerable cost savings in the long term as we're well aware with the markets for housing and for retail space. The ability

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to actually have a lease agreement saves the city considerable amount of money versus doing daily or weekly rates for rentals. That's the sum of why we're here today.

Wheeler: Questions? Any public testimony on this item?

Moore-Love: Yes. We have 15 people signed up.

Wheeler: We're going to lose our quorum. Can I ask people, I'm really sorry, I don't like limiting public testimony, but again, we had a disruption so we're off schedule. Can we please limit to two minutes? Thank you.

Cameron Stark: I'm Cameron stark. I'm a resident of Portland, Oregon. I don't agree that we should be giving police informants maybe even a hotel room to stay in under these leasing agreement. I think that given the relationship that Portland police have with informants and they have with the community in the past, we were just talking about last week how there's a lack of accountability in the Portland police system, how are we sure that some of these officers in these projects are not sexually exploiting informants? There's a huge compiling evidence that they do those horrible things. Some of the Oregon democrats I know that terry bean, some of his victims personally were sexually exploited by the state of Oregon. So I think that these leasing agreements makes it easier for the Portland police and whatever other jurisdictions of law enforcement that you're trying to implement with this. It's a dangerous precedent that you can set forth. I think it's not safe. Even messing with informants in the first place is just egregious. I used to live in Seattle, Washington, and an officer up there told me that they lock their criminals up in Washington. That means here in Oregon we don't lock our criminals up, we use them as informants. That's what those kids with the ankle monitors are doing. That's not safe. When it comes to community safety that should be the number one concern and priority and if you have informants staying in apartment complex like the Columbia Villa the St. Johns apartments that it creates dangerous precedent. I don't agree with it. I don't think that it's safe and I don't think it's morally right to even use informants in the first place. Thank you.

Wheeler: Thank you.

Mimi German: I agree with what Cameron said. The best way for me to express myself at this point I said this a couple of council sessions ago, is through poetry. This back and the forth conversing in minutes is too hard to say what I want to say. This is specific to this issue. I wrote a poem today called Crayola and shades of light. Mayor may I challenge you to a dual a dual with no guns or informants or tasers or flash bangs or billy clubs, no teargas, no pepper spray, no nerve gas at all no bike cops no riot cops no cops at all. No checks or credit cards, no money at all. This dual is a shakedown of ideas using words like seeds sown into hillsides, compassion instead of stones where uninhabited promises blue blood debauchery are surely a recipe to lose this dual. This dual to end the uninspired anemic protocol, business as usual as a perverse standardized norm of unconstitutionality which paints this town in Caucasian white straight out of the Crayola crayon box where politicians are al month or peach or kkk, or desert sand suffocating our kids along with a reserve bottle of privilege circa long, long ago because white wealth creates ill health you know shit storms mayor for the less than white mostly. And dollars in the pockets of cops, jailers, hang men. Of mayors like you, Mr. Wheeler. This dual is about now. If there's a later, it's indiscernible. Let us dual in truth to the downtrodden, not the rich. In truths met on the streets atop sewer gutters where steam is the only warmth for a truth so cold that killed six or seven or 100 this winter. I challenge you, mayor, to a dual of truth will you meet me in the streets.

Wheeler: Thank you.

Nancy Newell: I'm Nancy Newell. I'm really opposed to this because it shouldn't be on the agenda. It's not constitutional. It's making the police judge and jury. They take the power of

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being judge and jury. Ever since coab has been collapsed and you were in favor of that idea, and actually told us that you didn't think it had any function whatsoever, police have become very aggressive on taking away the rights of individual citizens and it's been proven and it will be proven in this case as well and it wastes our time. Instead of facing the issues that originally came up with a federal judge that is still in a federal process where the mentally ill are being killed in this city and a third one happened not long ago. Let's get back to the base of the issue. Community voices have been tremendous. We have a county commissioner who was part of that process, trying to work with her budget to help the mentally ill situation. Let's get off this track of the police insisting that they are the only judge and jury in this town. This town is not allowed to become a town like that. We are not going to allow it. I don't know why they want to spend all this money for a building when they are not even upholding the constitution or the law. Why would we give them a building to hide all the people that are innocent? That's terrible. What an indicator of our chief's mental state. I think you better have him checked. I'm serious about that. He's not making sense at all. He's not talking about humanity. He's talking about an orderly situation which we know about under Hitler. We don't care for that kind of policy. We don't want that kind of policy and we will stand our ground every time.

Wheeler: Thank you.

Star Stauffer: I'm star Stauffer. I'm really confused. I don't know why the Portland police need more stuff. It's like every single week that I come here the police are asking for more stuff. I thought we were having a housing crisis. I thought we were in the middle of a crisis where we had no place to even house the houseless. Here we have got the police asking for more stuff. A few weeks ago bullets which you never readdressed. Then it was before that the collective bargaining agreement which they beat the hell out of us to win and they were successful. Now they want to lease buildings so they can hide from investigations so informants can hide? No. Oh, no. We will find these buildings. We will tell everybody where they are. We will release the addresses of these buildings. We will let the neighbors know, whatever it takes to let them know that killers are living next door to them. That child killers are leasing properties next door to them. [speaking simultaneously] everybody is a sex offender has to let everybody know when they are living next door to people so I want people to know that murderers, racists, clan leaders, rapists, liars, criminals and thugs that you sanction on the streets to unleash their fury on people of color, trans people, houseless people and protesters exercising their rights. I want everybody to know that they are next door so wherever they lease we will find out. Wherever they buy, we will find out. We will tell everybody and we will make sure that they are not comfortable enacting these investigations behind closed doors. Not on my dollar. They are not going to get away with it on my dollar. I don't know what game you think you're playing but not with us. Don't give these fools any more money. I'm sick and tired of watching you shell out money to these criminals. No for bullets, no for the leasing of properties, and they can go to hell with their collective bargaining agreement.

Wheeler: Good afternoon.

Charles Johnson: Charles bridge crane Johnson. Ms. Stauffer summed up the ethical and moral reasons why you shall vote no but some say those aren't persuasive here so I'll go with the more pragmatic argument. Look at the page of information you've been given from the police department. Try to convince your voters that that was adequate motivation for you to write -- apparently a blank check. There's no dollar figure in the piece of paper. I don't know -- I was -- are we going to have a trump hotel here and people go into the permanent police trump suite and get the Marion Barry treatment? Inside public housing there are different views residents have about interacting with police. I know people right now in northwest towers that would like to have a permanent police presence. You should

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transfer money from the police bureau into the housing bureau or home forward and give people who are concerned about law breaking and danger there protection rather than some roaming racquet where we're finally going to get the heroin kingpin only if we can lease an apartment in the yard. Or in the dumbbell or bridge head. Death star monster thing there. I just think that fiduciary duty requires you to get more clarity from the police bureau that even though they need to have these super top secret addresses that there can be caps. You also need to review the ineffectiveness of previous confidential informants who would be in Kansas city phoning in their fake leads like George Taylor. Especially the police commissioner would be wise to advise the rest of the council to not pass this at this time until marshman, who is just re-gearing up from his vacation, to provide actual dollar figures, caps, floors and some real out comes for this mysterious measure.

Teresa Raiford: I'm Teresa Raiford, a native Oregonian. I'm the mother of two children, one of those children was born to me when I was 17 years old and I was in foster care. His dad was a 27-year-old gang member from California that was working with other informants in our community which I found out recently after the death of my friend who was killed by this murderer who is now free because our district attorney felt like there might be bigger fish to fry. His name is Vincent white. You can google him. Him and two of his friends murdered my friend but because these were informants along with others that actually got some of my friends pregnant while they were also in foster care and used the opportunity to be informants for I don't know which ones were federal agents and which were just gang task force from California working in partnership with Portland police bureau, but those informants basically infested our entire community at the time when gang members came here in the '80s a lot of us didn't know about gang violence. We still were going to Meyer frank and Nordstrom's. We were wearing penny loafers, not tennis shoes and dickies. After the Portland police and the city of Portland decided they need od to focus ongoing gangs, they created the opportunity and I believe that with leasing property you have this informant gang person pimp Eddie, fast Eddie, working with Roy jay, who was one of the members of the pdc and other black people you're familiar with. Those people could be considered informants like Roy jay when he used to pull guns out on people like ken berry and Donny Adair who was a former employee here at the city of Portland. Back in those days when he was a gangster before he became a very role model of our community with project clean slate and other gang related opportunities. I just think you guys need to audit this thought. You need to think about what can happen to the community's most vulnerable people when you allow that type of leasing to happen in our community. I remember when my friends who lives across the street from rosemary Anderson, this lady shot twice because her grandson was infected by gangs. She got shot twice. I remember in the '90s she said the police kept coming to her house because they had a camera going right into her kitchen because they were using the house next door to her. They told her if she did not sell her house and we know lots of deputized officers from 25 years ago used to northbound construction and development, if she did not sell they would take her grandson to jail and he would never get out because of measure 11. You guys really need to rethink this. It's the vulnerable children in our community can come infested with gang opportunities because the informants are the ones with the guns and the drugs and pimping young girls. I think we have been saying a lot about it for a long time but your stakeholders' voices matter more than we do.

Wheeler: Next three, please.

Wheeler: Good afternoon.

Alex DiBlasi: I do think we would have had more time if we had not had that stupid costume party earlier. But here we are two minutes to go. Maybe next week I can bring in

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a chuck berry impersonator and hog testimony until we get to an important agenda item. First how on earth does this establish or build trust between the community and the police? This has been talked about a lot in previous weeks then along comes this. Two, in the ordinance's impact statement it says utilizing leases of real property will have a significant savings to the city on long term investigations. Despite this the impact statement says it will not change appropriations. How is that possible? Third, I believe this is state terrorism. It's going to create a culture of fear in our community that a house that's for sale, an apartment unit up for lease could very well be inhabited by infiltrators from law enforcement. Reminds me of the twilight zone the monsters are due on maple street where the community is divided in half due to lack of trust. Doing this in the middle of a housing crisis is straight up wrong. You should be cracking down on human trafficking, keeping cops in hotels not going into residential units. That said I will greet my new neighbors with a plate of cookies and a plate of cheese. And if they gore for the cheese first I'll know where they are coming from. 14 weeks in, Mr. Wheeler, you're not humanitarian. You stole your campaign platforms from the best of your competitors including Jessie sponberg, talking about police reform, caring about the homeless. You're showing us you don't care. If you won't resign maybe, we should look into a recall vote. That's all.

Wheeler: Thank you. Good afternoon.

Shalo Franklin: I'm shalo franklin. I go to middle school. I just wanted to talk to you about that -- I don't like the idea having cops parking around. It's really scary for us people with like colored people because we don't know what to expect. We do know what to expect but it's just kind of -- I don't like the idea.

Wheeler: Thank you. Appreciate you being here. Good afternoon.

Seanalle Hart: Hi. I'm Seanalle hart. I just witnessed my mom being arrested and I don't understand what she did because you said -- him, he said that my mom was trespassing in a public building. You said this is a public building.

Wheeler: I don't know because I did not see what happened in the hallway.

Hart: You said this is a public building that she was trespassing.

Wheeler: In the council as I just read we have council rules. Everybody in the room needs to abide by the council rules.

Hart: I get that. How was she trespassing?

Wheeler: I gave ample warning to people. If they don't comply we have to remove them. Believe me I don't enjoy it. I don't like the timing and inconvenience and I don't like her being arrested but if people disobey council rules that's what we've got going.

Hart: So she was violating the rules, not trespassing?

Wheeler: I don't even know who your mom is. Was she making comments about my wife on her way out of the chamber? [shouting]

Wheeler: She's asking me a question.

Hart: My mom was arrested if she wasn't trespassing.

Wheeler: I don't know.

Hart: Maybe you should talk to your security.

Wheeler: If it's related to what we're talking about -- thank you. [shouting]

Wheeler: Next three, please.

Dan Handelman: Good morning, mayor wheeler, commissioners. I'm Dan handelman with Portland cop watch. It seems like this ordinance is about officers that can't make a case without entrapment. It seems like if we're having detectives look into cases they should be able to make the case without lying to the community and posing as other people and as people have said using very limited rental spaces or lease spaces for police work which could be done another way. Also in terms of accountability, there's nothing in here that says that the commission hear to sign off on this or approve what's happening, so if there's

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some kind of shenanigans going on there's only the police and the police chief are the ones saying that this is an okay undercover operation. So I think that it should at least require you as commissioner to sign off on these properties if you're going to go through this. You shouldn't rush things through council agenda where we're not having long discussions about how you can save money. You can save money by not doing entrapment operations at all. I want to make a quick comment about the new security measures. I understand you don't want people rushing your dais. It would be better to move the desk back so the media can tape the faces of people talking. Right now they can only tape people's backs. I that would help quite a bit. Just lastly, I was expecting amendments to the ipr ordinance. We talked about changing investigative supervisor investigations and non-disciplinary complaints and making it so the ipr ordering an investigation when there's a deadly force case, I hope you'll consider those amendments today.

Wheeler: Commissioner Fish, do you have an amendment?

Fish: mayor would you like me to take the emergency clause off this?

Wheeler: I would prefer not to. I was going to suggest that we have officer hendrie come back to answer some of the questions that have been offered.

Wheeler: Any further public testimony? Very good. Come on back.

Fritz: Mayor, I have some questions which I'm not sure I want to take the time to look into to ask today.

Fritz: I suggest we leave it on but carry it over till next week for the vote.

Wheeler: Why don't we carry it over. Do people have questions right now?

Fritz: If I could just tee it up from you and from the officers, what are the safeguards for the public when these undercover assignments, how does the commissioner in charge, the mayor, know about what's going on and give authorization for that. Those kinds of questions I would like more information on. Thank you.

Hendrie: Can I make a comment that will help clarify? The ordinance is specific to real property and the leasing thereof. There's language about confidential informants and about the confidentiality of investigations. What I would like to say and forgive me for not providing this information earlier is that we are trying to I guess -- we have victims of crime, witnesses who have seen horrific things and at times cannot be within the city, cannot be where they are at is not a safe place. The passage of this ordinance is at the heart of the matter what we're trying to do in those cases. There's also parts about the criminal nexus neighborhoods, drug house complaints, specific to ongoing investigations of criminal throughout our city. I do not want folks to get sidetracked on the belief this is about confidential informants only. The driver is cases long term investigations involving serious crime against people in this community. What we need to actually do -- places that are safe. As far as frequency that's another part has should be understood. I have 23.5 years as a police officer doing gang investigations, drug investigation, robbery investigation through the city. This is not something we have to use very often. A most cases you can work through in a short time. I'm trying to provide access so when we have the ability to work a long-term case then we have ability to do it in a way that's clear, concise, expedient, safe, and also saves money. If I were to do a long-term lease at say a long-term stay location, it may cost me \$1500 a month. If I do a daily rate for somebody for instance it could cost me up to \$100 a day. If you do the Matthew realize \$3,000 versus 1500. That is also part of that. It's sustainable. Again, very few times do we need this type of resource for a long-term investigation. I'm asking for the ability to do it when necessary. [shouting]

Wheeler: I'm going to ask people please not disrupt the questions. Go ahead.

Eudaly: I believe you said earlier there's a cumbersome process you have to go through to do long term lease presently.

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Hendrie: Correct.

Eudaly: Can you walk me through that?

Hendrie: Probably not as good as people that do it day-to-day. The ability to enter into lease agreements through the city has to be approved by the director of internal business services which means it has to go through the police bureau chain of command, through their people that do the actual work of the filing of the contracts, et cetera, and finally signed off. The concern with that is even like again any time we have an investigation, the fewer people that know about that investigation the better it is for people sees safety. [speaking simultaneously] we try to take that into account for victims and witnesses. The fewer people that have access and hands on that, in the bureau we deal with confidentiality all the time. We're used to that. It's not uncommon once they leave the building for folks to discuss something that they have no idea the implications of it but could be heard or listened to by somebody who might have that information and use that in a different way. We have had investigations that have been compromised. That's a concern of mine.

Eudaly: Could you give me an estimate of how many of these rentals you may need on an annual basis? I realize it would vary.

Hendrie: Probably one or two. Very little.

Eudaly: How many times have investigations been compromised due to having to go through that process?

Hendrie: I can't specifically state they have been compromised by going through a long-term lease process. We have had several over my career obviously cases, criminal cases that have been compromised because of information that was released either inadvertently or on purposely that has compromised investigations.

Eudaly: Not necessarily related to a lease.

Hendrie: No but as I looked at the process the amount of eyes trying to figure out how to do this, very aware to me in charge of the criminal investigations for the city that a lot of people would have access to this information and we're trying to eliminate that.

Eudaly: Who has ultimate oversight as how many leases there are and for what purposes they are being used whether for undercover investigations or housing informants or victims?

Hendrie: Well, if this ordinance is passed it would ultimately go to the chief of police. Being that we report to the mayor, I imagine the mayor would have a say in that. Apprised of any of the situations as necessary.

Wheeler: I would like somebody to offer up an amendment, please. [speaking simultaneously]

Fish: I offer an amendment, mayor, that would be at the under the now therefore direct sub a, as follows. That the chief of police insert with the approval of the mayor, is authorized to execute these lease agreements, blah blah metro area.

Wheeler: I'll second that for purposes of discussion. Any further discussion on the amendment? [shouting]

Wheeler: Call the roll, please.

Fish: Aye.

Eudaly: [speaking simultaneously]

Wheeler: Excuse me.

Eudaly: You're disrupting our deliberations.

Wheeler: I have repeatedly warned you.

Eudaly: This is the problem with what is happening in this room. We can't ask more questions of experts and city employees, we can't ask more questions of community members and we're not being allowed to deliberate. What that gets you guys is weaker

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policy making than we could be delivering. What I have to say is that I have questions and concerns that can't be addressed today. I'm voting no and I would vote no on this ordinance.

Wheeler: Very good. Are there any further questions for the commander? If not I'll carry it over. I'm sorry, of course.

Fritz: I will vote for the amendment. I'm not ready to vote for the whole thing. Aye on this amendment.

Wheeler: Aye. The amendment passes.

Fish: This is set over until next week.

Wheeler: That's correct.

Fish: Commissioner Saltzman has left and will not join us this afternoon. We have five items that are second readings. I have a conflict I have to go to shortly. May I respectfully propose that we take up the second and we hold commissioner -- 382 for the afternoon. I would suggest we take it up at 3:30 at the end of our afternoon session and so that would be my request.

Wheeler: I don't have any objection. Does anyone else object to that?

Eudaly: Sounds good.

Fritz: I just wanted to clarify mayor your purpose is to carry this over as an emergency ordinance or to take the emergency off?

Wheeler: The impact is the same. Let's carry it over as emergency ordinance. Obviously the public testimony of record is closed on it. We will move 382 off the agenda, move it to the afternoon after the 3:00 time certain.

Wheeler: That would be great after the time certain. With that Karla could you take up 383, please.

Item 383.

Wheeler: This is a second reading call the roll.

Fish: Aye **Eudaly:** Aye **Fritz:** Aye **Wheeler:** Aye

Wheeler: The grants accepted, next item please.

Item 384.

Wheeler: This is a second reading vote only, please call the roll.

Fish: Aye **Eudaly:** Aye **Fritz:** Aye **Wheeler:** Aye

Wheeler: The purchase order is adopted, next item please.

Item 385.

Wheeler: Second reading vote only call the roll please.

Fish: Aye **Eudaly:** Aye **Fritz:** Aye **Wheeler:** Aye

Wheeler: The definition has been amended and next item?

Item 386.

Wheeler: Call the roll.

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

Wheeler: Aye. The assessment is adopted. Next item, please.

Item 387.

Wheeler: Second reading vote only please call the roll.

Fritz: Excuse me at the end of the last public hearing, commissioner Eudaly said she might bring an amendment so I wanted to clarify if you're asking for that?

Eudaly: I'm not asking for that today after receiving feedback from a variety of people and groups last week. My office reviewed the testimony, both written and orally, to change the code that meets the needs of the community and our legal mandates it became clear to us that suggesting changes in a piecemeal fashion might do more harm than good and the auditor's office will be bringing these code changes to us overtime. I think it would be beneficial to the council to engage in a broader conversation about the overarching plan

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and how this plan supports the doj settlement and how to incorporate the recommendations of stakeholder groups. In that light I will support the changes and amendments proposed today thus far but we'll be requesting a work session to get clarity on how to engage moving forward. Ipr has immense potential to be an asset to the city and the community and I want to make sure we understand it completely before making decisions that may or may not help move it in the right direction.

Fritz: Could I please clarify, there was a discussion last week where you and the auditor said you would convene such a process so we don't need to put that as a formal amendment?

Wheeler: That's a head nod, yes.

Fritz: That was in conjunction with reconvening the stakeholder's committee. They asked for another process to provide further amendments.

Wheeler: I will leave that up to the auditor, since this is her code revision.

Fritz: My concern is, as I said last week, this is my ninth year on the council. We continuously put things off in terms of changes to the independent police review and a little while ago, we had that appeal at council where for the first time, I've been able to see, we actually got a timeline on when things went through the different stages of the review and my concern is there is a lot of talk about whether the citizens review committee is responsible for the delays and for their process on appeals. It was not the crc, it didn't get through the process correctly so I'm very concerned about accountability of the independent police review because we depend on that in order to be able to have more confidence that investigations have been done correctly.

Fish: So I appreciate the concerns raised by my colleagues and I share a number of their concerns and I have had a meeting with the chair of the crc, who has also shared a number of her concerns. The matter before us addresses the issues brought by the auditor. I'm going to second the request made by commissioner Eudaly that we have a work session where we have, you know, our key advisors at the table and I would like to have a comprehensive understanding about what's next, what's the timeline. I'm not prepared to address them today because I would like a chance to hear from the leadership of the bodies and the auditor and the mayor as to how they wish to proceed at a work session.

Fritz: Thank you for stating the intent of the council. I agree with that.

Wheeler: Very good. Call the roll.

Fish: Mayor and colleagues, I thought the hearing we had on this issue was enormously helpful and based on the testimony, I was persuaded, along with my colleagues that we should not change the public comment period to after a vote. I understand there have been issues raised by our legal team about potential risks. I was persuaded that those were outweighed by the public interest and having people have a chance to speak to the crc and I also think that the risk can be cured by the crc chair reading a statement that effectively reminds everybody that anything outside of the record is not evidentiary. I think it's important that people have a chance to speak to the crc. We had unanimous testimony, but I particularly appreciated hearing from the chair of the crc and Dan handelman and cop watch who made a very strong case we should not change this. Respectfully, I disagree with the auditor on that point and on balance I'm going to support this package aye.

Eudaly: I agree with commissioner Fish, last week's conversation around these amendments was immensely helpful and one of the most productive ones I've gotten to participate in, since joining council. While I have deep respect for the auditor's office and I did not take the input of the city attorney lightly, I'm deferring to the crc in this matter and supporting their desire to include testimony -- public testimony before a ruling. Aye.

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Fritz: I believe we're at a pivotal stage here with what's happening with the department of justice and the federal mandates. We need to show that we're going to continue to prove the complaint process and its processing and continue to seek ways to be more open and transparent to the extent possible. So, I appreciate the amendments. I certainly -- I appreciate the public testimony, which did make a major change in the policy, not only did we affirm that public testimony should take place before the vote, we put it into the code so it's very clear moving forward. It does strengthen the process and with the work session that's been promised, I hope we will hear from the league of women voters and Portland cop watch and others as far as how do we get past this continually coming back with what is framed as minor changes and don't get to the bigger, substantive issues, which have been going since at least 2010? I want the council to show that we are going to do the right thing and improve the process, whether or not the settlement agreement is being enforced by the department of justice so I know that mayor wheeler, that's one of your primary purposes for running for mayor and taking this huge task on behalf of the city and I appreciate all the work you do to that end here to help. I also want to thank Cristina Nieves on my staff who goes to many of the community meetings and who has helped me analyze what was being proposed here and what still needs to be fixed after this. Aye.

Wheeler: I want to thank the auditor Caballero and Constantine director of ipr. It's been a long haul and I think as my colleagues have said, the work isn't done yet and I think you'd be the first to admit that this is a process that will continue to be improved over time and we have lots of different factors coming into play here, different stakeholders, including the department of justice, which is a not a trivial stakeholder in this overall process. I appreciate the conversation we had last week and the public input, I thought, was great and I learned a lot from the conversation that I had with my colleagues and I feel like frankly, we're -- as we might have moved a little bit off the target set by the auditor and her team, I actually feel like we landed in a really good place. I will take up the challenge put forth by my colleagues to schedule a work session with the stakeholders. Ipr is inherently designed to be independent from the city council and independent from the police commissioners and that is why it is in the auditor's office. So I want to continue that engagement, but I want to do that with full partnership from the director of ipr and the auditor to make sure we're not inadvertently usurping that independence. I would like us to err on the side of strengthening that independence. I vote aye. The ordinance is adopted and we are adjourned until 2:00. See you then.

At 12:45 p.m. council recessed.

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Closed Caption File of Portland City Council Meeting

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Key: *****

APRIL 19, 2017 2:00 PM

Wheeler: Good Afternoon everybody this is the Wednesday afternoon meeting of the Portland city council on Wednesday, April 19. Please call the roll.

[roll call taken]

Wheeler: So here is the statement that we need to read at the beginning of the meeting. The purpose is to do the city's business including hearing from the community on issues of concern. In order to hear from everyone to give due consideration to matters before the council we must all endeavor to preserve the order and decorum of the meetings. To make sure that process is clear I want to review basic guidelines which I hope will help everyone feel comfortable, welcome and safe at the meeting and make sure decorum is maintained. People may sign up for public testimony on first readings of reports, resolutions and ordinances. If you sign up your testimony must address the matter being considered at the time. Please state your name for the record. We don't need your address. If you're a lobbyist, please disclose that. If you're part of an organization that's helpful to know. Individuals have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light will light up. When your time is done the red light comes on. Conduct that disrupts the meeting for example shouting or interrupting others' testimony or interrupting during council deliberations is not allowed. People who disrupt the meeting face ejection from the meeting. If there's a disruption, I'll issue a warning that if any further disruption occurs anyone who is disrupting the meeting will be subject to ejection for the remainder of the meeting. Anyone who fails to leave the meeting after being ejected will be subject to arrest for trespass. If you would like to show your support for something, thumb up. If you don't want to show your support thumb downs. So with that we'll get started the first item is a time certain item.

Item 388.

Wheeler: Commissioner Eudaly.

Eudaly: Mayor, colleagues, it's a pleasure to introduce the Portland design commission's state of the city design report. The first item of business is to thank the dedicated volunteers who serve on the commission. This commission met three times a month in 2016 and the first quarter of 2017. Sometimes more pending retreats, appeals or the state of the city that we're here for today. Often for many hours as they review land use cases and provide design advice they are a dedicated, hardworking group that includes David Wark, the chair, tad Savinar, vice chair, Julie Livingston, don Vallaster, Jessica Molinar, Andrew Clark and Sam Rodriguez Please all stand up so council can recognize you. Thank you for your service. This commission will be presenting their 5th report before council that they have been operating in the city of Portland since around 1980 providing leadership and expertise on urban design and architecture and maintaining and enhancing Portland's historical and architectural heritage. This report comes to council at an important time for the city and it's design overlay districts as development and construction is unprecedented in the history of design review. These neighborhoods deserve the appropriate protection and predictability of quality infill that meets our density goals and

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inevitable growth. I look forward to hearing from commission members and interested public and am committed to supporting the commission in all its efforts. David, please come forward with your presentation.

Wheeler: Good afternoon. Welcome.

David Wark: Thank you for giving this audience to share with you what's been happening in our great city for the last year and about three months. To start off, Portland our little big city is experiencing as you said, commissioner Eudaly, perhaps the most dramatic changes in history. People and businesses are moving and visiting here at a record pace and new buildings are going up in every neighborhood in response. This is what it feels like to most of us these days in most neighborhoods. A sense of hyper growth. Fortunately, Portland unlike many other American cities has a plan for this growth called the comprehensive 2035 plan and also mechanism for guiding the quality of development which is the Portland design commission and design review. Here are the seven current volunteers serving on the commission. Julie Livingston project manager for home forward focusing on affordable housing projects, architect principal don Vallaster; Sam Rodriguez, public at large member, senior managing director for mill creek residential trust. Myself, David wark, I'm the race appointee and I'm the principle with hennebery architects, Jessica Molinar with colab architecture and urban design, Andrew clarke the founder of hugh development focusing on northeast infill residential projects and Tad Savinar of Savinar studio urban design. So where does design commission and design review and the type 3 zones in the city fall? In the central city in the area in red that's called the central city district downtown, south waterfront, pearl district, Conway, our newest district, Lloyd district and central east side and the pink area to the right is the gateway district. These are the areas in which the cases that come for us are constructed.

Wheeler: I'm sorry to interrupt. Does somebody have a radio on?

Wark: I think it's outside.

Wheeler: Thank you.

Wark: So the primary purpose of design review and the commission is to help development in terms of planning documents, policies, buildings, to meet the larger goals of the city. Those goals are exemplified in the central city plan design goals. The book ends of these goals, the first one is just urban design excellence, the qualitative aspects of design. Four of the next eight talk about the human condition. Pedestrian experience, humanization, humane and human scale, and it's through this lens along with design guidelines that we review projects. I just wanted to do a summary of what we have been experiencing, what we've been seeing, what's been coming before us. On the break out into about three different types of categories. We have approved seven significant public projects on the upper left is the knight cancer research building, then center for health and healing south. Multnomah county starting their new large health building near the train station. And Multnomah county courthouse is being proposed I think they have started, broken ground at the Hawthorne bridge head. Maybe just a pause to remember of the v.q. that was on that site. To the left is the Oregon convention center hotel, a public-private venture. The basketball pavilion and the park blocks then the new psu school of business which is under construction also.

Fish: A quick comment, the picture of the Multnomah county health department building, you described it as being near the train station, of course at the city we say near bud clark commons. The reason we say that and Julia is smiling is that bud clark commons won the award as the best designed building of its kind given by hud, and originally bud clark commons was designed to be a suburban style building that filled the whole lot and it was in fact a couple of designers and developers who said that's not urban form. So it was redesigned and restacked as a half block urban form building which freed up the other half

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for the health department buildings. Another example of good design thinking in forming opportunities.

Wark: You can see the corner of that building to the right of the county health building in the image there. The next type of projects we have seen are a jump in scale. Some in height, others in area, some occupying four city blocks and one actually occupying 33 acres in the south waterfront. The Lloyd district in the upper left, is a five over one with 689 apartment units. Perhaps the most densified section of the city is this four blocks of Oregon square in Lloyd center. Burnside bridge head has a book end to the yard's project at 5th mlk. Upper right is the zidell shipyard which when fully built out will include 2600 apartments, 1.5 million square feet of office space and meaningful recreation access to the Willamette river. Others on the bottom are the pearl and downtown except in sleepy goose hollow on the bottom right a 250-foot tower on the former Oregon press blocks is proposed. We're seeing change in every neighborhood. This may not be much surprise to anyone but by far the most common type that we reviewed is a mixed use housing type. Every part of the central city and gateway, 33 projects in total with just over 4,000 apartment units. You can see the diversity of that type of architecture which we'll refer to in a little bit relative to the guidelines.

Fritz: Do you know off hand how many of those projects are in gateway?

Wark: The one upper left is the one pictured but there are three others. I didn't show every project. Otherwise we would be looking at -- we couldn't discern what they are.

Fritz: Just a question for information. Thank you.

Wark: This is scale of the projects and number. Then the next project type, affordable housing, out of the 33 mixed use housing project five included affordable units. Of the 4,000 plus units that are in those projects, 482 were affordable or approximately 12% of our new apartments or living units were affordable housing units. Two of those are -- start by saying the one in the middle is actually partly design commission result of the Broadway tower behind it which was identified as a public benefit associated with that project, so the second phase of the Broadway tower project includes affordable housing units that were part of that public benefit to give them more far and height. Which brings us to the design guidelines. When I saw the variety of architecture that's been proposed, that's a result of the design guidelines which are intended to be flexible in how they are met and do not prescribe a specific type or style of architecture. I would like to dig into two guidelines that will illustrate how they help shape significant projects in the city and the first is contribute to a vibrant streetscape, the second is about context. As Jane Jacobs said streets and their sidewalks, the main public places of a city are its most vital organs. To give you a sense of where the city was headed before design review this is the character of many blocks in our city in the pre 1980 era where they were blank, lifeless corners, anti-pedestrian errors marked by the automobile. What happened there? Out of memory. Not sure what that means. We have a technical person. Just when I was rollin', too. [laughter] we'll catch up there. There we go. So okay. Here we go. Starting back up. This is pretty design review and design commission and this is post design review and commission which transformed something that was very unengaging, very removed, anti-pedestrian, to something that is now pedestrian centric and something we almost take for granted these days that this is what our city is going to continue to build. So when we have -- this is for a project at 13th avenue and Overton, a large 250-foot-high, high rise which in and of itself was probably fine but related to a vibrant streetscape that being a primary guideline this project proposed something much different than that. What it proposed was basically an auto court drop-off area and driveway that also did not have active streetscape storefront active ground floor use. So after helping point out that this was actually a guideline that we would like them to follow, giving them advice on how to change their approach and the first floor,

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that what was a former automobile court in this area became retail, a nice, small recessed courtyard for major entrance and on this corner another area for retail and active use then tucking in a garage entrance within the building form itself. So what came out of that was what was going to be auto centric and obviously not a part of the guidelines now is on its first floor one of the more successful projects in the pearl district relative to access and openness to live-work units, individual housing units -- not in this picture, that is the retail to the right there. The second example of application of the guidelines is a project at 4th and Harrison which was proposed to take advantage of a massive amount of far and bonus height actually I'm not sure it's bonus height but definitely far and it abuts a very important historic place that's on the national register of historic places in the city, the new open space sequence district which probably was perhaps one of the most important and influential landscapes of the 20th century so deserving of its place on the national register. The red square is the site in each of these diagrams. So relative to massing and context, the proposal came in, this is Pettygrove park at the northeast corner, it came in with a lot of bulk associated with that corner robbing this park of its natural light and space. Also not setting back from it like the other buildings in that district. So after that first dar we offered up our comments on how they could better respond to the park. This was their second dar, which was only a sliver of movement in this area relative to our remarks about how to treat that historic district. Then they finally kind of began shaving off some of their bonus far and then we encouraged them to continue in this direction and in the final design actually is an l-shaped building with active use on this lower level and then townhouse band above that. So much improved building overall and definitely a much better response to what is a very important open space in our city's history. This is.

Wheeler: Could I ask you a question? Can you go back and this is where I have some questions. I trust your judgment. The difference obviously between the first and the second, third and fourth, is obvious. From a design guideline perspective, what's the difference between the third and the fourth? When you looked at the third, said that's not quite right, what is it you're seeing there?

Wark: It was in comparison to the other buildings around it also where there is much more open space and breathing room and set back from what I would call the east and north property lines. This is a building about the same height which is really just a bar that is parallel to 4th avenue over here. So we just felt that since we were talking about bonus far, not the base far, that they were able to better respond to I think light and air and open space.

Wheeler: Thank you.

Wark: Sure. The other guideline -- don't want to get too deep in the weeds but this guideline talks about enhance, embellish, enhancing the local character within the district. This is the result where I think most everyone came away pretty satisfied with the result of this process. I think you will hear from someone probably that you will recognize the name is going to read a letter to that effect. So some of our accomplishments. In addition to meeting as often as we are now, and we review and comment on such planning documents as the mixed use zone, residential infill planning document, central city 2035 comprehensive plan, design overlay zone assessment program that has been in the works for about a year, and I think you'll get a briefing on that within the next week or two. Then we have mediated solutions with pbot and other stakeholder's relative to trying to help applicants get through the process much easier. Some archaic or otherwise I guess impediments to getting approved earlier we have kind of flushed out many of those including what you would think would be a basic thing, cover on a utility vault, that being basically negotiated over a year and a half of an acceptable utility vault. Parking garage distance doors. There's a condition where pbot preferred it set back 20 feet so a car could

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queue up going in so it couldn't block the sidewalk. That sets up a very unappealing urban condition of a 20-foot dark hole on every block where every garage door would be, finally recognized there are some doors called speed doors out there. That allowed the door to come out to the sidewalk and satisfy that condition and also satisfy pbot's need to get cars in and out of buildings quicker. These are very detailed issues but they have become significant impediments in terms of time and money for applicants. We try to work within that system and change it. The arcade district also had major encroachment process that added six months to projects if they wanted to meet the guideline, which is to build over the sidewalk in the arcade district. That was eliminated through a negotiation with pbot and through former commissioner have worked on identifying public benefit for projects that ask for extra far and height. The Broadway tower is an example I cited in which additional affordable housing units were part of the deal along with funding for the study and improvement of the parks blocks immediately east of that second phase project. We also authored the best practices document, retitled a guide to the Portland's design review process which outlines the process that gives insight on how to better, more easily get through the design review process and expectations of design commission relative to different topics. We can go into that in a little more detail if you'd like. Basically it gives them the current views and expectations of design commission. Then in terms of design advice, and with our pay scale you can consider this free advice, so one of the things that we have been working on with doza is to simplify the design guidelines. That might occur under these five or so headings under context, massing, active ground floor use, quality, quality in terms of design quality, of ideas and also of materials, and perhaps sustainability guideline in some way. Consider a minimum development threshold. We're seeing a lot of projects that are underbuilding and in our already crowded city and as each site builds upon itself in an underutilized way it just puts more pressure on another site. That's something to consider in the future. Also established a comprehensive strategy for truck loading and service. We're seeing larger projects which require larger and more number of loading bays so that takes up more space in a building's facade which then hands that over to a less active space that then minimizes or reduces the amount of active space on a block. As we get more of those we lose the activity on the street that's so critical. The idea of creating a citizen academy to be more inclusive and provide information to neighborhoods and individuals about how to participate in the process. Then the arcade district, as we stated before, there is a guideline that requests applicants and their designers to build over the right of way as part of that historic expansion of Burnside. There is a lease fee associated with building over the right of way, which to us doesn't seem fair that the city asks people to build over the right of way then charges them for it. Also to simplify that agreement between the city and the owner. That has been a thorn in the side of applicants because the rate of that lease often tilts it in an unfavorable light relative to their proforma.

Fritz: Is that specific to the east Burnside district or is that in general?

Wark: Just the arcade district. Right. The others you can do a major encroachment elsewhere but that's still that long process but for the arcade district because we're asking applicants to design over it the impediments and the burden to do that should be removed.

Wheeler: I agree. It feels like we're playing on both sides of that equation.

Wark: Exactly. It took a while to just parse out the issues when applicants would be very reluctant to do that when it's such a positive aspect they can gain square footage but as we dug into it we figured out, oh, here's the problem.

Wheeler: We want to keep your process clean. When there's a financial incentive to potentially design them in that direction, it doesn't look good.

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Wark: Right. Agreed. Right. So these recommendations will help clarify, simplify and streamline the review process for design teams. It will be a process more accessible to the public, fair and more predictable. In other words, a process with legitimacy. It will result in better buildings and even more active pedestrian realm while helping realize the Portland we have proscribed in our 2035 comprehensive plan. Then I want to actually with much enthusiasm kind of end on this note about design excellence. Periodically a project comes before design commission that truly stands out among its peers and the framework truly impressed the design commission. It embodies everything design review is seeking including meaningful expression of that often head scratching guideline emphasize Portland themes. In this case themes of creativity, innovation and social responsibility. To begin with the framework is an exceptional design that openly embraces the pedestrian realm with a significant amount of glazing and canopies. It also incorporates a public community room and terrace on the second floor contributing more life and energy to the streetscape, exterior facade have depth and interest and are composed of high quality and well detailed metal panel system. It neither needed nor requested special consideration during the review process instead relying on the experience and creative talents of their project team including codevelopers project and home forward, leiver architects and Walsh construction. Secondly framework is an affordable housing project in the pearl district which we all know is expensive real estate addressing the urgent need to house our most vulnerable citizens. Framework represents itself as a confident addition to the pearl offering a dignified home for its residents. Finally, framework incorporates an emerging sustainable construction technology. Clt or cross laminated timber construction made from a renewable resource and one of Oregon's most abundant resources, which is trees, specifically Douglas fir. When completed framework will be the tallest wood building in the united states consulted with clt technology, manufactured in Oregon. A watershed into a 21st century industry. For these reasons, exceptional design, and innovation with potential far reaching impacts to Oregon's economy the Portland design commission is pleased to present its first ever design excellence award to framework. In closing, if I might, as our little big city continues to attract more new residents and we continue building to accommodate them high quality and innovative design becomes imperative if we are to achieve higher density in livability at our urban environment. At a deeper level for us to hold on to the essence of Portland. Design review in partnership with visionary planning will help us achieve this. So thank you.

Eudaly: Thank you.

Wark: To the next one. If you have any comments, questions or otherwise I would be glad to address those.

Wheeler: Comments? Questions?

Fritz: Often in this report you reflect back on some of the accomplishments of things that have been on the list for a long time. I'm wondering were there any landmark processes that fulfilled that for the design commission this year?

Wark: I'm sorry, I didn't quite --

Fritz: For instance, the skidmore design guidelines which you asked us on multiple years in a row to adopt and we finally got through that process I think that was the year before last. Was there anyone else on the design commission to do list?

Wark: One of the to-do list was to actually have the study for the design overlay zone assessment. That uncovered a lot of aspects to design commission that recognize could improve, design commission and design review, whether with commission or with staff under the type 2 process. That's a real positive step for everyone. I think you'll hear this but we had a briefing last Thursday that everyone recognizes the contributions of the design review process whether it be with design commission or staff and that our city is no

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accident the way it's in its present form, through deliberate series of decisions that started about 1980. That's why our city is very special and why people come here in droves to experience it because it has such a specialness to it. So with that it also has issues that we can improve upon. I think to every person associated with it whether it's staff or the design commissioners, we're committed to improving the process for everyone. As long as the qualitative aspects of it remain intact.

Fritz: Thank you for your work and for the whole commission. You mentioned you were involved in the comprehensive plan. Did the design commission feel their advice was respected and incorporated into the comprehensive plan?

Wark: Yes. It's such a huge and complex document but yes, we had several briefings with them and felt we were pretty much heard. I think there are still a couple little things we presented last time about active use, housing as active use everywhere or not. I think we pointed out some examples in 2015 at our state of the design report. Overall I think it's a solid document. Same with the mixed use zone, which is well -- extremely well received by design commission and will be very impactful relative to projects that are outside of the d overlay zone. It just sets up a new standard of quality expectations and of density. So that once that's implemented that will start to I think really gain traction in the outer areas. Outer neighborhoods.

Fritz: Thank you.

Fish: Generally, in my experience it's private sector housing like in east Portland that was designed to last about 15 years without any sense of how it integrates with the neighborhood. By contrast we get no pushback from some of the beautifully designed housing stuff going on now in gateway and Lents. There may be a debate about who we are serving and location but the design is an enhancement. So I think we're all agreed that you can have deeply affordable housing that's beautifully designed and meet both calls. I'm struck that you have given your first award to an affordable housing development that home forward has been a party to. Home forward serves the very poorest people in our community so they will have as many zero-30 units as they can afford there. With that in mind the debate over the last couple of years is how to cut red tape to get more production. In the area where I think developers have probably gotten the most traction is to somehow cut red tape including design commission review of projects that serve low income people. So there's a specter that we'll see degradation and of design and quality. What is the state of that question? Here you are giving an award to a project that shows that you can continue to have high quality design and deeply affordable but since there's a tension and we're being told to get more affordable housing out the door we have to cut red tape and design review is an area where there's been efforts to bypass you or streamline, what is the state of that question?

Wark: Obviously affordable housing project makes it even more remarkable. I will say that that project would have gotten through on the first hearing if it weren't for an issue with bureau of environmental services. Since I'm talking to you.

Wark: No, because it didn't have that much of an impact on it. probably. Right. Right. So that can be part of the problem is parsing out when it's design review and when it's interagency approvals and coordination. So that's just such a long process and design review is a small part of the overall process in terms of time. We dug up some numbers because of trying to understand what the time delays might be and so by law unless an applicant files for an extension there's 120-day fast track that has to occur. You have to be done in 120 days. On average I think all these projects were at 103 days. So you're always going to have projects that get through less than that and some that get through more. There are a series of factors that you can probably guess what they are. It's whether or not a team comes in fully embracing the process instead of trying to maybe do a work-around,

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what's their proforma, what is their mission, I think that it's kind of dangerous to identify one mission above others when we have so many important issues relative to our city. Those are some of the things that we have been kind of kicking around.

Fish: Speaking for myself when I take visitors into the river district and I ask, which has some of the highest concentration of deeply affordable housing in the city, and I ask them to identify the affordable housing, more often than not they can't.

Wark: Right.

Fish: I hope that that is a value that in Portland we continue to honor, that we believe good design and affordable housing can go hand in hand and we shouldn't sacrifice one for the other.

Wark: Agreed. These are really long term investments. Everyone has been at a building that isn't that well maintained and one that is, one that is easier to maintain, one that isn't. The smallest cost of the building is building it. Largest cost over time is energy use and maintenance. These are long term decisions that have really significant impacts.

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

Moore-Love: Were you going to call up the other people first or -- [audio not understandable]

Moore-Love: Okay. I have about 12 people signed up.

Wheeler: Good afternoon and welcome. Name for the record, please. We don't need anyone's address.

John Carroll: I'm John Carroll, a developer. Developing exclusively here in Portland for the last 20-plus years. I have been involved at the request of the time commissioner Blumenauer to give him three months to talk about streetcars. I have been at it now for 23 years. You put that transportation, infrastructure in a community and put that in the context of creating a city, creating appropriate housing, working on increasing the quality of the community through the design review process, that has been my background and I can tell you that I have been very, very pleased with how the city over the last 23, 24 years has really taken the leadership in keeping the development community, myself, Tiffany can address that as well, but kept me focused on whatever building we worked at, whatever building we designed we wanted to bring it to the commission. We wanted to get through the process but we also wanted a building and creative environment that when you're walking down the street you want people to say, how did they build that building? Wow, that feels good. What's this all about? And I think that is a theme that from our development perspective we try to utilize over the years. The whole design review process people will tell me they complain about it but I'm very pleased and comfortable with the process. David Wark our last project I never had a conversation with him directly before that, but he brought some perspective and we created a better building and I think the city is going to be proud of it. So I can't compliment the commission right now that much or maybe I'm complimenting too much, but they are helping create a city that is safe, that is walkable, that is livable, enjoyable and all of those things. I have evolved, I have been involved with the streetcar for 20-plus years. I'm now the chairman of first stop Portland which has communities come from all over the world to look at Portland. They ask invariably the questions whether they are from Sweden, Australia, whatever they come from around the world how did Portland do it. In telling the story through the commission design review process is very, very important. Next month we have 145 people from Denver, Colorado that want to find out how Portland is doing it. I have just gotten an invitation from Spain to go and talk to their communities about how you develop infrastructure and how you develop communities with density. As my time is running out I say the process is very good here. I compliment the staff, which I have worked with for many years, and I appreciate having been involved with that process. Thank you.

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Wheeler: Thank you so much.

Phil Beyl: Good afternoon. I'm phil beyl, president of gbd Architects. Thanks for the chance to testify in front of you. I wrote you guys a nice letter and instead of trying to ad lib I'm going to read this to you. It's a three-minute letter I promise. My company gbd has been practicing architecture in Portland central city since 1969. We have completed literally hundreds of projects, small to large, navigated the design review process before moving forward to construction. We presented our projects to virtually every design commission since the first one was formed in 1982. We're actively engaged today with the commission. We have six major projects under review. We're pretty familiar with the process. While a lot has changed during that 35 years of history with the process some elements haven't. One of which is our respect for the volunteer commissioners who graciously give their time to protect our built environment. They have always been charged with a very challenging task which is to be the final judge and jury on what qualifies for quality in our built environment. This be can daunting highly subjective in nature and oftentimes substantiated by opinion rather than fact. Does the process work? I think I can say in my own opinion and many of my peers absolutely yes it works. I'm going to borrow a quote from the upcoming doza report, which is to say that there is no question that design review has had a central role in guiding the high quality development that Portland is known for today. I couldn't agree more with that. Very simply describes my opinion as well. But its aspiration was design community might want to be about being completely in control of the design qualities of our projects there's a powerful force out there. There's often pushing back every step of the way demanding that we build our projects bigger, faster, build them taller and cheaper. Design review is one of the few tools that we have to push back against and resist those forces. Design review gives us the distinct advantage that we often need as one of the few tools -- as we often need to push our projects to meet a benchmark of quality that the market would not otherwise achieve. Could the process be improved? Of course it can. Every process can. I have had chance to thoroughly review the doza report and I think there's some very good work in there and very little I would take exception to. Some terrific ideas that could be implemented. Let me be clear design review is not broken if anything it's overwhelmed. Never in my 40 years of practice here have we seen the intensity of development that we still are very much in the middle of in Portland. The impact has been a sudden transformation of our neighborhoods bringing big city challenges that stretch far beyond how best to design our built environment. Will the intensity subside any time soon? I don't think so. I think demographics are telling us otherwise. We created a very livable city and people are attracted to it. Looks like I'm done. Sorry.

Wheeler: You're a good reader. That was very good.

Tiffany Sweitzer: Good afternoon. Thank you for having me. I suspect I was asked here today because I have taken quite a few projects through design review. My 14th project just went through the city, the process --

Eudaly: State your name for the record.

Sweitzer: That would help. Okay. Tiffany sweitzer, Hoyt street properties. I apologize, commissioners. On top of that Hoyt street has also taken through two master plans that also went to design review as well as increasing far from 2-1 to 9-1 and unlimited height when we were limited to 75 feet 20 years ago. So I agree with both Phil and john, the process is very good. I do think it works. I do think it can be frustrating at times. But I think over all it's the commission does a very good job. Countless hours that they spend that they don't necessarily get the credit for and I usually go away with something better than I came in with. What I have seen lately to Phil's point of so much projects being shown and going through the pipeline, a lot of people are ill prepared. They come in whether it is dar

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design review, they are in a rush to get their project through for whatever reason be it cost or timing or trying to get around some amendments that may be in the pipeline. What I have seen sitting there as I'm waiting for my own turn is not a lot of thought given, not the same thought that we're asking design commission to give. People don't take the time to think about all the things John described what really makes a neighborhood, what does it feel like at the street level, how does transportation work with it. So I think that's where design review really comes in and is very effective. They are thinking not just of the building but how it works for everything else around it. I think it is an important tool that we need in this city and I have had quite a lot of success with this commission as well as others in the past and I suspect that will continue as long as we care about the city that I think the three of us here do and I think the commission does as well. So I appreciate them spending many hours listening to all of the progress that is happening in our city. Thank you.

Wheeler: Thank you. Could I ask one question? You said design review is not broken but it was overwhelmed. Are there some concrete steps we could take to alleviate that in the near term?

Beyl: Well, it's a daunting challenge. All by itself. We're in such an unusual period in our economy. It's terrific for Portland in many, many ways but it's also detrimental to Portland and others. The changes, there are several listed in the report. One of which is for example add a second commission so that we could expand the number of people able to review the cases that are coming through so quickly. What we ask of staff, of the commission is unbelievable they spend three to four days of their month every single month upwards of eight to ten hours at each commission hearing reviewing these cases. It's not slowing down or beating them up. They need relief.

Wheeler: Here's a question I wanted to ask with regard to that specific recommendation. You asked a provocative question. You asked a question what does the community look like. There's some subjectivity to that. If we took your commission which presumably has its own history, culture, norms that are established within the context of the design review standards, if we created a completely different commission to take up the slack, if you will, do you think they would be looking at the projects the same way? Would they have the same outcome or is there a particular culture to the commission?

Beyl: I think we could expect that there would be some strong alignment. It would be incumbent upon the staff to communicate that consistency between the different commissions. It would really be detrimental for the two to take divisive roles and look at projects differently than one another. Very, very consider productive.

Wheeler: Or have different standards.

Beyl: Yes.

Wheeler: You don't want one commission to be seen as the one you want to draw as opposed to the other one.

Beyl: There's certainly the opportunity for different standards to happen outside the central city. Standards more appropriate to outlying neighborhoods and certainly a commission that is well-versed in those criteria could be very successful and serve as a second commission.

Wheeler: I don't typically ask questions but you raised some really interesting issues

Carroll: Very Quickly the next committee you form will be an arbitration committee concurring to two commissions mechanisms and that would slow the process down.

Fritz: My understanding is we can leave them on the whole time. The new technology --

Wheeler: I have been pushing this button on the stem to turn it on. I think I'll finally get the hang of it by the end of the year.

Wheeler: Different strategies.

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Fish: I'm sorry. We have had a few appeals in the last year and frankly, the rules allow for it. I'm not sure it's a great thing in part because of all the land use things we do I find it in some way the hardest because it has the most discretion. It has the most subjectivity. Other land use stuff we do is heavily proscribed and the lawyers are walking us through each of the criteria. Any thoughts on why we're getting more and then how we can perhaps reverse that trend? Just speaking for myself I don't want to be the city council that on a regular basis has the final say because I don't think it's the best use of our time and I'm not sure where the best equipped body might be.

Carroll: The appeal process is picking up because you have what I would describe as more out-of-towners coming to Portland. I'm going to get this project I'm going to get it through the commission, we're going to sell it and flip it and make some money. That's one of the mind sets that I'm starting to see. Tiffany you might chime in on that. I think that an appeal process is important. Something is grave and horrible then I think needs to be dealt with. But I would tend to give the commission a little bit stronger hand in that in terms of making those decisions final and not having to kick it up to the commission level. We --

Fish: It's about whether we view ourselves as denovo and we start doing the design thing and what level of deference we give. Whether our job is to make sure there hasn't been some significant procedural lapse versus casually substituting our judgment for some big design question.

Carroll: I agree. Just a parting comment there was a project I was in here while somebody brought an appeal to the council many years ago. I forget who said it, but this person said, well, you know, where I come from, and the council member at the time said do you know what city you're in now? [laughter] he shut up. I thought our fingerprints around the world, the united states are becoming greater and greater as we continue to grow well and grow smart and on and on.

Wheeler: Thank you. Next three, please.

Fish: I think John Russell is appearing by letter.

Tim Heron, Bureau of Development Services: I will do my best to be John Russell. I'm Tim heron with bureau of development services. I can start. John asked me to read this. Unfortunately, he's in san Francisco on business. He felt it important this be read into the record. It's less than three minutes. I asked him to coach it himself relative to this matter John let me know I'm not sure anyone has more experience than he has had starting with eight years on the landmarks commission, four on the planning commission and three on the development commission as chair. He also served as chair of the mayor's business roundtable for ten years, former mayor Katz; with that I will read his letter "Gentle Persons I have a vested interest in the success of design review because it was my idea when I was a member of the Portland planning commission. The project that stirred us to action was the building now known as the congress center which in our opinion failed its responsibilities at the pedestrian level. At that time, we members of the planning commission had only three criteria for approval, height, floor area ratio and parking. I believe then and I believe even more now that in order to make certain that buildings will last for a century and more are a credit to the city we need a more subjective level of scrutiny. I have seen some wonderful examples of input by the design review commission that resulted in dramatically better projects. In particular, the campus housing project at 4th and Harrison initially turned its back on the pettygrove park. Commissioner wark talked about that earlier. In the course of several hearings the building improved to the satisfaction of everyone even I believe the developers. Having said that no matter how well the regulatory statute is written there are inevitably exceptions that don't fit the rules. In the case of design review I don't believe there are exceptions that could save the applicant and the city significant time and money. As a recent example we're spending \$1.5 million

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on reconstruction inside the Cushman and Wakefield office on the terrace level of the 200 market building. We considered recessing the door to the outer terrace 18 inches. Had we done so we would have been subject to design review and the project would have delayed a minimum of eight weeks. We and the design review staff agreed that the change was both de minimis and invisible to the public but staff had no authority to approve it. In my opinion city staff needs to be empowered to make judgments. The safeguard is that staff's decision although final at the time would need to be sent out via notice to the same group of neighbors when would receive notice as part of the regular process. I know members of the design commission and I admire each of them. The city owes them a great deal of thanks for the many hours of volunteer time devoted to make our city a better place".

Wheeler: Thank you. Good afternoon.

Tad Savinar: Good afternoon, mayor, commissioners. I'm tad satisfy knew, vice chair of the design commission currently. David work likes to tell the story of visiting Portland many times in the '70s and '80s before he decided to move here in 1988. He moved here as he tells the story specifically because of its architecture and its built urban environment. He's been the chair of this commission for 2.5 years. He has served on the commission for nine years. The role of the chair is part traffic cop, part city attorney, part architect, part historian, part mediator, part rally squad and many other parts. When I came back from college in 1973 to my hometown of Portland I decided that I would give a third of my time in volunteer services which I have done up until this day. During that commitment to my city, I have sat on a lot of panels and task forces and committee and I have seen a lot of chairs and leaders and facilitators. Never have I seen a citizen volunteer so even-handed, so accurate, so visionary, so considerate and so thorough. The city and its citizens have been fortunate to have a uniquely qualified individual participate and ultimately lead the design commission and I wanted to acknowledge this as a peer but I wanted to acknowledge it in front of you in this room today. We have many thanks for David work. Thank you.

Wheeler: Thank you, sir.

Julie Livingston: Good afternoon. I'm Julie Livingston. I have just a few comments to make this afternoon that may not rise to the same level as tad's. Thank you, tad. The first is I wanted to follow up on a point that David made in his presentation. The Doza report makes a recommendation that we roll out something akin to a citizen's academy. When you receive those materials next week you'll see a recommendation we better communicate the role of urban design and the overlay tool. Doza recommends we do this through improving the public education and information process and we hold applicant orientations on a regular basis. So this is going to be one of the big goals of the design review staff and design commission during 2017. We want to roll out better tools for public involvement. The goal is better participation from applicants, from neighbors, from neighborhood associations, and from all citizens of Portland. Greater participation by the public and greater understanding of the d-overlay will hopefully lead all Portland citizens to be advocates for the design review process because it's fairly clear the reason we love the city we have today is largely due to how active design review has been over the course of the last 30 years. So you will be seeing more appeals. Thank you, commissioner Fish, for asking the question. I wanted to touch on this. Because we are hearing so many more cases now than we have in the past. The appeals I believe are proportional to the quantity of cases in front of the design commission now. Of the four cases appealed since I have been a commissioner, three have been appeals of conditions. So the cases have been approved but approved with conditions. Only one has been an appeal of a denial. Third, commissioner Eudaly, you made reference to density goals and inevitable growth in your introduction. I want to take a minute to focus on the increase in density that we can expect

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in the close-in neighborhoods. There will be a great change in the central city in between now and 2035. The Portland plan I think you know expectation is 135,000 additional households by 2035. Central city will have a great number of housing units. In 2016 there was one housing project in the central east side, 85 units that was approved. So far in 2017, 433 housing units have been approved in the central east side. So the central east side is going to change significantly and we are going to see a major uptick in scale and density of the housing that is proposed in that area. Thank you.

Wheeler: Thank you. Appreciate it. Next three, please.

Wheeler: Good afternoon.

Bob Hastings: Good afternoon. I'm Bob Hastings, architect for trimet. I'm here to share acknowledgements about the design review process with my colleagues Teresa Boyles from pbot and also Tim Heron bureau of planning and sustainability. I'm going to scroll through my slides quickly for the benefit of everyone. The main points I want to make is that we have established a role of collaboration between the bureaus and with trimet. We have created a document over the years, a compendium of elements that have gone before design review. This benchmark is now established a level of quality in the city. This is where we go from, not where we go down. We have done this again in collaboration with the process of design development through the design review advisory process. It's an iterative process established back in the time when we recognize that we had things that we needed to do for our transit projects in terms of elements of consistency, how it runs, how it works, how people understand how to use it but we also had an opportunity to do elements of distinction. These are the ways that you heard the term context relates to the projects that we have done over the years and will continue to do into the future knock on wood. So on the left you have a view of the new shelters on the orange line that provide basic shelter protection for patrons as well as the first ever eco-track put at the Lincoln station. That was not hubris that we did that, that was something that came through the design review process about how do we test and innovate on light-rail projects that actually contribute to the quality of the neighborhoods in which they travel. We also received early assistance with the commission we were looking at alternatives for a long structure over harbor drive. Again, this is a way that our infrastructure projects, lineal building, of 7.5 miles, could contribute every foot of the way to the quality of the streets in which we operate. We have developed this as a process because the commission trusts that we have understanding of what quality is in the public realm. You also see we're so engaged with our public and with our users as well as our neighborhoods in how we implement these projects. Just to walk through some of the projects you're probably familiar with, mall revitalization project in downtown bringing more public art on to the thoroughfare. Changing the nature of the streets and the station so they become more active as David talked about in terms of streetscape for people. Then the orange line, south waterfront, which is really helping move forward some of the other projects from Zidell yards and OHSU. We continue to take that level of quality not just in the D-overlay but through the whole system that we design. Just in making my point is that when I hear about the Doza report, wanting to have a citizen's academy creating capacity within our neighborhoods, within the neighborhoods that we go in, inside the D-overlay, outside the D-overlay. This is extremely important because that's where we hear what people value, what they are concerned about, what are their hopes. We bring that into the commission process and sometimes they are helpful making those points to the commissioner but also that sense of engagement that we have with each commission that we went through. As you look down the road to the future, we are going to be building on the successes and relationships we have established into the future. How those projects play out you'll see coming through on the commission in the future.

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Wheeler: Commissioner Fish?

Fish: I live downtown now, so in a rental apartment with my family. On Easter we got on our bikes and we went down tom McCall, went over to Tillicum, took the orange line as far as the infrastructure would take us -- that's another issue. I hope we build that bike infrastructure out further -- went through the neighborhoods, got to crystal spring, which is an amazing destination then worked our way back through east moreland then did some zigging and zagging then came back through the orange line infrastructure, through the river district and home. What some of these pictures illustrated along the orange line with the plantings, infrastructure, the public art, I love the public art. It's off the chart. The way it integrates into the neighborhood is extraordinary. It's become every weekend our destination because it's a safe place to ride a bike but also so beautiful. It does feel of the place. So if some of that comes through the collaboration with the commission, then I would say that's a hugely successful collaboration.

Hastings: Thank you. To extend that too, made the comment about the collaboration with the different bureaus. In particular, throw a bone, bureau of environmental services we have had extraordinary success in again raising the bar on what we can do with storm water treatment and with the landscaping along the streetscape. We have had very early tentative steps to eco-track at the Lincoln station was again that effort, that actually took eco-roof technology and put it into a public street. So that is now our common benchmark. We're looking to extend that and do more of that into the future. Those opportunities to innovate come with collaboration that we get with bureau of development services, pbot and the others too. Kudos to them.

Fish: Thank you.

Fritz: Thanks for your collaboration and admiration for the beauty of the design. I want to say this while you're here and the design commission. If the shelters could provide more shelter that would be really helpful. They are lovely too look at but there's only a couple of spots where you can stand at not get wet and when it's windy it doesn't have that much sideways protection. As we're continuing to refine our plans thinking about that I would really appreciate it.

Hastings: Thank you, commissioner.

Wheeler: Good afternoon.

Thomas Robinson: Good afternoon. I'm Thomas Robinson. I'm principal at lever architecture I first wanted to thank the design commission on behalf of our team for the award today. That was a surprise. Wasn't part of the thing. One thing I wanted to address is we have been through design review a number of things but instead of talking about design review I wanted to talk about design as a whole because design review is essentially about making sure the buildings are well designed. I think that that good design whether it's public or private, housing, whether it's office, is about creating great experiences for everyone in the city. Good design is an expression of a democratic and open society and I think if a project cannot get through this commission and be approved by the commission it's not a good design. I think we have probably one of the most experienced design review commissions I have ever experienced anywhere in the country and we work nationally and we have never had any issues getting our projects through design review. Actually I think the design review that improved our projects and I think that if people focus on good design that everyone deserves it whether it's public housing or any other project, it will be a benefit to our city. I want to say that and express my support for the work that the volunteers have done here.

Wheeler: Thank you and congratulations. Very impressive project.

Robinson: Thank you.

Wheeler: Justifiably earn.

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Teressa Raiford: Thank you. I'm Teressa Raiford. Again I'm a native Oregonian. When it comes to design review I want to focus on it really quick because that promotes the accountability and effectiveness because of the process that it takes to build those committees that join together to have accountability and oversight for long term goals of the entire project. So I want to go ahead and say kudo on what he said. I want to second that award. But at the same time when we talk about livability for all in the design review and the whole process of including all people, one of the comments that nick said about the poorest people then relativity with trimet, as a person that has been marginalized in my community and the hometown I was born in, my parents and grandfather was born in I have not been able to relieve myself of the marginalization, the criminalization, the perspective that my brown skin makes me poor. So when we say in design review and building a culture of inclusivity we have to acknowledge that partnerships with bureaus that lead to prisons partnered with trimet and increased criminalization of people in those communities as bureaus you have to be respectful to the longevity and the demarginalization of people that are using their voices in civic engagement to bring these issues to the table. In our communities there's no one speaking to that. So again I want to commend the people that came to this table before us because they are talking about doing a more diverse, more inclusive additional committee so that maybe they can bring in that type of perspective. On your end as city commissioners you have to have that type of lens and not be so quick to fund programs that incarcerate and isolate and criminalize. I think that's a partnership that you have with trimet. What I think to look at for the next 20 years is that additional children having their id's removed from officers that are working in partnership with you. I can see more children coming to me for advocacy because they have been paid or handcuffed while riding trimet parents included then those parents losing their children to foster care services and ankle bracelets because they got arrested together for not pulling out their i.d. In a timely fashion in areas that have been redesigned. So to get that on the record is very important because I don't see anyone from those communities that represent social justice and demarginalization of people of color here for this agenda item but I think that's very important because as a state we pass legislation to end profiling and earlier today in the first session we were talking about funding housing for people that might be informants working with the police to basically investigate people illegally. Thank you for the opportunity.

Wheeler: Thank you all for your testimony.

Wheeler: Good afternoon.

Noel Johnson: Good afternoon. I'm Noel Johnson, a developer in Portland and I'm pleased to be here. It's an important subject. I want to first by acknowledging a few things echoing the previous developers in terms of the huge volunteer civic commitment, past and present members of the commission made. I am unbelievably impressed by what professional caliber and genuine focus is here. You heard from the commission members and that extends to all of them. I also think it's important to mention the tradeoffs that we face in this discussion right here because there is this dynamic where if you don't know what Portland was like before design review had its influence and really had the ability to prevent the bummer of buildings that so on do occur, you don't know what you don't know. So I have developed over 20 institutional scale large projects but the architect, developers and engineers my age or younger don't share and don't have some of the context that the developers you've heard before me benefit from. I think you're not hearing concern or lack of frustration that they have as their projects go through the system. In my concern is that without appreciating the benefits of the system demand that the system be thrown away. So go block is one project I worked on with a great team and we didn't put 200 additional units even though it was allowed outright on top of the grocery store we were building.

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That's a bummer from comp plan standards. It took 19 hours of design review hearings undoubtedly the project got better but 19 hours over 303 days, which is a bit longer than the 120-day goal. That has been really hard for me to explain, the tradeoffs, to my peers and my age. I want to raise the red flag that we're all aware of that going forward as we seek to improve the system and make it better because it is valuable. So I just want to share that perspective.

Wheeler: Thank you. That's an important perspective. I appreciate that. Thank you.

Fish: Mayor, I move to accept the report.

Fritz: Second.

Wheeler: Motion by commissioner Fish, second by commissioner Fritz. Is there any further discussion or questions? Hearing none please call the roll.

Fish: First thank you for an outstanding report. I love this power point and I have been struggling to figure out where all these buildings are located. Now I have some homework. [laughter] I love the fact that you have chosen an affordable housing project with your first design excellence award. I especially love it because while home forward is one of the partners on this project, many years ago home forward then called housing authority of Portland was thinking about a signature building in the same district and at that time was toying with the idea of partnering with Frank Gary. Which I thought in concept was an okay idea but it turned out it would have been the most expensive affordable housing development in the history of the world. Would not have been good for Home Forward's brand to do that. So I think it's especially wonderful that you're honoring a building using innovative technology, keeping the costs down and delivering a beautiful and cost effective building without the glamour of some international architect, not to say anything, wonderful architect firm but I thought the Gary thing was too much on the vanity side. The fact that it's affordable and beautiful is wonderful. I hope that sets the standard for other people doing affordable housing because in my view, our value system should be very simple. We build train stations for people and they are beautiful. We build libraries for people and they are beautiful. We're going to spend a fortune to rebuild our high schools and public schools to make them functional and beautiful. Where is it written low income people have to live in buildings that are not beautiful and why should we ever subscribe to that as a value? They should be built to last, energy efficient and sustainable and beautiful. If I take one thing away from this hearing, and it's been reinforced in a couple of appeals we have had, it is that you need more resources. I'll be interested to hear from the commissioner charge whether that is a combination of staff resources and expanded commission but since we're going through unprecedented building boom, it almost felt as what happens when the senate doesn't fill judicial vacancies and you have a smaller number of judges doing twice the amount of work. That doesn't seem fair. If people choose to opt out because they are frustrated, I think council will start sending a message that you have to put in the time. We don't want to be the opt out with people that don't engage the process. We can't set that precedent. So if we need more resources and more commissioners, I will look to the commissioner charge to make that recommendation. That seems to make sense at least for this period of unprecedented growth. It really is a wonderful presentation. I appreciate everyone who took time out to testify. Proud of your work and pleased to support it. Aye.

Eudaly: I want to thank the design commission once again for their service to our city. I also want to thank the people who came here to testify today. It was especially nice to hear from local developers and architects speaks out in support of our design commission because as is often the case, the detractors are often the loudest in the room and it's gratifying to hear from people that have decades of experience with this process that they are supportive. I had a really hard time deciding what I wanted to be when I grew up which is part of how I ended up here. [laughter] architecture and urban design is a special

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interest of mine. My favorite comfort reading is a pattern language by Christopher Alexander. I am thrilled to get to work with you, get to know you and be involved in the process of improving, expanding, our service to the city as well as helping create better design commission customers or consumers. I think that's an important part of this as well. So thank you again. Aye.

Fritz: Thank you, everybody, who came today and for this great presentation. Thank you very much for the design commission for all the work you put in and David for your leadership. I don't remember having a vice chair come in spending his entire time saying how much he appreciates your leadership. Obviously heartfelt. So thank you on behalf of the council as well. One of the legacies of former director Paul Scarlet in the design commission reflecting our community. I hope that if there is a second one that similar attention would be made to make sure the broad spectrum of Portland will get to serve on it. Will be paid by everyone with Tim Heron at the helm I'm sure that will happen so thank you very much for your work. I actually have family appeals that we have had coming to council fascinating. Always helped me understand why we prefer to have you do the hard work. [laughter] it's not my area of specialty but certainly an area of interest. Thank you for this report. Aye.

Wheeler: I would like to thank everybody for bringing this forward and commissioner Eudaly I appreciate the good, hard work you've done early on, on this. This is a very timely report. It's important for us to hear the good things that are happening with regard to the design review process. I want to applaud the leadership and want to remind everyone; it does not pay very well. It's a gig. In many cases it's thankless and takes hundreds of hours. I want to applaud you for your service. I want to be mindful of something we heard during our testimony. This is a good platform and it's one that we can build from. We heard former chair Russell describe what he saw were some of the strength and evolution over the year. We heard current design review commission members talking about the great architecture being built in the city and being enhanced we heard from some developers through this process which I think is a great strength. We can never be too confident in our own views of what community really is. Who community is. I know there's an effort on your part to try to diversify the design review process and be more receptive to voices that maybe have not historically been around the table when we're describing what the community's look, feel and character is. So that's an important statement that we have to keep front and center. The second one that I think I heard, I don't want to misspeak, but I thought I heard a generational question being raised as well. By design, use that word, the design review commission has people at the top of their game who are illustrious and highly qualified professionals. And yet there's a lot of young people in this community who seek to follow in your footsteps and they have a lot to learn and a lot to benefit from your experience. I think there's an intergenerational sharing opportunity here. One individual testified that maybe we aren't quite getting that sharing opportunity quite right. Therefore, it's manifesting itself as a bit of frustration. What's with these guys? I'm trying to build a building and they are asking all these pesky questions. I'm filling in the planks. Maybe there's a real opportunity there and I look forward to exploring that in a little more capacity particularly as people in your field get to the end of their careers and like you say I want to start giving back something to the community. I can never stress enough the intergenerational values and sharing is so important to this young generation. As is the diversity question. Like everybody else I look forward to any suggestions or thoughts or ideas commissioner Eudaly has with regard to this process working, collaborating with all of you. It will be an interesting conversation in the weeks, months and years ahead. Thank you. I vote aye. The report is gratefully accepted on behalf of the city council. Just for the

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record we had an item 382 we didn't finish this morning. Because we're late do you mind if I put it at the end of the agenda it's an hr issue?

Item 389.

Wheeler: Commissioner Fish

Fish: Thank you, we're going to invite forward four distinguished guests, the deputy director and the principle engineer of the water bureau and Stephanie Stewart and John Larson from the Mt. Tabor neighborhood association so if you all could come forward. Gabe, is it just you? So is Mary Ellen. So, let me just tee this up, as follows. Colleagues, following the decision to disconnect the mt. Tabor reservoirs from our drinking system in 2015, council passed a resolution committing the city to ongoing work to preserve the reservoirs. I want to thank commissioner Amanda Fritz for her genuine partnership in helping to reach that agreement. That resolution ordered the water bureau to partner with the mt. Tabor neighborhood association on planning and implementation and to present regular updates to council. This is the first annual report to council, we've had six-month reports and so I want to turn it over to our guests, who will be presenting the report that's in your packet.

Gabriel Solmer, Portland Water Bureau: Thank you so much, commissioner. My name is Gabriel Solmer I am the deputy director of the water bureau. It is a true pleasure to be here with this particular group today to bring this report to you I am delighted to sit with this particular group of presenters which would not have been feasible two years ago or 14 years ago, as you know. So I'm joined by Mary Ellen Collentine, our principle engineer. And John Larson to my right. And Stephanie Stewart of the mt. Tabor neighborhood association.

Fish: I apologize to Mary Ellen, I had the name, Theresa Elliot and so I was having a psychic I was trying to figure out how this was working. So we're joined by the principle engineer, but the chief engineer of the water bureau, Theresa Elliot is in the back, just to make sure we get it right. [laughter]

Solmer: I was going to introduce our chief engineer, Theresa Elliot and our community representative, Terry Black, is also in the audience who's done a great deal of work with the community on this project. And so, I will leave it, first, to Mary Ellen to walk us through the report. It's not very long, but it is fairly detailed and goes through the history of this project, which is pretty fascinating. And I'll have John and Stephanie go through about where we were and how we're moving forward.

Mary Ellen Collentine, Portland Water Bureau: Thank you very much. I also wanted to do an additional recognition of some other partners with what we had with what I call our core team. We've had George Izovoy from parks bureau who's been integral in our meetings, along with two other neighborhood people Bing Wong and Kim Lakin. And, David Gray and Terry Black from the Portland water bureau. That group comprises the core team. We have been diligently working together, as a group, for over a year now. We've been meeting monthly. We've also -- some members of the mt. Tabor folks have been meeting monthly with other water bureau folks, with the mt. Tabor disconnect project so we've been having a lot of communications and I wanted to touch briefly on a few highlights in the report. I think John and Stephanie's words are important to say today. So, from a communications standpoint, I think we have been communicating very well. We have -- we've developed a really good working relationship and we are continuing to develop a good working relationship. Sorry. This Mike is sounding funny to me. Anyway, we have been working very -- we've been working together to try and develop -- or have a relationship where we can be honest and open and transparent with how we deal with each other and I think we've achieved that and I will let Stephanie and John confirm that in their testimony. I should also say that my remarks follow the points that were outlined in

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the resolution. The first point in the resolution was communications. We've also been working, for the last year, on a water management plan. Part of the resolution said that we had to maintain 85% level of water in the reservoirs after they were disconnected. That poses a challenge for the water bureau, we've never dealt with managing non-potable water sources before. So for a year, we've done water quality testing and developed a draft management plan to help us understand better how we're going to manage that water. We are hoping to solicit feedback from our neighborhood partners within the next few weeks now that the draft plan has been put together. The plan is a work in progress because over this next year, we are going to be testing how well we can manage that water in order to maintain some level of water quality and to be sustainable in our practices. So, how that works out over the next year is still yet to be determined but we will be working with the tabor folks and with environmental services to make that happen. So, from the standpoint of historic preservation project itself we have done a significant amount of work over the last year. I know it's probably not apparent yet. We've started out with hiring the original author of the 2009 historic structures report and updated and amended the historic structures report and developed a list of extremely high priority projects together with the neighborhood. We've also -- along with that, we've hired a historic preservation consultant. Moving forward with replacing the -- the chain link fence that protects the dam face between reservoir five and reservoir six that was put up in the 90s and has been a source of irritation for the neighborhood out there was it is not historically compatible with the reservoir historic features, we are moving forward with getting that out to bid in the next couple months and we'll be replacing that fence with something that's more historically compatible. I wanted to touch a little bit on our budget. We had requested and received a budget last year and we're only going to spend about one-third of that budget and we've requested carryover for this coming fiscal year. We've requested about \$1 million because between the carryover and the request for this coming fiscal year, we would be able to carry out the first list of the top priority projects, which is about \$1.3 million. We know that there have been questions about why we have not expended all of the funds from this fiscal year and I just want to say that we've been working really hard to do the planning level effort necessary to get to where we are today, to where we can, you know, get a design professional onboard and start putting bid packages together. So, although it may not look like we've been doing much, we've actually been working hard and done a lot of preparatory work to get to this point. We have a lot of momentum so we're hoping that our funding request will be approved and that we can continue with doing the projects that we have been working on. I thank you very much for allowing us to talk to you today and I'm going to turn it over to John and Stephanie.

John Larson: Thank you. Thank you, all, for allowing us to be here today. Thank you, mayor wheeler and commissioners, for your time. We're actually really happy to be here, to be able to tell you about the productive partnership we've built between the community and bureau over the last 21 months. We've poured hundreds of hours of great work into this project and we're also here to celebrate the fact that with the council's leadership and thanks to the determination and diligence of those sitting at this table, together with many others, we really have succeeded in taking what was a bitter legal confrontation between the community and the water bureau and built a good and positive and rewarding relationship. Finally, we're pleased to be able to come before you to tell you about the enormous momentum that we've built together. After a year and a half of deliberate and methodical preparation this partnership between the community and water bureau is now poised to launch a well-considered carefully-planned projects. It took 14 years to get to this point. While we won't retell that saga -- I'm sure commissioner Fish is happy.

Fish: We all have scars. [laughter]

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Larson: We do want to provide some context for the written report you have before you today. It takes you through the last 12 months of our activities and our works in progress. Two years ago, just about exactly two years ago, the water bureau and community were at head and on the brink of that legal battle, and continuing on to Luba and perhaps beyond. Then, at your request -- at the request of many members of the city council, a small handful of us, Theresa Elliot and David shaft and Stephanie and myself and others sat down to talk. After a long and arduous and stressful negotiation, and to everyone's pride and our own we hammered out a compromise solution. A solution that's embodied in resolution 37146. And that solution, as you know, was definitely a compromise. By no stretch of the imagination did the community get everything it wanted, nor did the bureau get anything it wanted. But we found a path to avoid continuing litigation and an exit strategy from that difficult situation and a path we sincerely hoped would work for both the bureau and the community going forward. That solution required that everyone on both sides of this to take a leap of faith, trust the agreement we had reached and it required we all set out on that path in a spirit of good will and the fact is, we all did that. We looked past our historical animosity and worked very hard to work together. It has not always been easy but we have been far more successful than we anticipated or, frankly, than council anticipated. We talk about this a lot. It's evidence we think for what can be accomplished to heal a city bureau and community when people sit down to talk with good will to talk with each other instead of talking past each other. And I will say that we built in these reports when we were negotiating the solution, we, and the water bureau leaders, built in these reports because we thought it would be a way of coming to a neutral arbitrator if we were struggling with each other. That's manifestly not the case. We have built a very good working relationship and we want to thank you, commissioner Fish, and you, commissioner Fritz, for your leadership on this situation and for your trust in us and for all of your support in helping to make this process possible.

Fish: That's very kind of you to say. We have two new members, I want to acknowledge that we invited commissioner Fritz to come into this conversation and she could have said no, she had a million other things on her plate. We felt her partnership was necessary. I think of the number of things that ended up coming together, I think Amanda agreeing to step in to the controversy and partner with the water bureau was crucial, as was what you described, which was your willingness to sit down and do the face-to-face negotiations with the bureau, without people there to monitor it and to see if you could reach a deal and those were two parts of the process, which I learned a lot from. So, I -- I want to acknowledge that Amanda's participation, in my view, was crucial.

Larson: Absolutely. We would say the same. I'll turn it over to Stephanie.

Stephanie Stewart: 21 months ago, we came to council and presented you with an elegant solution to what seemed, to all of us, to be an intractable problem. Our solution did not involve a costly redesign of the site. It did meet the requirements imposed by multiple levels of local, state and federal regulations for historic resources and it dealt with the shared responsibility we have to care for historically owned public resources and spaces. That solution recognized that the water bureau must continue to own this site because the pipes beneath it are essential to the drinking water system. It honored the city policy that capital assets must be maintained. We want to be clear about the last point, it's the most cost-effective solution for achieving all of the above. You applauded that solution and you sent us away with a charge to keep working to make more solutions and to keep this solution viable and we've taken that charge seriously. Garnering from other people and investing ourselves, literally, hundreds of hours of free labor. We, too, John, and myself, volunteer in our community because we value public service and civic engagement. We have been working on this issue for years because protecting a park benefits a wide cross-

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section of Portlanders. We're also participants in a long history of civic engagement, in which all residents around mt. Tabor have worked to secure that space as a park to benefit all Portlanders. As you move into budget season, we hope you will support the momentum we've build up and help us. Less funding would be devastating given construction contracting. Postponing the funding would damage the trust we've built with our constituents and we hope that your acceptance of this report signals your continuing support of this hard-won partnership between the public and the bureau. Thanks for having us today.

Wheeler: Any further questions for this panel? Is there any public testimony?

Moore-Love: No one signed up.

Fish: Move to accept the report.

Fritz: Second.

Wheeler: We have a motion for commissioner Fish and a second from Fritz. Roll call.

Fish: Thank you for the report. And, this is a joint report. It's not written by either party, it's jointly submitted and I appreciate that. Thank you, John and Stephanie, for the history lesson and also for your gracious comments about the state of the relationship because that means a lot to the people who I have the honor of working with, that we have developed such a strong partnership. This was intended to be a place where if things were getting off-track, you would tell us. That is the value of this forum. I feel very strongly that we have to honor the commitment we made. If one were to look at this in the abstract, one might reach one conclusion. Having lived the history and understanding how much effort went into this, what kind of compromise this represented and how important it was in securing broad support for this path forward, I think we must honor the commitment we've made and so that's my commitment, as a commissioner. But I -- we greatly appreciate the partnership and look forward to when the work is completed and we have restored the historical integrity of beautiful reservoirs and it becomes a place future generations come with some pride and look back at an important chapter in our history thanks to the team. Aye.

Eudaly: Thank you for the report, as you know, the whole ordeal predates my arrival on council and I'm going to go back and read council resolution 37146 to give myself a little bit more grounding. I'm happy to hear that it was the most cost-effective solution because as you can imagine, we have a lot of competing priorities in the budget this year and every year. Aye.

Fritz: Thank you very much for this report. Thank you for your comments, commissioner Fish. Your version is not exactly how I remember it. [laughter] we got to the right decision in the end and that goes to something you said, Mr. Larson. I wrote down, I was not surprised because I had trust that the process, the neighborhood, the good people at the water bureau, once we were able to get you to talk to each other, you'd get a solution. I was surprised when you had that solution at the land use appeal hearing. There were concerns that as judges in that decision, we should not know what the bureau and neighborhoods had been doing. So I think it was most -- one of the most stunning moments at council for me when you came together and said, this is the plan and here's the agreement. We had the accompanying resolution about were going to take of the neighborhood concerns about the reservoirs and, that was fabulous. It's one of the times commissioner I have particularly appreciated your leadership. The other one, I would have to say in my first term, your first full term, which is when you and I saved the rate payers \$500 million by persuading commissioner Leonard to not build a filtration system in the bull run watershed. That was a quite momentous vote, which I shall cherish always. I gave you the spirit of Portland award in 2015 in recognition that you had done the hard work and I'm really happy to hear that you're continuing to be able to set a shining example. It would be

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a breach of good faith of the worst kind if the council doesn't continue to fund this. We did leave it open as to whether it should be rates or general fund. At some point in the future, we might take a look at that. I'm committed this budget cycle that the funding that's been requested should and out of the general fund and I shall support it with every breath I take. Thank you, commissioner Eudaly, for saying you would look up the resolution. I almost would like to go back and look at my video because I'm sure my jaw dropped practically to the ground when you came in with the solution. Thank you. It's good know that we can trust our bureaus to do good things, we can trust our community to do things and trust our neighborhood associations to be inclusive to work for the good of everybody and speak up and other people can't. Thank you. Aye.

Wheeler: Hard work, great resolution. I want to put a quick asterisk by accepting the report I am not accepting the budget request, that being said I'm hearing what my fellow commissioners who fought this battle alongside of you have said and the word of priority councils does mean something to mean and so we'll work hard to make it work in the context of the budget. Accepting the report is never an acceptance of any budget obligation. That's my blanket statement. Thank you for your hard work on this, your volunteer hours. Commissioner Fish never ceases to amaze me with his diplomatic skills, it seems to run in his family.

Fish: My diplomacy, in this case, was to get out of the diplomacy. It was uniquely a deal struck by bureau leadership and by community leadership and that's probably why it came together.

Wheeler: A great general once said, know which battles to fight and know which ones to run from and the second is probably the most important. Commissioner Fritz, why you would agree to jump into this is beyond me, but I'm glad you did and it sounds like between you and commissioner Fish, you were able to work closely with the neighborhood organizations and hammer out a great solution. So, kudos to all of you for doing something positive. I'll vote aye and the report's accepted.

Fritz: Just as a point of information commissioner Saltzman also supported it.

Wheeler: Thank you very much. The next item?

Fish: And our final item?

Wheeler: Possibly. We didn't get to one item this morning.

Item 390.

Wheeler: It's my understanding that Paul van Orden oh, there's Paul, right in front. Greetings, sir. If you want to kick us off and I've got the run of show here. Why don't I let people know, just what the run of show is, while Paul's getting that set up. We'll hear -- this is a formal hearings process. So, we'll hear from the appellant for 10 minutes. We'll hear from supporters of the appellant for two minutes each. There is a sign-up sheet at the council clerk's desk. We will then hear from the principle opponent, that is Paul, the noise control officers, that is 15 minutes. Opponents will have two minutes each again you can sign up with Karla. We have the appellant rebuttal after that, for five minutes and then council discussion, as-needed. I want to be very clear for people, these are not arbitrary time limits I'm establishing, this is time established in code. With that, Mr. Van orden?

Fritz: Press the button.

Paul Van Orden, Office of Neighborhood Involvement: Sorry about that. Members of city council, I'm officer Paul Van Orden. I'm the noise control officer for the city of Portland. Today, we have an appeal of a construction noise variance from citizen Dave Mitchell and 22 members of the 937 condos at 937 northwest glisan. Two of the people listed on the appeal have contacted the city and have asked to be removed from the appeal after researching the specifics of the approved noise variance. They are Miguel Fernandez and alexander Wilmerding. I handed an email to the council clerk for the record. The

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construction noise variance appeal today and the flow of it has been laid out by the mayor, who's going to clarify that. The variance is being appealed today as -- the variance being appealed today relates to a construction project by Bremik Construction. After initially issuing a noise variance for a single concrete pour at 485 Northwest 9th, to occur back in October of 2016, the contractor, Bremik Construction, misinterpreted the bounds of that variance and performed a concrete pour on March 16, 2017. A new applicant from Bremik Construction thought they were covered under their existing noise variance and misinterpreted the variance and performed a pour on that date. The noise office responded to a noise complaint from citizens regarding the early-morning pour on that morning and cited the construction company for that infraction. After the initial variance occurred, the noise office was able to have a meeting with Bremik on Wednesday, March 22, about a week later, and met to discuss the parameters of their project at this location and came to an understanding of where the misinterpretation by the employee was and requesting a noise variance and misunderstanding that it was just for one day and was not for all the dates that they required for this particular project. As we sat down and discussed the upcoming pours, there were many pours on the plate, but six particular pours that clearly were going to operate for more than the allotted time in the city code for loud construction activities. After meeting with the contractor, variance changes were submitted and renotification to all neighbors within two blocks was required under a modified noise variance or revised noise variance. Along with requirement to set up an email notification to any neighbors who wanted to specifically have regular details on the project and not just the overarching details of the variance. City Council has received materials, including a few emails and a copy of the revised variance, to which Mr. Mitchell and neighbors have based their appeal. I'll step you through the background on the noise variance process. And leave my further explanation of the concrete pouring processes and our variances for my 15 minutes after the principle opponent speaks. And so -- not sure how I just hit, start. Sorry, I'm a Mac guy. My apologies. There it is.

Wheeler: Karla, what would we do without you?

Moore-Love: We're not there yet.

Wheeler: We'd get nothing done.

Van Orden: My apologies. Just for the record the noise variance we are speaking to is 388951-001 denotes that it is a revised variance, not the first variance. The -- the noise code for the city of Portland has delineated two different concepts for construction in the city of Portland. There are loud construction hours from 7 a.m. to 6 p.m. Those are Monday through Saturday and those allow construction companies the greatest flexibility in makes noise up to 85 decibels during those hours. There is a concept sometimes lost and confusing, which is that outside of those construction hours for the city of Portland, you are able to operate and do construction, but you must meet the baseline standards for the city's noise code. Those very radically based on the specific land use and zoning pattern of a neighborhood. For the Pearl District, we have an almost ambiguous zoning type that ends up turning into an industrial zoning for the noise code, which translates into 75 decibels. When a complaint is received, daytime it drops down to 70 and then after 10pm that standard drops down to 65. The second component is that the noise variance process for the city of Portland has two delineating layers. Larger projects like the rehabilitation of the Hawthorne bridge or Sellwood bridge are large projects that come before the city's noise review board, large projects, large events that don't have a history with the city. Those are a small number of the variances we process annually. So in fiscal year 15-16, we processed 603 variances in the city. 96 of those were for construction-related work and nine were noise review board-related. Just a little bit of background on our variance system.

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Fish: I'm living in a rental apartment now in the middle of a lot of construction and I have a slightly different view of this issue now because of its impact on just our quality of life. Would you remind us, what's the reasoning behind allowing for one of the set -- one of the weekend days to be -- to be -- exceed the noise levels, the Saturday, 7 to 6. For us, it constructively evicts us from our apartment on Saturdays. Remind me what the thinking is on that?

Van Orden: So, I hopefully am not going to be too off on the history. When the noise code was written back in the early 70s by dr. Paul Herman, the concept was that that was an accepted practice at that time and the city was much smaller so you have to remember, we were not seeing as many projects occurs on to Saturdays or late into the evenings so the concept that was delineated in the city code was recognizing six days of construction and as you may recall from some of our dialogues over the last few years, many cities are allowing seven days of construction. I can't say what the pattern was in the united states, but we are still ahead of the curve in terms of limitations of construction in cities in the united states. The thought process, back then, was that it wasn't an encumbrance in the community. Our patterns have clearly changed.

Fish: I would like to follow-up on you with this question and what the plus and minuses are today with cranes at every corner, of allowing Saturday construction and whether the hours of 7 to 6 makes sense. I think there's a big difference whether it was moved to 9:00 so you got a decent night's sleep, rather than being woken up early from construction.

Wheeler: I should clarify, questions from the council, when there's questions, Karla stops the clock so it's not taking away from appellant or opponent time I just want to be very clear about that.

Fritz: I think we lost a minute with the technical hitch.

Van Orden: To jump into the process of reviewing noise variances. Within city code title 18.14.020 delineates that variances Section d, the review of an application and its merit shall include consideration that lease the following. One the physical characteristics and times and duration of the emitted sound. Two the geography zone and population density of the affected area. Three, whether the public health, safety and welfare is impacted. Four, whether the sound predates the receivers, meaning the residential neighbors. And five whether compliance with the standard or provisions form which the variance is sought would produces hardship without equal or greater benefit to the public. And six, an applicant's previous history if any compliance or noncompliance and so in this particular case, all of those measures were looked at. What I wanted to just outline before I walk through a concrete pour in my 15 minutes, is a little bit of background of the unique challenges we face with concrete pourers in the city of Portland, the duration of set up time, actual concrete pouring, the finishing of the concrete can well-exceed the 11 hours within the city code to operate from 7 a.m. To 6 p.m. We have had a very unusual year this year with weather, between the snow impacting the construction industry and one of the wettest marches on-record, so weather issues including snow, it made it hard to schedule pours. Transportation some of the requirements with light rail alignments or limited access can impact how we're going to operate a particular concrete pour. The availability of concrete product in such a large construction boom and people who actually finish the concrete and the availability of specialized equipment can play a big factor in the process. Finally, just as a note, although this was not the factor in this particular part of the variance, the initial pours, hot weather limitations do play an impact on the projects because of cure times and also the sensitivity of trying to get in, get the project done so workers are not out in an entire day of hot weather, so we also take that into consideration. And so, I want to leave my actual explanation of an average concrete pour for my 15 minutes. But I wanted to make sure that I mentioned to council, for part of this process, I want to ask council to

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take a tentative vote to provide staff a written order for council's adoption at the next meeting. I ask that you continue for next week for a final vote and we'll circulate a draft of the order consistent with your tentative vote for council to council rather and to the appellant. I just wanted to mention that and give the appellant an opportunity to present their case.

Fritz: You mentioned about concrete finishing, what is that?

Van Orden: After they've actually poured the concrete, they can't just walk away from it. They actually have to put a finish on it and there are several machines they use. You may have seen it, it looks like a hover craft and they move around and make sure there's a consistent finish. It's not a quiet operation, but it is quieter than some of the other operations. That is a final phase after all the concrete is actually poured. Especially on flat deck, not the columns or facade walls.

Fritz: So that happens after the concrete has set or before the concrete has set?

Van Orden: Technically I will let bremik tell me if I'm wrong. The concrete is still curing. It's hard enough to do the finish work, but it hasn't fully formed to the point where it's a finished product. Some of it is happening as they're starting to work on the finishing element and after you see a fully-poured slab or deck, then they're working to get that nice finish. I believe this is a building that will rely on the final product to be the actual product that people walk on so they have to be extra sensitive of the finishing approach.

Fritz: So what I'm hearing is the whole process takes longer than -- they couldn't start later in the day if they were going to finish it in the same day.

Van Orden: Say that again?

Fritz: The option of starting later doesn't work because the whole process takes longer than a business day; is that correct?

Van Orden: The supply of concrete is an industry standard they focus on supplying early on in the day. If we're looking to require folks to pour and go late into the evening, then we need to work to make sure the noise office is in a comfortable position for an industry that is focused on supply. They are getting the concrete poured and the finish point is when they're no longer having concrete trucks coming in.

Wheeler: I want to make sure I understand this. They're asking for six days to extend the current time limits?

Van Orden: Yes.

Wheeler: For this reason, that commissioner Fritz just laid out.

Van Orden: And to insure that the particular pours I'll lay out in my 15 minutes, they are under the gun on an average project to finish in that timeline, if they run into any challenges, it gets to be an even longer time frame, such as a pump truck gets clogged.

Wheeler: And I understand that. I'm sure they'll tell us some other challenges, as well. But at the core, what you're asking this council to arbitrator is whether or not we should give them those six days of variance to the current noise codes? Is that what you're asking us for?

Van Orden: Yes, that's correct.

Wheeler: Are those six days in a row or six days over a period of time?

Van Orden: They seem to be operating fairly consistently within a week and a half, two weeks, they get a deck finished.

Wheeler: This is coming to council because these always come to council or is this coming to council because you haven't been able to reach an agreement? Or why is this coming to council?

Van Orden: The construct -- I may be off on this and the city attorney may need to clarify. Since the noise variance process is a quasi-judicial process, when the noise control officer or the noise review board makes a determination the community has a right to appeal that

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determination so we don't see many construction noise variance appeals, but members of the council who've been here for a little while may recall now that we're becoming an actual city and we have density, we're starting to see more of these.

Wheeler: So they're going to ask us for an appeal and you're going to talk for 15 minutes on why you don't think we should agree to that?

Van Orden: Yes.

Wheeler: Thank you. Next up, it looks like David Mitchell, representing the 937 condominiums and Mary Sipe from the livability and safety committee from the pearl district. According to this, you have 10 minutes to use however you'd like.

David Mitchell: Good afternoon.

Wheeler: Good afternoon.

Moore-Love: Hit the button on your microphone there, on the plate there. It needs to light up green.

Mitchell: For the third time, my name is Dave Mitchell. My wife and I have been residents of the pearl district since moving to Portland from san Diego eight years ago. Although I still work part time most of my days are spent as a volunteer with various community organizations. I believe that the most effective way to influence the quality of life in ones community is to be engaged and shape events and outcomes. In support of this belief, I serve on the board of the pearl district neighborhood association I chair the neighborhood associations livability and safety committee. I serve on the emergency preparedness committee. I put on a yellow vest for the pearl district foot patrol and go out every two weeks. I serve on the board of the non-profit friendly streets association. I'm on our condos hoa board I'm a member of the leadership counsel of psu's senior adult learning center. I mention these involvements only to convey to you that I'm not some cranky old guy in the pearl who's here to waste your time on some self-serving bone to pick. Today, I hope to seek your help in maintaining an appropriate balance between the city's economic interest and the livability concerns of the 8,000-plus people who make the pearl district a home. The exceptional level of construction activity in our neighborhood is absolutely without precedent with more than 20 high-rise buildings now in the pipeline and less than one-half-square-mile. The impact going on simultaneously has tested the patience of all of us. We endure daily doses of early-morning equipment delivery, dust, diesel fumes, jackhammering, pile driving on certain projects and sidewalk and street closures that go on for as long as 18 months per project. I'm here as a representative of 22 fellow residents of the 937 condo buildings that's located northwest glisan street from the site of the canopy by Hilton boutique hotel. We who have signed this appeal, to the noise variance, readily acknowledge that we live in Portland's most densely populated area and understand that this is a part of real estate development. We're willing to accept the state of affairs, but only on the condition that the laws are properly and consistently enforced. There are occasions when lapses occur and exceptions are made in this enforcement. The result being disruptions that exceed what most thoughtful people would consider reasonable. Our appeal, which is described in a letter to you concerns just such an intrusion. Half of the units in our building 57 face the canopy construction site and only 55 feet separate our building from the canopy structure. Despite a few glitches, the brevik construction company has done an exemplarily job in notifying us about what can be expected at their project in the next week or two. As background, on Thursday, march 16, I was suddenly awakened at 5:15, when brevik began a concrete pour without notifying residents in advance, as they had promised to do from the get-go and as they had on previous occasions when there would be unusual things occurring. I complained immediately in an email to the contact at brevik and emailed Paul Van Orden about this unannounced intrusion. Paul got back to me with a 9:30 email and asked me to provide details on the

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early-morning pour and I got back to him at 11:00. The following morning Paul sent me an email confirming brevik did not have a waiver to conduct a pour before 7 and he encouraged me to complete the paperwork to issue brevik a citation, Pauls email included the statement "I am not looking to add more pours before 7 a.m. At this point". Paul then called me on the phone to reiterate it was not appropriate for contractors to conduct concrete pours before 7 a.m. I assumed this matter was closed. Then and I other residents received an email message from josh at brevik on march 26, which informed us that the noise control office had granted brevik a waiver on March 23rd to engage in six concrete pours, two as early as 4 a.m. And four that were as early as 5 a.m. I was astounded at the reversal of what paul had told me less than a week earlier. I emailed him, expressing my dismay at his 180-degree reversal. He then emailed me back to report that he had granted the noise waiver after a private meeting with representatives from brevik. I emailed Paul expressing my serious objection and told him I was going to file an appeal with 22 other signatures. This comes directly at the expense of many of hundreds of people living within a block and a half of this construction site to be able to sleep until a normal wake-up time. The bottom line is we have no quibble with their start times. All we ask is that the regular hours of construction be adhered to and not modified to fit the needs of the contractors. We respectfully request that you overturn this variance and brevik has to do the allowed hours in the remaining four concrete pours. Thank you for taking the time to listen to this matter. I'll like to ask Mary Sipe for her comment. Thank you.

Mary Sipe: I guess I only have three minutes. So, I'm going to kind of jump around here a little bit. First of all, let's be clear that the normal hours are from 7 a.m. To 6 p.m., an 11-hour window to start and complete this project. What we're talking about are starts before 7 a.m. With the construction of the many high-rise buildings in the pearl district, one of the loudest and most disruptive are these concrete pours. There will be as many as eight concrete trucks sometimes on-site and two big pump trucks. It sounds like a jet runway. In addition to the noise the lights on the tower crane come on at 4:00 in the morning and shine into the people's bedroom windows. If you're not awakened by the noise, you'll be awake by the light shining into your bedroom. I gave you each some packets of information and in your packet, you'll have a map and if you look at the bottom right-hand corner of this map, you'll see where this project is located and you'll also see the number of projects in our neighborhood that are literally surrounded by construction activities. I also gave you a list I created, giving the number of units and all of the buildings in the pearl district area where we live. That is the number of residents who are impacted by this one project. I highlighted, in yellow, the two buildings closest to this project. We're talking over 300 people. When you look at -- when you look at this permit as a stand-alone single event, it might not seem very significant, but if you look at the number of residents impacted. It is a very significant event. When you also consider that on April 7, there was a noise variance permit granted for overnight road work from 7 p.m. To 7 a.m. The following morning. So, when are people supposed to sleep? Brevik has been granted two other permits giving them 4 a.m. Concrete pours 10 each on two other projects. In your packet are a number of -- you'll see a whole bunch of noise variance noise permits for 5 a.m. And 6 a.m. Starts. So, if brevik -- I mean, if these other companies can start at 5 a.m. Or 6 a.m., why does brevik have to start at 4 a.m.? I'm running out of time here. Especially what we're asking you to do is these pours are not taking the 13 hours. They're not even taking 11 hours. What we're asking is no more 4 a.m., no more Saturdays. Have them start at 7 and go until 8?

Wheeler: Thank you.

Fritz: Could you tell me a bit more about the nature of the noises? You said it's like a jet runway?

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Sipe: Have you ever stood near a concrete truck with its thing spinning?

Fritz: Yeah.

Sipe: Eight of those sometimes are on-site and then in addition to that, there's these two -- in fact, I have photos in the back -- it's not a very good one. The last two pictures in your packet, the first one with all the blue lines on it, that's when they started on Saturday morning. And you will see, in front of those two, there's two concrete trucks, the yellow ones. And in front of it is the pump. And times they have two pumps going on these. The second photo is at 3:00 that afternoon, the spreaders and the finishers were gone when I arrived at 3:00.

Fritz: Part of your contention is it doesn't take --

Sipe: A lot of it depends on how many yards of concrete they're going to pour. I've observed over 20 buildings and concrete pours on them outside my window and around the neighborhood. It's the exception, not the norm, that I've observed. I have some examples that I can give you during our rebuttal and give you copies of the details that I have.

Mitchell: I can only liken the noise to a garbage truck when it's compressing all of the trash, which goes on for 15 or 20 seconds. You extrapolate that over eight hours and that's when it sounds like.

Sipe: I took noise meter readings and they were 90 decibels across the street from the project.

Wheeler: Thank you. Next up, supporters of the appellant, two minutes each.

Moore-Love: I only had one sign-up sheet. A couple, I'm pretty sure I know where you're at. Scott Shaffer. This is for supporting the appeal. What about Melissa Stewart on the noise review board? Desi Wright? Carry Stanley? I'm sure Josh Ring is with Bremik. So, okay. We don't have any other supporters of the appeal here.

Wheeler: Okay. Very good. It's not necessary. Next is the principle opponent of the appeal, the noise control officer, you have 15 minutes.

Fish: Can I jump in for a second? We have a lot of regard for the work you do and you make lots of presentations to council so a couple things I want to make sure I understand. What is the principle rationale for extending the hours? Is it cost? Is it convenience? Is it ultimately to reduce inconvenience by expanding it? How would you describe the principle public benefit here of expanding those hours?

Van Orden: Well, that is a little bit challenging because the layers of factors in making the determination but I would say, the overarching element is getting the project done so it's not dragging on for an extended period and balancing that out. When we have pours, they might not be able to realistically happen in 11 hours.

Fish: When we do some work in neighborhoods where we rip up the roads and replace pipes for the water bureau and besides, we ask people, would you like us to work in the evenings if it means a shorter construction cycle or do you want us to go in the normal cycle and spread the disruption over? We give people a voice in that. They're trade-offs. In an instance like this, what's the proper measurement -- who do we measure, the community will on that, for purposes of deciding whether the inconvenience to people of having longer pours is outweighed by the benefit of maybe a shorter construction schedule?

Van Orden: That's a hard answer, but I think part of the challenge is when you're looking at all of the work that's happening in the Pearl, there's so much work going on that trying to figure out how to we minimize the number of days that we're doing this is definitely the primary motive on the table and in this particular location, looking at six mornings, early mornings of work, was deemed a reasonable factor for the size of this project and also just looking at the mitigating circumstance that really not in an easy position to force them to do

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it at night relative to the safety factors, the supply factors, the weather and that's why, I mean, if you look at this particular variance, I offered two dates to start early, not six dates. Looking at all the challenges they've been facing with weather, they're scheduling things within a day, based on the weather for that individual day. It's that complex. It down to sometimes, only a few days out, they're notifying neighbors. It's not the greatest situation.

Fish: Sorry to cut -- did the pearl district neighborhood association formally taking a position?

Van Orden: I'm not aware of them taking a position. I checked with one of their representatives. We might have to check with the appellants if they feel they have a sign off from the pearl district.

Fish: One other question, if I could. Is this -- you come to us with lots of interesting kind of livability issues. In your judgment, is our decision on this more art or more science?

Van Orden: It's a little bit of both. I would say it's more art in a sense It's hard to say unequivocally that there are not health impacts to approving these operations.

Fish: This is one where it's in our good judgment to make our decision?

Van Orden: Yes, aside from the duration of the pour and the factors why they started early in terms of the supply, the equipment availability. So I want to take a moment and walk council through two pours relative to bremik. One is on the 16th when they had an infraction with the city and received a citation. The one was a recent one on march 30. And so, you will see in this photo from the construction site, that there is a pumper truck that may be hard to see right in the center of the picture in the street, with a green line going down, which is the actual mechanism the pumping and it is arriving and getting ready to set up at 4:11 a.m. Concrete trucks are already starting to off-load material at 5:11. You can see two trucks backed up to the pumper and they are already in operation or off-loading and getting the pumper ready to start spreading the material. And we move to 2 p.m., the deck pour's finished. So the main part we are trying to get accomplished in a day because of the sheer volume is finished at 2pm and they're pouring the core and shear walls. Those are the areas and you see several columns that they are pouring, at that point and so they're starting to set up in that work. And we move forward on the 30th to the end of the day, 5:45 p.m., the concrete columns are just finish and you can see a truck that is getting ready to leave in the picture and it's leaving for the day. When we are looking at an average construction -- and I won't say average because they can vary. When you're looking at example of why we approved this particular variance, you can see they are pushing well-past the 11 hours to finish the project. So just a few summary notes on the 30th, the project work time was 14-plus hours on the pour. When I say pour, I mean not only the set up time, the pouring time and the actual finishing time. And it's important to note that on this particular project, no specific challenges were noted in terms of trucks. The weather worked with them on this pour and there were no worker injuries. We had an optimal situation to get this done in 14 hours. I want to move back to the date when I issued a citation to bremik. On this particular date we're at 5:30 in the morning, the concrete pumper is setting up. Move forward to 6:30, we've got the concrete trucks backed up and they're starting to pour into the deck. We are looking at 4 p.m. And at this point, the concrete deck is finished and they're starting to pour the columns and shear wall so we're running further behind. By 6:00 p.m., you see the last truck leaving the site at 6:05. The last truck is leaving and again, we're looking at just as a summary, project work time on this particular was about 13 hours. They were lucky, again, that they didn't face any blocked pumper trucks or weather slowing down the project. After misreading the permit language, the applicant did come in and go through the process to get the variance properly rectified and they did receive a citation for not having a proper variance in order for this particular date. So, I wanted to just say, real quick, on some of the notes from the

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appellant. I would not characterize the phone call as saying that they were not going to potentially receive a variance. I said it was not appropriate to operate without a variance and that they would be cited. The encouragement to citizens to issue citations is the important factor there, to make sure people feel empowered we are going to take action. I don't feel that it would be a fair characterization to say I would not issue variances. I wanted to be responsive to the issue and make sure that the contractor know that we were serious. The second component is we're not having private meetings. I called them in and I sat down with them. We have a lot of discussions in the past and some folks want to be at these discussions, I don't know it's possible with three and a half staff in the noise office to do that on every case. The large projects we have, we definitely have a very robust discussion with neighbors so one of the challenges the city is facing currently is with so much development, we are definitely in a position where the noise office is trying to examine how we adapt to all this construction and the noise advisory board has done a wonderful job to put a construction work group together to see how we move forward, like with odot and pbot and bes to figure out, how do we do this some incorporate notification and community involvement. And so I want to just note for a summary for council, the noise office seeks solutions to nighttime construction. We're not rushing to allow people. It is not a matter of their convenience. Noise variances seek to adapt as best as possible to several unpredictable factors in the development process, such as weather, the temperature, the length of time to complete a given job, the noise office tries to work very efficiently with three and a half staff to serve the entire community so one of our challenges is, we do have to weigh how many meetings we can have on a given variance.

Construction noise impacts are just one small part of the work efforts in the noise office, construction variances historically garner few complaints. By notifying the public, there are opportunities for a dialogue, like we had with Mr. Mitchell, to respond and try to solve the problem. It is not a perfect scenario when you are impacting people's lives and they are trying to sleep and that's the biggest issue on the table is how do we best balance that.

Wheeler: May I ask you a few questions Paul. Is that the end of your presentation?

Van Orden: Yes.

Wheeler: I assumed it was. That was presumptuous of me. Sorry. 4 a.m. Seems early. What are the consequences of starting or finding a compromise?

Moore-Love: Is your mike on?

Wheeler: Weirdly enough, it is.

Wheeler: That really was, thank you.

Van Orden: As a clarification, the variances written so that two dates where they can start at 4 a.m., that's not the operation. That's showing up with the pumper truck and getting the materials set up. There are some activities they make noise, but it's not the loudest part of the operation. So we recognized within the confines of the six pours that they were asking for, that they would potentially have challenges with weather and other issues that it may necessitate two dates. We can push it back, but the selection of dates may get narrower based on weather in terms of finding dates to squeeze in.

Wheeler: I'm trying to find a compromise here between 4 a.m. And 7 a.m. I'm trying to figure out why this is here, to be honest with you. If they were to begin set up at 5 a.m., an hour later, when would the noise start? At 6 a.m.?

Van Orden: 6 a.m., which is what we did with the four pours

Wheeler: If you start at 6 a.m. With the loud part, when does it finish?

Van Orden: They will work as best as possible based on the weather conditions to get done at 6 p.m.

Wheeler: Loud noise between 6 a.m. And 6 p.m. And I get the Saturday thing that commissioner Fish raised. Is that a huge inconvenience to move it back an hour?

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Van Orden: You know; I don't think it's a huge inconvenience. I do think it may be wise if council moves in that direction to give a little bit more time on the tail end to insure that the contractors not set up for failure, if they're running longer that they will go going until 7 p.m.

Wheeler: I'm wondering if there's a variance you can work out with the appellant that they would be amendable to. Slightly later in exchange for more sleep. That's all I'm asking. Idiots guide to concrete pouring, because I don't know anything about it. I assume once you start the concrete pour on the floor, you must finish the floor or can it be broken out -- the guys are shaking their head, yes, I'm an idiot. Very good. [laughter] I assume the answer to that is, yes, it needs to be completed. Very good, thank you.

Van Orden: Thank you.

Fish: I want to second the mayor's comment because I think there is a difference between starting too early and starting later and maybe be more flexible at the back end. Now I have to hear from the neighbors. But, I just know from my own experience and where I live, it's garbage trucks and surprisingly enough leaf blowers. If your sleep is disturbed at 4:00 a.m., that effects the entire day. If they set up at 5:00 and the noise starts at 6:00, that's qualitatively different to me. Mayor, we might encourage the parties to see if they can work that out. We don't have to decide it if we wanted to give them a week to see if they could work that out along the lines you've suggested if there a consensus on the table.

Wheeler: I'm trying to figure out why it would be a problem. I'm listening to the issues and I'm hearing noise early in the morning and lack of sleep. I'm hearing that your representation is a solid full day and I hear what you're saying with regard to timing, whether no other problems like clogs, injuries on the job, that sort of thing. But this doesn't seem like the parties are that far apart to me.

Fish: The road appears to be blocked when they do the pours so we don't have a situation where it's got to be unblocked at 5:00 to address traffic concerns. We've created an enormous inconvenience by having that road closed. If there was an iron wall you needed 11 hours to do a pour, it seems to me we're talking about where's that shifting line. I'll tip my hand on this. I think 4:00's too early and the question is, is it less of an impact if we moved it later? That may cost the construction company more with work after 6:00, but that's less important to me than the quality of life impact.

Eudaly: I could use clarity, though, because in the letter from David Mitchell and the resident, it says our objection is bremik's right to initiate this any earlier than 7 a.m. But I believe in the testimony, you made some kind of concession that perhaps a little earlier? Would have they come --

Wheeler: This all has to be on the record. The commissioner can certainly ask a question, but you have to answer into the microphone, if you'd like. You don't have to. If you could state your name again, for the record.

Mitchell: Dave Mitchell. To clarify our position, we would be very pleased to revert to the standard loud noise commencement at 7 a.m., Monday through Saturday, with equipment set up beginning at 6 a.m. Which is the existing law. That's all we're asking is to conform to that. There is no objection on the part of the appellants toward a concrete pour that runs later -- I mean, everyone's up, you're around, you're having dinner. That's not as big a deal as a 4 a.m. Or a 5 a.m. Wake-up call when your ordinary wake-up is perhaps a little bit later.

Fish: Are we going to hear from bremik? Is that the name? Bremik construction?

Van Orden*: Yes.

Fish: Are we going to hear from them and have the opportunity to ask them the impact of a couple of options we're clearly considering?

Van Orden: Yes, most definitely.

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Fish: I think that's the piece that's missing here is to understand that. It's a quarter to 5 and we have one other item. I would love to hear -- if that's part of your presentation, hear from the contractor to give us a one-on-one.

Eudaly: What's the standard end time? 7 a.m. To?

Van Orden: To 6 p.m. Are the normal loud construction hours. So the big challenges, as a clarification to Dave Mitchell's comment, our expectation would not be starting at 6 a.m. Without a noise variance, we would expect you to do that at 7 a.m. The standard hours for the city of Portland for loud activities, even the set up can be a bit loud at times, is 7 a.m. To 6 p.m. I think Dave was saying he'd be willing to accommodate set up starting at 6:00, but that would be written into a noise variance.

Wheeler: That would still constitute a variance?

Van Orden: Yeah.

Wheeler: Good. That's good clarity. The parties are at least moving. They're moving. Good. So you get to use your 15 minutes however you'd like and I show you have eight minutes and 10 seconds left.

Van Orden: The way we've set up ourselves with the noise board members and brevik is they're prepared to speak for two minutes. If it's easier to have them come up now, either way, I think it's fine for council. I think I finished the 15 minutes I need.

Wheeler: We might as well have them up now and we'll have questions and that way, they're not subject to a two-minute time frame.

Van Orden: Shall I stay up here?

Wheeler: Why don't you stay, if we have any questions, you don't have to walk around. Come on up, whoever's representing brevik. Hello. Thanks for being here.

Josh Ring: My name is Josh Ring; I'm the project representative for the canopy hotel project representing brevik construction company.

Wheeler: Thank you, sir.

Ring: I'm here just to be a technical voice about the operations that are taking place. I just want to state, for the record, that this is -- you mentioned it before, this is for an unprecedented construction period. There's quite a boom out there we all feel the birds of that. We being boots on the ground, it's one of the major ramifications we have is trying to organize these sites around the demand. The secondly, we've received -- we're all victims of this is, you know, 17.5 inches of rain in the month of February and March. The actual number of days that constitute a dry day is actually 10. That extremely narrow or windows of opportunity to be able to conduct large pours like Paul had mentioned and that window gets quite constrained when we're trying to jockey around the hours on which mother nature's going to give us a dry window to pour it. That's why we've asked for an early-morning request. Normally, we can set up at 6:00 and pour at 7:00 but mother nature likes to throw us curve balls. That's the reason for the request and the early start. We've got over 20 pours left, we are asking for a variance on six we've conducted two of the six so far.

Fish: You just helped me understand a critical part of this. You're backed up because of the rain. I get that. But does that mean, however, under the current rules, without the variance, can you complete a pour within the hours that the law already provides you?

Ring: The -- good question, commissioner. The current process that we use on our large deck pours, we are utilizing a window that is greater than 11 hours so we are working either on the front end or the back end of that 11-hour window.

Fish: Does it matter to you whether you work outside that window at the back end or the early end and if so, why?

Ring: Our industry, particularly in the concrete supply industry, is set up with early starts. They deal with large trucks, traffic's a major factor, they get the supply to get the pour

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started and to start the part, the concrete starts its curing process to become hard so we can continue the work and finish it.

Fish: Does that become a cost issue or is that just a fundamental logistics issue?

Ring: Fundamental logistics issue.

Fish: If we fix the traffic problems in Portland, we wouldn't be here. [laughter] you've heard the concerns from neighbors and quite frankly, 4:00 is very early and disruptive. If -- I can't speak for my colleagues, but we're going to have to deliberate. If we were to decide to give you a variance, but we were to backload it, not front-load it, would that still be a win for you?

Ring: The issue has to be one of the opportunity which is the dry window weather we're seeking. That's a variable we can't control. Largely, it's -- we'd like to start early, we get done earlier. We can get the processing cleaned up and gone sooner.

Wheeler: There are days when it's clear early and not late and vice -- so that really -- how does that dovetail with the weather?

Ring: If the forecast lands on our pour dates and it's determined it's going to be obviously whether coming in on the front side of the project, that's a delay day for us, we have to look for the next window of opportunity to do so. In a busy industry, we're all fighting over the same day and that's where the challenges really lie. There's multiple projects trying to do the same thing we do. That puts a heavy burden on the concrete supply providers and there's four major providers here in the Portland marketplace, they're struggling with the process of trying to keep up so they try to spread the load or demand across the entire day, depending on what processes and who's pouring. They tend to schedule the deck pours, the projects that take ample time to finish, on the latter side of the day. If our project is restricted, we would miss another day.

Fish: Who bears that cost, in your business?

Ring: Largely, the contractors do. Depending on how the contracts are set up with the clients. In some cases, if we're able to prove it's a rain day, we're given a variance on our scheduled day, if that makes sense.

Wheeler: Is that -- if that's the end of your presentation, we can go to the next group of people who are opponents to the appeal. Thank you. So we go to other opponents of the appeal, two minutes each. If you could please state your name for the record again, please.

Scott Schaefer: Scott Schaefer, representative of the northwest carpenters and the local 1503. Thank you for having me today. I'm here to ask the city council not to repeal the noise variance. I've heard from you guys, trying to understand how this works. The early morning is to start the pour to be able to get this concrete to set up. These decks are huge. The way these concrete decks set up, it takes a long time to be able to get to the point where they can finish it. That finishing process gets started to where they can start to pour the columns and they can pour the core elevator and the -- the other walls. If we try and speed this process up, it becomes a safety hazard for all the workers that are there. There was a deck pour up in Seattle that collapsed, luckily, no one was hurt during this time. We need to make sure that, yes, the people need to be able to have some sort of relevant sleep, but to be able to move on these projects, within that time frame, it is really hard to get all that into one day in a safe manner. These workers are highly-trained and they know what they're doing and that amount of time that it takes to do this project is the amount of time that it takes. Of course, like Josh was just saying, you have concrete companies that's are trying to get the concrete out to you. If there's a hiccup, it takes longer. You have 20 guys sitting there, trying to get it going. They're trying to do it in the fastest, most quickest way possible. I'm here to be concerned about the workers and wanting to make sure that everyone goes home safe within the allotted amount of time.

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Fish: Since you're the expert that we get to ask here, the variance, it runs from 4 to 6. If the council decided to move it from 5 to 7, doesn't that still meet your needs?

Schaefer: I would assume -- I don't speak for Bremik, I speak for the workers of our labor pool with the council. Obviously, that extended amount of time would be able to do that, but as long as, you know, it's within a safe work environment, you know, I can't really say that that would be yay or nay. The later you get in the day, they get more, you know, tired and safety factors become an issue.

Wheeler: Good afternoon.

Betsy Reese: Hi, my name is Betsy Reese and I'm speaking today in support of issuing the permits, although I'm far from without empathy for the appellants. Over a 15-year period, I stood up for our 80-plus inner city apartment tenants, defending their rights to peacefully enjoy their homes. Over the one dozen protracted noise issues we worked on. Most were clear violations of the law and we had a number of construction noise variances granted. Never once were my concerns dismissed. The Portland noise control office, Paul Van Orden helped empower me to resolve issues directly with our commercial or industrial neighbors or contractors. He unwaveringly enforced the noise ordinance no matter what was on the other side of the conflict when we could not work it out. And, yes, he did sometimes have to tell me that a noise variance was necessary for the progress of our city and for the greater good. For example, our building being on north Broadway, a major arterial, the Portland east side street car was granted multiple variances for all-night work, tearing up the street, laying street car rails. This is outside of a historic building that does not have climate control on warm, summer nights with open tenant windows. We and our tenants were grateful for the action taken to attenuate the light and noise complaints and the heads-up on the dates and times so that although we could not control it, the noise was at least predictable making it easier to tolerate. To me, the overriding issue is, our Portland noise control office has no more staff today than it did in 1976 when it was founded.

Wheeler: Thank you. Appreciate it. Would you please state your name?

Melissa Stewart: Melissa Stewart. I hope you understood that it's the size of the pour and that's part of the project that determines whether a variance is asked for and typically, it hasn't been a problem and the chair delegates the responsibility to give the variance when it's asked for as a matter of administrative facility. We don't usually get involved in it and it's unfortunate that it has to come to you to determine what happens with an appeal but there's not a hearings officer to deal with it so sorry if it's taking too much time, but we really don't have an appeal very frequently so I hope you take that into consideration.

Fish: These appeals give us a chance to hear issues in a structured form, which I actually find very helpful. From time to time, I even recall commissioner Fritz then pursuing legislative changes based on what we've learned. We should be apologizing to you for the time that we ask you to serve and then be here, we have the highest regard for Paul's work. I find these very helpful because I learn a lot about how we're getting these livability issues. We have the chance to hear from construction professionals and others and our job is to balance a number of things and I wouldn't want to have one of these every week, but this is -- I find -- very helpful for the council in understanding these issues and in essences trying to do justice to find the middle ground.

Wheeler: I want to second that and to be clear my comment was fishing to understand what our role actually was here and where the breakdown was if any because as I was listening to the testimony I was hearing what initially sounded like two parties who were not far apart so that was the only implication in the comments I made earlier and I appreciate your being here. Good afternoon.

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Desi Wright: Good afternoon my name is Desi Wright I'm a resident of Sullivans Gulch neighborhood and also a representative with the northwest regional council of carpenters I'm actually the pile drivers representative. We also do concrete work as well. I just wanted to say as a resident of Portland I see the growing pains and it's changed a lot just in the decade I've been in the gulch and we see it and it's looking like it's going to keep going on for a few more years. As long as all these projects are in place, there's a lot of aspects that go into the timing. Especially when you come into the big concrete pours. The availability to close streets is one thing we run into, the availability to get concrete trucks. The availability to get workers. And I mean normally in the construction industry we start 7:00 a.m. Until the job is done. It's not normally something where you go in and punch a clock at 7:00 and 3:30. We start and work until it finishes. I know sometimes starting in the early morning hours is difficult please keep in mind a lot of our members do not live in Portland. We're seeking workers from all over Oregon to help us build Portland right now. These guys wake up well before the sun comes up, drive an hour, two hours to Portland to work. I would like you to keep in mind these guys are up and out the door before their children wake up. They are coming home right before their children go to bed. We push these pours to start back later our members can't spend time with their families if this is the direction things go.

Wheeler: Thank you.

Kerrie Standlee: I'm Kerrie standlee, professional acoustical profession representative on the noise review board. Just for background I was on the board for 25 years prior to the time when the decision was made to limit the number of years you could be on it. I have been asked to come back after a six-year delay or off of it so I have quite a lot of experience in dealing with variances on board. What I have been hearing that is you're finding it's difficult to make decisions like this to get the conditions right. We face that all the time. That's why you have this appeal. The board did not make this decision. But we had made decisions similar to it where Mr. Van orden saw the direction the board was going. We allowed for the noise control officer to take on some of the responsibilities without having to come to the board. What I understand is that he made a decision to allow for a couple of these pours to – the preparation work to start at 4:00 a.m. But that pour itself wouldn't begin until 5:00 a.m. There are two of those you're hearing about. Then the other four were to start preparation at 5:00, pours begin at 6:00. So it's not quite like you said, it's not the full noise starting at 4:00 in the morning but there is some noise. Just also wanted to comment on the fact that if you can think about it, the ordinance doesn't say you can't have construction between 6:00 p.m. And 7:00 a.m. It says you have to do it within the constraints of the noise limits that are applicable at the time. So what the 7:00 a.m. To 6:00 p.m. Does it allow more noise to occur and that's all it does. It doesn't there's no restriction on construction.

Wheeler: Thank you. Appreciate it. Very good. At this point there's an opportunity for the appellant to do five minutes of rebuttal if they would like.

Sipe: This chair is just right. [laughter]

Wheeler: Very good. Thank you.

Mitchell: I'll be brief at the outset. I spent 45 years of my career working in the healthcare business with hospitals and physicians. I'm accustomed to working with orthopedists and cardiac surgeons who like to start surgery early even though nurses and others may wish to come in later. With health care reform and cost incentives and motivations changing the whole business is changing. As part of an overall paradigm and I would say probably the construction industry needs to be more flexible particularly in densely populated areas. In New York city mayor Bloomberg has done a phenomenal job of dealing with these issues starting with pile driving, et cetera. Secondly, part of the motivation in our ability to file this

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appeal is hopefully to establish a precedent. Within the next six months right next door to this canopy project we have the framework project, which involves a demolition and albeit a very innovative wood frame construction that will carry with it noise considerations. Down between couch and Everett we have a laugh block 14-story building. I would see your decision on this appeal probably would represent an important precedent for the noise control office. If you were to perhaps accept our request to go with a two hour later start time, 6:00 a.m. Setup, 7:00 pour, presumably that would be enforced with other projects in our area and throughout the city. Mary?

Sipe: I'm going have to talk fast. I'm going to give you some examples of my observations. In 2015 I observed concrete pour at the 26 story apartment project across the street from where I live. Anderson construction had a large pour using two pumps scheduled for 5:00 a.m. They had a breakdown. As it turned out they didn't begin until 9:00 a.m. That morning in spite of the late start they were finished spreading, finishes and everyone was gone at 4:00 p.m. In the afternoon. During the construction of the 28 story cosmopolitan on the other side of the building where I live Anderson was able to do every pour after 7:00 a.m. And part of the reason is they broke things up. They didn't always do the pillars the same day they did the floor. They didn't always do the elevator the staple day. We're talking about 30 stories, more than 30 pours. Last April Walsh construction notified neighbors they wanted to apply for a permit to start a concrete pour at 3:00 a.m. When I contacted the project supervisor he admitted their main concern was disrupting traffic. When I pointed out he would be disrupting the sleep of over 300 neighbors he said I'll go back to the drawing board and they ended up getting variance permit for a 5:00 a.m. Start. Obviously the 3:00 a.m. Start was desirable not necessary. This is what one resident experienced the day of that 5:00 a.m. Pour. They began at 5:40. At 5:44 they had seven trucks on site. At 5:48 eight trucks on site. At 6:00 a.m. They had three lined up with three on sites. It was loud and when I decided to try to go back to sleep I put in ear plugs, headphones and a pillow and I could still hear it quite well. Nothing really changed with their traffic control throughout the pour. I never noticed any traffic backup. I was at the site of bemiks 4:00 a.m. pour on March 30. They began setup at 4:00 a.m., concrete trucks began to arrive at 5:00 right as the permit granted. I returned at noon and watched the last concrete truck leave the site at 12:30 p.m. When I went back at 2:30 it appeared all of the spreaders, finishers, everyone was gone and there were just a couple of workers working on the pillars. There were no dump trucks. Around 3:00 p.m. They locked up the gates. At 4:30 there were just the workers working on the pillars. The pump trucks were leaving the site. I was also on site for their pour at 6:00 a.m. this past Saturday. Setup was completed at 6:40. The first concrete truck arrived on site and they began pouring at 6:50 a.m. I went back at 1:30. There were no concrete trucks on site. The pumps, spreaders, finishers, everyone was gone. As you can see from the photos I gave you the morning start and at 3:00 what it looked like. I went back to the site at 4:00 p.m. And there was no one in sight. Bremiks project is not the only one pouring that Saturday. Anderson construction began pouring at 5:00 at 13th and Johnson. I went by at 5:30 on my way to the Bremick site -- can I finish? I only got a couple things. They started at 5:00 and when I went by at 1:00 they were finished. Anderson construction also did a pour at 11th and pettygrove on Saturday. They started at 7:00. They told me that they would be doing all their concrete pours at 7:00. This is a 20-story building. So the bottom line is if they feel they can't complete their pours within the 11-hour window we ask please do not allow my more 4:00 and 5:00 a.m. Pours. 6:00 at the earliest. Honestly, nothing on a Saturday before 7:00. We need to shift the paradigm of starting early and not disrupting traffic and give consideration to the fact that we have hundreds of people living in this densely populated area.

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Wheeler: Thank you very much. I have given the appellant one extra minute. I don't know if the principal opponent would like one extra minute or not in the interests of fairness.

Wheeler: We're good.

Sipe: Can I answer your question about why you're here?

Wheeler: I think I have that pretty well understood at this point. Thank you, though.

Sipe: In the past there haven't been appeals because we haven't been able to meet the ten-day limit.

Wheeler: Got it. That brings us to the ends of the discussion. Now we're at the point of council discussion. We can talk about next steps. The noise control officer had requested that we tentatively take up this issue and give them some direction to come back next week. At this point I would entertain any thoughts my fellow commissioners might have on this.

Lory Kraut, Deputy City Attorney: Mayor, may I just -- I just want you to remind council --

Fish: We know. We know. Tentative.

Kraut: Articulate the facts on which you are making your tentative recommendations so that Mr. Van Orden can draft the ordinance. That was it.

Fish: So this has been a very thoughtful and useful hearing. When I asked Paul, Mr. Van Orden, who is a regular before council, whether this is more art than science, he said more art. And what I was looking for was sort of guidance from him as to what is really proscribed versus where is that gray area where we use our best judgment. We appreciate the judgment that the board makes and the judgment that the hearing officer makes. I think I am becoming more influenced by the fact that I live in a building in a dense area and am impacted by this more and I have a greater sensitivity to how this does affect people. Their sleep patterns, their health, whatever. Currently, mayor, my view is the way I would slice this is I would not grant the variance for weekend work and I would consider the variance for the other days, non-Saturdays, but I would prefer that we start an hour later and extend the clock an hour. We would not be setting a precedent. These cases are unique. But I think that's a way to slice it to take Saturdays off, not to give a variance for Saturday. I think that early start time is disruptive and people need two days to rest. But to shift the hours from 4:00 to start at 5:00, shift it an extra hour. I don't think from what I have heard that will interfere with the ability to pour the concrete.

Wheeler: Just on weekdays. Then go back to the standard ordinance. Commissioner Fritz?

Fritz: We were asked whether we had any ex parte contacts or potential conflicts of interest. I do want to state that my son and daughter-in-law live at park and Flanders, which is kitty-corner to this. I have had no discussions with them about this. I'm very familiar with the area. One reason I'm familiar is because we have some challenges with the north park blocks and people sleeping there and being there during the day. It was alleged by some of the neighbors that businesses closing was due to that factor. So I agree with your suggestion to not allow any variances on weekend. I do wonder whether there would be people impacted by shifting the times in particular businesses that are going to be relying on customers over the dinner hour, for example, which is different.

Fish: The one I know that area. You and I both know that area very well because of the park. I have no ex parte contacts on this but because that street is closed because they are closing the north-south street in front of the building to do the pours, and there is no restaurant on that street, I think that's less of a concern.

Fritz: So that would be your reason for saying this is a very specific issue.

Fish: It's a site-specific solution. I don't like the idea of the variance on the weekend for the reasons you and I agree on but because of the concerns raised by the construction company about competing for concrete and we have heard concerns from about worker

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safety and those things I'm not in a position to dispute they need the extra time I just suggest we shift it an hour so it's less impactful in the early morning hour.

Fritz: Is the noise I'm looking at Paul for a yes or no nod. How does the noise extend for several blocks around the site or is it more specific to the immediate vicinity?

Van Orden: For these operations we would expect people within about two blocks are impacted by it, so it does stepped a little more. Real quick on the later end noise in terms of running into the night and impacting hotels we tend to go at the quieter operations at the end of the pour. So it shouldn't be a notable impact on restaurant, bar type uses.

Fritz: That's very helpful. There are art galleries and such in that area.

Eudaly: I am largely in accord with commissioner Fish. I would say that would be my absolute limit, 5:00 a.m. Setup, 6:00 a.m. Begin. I might be persuaded to push it forward another hour. I agree with a weekend no variance on the weekend. I do want to say that having lived almost in that neighborhood, a few blocks away from that neighborhood and having had a business downtown, when you live and site your business down there you can just expect level of construction that you don't deal with typically throughout the city. That the construction that built the buildings that people are living in now were disrupting someone else's sleep and lives. So we have to strike a balance there.

Fish: The one factor that influenced my thinking was the amount of rain we have had. And of course construction cycles don't necessarily anticipate the rain but at this particular project has been hammered by the rain and I'm thinking a little more flexibility to allow them to stay. When we heard from a contractor that this may be a cost born by the contractor, not the operator, I would feel a little differently. That concerns me because we're talking about local jobs versus the Hilton corporation or whoever is going to be there. I would be loath to impose too many costs on our local contractors.

Eudaly: I would like to add I have had no ex parte contacts on this matter. This is the business or industry my family was in, so I might have a little bit more greater understanding of how complex these operations can be and how costly delays are. I also grew up with a dad that left before I got up for school and came home late. And I'm now in that position myself.

Wheeler: For these types of hearings we don't have to declare our ex parte contacts. I did clarify that. I think we should just so that all hearings that come before this city council are consistent so we know the routine. So I will likewise declare I have no ex parte contacts on this matter although I certainly know some of the people involved. That being said I strongly support commissioner Fish's thinking. It goes all the way back to the first public comment we had this morning. I like this compromise. Nobody else will. I think it is a rational compromise given the two competing forces that we have heard. I don't think the construction company will be particularly happy and I don't think that the local residents will be particularly happy, but I think it's bringing it closer to the center and so I appreciate your efforts on a fairly split community if I can use that word, community view on this, at least between the appellant and the opponent. I think this seems like a reasonable middle ground. What Paul had asked is we give a tentative direction to him to bring back if I'm understanding correctly, Mr. Van Orden, a more formal interpretation next week or what is your preference as the noise ordinance officer? What product would you like us to deliver given we have stated a preference?

Van Orden: I think you have given me clear enough direction that we can frame this into your intentions. We have something to move on so there won't be confusion at the next meeting for the appellant or for the noise office. I think we're in a good position to write up direction you would like us to head.

Wheeler: The equivalent of a first reading on an ordinance or what is the framework under which we operate?

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Kraut: It's a little bit different. I think what we intend to do is draft up an order and then you'll vote on it next week. Formally.

Wheeler: The record is closed on this hearing. You'll provide us the final language and we'll take it up as a second reading.

Fish: The most important thing is Mr. Van Orden nodding that he has sufficient direction that he has to craft the compromise.

Wheeler: There's no formal vote required today.

Van Orden: I'm sure the city attorney makes that call.

Kraut: I understand from your comments the vote is 4-0 for this approach. Then we'll draft it up in that ordinance.

Fritz: I want to thank you for your participation in this hearing. It's been very helpful on all sides to let us know the challenges are. I hope this will work better for both sides.

Wheeler: Colleagues, I have a question for you. We never got to 382 this morning. We do have staff present if you'd like to take up 382 now. I'm seeing one no. We could hold it off to next week with profuse apologies to h.r. Staff.

Fish: I have a conflict but I would like it resolved this week. How long is the presentation?

Eudaly: It's not the length of the presentation as the length of the discussion. I also have to leave shortly.

Fish: If we put this on tomorrow afternoon at 2:00 and bump the time certain a half hour would that be satisfactory?

Eudaly: If we're allowed to do that.

Wheeler: The mayor has vast powers.

Fritz: I wouldn't say we'll bump it until 2:30 time certain means it won't start before then so we are allowed -- we would do this remaining item before it.

Fish: Setting it over until 2:00 tomorrow?

Moore-Love: Art museum -- yes.

Wheeler: Could we look at the h.r. Staff and thank them and acknowledge they have been sitting here off and on for approximately seven hours. So and the children. And everybody else. Thank you. With that we have moved it until tomorrow. With your forbearance and appreciation, we are adjourned.

At 5:25 p.m. council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

APRIL 20, 2017 2: 00 PM

Wheeler: We are still pre gavel so I'd like to take this time to recognize commissioner Saltzman.

Saltzman: Thank you mayor I'd like to take this opportunity to recognize one of our outstanding city attorneys Kathryn Beaumont. Kathryn's retiring at the end of this month, this is her last meeting in the box so to speak which is what we call our city attorneys over there and Kathryn has just done a superb job she's been a rock star working for the city representing the city and very tough in difficult land use proceedings and more times than not she has prevailed on behalf of the city. So I thank you for your service.

Kathryn Beaumont, City Attorney: It has been an absolute privilege to work for the city of Portland and serve the council and the many outstanding city employees I've worked with over the years and all I can say is I'm very, very proud to be a public servant.

Wheeler: Good afternoon everybody. Oh, that's correct. This is the Thursday 4/20 session of the Portland city council. Only a few people got the joke. [speaking simultaneously] we're here all night, folks. There are a few items that I need to read into the record. First I'll ask Susan to call the roll.

[roll call taken]

Wheeler: This is our traditional statement. The purpose of council meetings is to do the city's business including hearing from the community on issues of concern in order for us to hear from everyone and give due consideration to matters before the council we must all endeavor to preserve the order and decorum of these meetings. To make sure that the process is clear for everyone I want to review basic guidelines which I hope will help everybody feel comfortable, respected and heard. We also obviously want to ensure that decorum is maintained. Today there will be an opportunity for public participation depending upon how much time we have and I presume we'll have enough time people will traditionally be given three minutes unless we have to reduce that to ensure everyone has a chance to speak in front of your microphone you'll see a couple of lights. The yellow goes on when you have 30 seconds, the red one when your time is up. We ask you to state your name for the record. You don't need to give your specific address. If you're a lobbyist we ask you disclose that, if you're part of an organization it would be helpful if you disclosed that. Conduct that disrupts the meeting, for example shouting or interrupting other people's testimony or interrupting during council deliberations will not be allowed. People who do disrupt the meeting face ejection. If there is a disruption, I'll issue a warning that if further disruption occurs anyone who is disrupting the meeting will be subject to ejection for the remainder of the meeting. Anyone who fails for leave the meeting after being ejected will be subject to arrest for trespass. In order to make sure as many as possible get a chance to speak we ask that you not verbalize support or opposition. Just give thumbs up, thumbs down, whatever you'd like to do. That just helps move the meeting along. Without further ado, if I could ask the council clerk to read the first item. First and only item.

*****: No, there are two.

Wheeler: Oh, that's right.

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Parsons: Are we taking about 82 first?

Wheeler: I think we can do that relatively quickly.

Item 382.

Wheeler: I should have told you, we have some business we didn't get to yesterday, but we'll be done with this forthwith. Good afternoon.

Elisabeth Nunes, Bureau of Human Resources: Good afternoon, mayor, city commissioners, I'm Elisabeth Nunes, classification and compensation manager in the bureau of human resources here to present the ordinance to change the nonrepresented salary grade for the office of neighborhood involvement and programs director from a grade 14 to a grade 15. This process came about by we received in our office a request to review the classification, update the responsibilities of the position, and in doing so compare the pay grade to see if it was still appropriate. In doing so we found it should be raised by one level and we are here to request that now.

Wheeler: Very good. Any questions or comments on this issue? Commissioner Fritz.

Fritz: We all know there's a classification comparison study under way. Why was the decision made to move forward with this one before the rest of them?

Nunes: Because there's a recruitment that just came up, so because we have to do an immediate recruitment for that position we wanted to make sure that we would be competitive in trying to attract someone with the requisite skills, quality and background to take on that role.

Fritz: Commissioner Eudaly could you give me an idea when that position will be posted?

Eudaly: I can't give you an idea.

Fritz: The reason I'm asking, I have been asking for several of my directors and other budget officers to be upgraded, for instance currently there's a recruitment for the metro parks director. That position is in charge of 90 people and pays \$10,000 more than the current city parks director who manages over 2,000 people. So other directors have been patiently waiting. In addition, commissioner Eudaly, I'm concerned about doing this out of sequence because then it makes other inequities seem even more stark, for instance the Portland housing bureau director is 15. Their budget is ten times that of neighborhood involvement plus the bond measure. So is hr concerned about the effects on other classifications.

Eudaly: We are committed and we know that our city-wide nonrep study will address any inequities that may or may not exist, so taking them as a whole, we know if for instance this change somehow makes the rest no longer in balance we know they will be addressed.

Fritz: Do we have a sense of when that's going to be finished?

Nunes: We have a tentative final date the end of September.

Eudaly: I would like to add we do plan on filling the position by July, that we asked for the class comp study because a significant amount of duties have been added to the job, specifically regulatory duties around cannabis, noise and liquor. The classification for the director of office of equity and human rights was raised to 15. It's a relatively small office. I don't think it's unreasonable that after 16 years we do a new class comp for the oni director.

Fritz: Office of human rights started at 15 and the incumbent is an attorney so it was felt that was necessary to get the right caliber but I'm interested in your comment Commissioner Eudaly. It's your understanding specifically cannabis, noise and liquor will stay within the office of neighborhood involvement?

Eudaly: I don't think this is part of that conversation but I don't have any chance to remove it at this point.

Fritz: That's helpful. Thank you.

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Nunes: When we look at our classification to decide where it belongs we can only look at what is there at the time we review it. So if things are going to move out or other things move in, we don't consider that until that actually happens. Then we would relook at it.

Fritz: How much overlap is there between 14 and 15 grade level? What's the span of how much bottom and top of 14 versus the bottom and top of 15.

Nunes: From top to top about a 12% difference.

Fritz: What's the h.r. policy in terms of hiring? Is it usual to put people at the top of the salary to start off with?

Nunes: That varies when it's appointed position it's up to the commissioners or directors, whoever is in charge of that.

Fritz: Thank you.

David Rhys, Bureau of Human Resources: David Rhys, assistant h.r. director. I know Anna Kanwit was interested in the information you gave to her, commissioner Fritz. If there are other situations where we had an opening where there was recruitment for a bureau director and there was communication from a commissioner to take a look at that in anticipation of that recruitment, that she would give them the same action that she gave commissioner Eudaly, that she would look at that opening for recruitment purposes in advance of the completion of the class comp study.

Fritz: It doesn't really give -- doesn't seem reasonable that we ask our current employees to stay below their pay grade before recruitment is even out for this thing, but I did get that response from Anna Kanwit. I know she's out of the country right now. Would you not entertain a motion or request to change classification before September on the people who, the positions who are already filled?

Rhys: I think those are going to be looked at. In fact, are being looked at by the class comp study and the whole class structure would be under review. We have looked at all the comparables internally to see whether or not this current classification that was requested is more like the classifications in 15 than in 14. Those are the two areas. That structure could change even as a result of the class comp study. So there may be more changes that would come as a result of that.

Fish: Could I jump in for a second? The commissioner in charge is asking for a bump in classification in order to have more flexibility on compensation in the recruitment process.

Nunes: Correct.

Fish: If the candidate -- if there's a candidate that requires in order to lure them to city service to get at the higher level that's fully compensated out of the bureau's budget, correct? The bureau has to obviously pay for the compensation cost.

Nunes: I assume so, yes.

Fish: Is it possible because of the sequence here, doing this ahead of the class comp, is it possible today's decision will impact your recommendations to us in terms of other classifications or is this wholly independent?

Nunes: This is really independent of that. I mean this classification is a part of the overall study, so it will be looked at in comparison to the others, but the other factor that we took into account, even considering changing this, was the fact that it hasn't been looked at in a very long time, and a lot of responsibilities were added to the classification. So we didn't just look at what existed. We added and edited the classification itself. We took on more duties, more responsibilities since it was originally classified however long ago that was.

Fish: Thank you.

Fritz: This may be difficult but based on what you just said in terms of it comes out of the bureau's budget, do you know if that then has to go as an amendment to the office of neighborhood involvement's budget to say where they are going to take that money?

Nunes: I don't know that.

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Fritz: I'll check on that I mean it's ironic that one of the other roles that's at the level 14 is the city budget office so I'll have to ask them to look into that thank you. I appreciate your answers.

Wheeler: Any further questions? Is there any public testimony on this item?

Parsons: We had several people sign up yesterday. I don't believe they are here.

Wheeler: Why don't you read their names for the record.

Wheeler: This is a nonemergency first reading of the moves to second reading. Next item. **Item 391.**

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, everybody, who came out this afternoon. This is an important item and the potential action by city council and it's great to see so many people in our community here. First off I want to make sure everyone is clear that this is a nonemergency ordinance. As you just heard. That would amend the street vacation on southwest Madison street. In normal language a nonemergency ordinance means we don't vote today so it's never been intended that we vote today. This is simply the opportunity to hear from the public, the art museum about the proposal, then we will vote on it at a later date. That highlights an important second point also. This street section of southwest Madison was vacated by city council in 1968 with the requirement that an eight-foot-wide pedestrian easement be maintained. Sense it's only the city council that can amend that requirement. When the Portland art museum approached me about bringing this ordinance forward I made it clear to them I thought it would spark some controversy. And concern. And does fly in the face of some pretty specific central city policies around connectivity and accessibility. They understood and they made a compelling case that the concept strengthens in Portland central city policies around cultural institutions and innovation. By connecting their two buildings more effectively and creating a more welcoming entrance into the museum, they feel that all visitors will benefit. So this is where we are today. I will quickly turn this over to my policy director, matt grumm, who has been shepherding this through the system and Caitlin reff, who is Portland bureau of transportation capital project manager, who can help answer any technical questions from the council as well as we have city attorney land use rock star Kathryn Beaumont. Following Matts comments and questions from the council that the council may have I will invite representatives of the Portland art museum to come forward and provide us with a short presentation on their concept, what they refer to as the Rothko pavilion, then we'll open it up to general testimony. Matt, take it away.

Fish: Is this your first appearance before council, Caitlin?

Caitlin Reff, Portland Bureau of Transportation: It is.

Fish: We have a tradition of welcoming people their first appearance. Welcome.

Reff: Thank you.

Matt Grumm, Commissioner Saltzman: Matt grumm with the commissioner's office. This is really neat. I hope you enjoy this because this is what city council is all about. I'm hopeful that we'll hear great testimony here today. That's really key as commissioners Saltzman mentioned. We want to hear from the public about the Portland art museum's desire to further amend the easement on southwest Madison. Commissioner Saltzman explained this in his opening remarks I would like to quickly expand on that a bit and get you around what we're thinking here and why we're here. When the museum approached commissioner Saltzman about further constraining these easements we were confronted with how best to have this conversation with the public. This is a big project for the museum. As you know well, building in the central city much less construction impacting a landmark is a time-consuming and very public process. Therefore, we felt it was prudent to provide the museum some clarity on the specific issue of this easement before they went

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into that formal land use and design process. That is important to remember that you, the council, are not designing this pavilion. Actually could have that issue in front of you in the future depending on how the design and landmarks commission process unfolds. Today is a focused look at the easement on southwest Madison and the question of it can it be further constrained by the museum's pavilion concept. So back when the museum approached the commissioner and his thinking how to have this conversation with the public, first commissioner Saltzman was intrigued by the concept and we'll see that here in a minute. And felt the cleanest way to have this conversation was to create a nonemergency ordinance allowing the museum to fulfill its concept and that would be the starting point of the public conversation. Commissioner Saltzman knew it was important to immediately inform some of the most engaged public around this and fortunately in February the bicycle advisory committee and pedestrian advisory committee were having a joint meeting. Commissioner Saltzman filled them in on the idea and actually as a follow-up pbot staff and the museum staff attended last week's bicycle advisory committee and had further issues to talk about. All this has culminated in this hearing. As I began with hopefully great input from the public. To quickly conclude this and answer any questions I will hazard a guess what happens after today. You will all no doubt have different ideas, questions, potential requests so I would anticipate staff from all your offices would join pbot staff, the city attorney and myself in addressing those and ultimately deciding how to move forward. Obviously that will happen in less than one week so we wouldn't bring this ordinance or what I would expect could be an amended ordinance back next week but would look for an appropriate time within a month or so to come back for further consideration. With that I will shut up and answer any questions you may have. Thank you.

Saltzman: I would like to invite up executive director and chief curator Brian Ferriso, Mike Murawski, and chief advancement officer from the Portland art museum. The floor is yours.

Brian Ferriso: Good afternoon. Thank you I really appreciate your time this afternoon. I'm Brian Ferriso, director of the Portland art museum. I'm asking council to approve an amendment to ensure success of our proposed pavilion. 125 years ago the founders of the Portland art museum recognized the importance of art in education for our burgeoning city and state. With our proposed pavilion and master plan we are reaffirming our founder's vision in planning a very significant investment in our community's cultural life to ensure the museum and its vital mission thrive today as well as for the next 125 years and beyond. When I was appointed director in 2006, I articulated three priorities for the museum. Firstly, art would be at the center of all of our activities. Second, we would provide access to all regardless of economic means or cultural status. Thirdly, we would be accountable for dollars donated and be financially transparent in all of our transactions. As I reflect over the last decade much has been achieved in fulfilling these priorities through exhibitions and programs the museum has celebrated humankind's finest artistic achievements from antiquity to the present and from throughout the globe bringing Oregon to the world and the world to Oregon. We have welcomed over 1 million visitors for free or significantly reduced rates through free admission for children 17 and under, free admission for veterans and their families, quarterly free family days, first free Thursdays, \$5 Friday evenings and \$5 admission to all Oregon trail cardholders. Strong financial stewardship and transparency have earned us the trust and respect of our community evidenced by the private support that provides the major portion of our annual budget of nearly \$17 million a year. In all, since 2006 the museum has welcomed over 3 million visitors of diverse background and incomes, truly becoming the museum a resource for all, not an attraction for a few. The museum campus is composed of the main building and marked buildings designed by celebrated architect in Pietro Belluschi 1931 with subsequent additions in 1939 and 1970, the main building houses galleries for the

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collections, exhibitions and an auditorium. The renovated masonic temple became the mark building in 2005, and includes galleries from more than contemporary art, event spaces, and offices. Visitors currently access the center from modern and contemporary art in the mark building via underground passage way from the main building. Unfortunately, because of the concealed nature of this passage way only half our visitors are able to find the center, which houses iconic works by Monet, van Gogh, Picasso, and graves, among others. The proposed pavilion will offer visitors a greatly enhanced experience by creating connections across four levels and bringing visitors deeper into the historic mark building. A new, modern and contemporary gallery will be added, like rather will be more accessible and access to visitor amenities will be enhance. The pavilion will be named in honor of mark Rothko, one of the most influential painters of the 20th century who grew up in Portland. It allowed the museum to secure a long-term loan agreement of masterworks by mark Rothko on a rotating basis. This association is transformational for the museum, the city and the state, and it's already garnered national, international and regional attention. The pavilion, which is an extension of our free access initiatives, is designed to add space for art and education, enhance the viewer's interns and creating welcoming, free public space. Its design is efficient and elegant without unnecessary extravagance. The board and staff and donors to date believe the proposed design, unlike others we have explored, is a perfect solution and critical to our ability to meet the needs of our growing, evolving, diversifying audiences that consistently exceed over 350,000 people a year. The view from park avenue shows the artistic use of glass in the design, allowing the structure to serve as a visual invitation to the community to access many of our offerings. It will be open for museum visitors and pedestrian traffic during business hours including Mondays. The view from 10th avenue shows a new entry from the west and those disembarking on the streetcar, improved courtyard for art and outdoor sculpture. Because the pavilion connects the two buildings it's not possible to have an open walkway running west to east along the side of the mark building as it now exists. The entire space must be enclosed, secured and temperature regulated to protect the art. We also recognize there is some concern about enclosing Madison street between park and 10th avenues but we truly believe the benefit of this grand free public space of over 5,000 square feet benefits at the community in a deep and meaningful way. We are very grateful to our neighbors and community partners who have expressed their support. Ultimately, the Portland art museum celebrated collections, programs and staff revealed the beauty and complexities of our world and create a deeper understanding of our shared humanity. We seek to be a museum for all inviting everyone to connect with art through their own experiences, voices and personal journeys. The proposed mark Rothko pavilion is an essential part of our ambitions to welcome all Oregonians and I'm hopeful you'll look favorably upon our desired ordinance modification. Thank you very much. It gives me great pleasure to introduce director of education public programs mike Murawski.

Mike Murawski: Thank you, Brian, mayor, commissioners, engaged citizens and friends that have joined us. For the record mike Murawski, director education at the Portland art museum. I'm proud to speak about the growing education and community impact of the Portland art museum and how this proposed expansion and public space included within that expansion would enhance and expand these efforts as well as bring our community into the very core of our museum campus. Each year approximately 60,000 adult families and children attend. More than 150 educational programs offered by the museum. These range from artists talks and lecture to family art making, drawing, festivals and reaching under-served audience. Each year more than 30,000 students visit through field trips and school programs. Connecting with our collections as well as engaging special exhibitions like the current constructing identity, which includes work by more than 80 african-

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american artists. Each year more than 600 teachers and educators participate in professional development at the museum. We just had over 100 Tuesday. Through these programs we're not only serving art teachers but reaching those who teach language arts, social studies, math and science as well. Each year the museum works with more than 450 schools and community organizations across our nation, more than a third in neighborhoods with income below \$40,000. It is these school and community partnerships we've prioritized since I became director of education nearly 5 years ago and I would like to highlight just a few of those examples of partnerships. Our work with school teachers and families are so much more than numbers. Last Wednesday for example through a growing partnership with Portland public schools the museum hosted for the second year in a row the heart of Portland celebration of arts education and the arts tax. As a pps parent I was proud to be there to shine a spotlight on more than 480 student artists, musicians and performers ranging from kindergarten to high school seniors. I want to thank all the citizens of Portland for their support of the arts tax which is making this possible. The image that we see, this is miss Robinson's first grade music class from Boise Elliott alongside second grader proudly standing by his work on view at the Portland art museum until Saturday. It includes a work of art from every school in Portland public schools. This event and student art showcase all occur within our mark building. We imagine this in the proposed pavilion in the heart of the art museum. Hundreds of young artists and families, our communities gathered to celebrate the creativity of our city. Expanded student art showcase on display in public space like community commons where everyone can connect with the next generation of artists and creative thinkers. We're entering our third year of a partnership with Portland state university and its middle east partnership programs this. Competitive program of the u.s. Department of state invites leaders from countries across the middle east and north Africa to develop leadership skills and understanding their knowledge of democracy. Students explore artistic expression and identity through viewing the galleries and their able to bring their experiences here in Portland back with them as they implement cultural and civic engagement programs in their home countries. We're also entering our fourth year of a partnership with adalante mujeres. The museum works with participants in their youth development program. As we expand our work with Latino communities across the Portland region we envision the proposed pavilion being a central way to publicly celebrate Portland's cultural diversity. From these smaller, more intimate partnerships to engaging much larger audiences the Portland art museums committed to being a hub for arts and culture in the city. This has been wonderfully achieved through literary arts. Workshops, book fairs, children's activities at last year's fell value the museum welcomed 7,000 people on a single day. Instead of book enthusiasts and their families scrambling between buildings, galleries, underground tunnels, the proposed pavilion would transform our museums ability to increasingly be a hub for the citywide cultural events bringing communities together in an open, connected way. The Portland art museum strives to be a museum for all, inviting everyone to connect to art through their own experiences and voices. A new partnership with the museum of impact has opened up conversation and relationships here in Portland focusing on equity, creative expression and community building. These partnerships expand the museums role around some of those social issues facing residents here in our own city we're envisioning the ways the new common space and education spaces within the proposed pavilion can serve community needs and bring diverse voices into our art museum. Finally, the museum is in its third year of a closed partnership with the Alzheimer's association offer programs to those suffering with dementia and their care-givers called art now this program connects people to people using art as a catalyst to change lives. This picture is Bernie and mark. I love them. A recent participant told us that a single visit to the art

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museum made a bigger difference for them than months and months of expensive experimental treatments. We're constantly hearing these stories in which the museum is helping make the city a better place to live. We need involvement and engagement is core and next week during design week Portland we're beginning a series of community conversations to help envision the potential of this community common space and pavilion and ensure we're focusing on removing barriers and thinking about participation and community involvement. In closing after being involved with the museum for five years I'm so proud of the work we're doing to become a essential part of our community and to have our community see themselves as the central part of this museum and its future. Thank you for your time. I would like to introduce our chief advancement officer, j.s. May.

JS May: Thank you, mike. J.s. May, chief advancement officer, Portland art museum. As you can see from this slide looking towards the mark building and from this side looking back towards the main building, leaving an eight to ten-foot open area easement between the buildings would result in a pavilion that doesn't solve the problems of connectivity between our two buildings that it is designed to address. Designing in gates or other type of barrier would create security issues that would distract from the goal to create Portland's grand public spaces and the museum's main entrance. Finally, we have been asked how we will let people know this is a public spaces and the main entrance. And finally we've been asked how we will let people know this is a public space first through its name the community commons and through the signage, communications and programming. Just as we do now with our current access programs, we actively work to have people sample the museum and approximately 100,000 people do so already through our admissions access programs. The Rothko pavilion will enhance our ability to make the Portland art museum be everyone's museum. So do you have questions for us?

Fish: I have a couple. Thank you for your presentation. Could you remind us what all of the public processes you are required to go through as part of this? You're here on an easement.

May: We're here on an easement, then we will have the landmarks process on the actual design itself. Design review process occurs.

Fish: And do you have any issues that come up under the comp plan?

May: I don't think so.

Fish: It's primarily landmarks design and easement. Are those --

may: Yes.

Fish: That's helpful. Thank you.

Fritz: My understanding is that bicycles will not be allowed to go through here.

May: That's correct.

Fritz: Why is that?

May: Because there will be doors that are airlock quality because of the need to protect the art, and the flow of air within the building.

Fritz: I also understand that no animals other than service animals.

May: Correct.

Fritz: There is some testimony in the record about the comprehensive plan in particular the west quadrant plan and our street connectivity requirements. Would you care to address those?

May: I don't know the details deeply on those. So I'm not the person to address that.

Fritz: My understanding is the planning and sustainability commission has not yet held a hearing on this. Is that correct?

Saltzman: That's correct. The planning and sustainability commission would hear this if this was a street vacation. As I understand it the street was vacated in 1968 this is simply a modification of that.

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Fritz: We have a request from them to be able to weigh in. Particularly since the bicycle committee the pedestrian advisory committee, Oregon walks and Portland commission on disability are asking not to approve this. So would you care to address any of those concerns?

May: There are definitely people who will be inconvenienced by the pavilion in the hours that it's closed. We can't deny that. The pavilion will be built to all ada-accessible requirements, so that people when the building is open they will be able to walk through the building. The fundamental question here I think is for the city council to consider is, is the greater good of the city served by the pavilion being a destination for people and a public space or is that not the case. So I think that is the crux of the issue that is before you as a group.

Fritz: There's a public space there now which is really lovely.

May: And there will be an eight-foot easement within the building as part of this also.

Fritz: What hours are you proposing that easement to be open for?

May: At this point we're looking at museum hours, which would be 10:00 to 5:00 Monday through -- Sunday through Wednesday, 10:00 to 8:00 Friday and Saturday. -- Thursday and Friday.

Fritz: Much less than the current easement allows.

May: Yes. Currently the easement -- we have the ability to close the walkway from 11:00 p.m. to 7:00 a.m.

Fritz: One of my concerns, colleagues, is particularly about bicycles that this area is being north of Jefferson, the cyclists are supposed to go on the sidewalk. If they are on the street, they can ride their bikes but they are not allowed to ride on the sidewalk. If you're concerned about people are concerned about going east-west on the adjacent streets, they wouldn't be able to walk their bicycles through the pavilion is that correct?

May: Correct. By my calculation, the distance from the streetcar stop to the historical society or let's say schnitzer hall for example is the exact same on the streets adjacent to the museum, same amount of steps.

Fish: I want to go back to another way of looking at this. By the way you're going to stick around so after testimony if we have questions about things we heard, alternatives --

May: Yes. I think Brian has to go to a meeting but I'll be here throughout. If you think it's appropriate.

Fish: I think you have a good team. My perspective on this museum, which I consider to be a jewel, is your current entrance is a mess.

May: Yes.

Fish: It presents several problems. First I'm not sure it's very accessible. I'll come back to that. Number 2, once you come in it's a crowded space where you snake around to get a ticket. Number 3, in order to gain access to the newest collection of modern art you have to go downstairs and then figure out your way up. So there's tremendous barriers. So put aside the question of whether this pavilion is the best possible option and easement. Talk to us for a moment about what the enhanced customer experience is to this new pavilion versus your existing entrance.

May: Well, currently the entrance at the Belluschi building, the 1932, building, is completely inaccessible. There are historic stairs and gates which date back to the original building so the only accessible entrance we have is coming through the courtyard and then through a ramp which comes up between the stairs leading up to the Hoffman wing door and the space that we affectionately refer to as the cage. So there's a single walkway up through there. That's really the only accessible entrance into the museum proper itself. The new facility will be accessible from both park and 10th and be really easy for people to figure out how to get in. In terms of customer experience, you will come into this right now

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one of the real challenges of our building is that you can never find the stairs. All of the stairwells are hidden. Our proposal actually moves the loading dock from the -- its current location over to southwest Jefferson and existing loading dock, also in the courtyard, becomes a four-story stair tower. So when you come into the main building you'll actually see the stairs so you'll understand both vertical and axial transportation throughout the building. So it will be a dramatic improvement for visitors as they try to figure out how to get around the building.

Ferriso: I'll add one other thing. Pietro Belluschi designed a masterpiece for us based on axial architecture. You can see long distances through the galleries. It's a rational, clear indicator of how to go from space to space. It's considerably disrupted when we added the mark building through the unground passage way. What the architects are trying to do is build off the greatness of what Belluschi designed and create an axial experience for our visitors and in many ways giving them a sense of ease and comfort and they can see where they are rather than a cacophony of spaces that causes a lot of angst.

Fish: If you get the green light for this vision what happens to the sculptures that are currently in the sculpture garden?

Ferriso: Right. So the sculptures in the sculpture garden will be added to the various plazas outdoors where they are now. The new design has an east plaza and a west plaza. In those plazas will be sculptures.

May: You can basically think about the Madison street vacation in thirds in terms of the museum experience. A third will be building, a third in the back will be the 10th street courtyard, a third in the front will be the park avenue courtyard.

Wheeler: Thank you.

May: Thank you very much.

Wheeler: Public testimony.

Parsons: We have 29 signed up. I'll call three at a time if you'll please come up when your name is called.

Fish: Marci Hocker is The beloved spouse of George hocker who served the city of Portland with great distinction. She's also the voice of kmhd radio and most importantly one of the early miss New York subways, which was a great honor in its day. [laughter]

Wheeler: We have 29 people signed up. Now we only have seven. [laughter] good afternoon.

Marcia Hocker: Good afternoon, mayor, good afternoon, commissioners. My name is Marcia hocker. In addition to being a vocalist, arts advocate and radio host here in Portland, I'm a member of and education chair for the pdx jazz board of directors. Thank you for this opportunity to testify on behalf of the Portland art museum. I have had the pleasure of working with the education and public programs team at the museum and have experienced firsthand the powerful effect that great art and great community partnerships can have. The museum's exhibition constructing identity featuring african-american art is a fine example of how art sparks conversations and celebrations. Through these authentic connections and true partnerships, the museum is welcoming and increase of visitors including thousands of school children in a truly meaningful way. Exhibitions like this and the resources they provide to teachers allow kids to see themselves reflected, to experience different perspectives, and appreciate the differences. I have attended family free days, lectures and music event that are overflowing with people. Imagine what more the museum can do with added space and facilities to accommodate visitors of all ages and abilities and how many more partnerships would be possible. I understand that our Portland art museum is nationally renowned for including community voices in many aspects of their work. I have seen evidence of this in a big way. And I hope that you will

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consider a vote in favor of this proposal that will expand community access, engagement, and diffusion of knowledge. Thank you for your time.

Wheeler: Thank you.

Eudaly: Can you come read all the testimony here from now on? [laughter]

Wheeler: Good afternoon.

Arvie Smith: Good afternoon. Mayor wheeler, city commissioners, I'm Arvie Smith, I'm an artist educator. I have lived here a little more than 40 years, and I taught at pacific northwest college of art for over 30 years. I'm glad to be here today to support the Portland art museum and their expansion project. Brian and mike earlier spoke about power. Powerful means of exposing our humanity. The power that art has in exposing our humanity. Art requires us to see from another person's perspective and confront our differences and similarities. I have been honored to have my work shown in the Portland art museum and at the northwest based artist I appreciate their commitment to collecting and presenting northwest art. With my work, I try to combat racial stereotyping which never is benign and tend to exaggerate negative generalizations. Over the past year I have had the opportunity to connect even more closely with the museum. I have an exhibition of paintings depicting lynching for black people, police violence and images of black negative stereotyping by the media. Portland is a very white city. Museums can be seen as places of white privilege. But Portland art museum embraces the opportunity to invite people of all colors to engage in conversations about race, history, and current events. I gave free gallery talks and lectures, participated on panel discussions and spoke at partner events in the courtyard. Museums are changing to reflect their communities and the world around them and the Portland art museum is doing this in an inclusive and authentic way. While the proposal before you today is about glass, concrete and steel, the impact will be warm, welcoming, will be a warm, welcoming place for our community to gather and create shared experiences. Thank you.

Wheeler: Thank you, sir. Good afternoon.

Tom Neilsen: Mayor wheeler and commissioners, I'm tom neilsen. I'm a patron level supporter of the art museum. I think the concept of the Rothko pavilion is exciting because it helps address many of the connector issues between the two buildings. I also know that for many reasons I trust you will hear about, maintaining the current public easement across the Madison plaza is also very important. The public easement reinforces the pedestrian friendly, interconnected, livable city that the planning processes have worked so hard to reinforce. I believe there must be a design solution that would allow an eight-foot-wide public passage way to stay open across the plaza while solving the identified connector issues between the museum buildings. A group of us met with museum executives over a year ago on April 3rd when we were first shown the Chicago architect's design for the pavilion. At that time and on numerous occasions since then I and others have reinforced our support for the project conceptually but the request for them to go back and develop an alternative design that would allow the continuing public easement across the plaza. Our requests have never been taken seriously. The design has never been altered. I think the museum has felt they could just push their way through the city's planning processes. I ask that the city council reinforce with the museum the importance of the current easement and suggest that they pursue an alternative design that accomplishes what they need while maintaining the public passage way. Then instead of having a roomful of citizens who are objecting to the project they could have a roomful of enthusiastic supporters promoting the project. The museum is not listening to citizens. Hopefully they will listen to you. Thank you.

Wheeler: Thank you.

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Wendy Rahm: Mayor, commissioners, I'm Wendy Rahm, an art museum supporter and patron donor and served several years on a council board there. I believe in the value and importance of arts in our city, however I cannot support the Rothko pavilion proposal and believe no change in the existing ordinance is necessary. Within existing ordinance conditions, the museum can build on the second, third and fourth floors and achieve its building connections and programming goals. This would leave Madison plaza largely as is, a gathering point, an oasis in our neighborhood. This would allow the continuation of unenclosed, barrier free local connectivity that is easy transit for those with disabilities, those with dogs both service and companions, cyclists walking their bikes through the passage and pedestrians of all kinds including moms with prams. Madison plaza connects the south park block's cultural entertainment district with the dense west end neighborhood and the 10th and 11th avenue streetcar stops at the museum. The plaza is a critical part of a larger pedestrian system. The museum proposal to both close and enclose the plaza would create a superblock and a physical and psychological barrier. There's a ring of elitism to it. A person getting off the northbound streetcar at the museum can now walk six blocks straight to city hall. If the passage were closed, that same trip becomes eight blocks all with traffic which could mean a person with disabilities just might not go. There is an alternative. A museum sky bridge is not a new idea. It has been used in museums in Wisconsin and the Netherlands. There's nothing in city code that bans sky bridges. The design guidelines recommend, recommends against them in an effort to increase pedestrian traffic. The irony here is that the museum design will decrease pedestrian traffic, not a goal in the 2035 plan for this area. You have a traffic study for those hours when the museum will be closed. One example is a Wednesday in May last year. During hours when the museum was closed there were 677 pedestrians including 10 with disabilities. Connectivity, barrier free and open passage for all, a cultural and neighborhood iconic oasis accommodating those with disabilities are just some of the reasons to save this plaza. Please oppose any changes to existing ordinances and ask the museum to revise the proposal to accommodate existing conditions. Everyone can be a winner here. Thank you.

Wheeler: Thank you.

Judith Marks: Good afternoon. Hello, mayor and commissioners. I'm Judith marks and I live across from the art museum. I'm a member of the Portland art museum and the film center and frequently attend various area theaters. The reason I chose to live there is because I enjoy the cultural events nearby. I also chose it because I have copd, and I can walk to so many of these things. I cannot stress enough how important the Madison walkway is to my life and independence. If it were closed for most of the morning and evening, it would have literally breathtaking consequences for me. The additional blocks around the museum may be an inconvenience to others but could prohibit some outings for me. Enough of about my health. My training as a planner affects my world and neighborhood views. With open spaces disappearing around town, I feel it's important to save the precious plot next to the museum. I see the Madison walkway from my window. To borrow from dr. Seuss, oh, the sights that I see. Commuters rushing to jobs, perhaps in this very building. Backpacks on students heading to St. Mary's or psu, parents pushing strollers toward Safeway, workers heading to alfresco lunches on the park blocks. Later a steady stream to and from streetcars and other parts of the area. The commuters rushing back home. They all contribute to the area's rich life. They also serve a more important function. Urban planner jane Jacobs wrote, eyes on the street make for safer neighborhoods. I worry that closing the block between 10th and park can change travel patterns, leaving the area less peopled during the morning and evening. That will make it more inviting to those who operate in the quiet shadows. Please encourage the museum to

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come up with a design that will keep Madison walkway open and well-lit by voting against this amendment. Thank you.

Wheeler: Thank you. Good afternoon.

Doug Klotz: Thank you. I'm Doug Klotz. I'm a co-founder of Oregon walks. I have been a 25-year member of the city's pedestrian advisory committee. Speaking for myself but I do support their position. I urge you to reject this amendment to the vacation ordinance. Since 1968, the public has been allowed to walk through this passage originally 24 hours then cut back to 7:00 a.m. to 11:00 p.m. In 2011 Elliott tower across the street also built a public passage way between 10th and 11th so it now becomes a longer connection to the art museum being here and the Elliott connection being there. It's a several block passage. I sort of indicate routes you take from there and you can see the art museum in the background that way. There's the art museum.

Wheeler: Thank you.

Klotz: Is building a building across the plaza it's going to look like a private thing. I don't know how many know there is another building in downtown Portland you're allowed to walk by public easement clear through opening the glass doors and through and out the other side but no one would ever know. That it doesn't look public. That's the u.s. Bank tower. A vacation of Ankeny street but you would never know it. This doesn't work that way. I think the art museum should go back to the drawing board. There are precedents. This is the chasseson art museum in Madison, Wisconsin. They have an open public plaza; they have a connection at the upper level. I think they may have one below too. The art museum as is noted before connect not just the second level but third and fourth. They could connect at the ground level. They give you a button to put on your shirt and you can walk out one door, into the other door. I don't understand why the current section doesn't have a door opening on to the plaza so you could go across at grade level and go in the door. With this plan they will have two entrances they have to have security at anyway. This would be two this way. Same number of security people. I think they our museum should go back to the drawing board and look at ways to build this that I still think could be just as good a space and maybe a better space that would still allow passage through there, hopefully 24 hours but at least 7:00 to 11:00 that would feel more open and be a better connection for the city as well as for them.

Wheeler: Thank you. Appreciate it.

Eudaly: Did you have any conversations about the possibility of expanding the public hours to match what's currently allowed?

Klotz: I didn't have any conversations about that. But I still am concerned that it would still look enclosed.

Eudaly: I understand. Thank you.

Wheeler: Thank you.

Wheeler: Good afternoon.

Robert Wright: Good afternoon. Can everybody hear me?

Wheeler: Yes, sir.

Wright: All right. Good afternoon, mayor, commissioners. My name is Robert wright. I have been a resident of the west end for 11 years. I'm a Portland native also. The proposed mark Rothko pavilion is beautiful but its current ground floor design apparently necessitates modification of the long standing pedestrian passage easement that once was public property. Southwest Madison street. A similar easement for the public benefit of pedestrians also exists from plaza next to the condominium building where I live across the street. This plaza was also once part of southwest Madison street. The front entrances of ground level residential units open directly onto this plaza. In the 11 years I have lived there residents have had to suffer all manner of activities. Some life-threatening resulting

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in 911 emergency calls. Over the years there have been suggestions to gate off the plaza from evening through early morning for the protection of the residents. Suggestions have been summarily dismissed for the greater good of the neighborhood, especially since pedestrian passage aligns with the pedestrian passage between the two main buildings of the Portland art museum heading to the south park blocks and adjacent venues. The reasons for dismissing such suggestions will change if the Portland art museum easement request is approved. The fundamental reasons for requiring pedestrian passage through both properties still exists as they did over 50 years ago as an important part of city planning. Preventing pedestrians passage outside the museums open hours will set a legal precedent that can be applied to the condominiums plaza not only for security of art but the security of people. The need to maintain pedestrian passing through the condominiums plaza would be greatly diminished. This precedent can also be applied to other pedestrian easements; that are inconvenient to property development plans. I strongly recommend that the easement for the Portland art museum property not be amended. Thank you.

Wheeler: Thank you, sir.

Mary Vogel: I'm Mary Vogel. I want to make sure I will be able to testify as myself, not just for Oregon walks.

Wheeler: Understood.

Vogel: Oregon walks appreciates the opportunity to provide comments on the Portland art museum Madison plaza easement request. I am Mary Vogel from the plans and project committee. We're the state's pedestrian advocacy organization and we work to ensure walking is convenient, safe and accessible for everyone. Oregon walks opposes the request as we believe that it would make the city less convenient, safe and accessible to pedestrians and others using active modes of transportation such as cyclists. Instead we suggest a revision to the design that could accommodate both sides. We believe that we need more, not less, such plazas, where pedestrians and slow moving cyclists are protected from fast-moving vehicles. We believe our central city needs fewer, not more, superblocks. Superblocks are more than an inconvenience for people with disabilities as you heard from Judith. The extra steps they require sometimes mean that someone with a cane or walker does not go at all. A number of us at Oregon walks including myself have worked hard to see that the central city 2035 plan will make our city more walkable and bikeable. We feel that this proposal by pam would be taking us backwards negating our work. Madison plaza was a public street and a condition of the street vacation was to maintain pedestrian bicycle access. We recommend no changes to the existing ordinance, rather we suggest that you require a revision to the museum's proposed design to accommodate the ordinance. Redesign, not retreat. Thank you.

Wheeler: Thank you.

Fish: Can we try something? There's a lot of feedback. Is it possible it's interfering with the laptop?

Phillip Hillaire: Good afternoon. Mayor, city commissioners, my name is Phillip Hillaire, a member of the lummi nation I have lived and worked in Portland for 32 years. I'm on the native American advisory board for the Portland art museum and vice chair of the regional arts and culture council. On behalf of the native American community, I'm here today to testify in support of the Portland art museum's new expansion, the new pavilion will bring two existing buildings together and add a much needed space for artistic and cultural programming for current and future generations. The native American community is very grateful for all the outstanding work that pam has done for our community in recent years. The exhibitions like the contemporary native photographers, contemporary native photographers and legacy exhibit as well as the native factional and the creation of the center of contemporary native art. I'm sorry. And display of their woven robes. These

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exhibition has helped educate tens of thousands of visitors about native Americans to inform and in a positive way. Pam is also recently created a native advisory board which I'm a part of. We are there to assist the curators for future native American exhibitions and collections. This collaborative work with pam has proven that we, the native American community, is a part of pam's future. Their commitment to showcase and educating and highlighting native American arts, history and culture. Please support pam on their new expansion of the pavilion so that all Portland citizens and visitors will be able to enjoy this extraordinary place. Thank you.

Wheeler: Thank you.

Parsons: Next three, please.

Wheeler: Good afternoon.

Cynthia Huntington: Hi. Hello. I guess you can tell I'm nervous.

Wheeler: That's all right. Don't be nervous.

Huntington: I'm Cynthia Huntington, 1500 southwest park avenue. I'm speaking against the design only as it's currently presented. The new pavilion could be a win-win if the glass lobby retains an open air walk through on the ground level and only spans the entire street at the upper level. The museum would have all the benefits, the public wouldn't get locked out, faced with a superblock in a city that prides itself on being walkable. This city street was leased to the museum as long as they provide a public access way. A glass structure enclosing that street does not say welcome, please feel free to walk through. It very clearly says keep out unless you pay. Of course when the museum is closed, the street can't even pretend to be open. This is an elitist obstruction. The privileged will gain museum space and convenience at the cost of limiting others their own enjoyment of beauty and convenience. How does this fit with Portland's proclaimed self-image? This design shows lack of imagination, empathy and responsibility towards all Portland residents and visitors. These short coming are jointly held by the architects and oversight committee. I ask the city council to do what's required, stand up for all residents, and address this disconnect. The new building doesn't need to be as proposed. I ask that the museum gets to proceed with this project only if they include an open walkway on the ground floor so please represent all of us. Please do your part to truly make it a win-win. Thank you.

Wheeler: Thank you.

Vogel: I'm Mary Vogel from downtown's west end. On Monday as I was trying to gain the support of my fellow land use transportation committee members on my initiative to fix the only superblock in back of the art museum between southwest 11th and 12th with a walkway, the discussion moved quickly to pam's request to close Madison plaza. As a cyclist in that female over 50 category that planners are hard pressed to attract to cycling, I mentioned how incredibly important the Madison plaza route was to me. It's my safest and easiest path both to the Hawthorne bridge to access the east side and also to southwest park avenue to get to psu, and points beyond like national university of natural medicine. That sounds pretty anymore nimby declared another member from the new park avenue west who tried to convince me that he should be able to have a world class museum in Portland so that he wouldn't have to travel to Seattle or san Francisco for one. Most in Portland can't afford to use Portland art museum now. I'm not the only one who wants a safe, car-free plaza to travel downtown. For one example, the community cycling center uses the two plazas to train low income people in their bike town for all program and hundreds of cyclists per week take those plazas to access Madison to the Hawthorne bridge. As I was biking home from the east side last night, I had the premonition that if you were to set precedent with this closure then Portland five would not be far behind in seeking permanent closure on southwest main. Obstructing the safest east side bicycle route from the west end. Both coming and going. Although I'm officially speaking only for

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myself I represent hundreds of cyclists and potential cyclists including likely 200 more cyclists moving to the neighborhood when sky 3 opens next month. In an era of climate change and dwindling funds to repair the damage cars do to roads, we are a public benefit too. Don't retreat on Madison plaza. Rather insist on redesign. Thank you.

Fish: May I ask a question? Thank you for your written testimony. You brought back a memory. A number of years ago there was an informal discussion about a possibility of closing southwest main street.

Vogel: Yes.

Fish: We know that from Broadway to 405 it terminates at 405 so it is actually a dead end and you have to -- someone, I forget who, you probably remember, someone had proposed that we close it to cars and turn it into a pedestrian plaza. Add art and make at the new spine, the new east-west corridor in a cultural district. I'm not here advocating that, I just remember when that was once suggested and it could have had an impact on frankly where the entrances are of certain cultural institutions. If that was a pedestrian way, open to bikes and people but not cars, would that change your thinking about this issue? Would it have an impact on your thinking?

Vogel: It would certainly have an impact on my thinking as long as in fact bicyclists were allowed because pedestrians have it much easier than bicyclists with our one-way roads.

Fish: I live downtown so I walk. I have learned that that street main is blocked off a lot. The barrier comes down. I don't know what triggers the closing but it's closed a lot. Someone has at one point proposed turning that into a pedestrian and bike way. I don't know what its impact would be on traffic. Dan is probably sitting here ready to throttle me. It was an idea the community was advancing at some point. I don't know whether it is going to come back to us.

Vogel: Well, I don't know either. I just felt last night as I was going through there that, oh, my gosh, this is going to be closed with a building like the Portland -- they didn't used to be called Portland five, but what they proposed was to put a building that would actually close the street. Across connecting the two buildings. Thank you. I think that's a great idea. I guess I would like to consult with the rest of the bicycling community before I would say, oh, it's totally changing my thinking.

Shirley Rackner: I'm Shirley rackner, here to urge this commission to look at the Portland art museum's plan for the Rothko edition that creates a psychological and physical barrier. It reduces access for pass-through hours to the Madison plaza pathway. I'm here to represent many elderly in my downtown neighborhood. It's the goal of all aging individuals to age in place. Aging in place means to be able to continue to live in one's home and neighborhood. To enable us to stay in our homes and neighborhoods, accommodations must be made. This plan creates the largest superblock in Portland and could set a precedent for more superblocks downtown. Making walking downtown a greater challenge for me and many elderly. We need the shortcut to be able to help us maneuver around downtown during the day and night. I must add this plan was done without any input from the community or any consideration of the needs of the elderly neighbors or people with disabilities. Growing older is a privilege, but it brings with it challenges and the most difficult challenge is diminishing mobility issues. I love the art museum. I support the art museum. I love what they do. Hearing all of their wonderful programs today made me love they even more. But I do not love what they are doing to our city. I urge the commission to support the needs of the elderly and oppose any changes to the existing ordinances for the Madison plaza pathway.

Wheeler: Thank you.

Wheeler: Good afternoon.

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Bruce Kaplan: Bruce Kaplan, I live at 1500 southwest park avenue. Going to go off my script a moment. I'm sorry, I'm going to go off my script a moment. It seems as if most of the success stories we have heard about the museum was as if this was a hearing to remove funding. I was flabbergasted at the presentation. If they can be that successful, the way they are I don't know why they can't continue the way they are. They seem to prove my point. I'm against allowing a change to the existing ordinance. How much does a wall cost? Donald trump comes to Portland. How can anyone consider erecting such a barrier at any time but especially now? We do not need more evidence of a privileged few taking away simple yet exquisite pleasures from the common citizens of Portland. The existing ordinance was created to prevent just such an occurrence that is being proposed. The museum has taken an arrogant position in an attempt to gain what they think is best for them and they say it's best for us. It is not. The Rothko pavilion, which may or may not be populated by a few paintings on loan is an attempt by the board of directors to take something precious away from the city without any cost to themselves. Usually in politics there's compromise. For each party to an agreement loses something and also gains something. The museum only desires to gain. They offer nothing in return for creating a superblock. They offer nothing for making it more difficult for the average citizen to move through our downtown core. They offer nothing in return for changing a beautiful pedestrian thoroughfare into a barrier. Please vote to not change the existing ordinance. Ask the museum to submit a design that does not block our passage way. Perhaps they can reevaluate their request and we could all be happy. Thank you for listening and for voting your heart and mind.

Wheeler: Thank you, sir. Good afternoon.

Paula Lifschey: Good afternoon. I'm Paula lifschey. I live in Elliott. I am going to go off script a little too after hearing what I have. No one is questioning the value of an art museum and what they contribute to the community in any city an art museum is a major symbol of cultural life. I am a musician and an artist and one reason I chose to live downtown was exactly that access to the concert halls and being right across the street from the art museum, which is probably the most important building in the city to someone like me. Expanding the museum on the upper floors would enhance the museum without destroying a heavily used feature of downtown Portland. A pedestrian walkway that connects the streetcar lines to entertainment venues, shops, restaurants, churches, residential buildings, Portland state university, and which provides traffic free respite for all residents and visitors in keeping with the meditative quality of Rothko's work. Therefore, I oppose any change to the existing ordinance but rather urge the museum to consider an alternate design in keeping with Portland's national reputation for being a city that values quality of life above all. Thank you.

Wheeler: Thank you for sharing.

Susan Bliss: Hello. I'm Susan bliss. I live across from the Portland art museum also. Most days I take the Madison street passage to walk downtown. I'm shocked at my good neighbor now wants to build a structure that will block my right of way whenever the museum is closed. As a member and supporter of the museum I admire its exhibition and education programs that offer so much to an expanding public. But suddenly this welcoming mainstay of Portland's cultural scene has made a policy U-turn that plainly says unfriendly. The museum must not ignore its faithful members or new comers, film goers, shop patrons and strollers or bikers who for reasons of convenience, safety or eco-consciousness regularly use the Madison street passage. The best architecture can be strikingly beautiful. Offering unexpected solutions to problems. I think vinchy hamp could have done the same thing, could have done that also while fully maintaining an accessible right of way. But the firm's esteemed architects may not have known how much our

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community values its bit of Madison street or they would have conceived a design to keep it open. Being out-of-towners and perhaps not fully briefed on local priorities the firm may not have understood how many of us rely on this car free thoroughfare. Did they dismiss the siting problem as just a minor issue that could be overcome simply by asking the city to revise a standing ordinance? That ordinance which has been enforced since 1968 stipulates passage between southwest park and 10th, the space on which the museum wants to build, must provide a permanent eight-foot-wide route through a dedicated open mall lighted after dusk that must not be blocked between 7:00 a.m. and 11:00 p.m. Daily these rules help to protect Portland's much praised walkable blocks and uninterrupted through streets. As construction claims ever more of our urban space it's vital the full ordinance remain in force to comply therefore the museum must revise its proposal though it still may bridge a walkway on upper floors. Thank you for this opportunity to voice my concerns.

Wheeler: Thank you.

Katie Urey: I'm Katie Urey, a member of Oregon walks and a member of the Portland art museum. I'll speak for myself. I'm very disappointed that we have had to lecture the city commissioners on the Portland art museum on the costs of the Madison closure which creates as we have heard for several hours another superblock in the city and which breaks rather than connects our very important pedestrian network. I'm embarrassed at the arguments provided by the Portland art museum. I find as many have said, inward looking arrogance and

Fish: Could I say something? The theme is beginning to creep into the testimony which has a judgment component about the person submitting the application. I'm just speaking for myself.

Urey: Correct.

Fish: What is hugely helpful for me is to understand your perspective about why it falls short. You can testify any way you want. It's usually helpful for me is to hear the merits and to hear you address the values and what you care about. It does not help my cause to have either side characterize the other's motives.

Urey: Okay. Okay.

Fish: Just as someone who has been asked to referee this, so it's much more helpful to understand your values, how you view it, and if you have an alternative suggestion. But you are free to testify any way you want, I just think --

Urey: I appreciate that very much. I very much believe the city needs a connective pedestrian network. I believe this closure breaks that pedestrian network. I think we have said that a number of times today and I don't want to waste your time any more by saying that again but I think the pedestrian network downtown is a critical part of our transportation system downtown and to close it off is similar to closing off Jefferson or Columbia. We need that to keep our city connected. I'm not convinced that this structure will help me as a patron of the art museum find my way between one building or another or get in or out of the building in any way. I don't see the improvement in my experience in the art museum. I would like to see a totally open walkway through Madison. That's my opinion.

Wheeler: Thank you. Appreciate it. Good afternoon.

Deanna Mueller-Crispin: I'm Deanna Mueller-Crispin. I live downtown. I'm a long time member of the Portland art museum, probably as long as anyone else in the room since the 1980s. The Madison plaza has been my absolute favorite passage way in Portland ever since 1990 when I began my habit of using it several times a week. The views in each direction are unique from the congregational church and historic elm in front of the ywca. The museum's proposed Rothko pavilion would turn this priceless public passage way into

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a monolith blockage. Their proposed huge glass barrier does not say as someone has already said welcome, pass through on your way to wherever, rather this communicates this is a private space, you have to pay to come in here. It will certainly not suggest that it is a dedicated public right of way and at any rate it would be navigable only when the museum is open. I understand the museum's desire to improve connectivity between their two buildings but this should not happen by decreasing the connectivity for many people who live in the neighborhood or come here to participate in its many cultural and social activities. Of course you've heard this already today, it is in contradiction to the city's planning in the central city plan and I'll just read one part of it. In walking it says it shall encourage walking as the principal way to get around the central city with improved infrastructure that enhances safety and closes access gaps rather than forming new ones to area within and adjacent to the central city. There are other options to pam's plan as you've heard without blocking public access to a public road, and I think the sky bridge is a very good idea. Just one last comment, I'm not trying to denigrate the museum because I love the museum, but I do believe that they have failed in the process of trying to bring their case to the public. I was distressed at the downtown neighborhood association's board vote in executive session when association members were excluded to support pam's proposal. At that meeting I was in fact very impressed by the nearly unanimous opposition of the attending residents of the neighborhood to pam's proposal. Pam presented the Rothko pavilion design as a done deal without ever previously having tried to discuss this with downtown residents or even ask for their opinion. My opinion is clear. I oppose both closing the Madison plaza passage way and changing the existing street vacation ordinance. Thank you.

Wheeler: Thank you. Good afternoon.

Mary Loos: Good afternoon. I thank the art museum for its programming such as the five-dollar art entrance with Oregon trail because it brings more people in and there's another less known activity that's done where there's a monthly meeting of adosent teaching a group people, blind visually impaired people about the things in the museum and particular exhibits and that's also done at a lower admission and these two things, in addition to positive things that have been said, keep the art museum at having a good reputation and so, I respectfully suggest that -- I wanted to be positive, but don't ruin your reputation by putting this walkability barrier into your good space. I better stop now. Thank you.

Wheeler: Thank you, appreciate it.

Parsons: We have 11 left, remaining to speak.

Wilfred Mueller-Crispin: Good afternoon. Mayor, council members. My name's Wilfred Mueller-Crispin

Wheeler: Could you pull the mike a little bit closer?

Mueller-Crispin: I'm a near resident to the Portland art museum. I made Portland my home about 40 years ago. So, excuse my ability to speak in a very eloquent way. We had some of the previous people present their situation. Limiting use of the passage will make residents less-safe. Especially at night by making them detour poorly lighted less used streets rather than by transients who tend not to use Madison pathway as much. Pass proposed provides convenience for pam, but not its resident. Downtown residents are have felt helpless and confronted -- I'm sorry about council member Fish having to bring this up have felt helpless when proposed with pam's project. Pam has emailed a thousand members, using them to support the development. And has just been marketing materials outside of the Belluschi building that showed it nearly approved as an approved concept. Pam's immediate neighbors were present by the marketing and development arm. As a matter of fact, a professional presentation. The neighbors were told, we are not interested, nor do we need residents input since our committee and architectural contracts already

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considered the options and will not consider any changes to the proposed plan. This is word for word, as was stated. Also a question maybe for your esteemed attorney is pam going to purchase the right to restrict the public from its existing right to use this publicly owned corridor? What is it worth for the passageway to be vacated and increase revenue for pam? Portland taxpayers should know the monetary value of the land they would basically be donating to pam since the public would have no further right of use, it's a prime real estate, as we all know. One might add, we've been members of the Portland art museum for basically a lifetime, 35 years-plus. We visit museums all over the world, including Portland and I think Portland can do better. I oppose the pavilion as it's designed right now and it should be modified to maintain the passage.

Sean Murphy: Good afternoon, I'm Sean murphy, a new resident of Portland. I live in the museum area and the first thing I did is joined the art museum, when I moved to Portland along with the film association and moving to the museum area, as it is, was one of the reasons I chose to locate downtown rather than in the pearl or other outlying areas. I have a background in architectural design and it's really common for architects to solve the floor plan problem. Where its simply the footprint of the building, bounded by the streets and they solve the problem within those boundaries. What's been expressed here is that axial experience that the museum stated was part of their original vision and part of the logic and accessibility that made the original museum design great. Today's access is really the streets. That experience is what the connectivity is between the museum and the surrounding community. In my view, you know, creating a super block is the most negative way to put it, but it creates a barrier. The through access there is 24 hours a day. So, having it accessible during business hours is not simply a practical solution. It's contrary to what should be the goal of museum. Having moved here from san Francisco where I saw major museum changes that were really well-done, right? Portland is really unique in that accessibility and walkability that those cultural institutions are truly apart of this downtown area in a way that you won't see in other cities around the world and I think that the -- frankly, the city of Portland got it right the first time.

Wheeler: Thank you, sir. Good afternoon.

Lake Perriguy: Good afternoon, mayor wheeler and commissioners. It's nice to see you. I'm Lake Perriguy a civil rights lawyer in Portland. I have been a member of the Portland art museum for almost 20 years and participated with the contemporary arts council several years during that time. I appear today before the council to oppose the granting of public property to the Portland museum for the use the museum seeks. The current proposition is a wall and a travel ban in one. According to the Portland art museum website today -- and it was labeled as October 6, it states that groundbreaking is scheduled to take place in 2018, with an expected completion date in late 2020 or early 2021. They don't have the rights to build anything, even a causeway above that. As many of you know, I'm sure, the rights -- property rights are a bundle of sticks and the stick that the Portland art museum has is a right to have a public sculpture garden. That was the value that was seen when it gave over public rights 50 years ago. The proposed ordinance will give a significant and very expensive opportunity in land and air rights that belong to the entire city. This is not just an access issue it is a much bigger ordinance and it's not a done deal. We have not given over the rights to build on a public sculpture garden that was not part of the 1968 ordinance. So the council's considering today whether to give away all the public rights and the free speech rights, which exist in a public forum which would not exist in a building where commerce is taking place, where priceless artwork exists so we're selling off the free speech rights we enjoy in a public forum. The sculpture garden offers the right to be in the space without shoes, with your dog, easily with your wheelchair. The right to sun with your shirt off. [laughter] the right to rest and ponder and the right to sit for an

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entire day, collectively in the rain. I wonder what that place is going to look like when it's really, really rainy and they say, yes, come in, come in, come in. I'm sure that the public space aspect of that place is not going to last in that regard, the way it is now. If this plan is improved, our public space will have paintings and sculptures but will be used for the main entrance to the museum as I understand it where people pay \$20 per head and \$17 per student or senior. A museum offering the -- the museum offers the public three free hours a month. The public already benefits from an outdoor sculpture garden. A structure sure to be covered with opaque fliers will not be a public space. In New York times published an article on privately-owned public spaces where the city gives over or allows some variance from some existing law to create a public structure. Of course there's one in trump tower and they ignored the obligations there and it took --

Wheeler: I'm sorry, I'm going to have to ask you to wrap it off.

Perriguet: So, I invite the council to consider the many rights and the -- the -- what we own, as a collective right now what we're given away and consider all of those that haven't been brought up, the expressive rights, the free speech rights that would go away if we gave all of this away, not even for \$1.

Wheeler: Thank you, appreciate it.

Fritz: Have you sent it in by email.

Perriguet: Have I sent in my comments by email yet? No, I'm doing that today.

Fritz: If you could that would be helpful, as we mentioned we're not voting on this today

Perriguet: Thank you.

Wheeler: I'm the one who's required to try and keep the things moving, but I do apologize but you can always submit testimony via writing. Some people refer not to come and talk in public. We'll read your testimony, as well. Thank you.

Perriguet: Thank you.

Wheeler: Good afternoon.

Tim Davis: Wait for everyone to -- hey, you guys. [laughter] sorry. City council, this is Tim Davis. It's good to see you all. I live in the Harrison east. You know, one of those tall, ugly concrete buildings and I just love it. [laughter] for many years, I was the primary web master for the us epa. I run a blog called placesforeveryone.com. I study great places all over the world. If this doesn't convince you, I don't know what will. In one day, I drove to bend and back, just to check out an alley. Solely to check out an alley. [laughter] Chloe's like, it's cool. [laughter] I will actually be posting a long post on my blog about the proposal for the southwest Ankeny that will completely blow your mind. A wonderful passageway that we need. I totally agree that pam desperately needs to be expanded and massively improved. But a fairly-standard issue glass wall that literally walls off one of the greatest pedestrian passages in the u.s. Is definite not the way to do it. Pam's goal is to create -- as they say, I'm quoting, create one of Portland's grand public spaces but we already have one of the nation's most enjoyable two-block long public spaces. And believe me, I've checked. That's what I do. Connectivity is beautifully, inspiring, car-free corridors that allow bikes please allow people to walk their bikes are what great cities are about. Madison plaza and union way are the only two good examples we have in the heart of downtown. And this would set a horrible precedent, as we've seen with big pink, someone said that's public, that's wrong, that was an experiment for 20 years, seven years ago, that became privatized and that is what happens. There are only two places downtown that I show every visitor and that's Madison plaza and union way. Think about that. So, they may say that, you know, public have access during museum miles. Once a place becomes semi-privatized, it becomes increasingly privatized over time this happens 100% of the time so 30 years from now play this tape hello 2047. Thank you, I rest my case. [laughter] so, also, this is like going back to 1950 car centric planning rather than people centric planning. It

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blocks one of the most iconic views of the south block parks, including one of the largest elm trees and the most photographs church in the entire city, so I think we should raise this all up the one floor, as they've done in Madison, in Amsterdam and Washington, d.c., another example.

Wheeler: Thank you so much. Got to read your blog, what is it?

Davis: Yes. It is unlike any other place making blog. It's called placesforeveryone.com

Fritz: Where is union way?

Davis: Union way is the gorgeous Parisian style arcade that connects the ace hotel to Powell's.

Fritz: Thank you very much, it is lovely.

Davis: Those are my two favorite.

Wheeler: Thank you, sir. Good afternoon.

Ruth Ann Barrett: Hi. I'm Ruth Ann Barrett. I have a YouTube channel called and twitter called pdxdowntown.com. I'm here for one and two points. The first point is that is the process involved for making an addition to the Portland museum is kind of -- well, how shall I say it? You know, the landed gentry sort of feeling to it, I don't want to, you know -- but, it's not really drawing from the people, the residents who live there and I don't even think it's drawing from some of the institutions. I do go to the congregational church and that institution is rented out quite frequently, I might add. And in the evenings. If you really come out of that church in the evening you really scurry across that plaza because it's your way to the bus, to the trolley and to park so I don't think there's enough input. I know I'm not supposed to do this, I referenced Cleveland, the Cleveland museum of art. Yes, I did grow up there but I haven't been there since I was 18 years old, except the visit once. When I visited that once, they had a beautiful atrium, glass atrium and they had the issue of a newer building with an older building. They're 100 years old, built with timber and oil money. You know, it was fabulous to be in that space. It was big enough that if the city wanted to host a big party, for example, for some reason, like, hundreds of people can be in it. But you know, really -- and I know Portlanders love to talk about height limits and buildings and walkways and greenways, but you know fundamentally, the thing that things that makes Cleveland museum, I think, a great museum, a world-class museum, is that it's free. So I know that we people are out here having heart attacks. But, you know what, I think the museum ought to be free and I think that anyone should be able to walk between the two buildings with being in a wheelchair or on a bike or one leg or two legs. To call it the commons, I think, is a bit on the exaggeration side. It's not the commons. Thank you.

Wheeler: Thank you.

Fritz: Can I can make a comment. I can't resist. One of my mentors is Ernie bonner, who was on the planning commission.

Barrett: Wait a minute.

Fritz: Ernie was on the commission when he was the planning director when pioneer courthouse square was done and he was also the planning director in the Cleveland and they made a joint agreement that they would always make choices in ways that gave more options to fewer options and what you said exemplifies that and that's one of the things I try to remember when I'm making decisions up here.

Eudaly: Do we have a long-standing feud with Cleveland that no one's told me about?
[laughter]

Barrett: I took it out because I didn't think I'd need it. [laughter]

Wheeler: Good afternoon.

Ellen Vanderslice: Good afternoon, mayor wheeler and commissioners. My name is Ellen Vanderslice and I speak to you today as a long-time advocate for people walking and as some of you know, I retired from the city of Portland's bureau of transportation, where

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years ago, I was the project manager for the city's pedestrian plan, along with Doug Klotz, one of the co-founders of Oregon walks and also of America walks. I'm here to oppose building a structure in the Madison plaza. Even if people walking are allowed to pass through it during business hours, by a public easement. One thing that hasn't been mentioned today is -- we mentioned the connection to the park blocks but the park blocks are in the 2035 comprehensive plan and identified as enhanced greenway corridors so that connection is even more important. In the connection matters in the network that's available to people who are walking in the city core. It serves a function in the network and it also, as you heard over and over again, as good design enhances the experience and delight of walking in our city. I wanted to redo one sentence from 3.36, the central city pedestrian system from the new comp plan. Maintain and expand the central city's highly-interconnected pedestrian system. I'm a member of the Portland art museum and I appreciate their objectives and I want them to be a better museum but I'm here today to say a pedestrian way that goes through a building that is closed during non-business hours is not equal to an open pedestrian way in feeling or in function and the proposed amendment would diminish the pedestrian system rather than maintaining or expanding it. The importance of connectivity in the network cannot be overstated. I believe the Portland art museum can do better for the people of Portland and I respectfully ask you to vote no on the amendment, as it is now. Thank you.

Wheeler: Thank you.

Parsons: We have four more speakers.

Wheeler: Looks like, Barbara, if you're here, you can come up?

Wheeler: Could you read the last names again?

Wheeler: It looks like we're down to the last two.

Elliot Akwai-Scott: For the record my name is Elliot Akwai-Scott mayor wheeler commissioner Saltzman thank you for this opportunity to provide testimony today. Thank you, commissioner Saltzman, for attending our joint bicycle and pedestrian meeting and allowing us to provide our comments on this proposal. The bicycle and pedestrian advisory committee has written a joint letter in opposition. We have three main concerns about the proposed amendment. The first, it runs counter to many city policies, especially surrounding transportation and bicycle and pedestrian access in the central city. It reducing the utility of the existing transportation network in downtown for bicycles and pedestrian and I would add transit as well. This process, if it were to succeed for the art museum's proposal, would set a poor precedent for the way we go about conducting process for pieces of -- for public resources, such as an easement or for pieces of the public right-of-way. When council wrote the easement into the proposal in 1968 to vacate Madison street, they had the right idea to preserve pedestrian access through that vacated right-of-way. I don't think they could have envisioned downtown the way it exists now, 50 years ago, with so many units of adjacent housing and the diversity of land uses we have downtown. Thankfully, they had that vision and preserved the access with the easement. When the council amended the easement in 1984 to restrict those hours, it was for a safety concern and it hasn't been visited in 33 years and frankly it hasn't been used to my knowledge. As a resident of a bicycle advisory committee, this is an essential connection to the Hawthorne bridge which is one of the busiest bike corridors in north America. We've heard already from a lot of people speaking about pedestrian concerns today. But connectivity is one of the greatest assets that downtown Portland has for increasing bicycle mode share and achieving the city transportation goals. I think a precedent for restricting connectivity is the opposite direction we want to go to so I would ask you to please keep the existing easement or to amend it to increase the hours that we have access. Eight feet is really quite small, it's probably something you would write in 1968. It's

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not sufficient I would be here providing testimony if the easement were to propose restricting it to that minimum of eight feet that's currently written. Thank you.

Fish: So, thank you for being here and offering your testimony. I just have a couple of questions. Now that I live in goose hollow, I ride my bike a lot more downtown. Where I live, salmon is the preferred route, for me, to get down to naito or tom McCall and head south. I guess the first question is, who is currently using this right-of-way for bicycle transportation? Who uses it? I've actually spent a lot of time in that area and I've never seen a bike traverse this. So -- and it's not -- it's not -- it's not what I would use for a transportation option because of the alternatives, so who's using that for bike transportation?

Akwai-Scott: I personally use it as a student, at Lincoln high school as a teenager and a college student at Portland state university. I don't use it on my commute downtown, because I don't know that far downtown, but it is used. I would turn that around and I would say, imagine how much more highly-used this corridor would be if we didn't have i-405 blocking the way to the rest of downtown and points further west. Every block is precious and, you know, there as Doug Klotz pointed out this morning there are about 600 units of housing just to the west of this -- of this block. And that's -- you know, if you estimate, maybe for downtown mode share, do the math real quick, 90 bike commuters who might be able to use that corridor and we have great bike parking code downtown for all those new buildings going up.

Fish: So my question has to do with making sure I understand what the current law is. So, we restrict bikes downtown. You're not allowed to have a bike on some of our sidewalks, for example. Is it clear under the law that bikes are allowed in this right-of-way?

Akwai-Scott: I would want to follow-up with pbot staff about that question.

Fish: I don't know.

Akwai-Scott: I hope so, I've been riding there.

Fish: The statute of limitations is run. [laughter] since we're not voting today and this is just a first reading, I would like to know from pbot what are the existing restrictions, if any, on what you can do on this right-of-way, including, you know, any -- any mode share.

Akwai-Scott: I would add one thing, if I could? I think the mention of a sky bridge. I would also like to wonder whether it's technically a sky bridge if the right-of-way's been vacated or if it's still a right-of-way where the policy would propose limiting a sky bridge or if its vacated and now in private ownership with an easement. If an easements sufficient then we could fully endorse a sky bridge going over the space.

Fish: I think we could all agree that if Charlie hales was sitting here, he would have a strong view on sky bridge. He had a very strong opinion on sky bridges

Wheeler: I think what he'd hate most is sitting in my lap. [laughter]

Fritz: I want to comment on that. I am actually one of those who do appreciate sky bridges I think there's several places that it would be. So, I remember that we got the language into the comprehensive plan that doesn't prohibit them, but rather talks to the values that they may or may not serve. So thank you I appreciate your analysis that's an interesting suggestion.

Wheeler: Good afternoon. Last, but not least.

Dan Borgsvik: I hope, not least. My name is Dan Borgsvik. Mayor, commissioners, this is my first time speaking before you. So, nervous. I'm one of the few speaking on behalf of the museum. I'm a long-time museum member. I am the president of the graphic arts council at the museum. The way the museum is constructed right now is a hodgepodge of -- I think they said four different iterations since the original Belluschi building and it doesn't work very well. Both in terms of showing the collections off and access by anyone who has any kind of disability at all. I am of an age now where I have a husband who is

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starting to have mobility issue and the museum can be a challenge. You come in on one level. If you want to get to the mark building, you have to walk down a very steep stairway or take a slow elevator and walk down a long hallway, take a longer stairway or an even slower elevator to get up to visit any portion of the museum. It's -- it's a challenge and he's pretty mobile, still. I would imagine anyone with any kind of serious restriction, the mark building would be impossible to negotiate, as the place stands. I appreciate people's concerns about vacating the easement. I mean, it is a wonderful space, there's no doubt. I use it. The museum doesn't have many options in this case. A sky bridge -- I don't like sky bridges, either. I would agree with mayor hales on that one. You have the same problem with mobility issues. You come in on one level then you got to take a stairway or a slow elevator and then you go across. Currently, you go through a tunnel, sky bridge proposal, you'd go up and over. The sky bridge is the same problem. I can't see where that would be an improvement and worth all the money that it would take and to answer your question, I'm around the museum a lot. Daytime, nighttime, I don't see anyone using the easement for bicycles. It's pedestrians. And occasional homeless people.

Wheeler: Thank you, gentlemen, appreciate your testimony. Are there any further questions or discussions for the council?

Saltzman: I would like to suggest; I guess I learned from our attorneys that technically in order to avoid voting next week -- which I don't think any of us are ready to do yet I would ask this be referred back to my office. We will have opportunities as individuals to talk with the bureau of transportation, to talk amongst ourselves, talk with other interested parties and see where we are all are. I think it's been a great hearing. I appreciate everyone coming out and expressing their views and this will be continued.

Fish: Dan what's your preference? As I go back through my notes, I will have questions. Do we direct them to a staff person in your office?

Saltzman: Yeah, to matt Grumm.

Wheeler: Anything else for the good of order here?

Fritz: I believe the planning and sustainability commission is holding a hearing or a work session—that wasn't on let me say that again. I understand the planning and sustainability commission's going to be discussing this on April 25 so I'm assuming we still want their advice?

Fish: Thank everybody for an outstanding hearing.

Wheeler: Thank you, everybody, for coming in and sharing your thoughts. With that, we're adjourned.

At 4:08 p.m. council adjourned.