



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF MAY, 2017** AT 9:30 A.M.

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

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

Item No. 464 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 12:12 p.m. and reconvened at 12:16 p.m.

COMMUNICATIONS		Disposition:
455	Request of Standard Schaefer to address Council regarding emergency medical services, Fire and Portland Police Bureau crowd control policy (Communication)	PLACED ON FILE
456	Request of Melanie Plaut to address Council regarding moving Portland to 100% clean energy and threats to the City from climate change (Communication)	PLACED ON FILE
457	Request of Joe Walsh to address Council regarding communication (Communication)	PLACED ON FILE
458	Request of Merrick Bonneau to address Council regarding settlement agreement/arrest record (Communication)	PLACED ON FILE
459	Request of Robert McCullough to address Council regarding Washington High School Southeast Community Center (Communication)	PLACED ON FILE
TIMES CERTAIN		
460	TIME CERTAIN: 9:45 AM – Accept the Street Tree Inventory Report (Report introduced by Mayor Wheeler and Commissioner Fritz) 30 minutes requested Motion to accept report: Moved by Fritz and seconded by Fish. (Y-5)	ACCEPTED

May 10-11, 2017

<p>461</p>	<p>TIME CERTAIN: 10:15 AM – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk and stormwater improvements in the N Suttle Rd Local Improvement District (Resolution introduced by Mayor Wheeler; C-10058) 30 minutes requested (Y-5)</p>	<p>37282</p>
<p>462</p>	<p>TIME CERTAIN: 10:45 AM – Declare support for Peregrine Sports LLC’s proposal to expand Providence Park (Resolution introduced by Mayor Wheeler) 15 minutes (Y-5)</p>	<p>37283</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 Planning & Sustainability</p>		<p style="text-align: center;">PASSED TO SECOND READING MAY 17, 2017 AT 9:30 AM</p>
<p>463</p>	<p>Amend Intergovernmental Agreement with Metro to accept an additional \$80,000 for administration of the City Master Recycler Program in FY 2017-19 (Ordinance; amend Contract No. 30003529)</p>	<p style="text-align: center;">PASSED TO SECOND READING MAY 17, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Bureau of Transportation</p>		<p style="text-align: center;">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>464</p>	<p>Revoke ordinance allowing Meier & Frank use along the south side of SW Alder St between SW 6th and 5th Ave for loading and unloading operations (Ordinance; revoke Ordinance No. 147912)</p>	<p style="text-align: center;">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p style="text-align: center;">Office of Management and Finance</p>		<p style="text-align: center;">PASSED TO SECOND READING MAY 17, 2017 AT 9:30 AM</p>
<p>465</p>	<p>Increase contract with Miller Consulting Engineers, Inc. by \$150,000 to provide additional on-call engineering consultant services to the Spectator Venues Program (Ordinance; amend Contract No. 30005601)</p>	<p style="text-align: center;">PASSED TO SECOND READING MAY 17, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Portland Housing Bureau</p>		<p style="text-align: center;">188361</p>
<p>*466</p>	<p>Amend Intergovernmental Agreement with the City of Gresham to add \$8,000 for new total of \$936,067 from the HOME Investment Partnership Program (Ordinance; amend Contract No. 30005339) (Y-5)</p>	<p style="text-align: center;">188361</p>
<p style="text-align: center;">REGULAR AGENDA</p>		<p style="text-align: center;">188362</p>
<p>*467</p>	<p>Revise City Code language regarding Council subpoena powers (Ordinance introduced by Mayor Wheeler, Commissioners Eudaly, Fish, Fritz, and Saltzman; amend Code Chapter 3.04) 15 minutes requested for 467-468 (Y-5)</p>	<p style="text-align: center;">188362</p>

May 10-11, 2017

<p>468</p> <p>(Y-5)</p>	<p>Authorize City Attorney to exercise City authority to subpoena books, documents and other records to determine scope of private for-hire legislation to protect the public health, safety and welfare within the incorporated boundaries of the City of Portland (Resolution introduced by Mayor Wheeler, Commissioners Eudaly, Fish, Fritz, and Saltzman)</p>	<p>37284</p>
<p>469</p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder for construction of the Tabor-Powell Sewer Rehabilitation Phase II Project No. E10382 for an estimated \$1,875,000 (Ordinance introduced by Mayor Wheeler and Commissioner Fish) 6 minutes requested</p>	<p>PASSED TO SECOND READING MAY 17, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">Bureau of Environmental Services</p>		<p>CONTINUED TO MAY 17, 2017 AT 9:30 AM</p>
<p>470</p>	<p>Accept the report on status of the Columbia Wastewater Treatment Plant Lagoon Reconstruction Phase 3&4 Project No. E07146 from the Chief Engineer (Previous Agenda 448) 15 minutes requested</p>	<p>CONTINUED TO MAY 17, 2017 AT 9:30 AM</p>
<p>471</p> <p>(Y-5)</p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder for the construction of the NW Industrial St and 28th Ave Sewer Rehabilitation Project No. E10782 for an estimated \$2,000,000 (Second Reading Agenda 446)</p>	<p>188363</p>
<p>472</p> <p>(Y-5)</p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder for construction of the Slabtown Sewer Replacement Project No. E10663 for an estimated \$8.86 million (Second Reading Agenda 447)</p>	<p>188364</p>
<p style="text-align: center;">Bureau of Transportation</p>		<p>188365</p>
<p>473</p> <p>(Y-5)</p>	<p>Authorize a competitive solicitation for Security Services for the SmartPark Garages and the Portland Streetcar Facility at an estimated amount of \$4,000,000 for five years (Second Reading Agenda 438)</p>	<p>188365</p>
<p style="text-align: center;">Office of Management and Finance</p>		
<p>474</p>	<p>Accept bid of Duke Construction & Excavation, LLC for the Argay Park Tennis Court Improvement Project for \$581,193 (Procurement Report – Bid No. 00000530) Rescheduled to May 10, 2017 at 2:00 pm. Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4; Saltzman absent)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>475</p>	<p>Accept bid of Paul Brothers, Inc. for the Spring Garden Park - Development project for \$3,100,659 (Procurement Report – Bid No. 00000555)</p>	<p>RESCHEDULED TO MAY 24, 2017 AT 9:30 AM</p>

May 10-11, 2017

476	Accept bid of K&E Excavating, Inc. for the Rieke Field Synthetic Turf Replacement Project for \$731,585 (Procurement Report – Bid No. 00000557) Rescheduled to May 10, 2017 at 2:00 pm. Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4; Saltzman absent)	ACCEPTED PREPARE CONTRACT
Office of Neighborhood Involvement		
477	Authorize \$73,996 total in grant agreements for the Office of Neighborhood Involvement East Portland Action Plan 2017 Civic Engagement Grant agreements to further community involvement (Second Reading Agenda 454) (Y-5)	188366
City Auditor Mary Hull Caballero		
*478	Authorize contract with Moss Adams, LLP for financial and federal compliance audits of the City and its reporting entities for three years and up to five years, starting with the statements for FY 2016-17, and other professional services, not to exceed \$2,976,059 (Ordinance; Contract No. 30005847) Rescheduled to May 10, 2017 at 2:00 pm. (Y-4; Saltzman absent)	188367

At 1:07 p.m., Council recessed.

May 10-11, 2017

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF MAY, 2017** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:34 p.m.

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

The meeting recessed at 2:23 p.m. and convened as Portland Development Commission Budget Committee.

The meeting recessed at 3:07 p.m. and convened as City Council at 3:11 p.m.

479 TIME CERTAIN: 2:00 PM – Council to convene as Portland Development Commission Budget Committee to receive the proposed budget FY 17-18 (Mayor convenes Portland Development Commission Budget Committee) 1 hour requested (No vote taken.)	Disposition: PLACED ON FILE
480 TIME CERTAIN: 3:00 PM – Appeal of TMT Development Company, Inc. against the Portland Design Commission's Design Review decision of Approval with Conditions, in the West End sub area of the Downtown Subdistrict of Central City Plan District at 901-919 SW Taylor St (Hearing introduced by Mayor Wheeler; LU 16-265061 DZM) 1.5 hours requested Motion to tentatively grant the appeal and deny the two conditions of the Portland Design Commission's decision regarding the clarity of window glazing and window feature of simulated divided lights with both spacer bars and interior muntins in addition to the exterior muntins: Moved by Fish and seconded by Saltzman. (Y-4; N-1 Fritz)	TENTATIVELY GRANT APPEAL; PREPARE FINDINGS FOR MAY 31, 2017 AT 10:20 AM TIME CERTAIN

At 4:44 p.m., Council recessed.

May 10-11, 2017

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11TH DAY OF MAY, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish and Fritz, 4. Commissioner Saltzman arrived at 2:40 p.m. Mayor Wheeler left at 3:15 p.m. and Commissioner Eudaly presided.

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

The meeting recessed at 2:06 p.m. and reconvened at 2:31 p.m.

481 TIME CERTAIN: 2:00 PM – Appeal of Landon Crowell against Design Commission’s decision of denial for design review of a new 5 to 6 story, approximately 70’ tall, 17 unit apartment building in the Central Eastside Subdistrict of the Central City Plan District, at 1122 SE Ankeny St (Previous Agenda 363; introduced by Mayor Wheeler; LU 16-184524 DZM) 30 minutes requested	Disposition: CONTINUED TO JUNE 8, 2017 AT 3:30 PM TIME CERTAIN
482 TIME CERTAIN: 2:30 PM – Strengthen transparency and accountability of City advisory bodies (Resolution introduced by Commissioners Eudaly, Fritz and Fish) 1 hour requested (Y-4; Wheeler absent)	37285

At 3:31 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By **Karla Moore-Love**
Clerk of the Council

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

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Key: *** means unidentified speaker.**

MAY 10, 2017 9:30am

Wheeler: Welcome to the 9:30:00 a.m. Session of the welcome to the 9:30:00 a.m. Session of the Portland city council. Karla please call the roll.

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

Wheeler: the usual preliminary notice of the council meetings is to do the city's business, including hearing from the community on issues of concern, and in order to hear for everyone and to give due consideration for matters before the council, we must all endeavor to preserve the decorum of the meetings, to make sure that the process is clear for everyone I want to review some of the basic guidelines which I hope will help everybody feel welcome and respected and safe at the meeting and also ensure that the decorum is maintained. There are two opportunities for public participation. First we have an opportunity for people to sign up for communications to briefly speak about any subjects that they wish to address. These items on the communications calendar must be scheduled in advance with the clerk's office, and second people may sign up for public testimony on the first readings, 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 are a lobbyist, please disclose that. If you are here representing an organization, please identify the organization. Individuals have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light will light up and when your time is done the red light will come on. Conduct that disrupts the meeting, for example shouting or interrupting other's testimony, or interrupting during council deliberations is not allowed. People will disrupt face ejection from the meeting, if there is a disruption I will issue a warning that if any further disruption occurs, anyone disrupting the meeting will be subjected to ejection for the remainder of the meeting, and anyone who fails to leave the meeting after being rejected will be subject to arrest for trespass, if you would like to show your support for something, a simple thumbs up will do and if you want to express that you don't support something, thumbs down is good. Thanks and we will get started with council communications. Karla please call the first item.

Item 455.

Standard Schaefer: My name is Standard Schaefer and I am in power Portland. I am not here to talk about emts but recent police actions regarding protests. It is important to realize that trampling our rights has real live consequences. The current social science shows that riot cops showing up at crowd control escalates the situation. I realize that you think that you can strong arm people into submission but unfortunately you are radicalizing the population. If you want to know where the anarchists come from the next thing that I need to say is that we have had several witnesses coming forward with statements about police entering march at the start. I have seen video of police interfering with the protests organizers, organizers who told them by the way, when we negotiated this permit, we did not want cops in the middle of the march, and there they were. The police intimidation is widespread at this point at protests. We have people being pulled over before the 82nd avenue incident on Saturday, being told that people prefer petty violations and citations

May 10-11, 2017

and being told that they are attracting too much attention on their way to the protest. This interference with the right to an assembly is a problem. We need to stop interfering with the infrastructure of the protests themselves. We have got cops intimidating street medics, excuse me Mr. Wheeler are you listening?

Wheeler: I am listening.

Schaefer: Journalist are being intimidated mobility vehicles are being taken out of the marches, endangering disabled people. Cop watchers are being harassed and detained. And legal observers, too. This last week particularly concerns me because if it was not for legal observers outside the Portland building when I was arrested, during an incident When I was accused of robbery, two, I would probably be in jail. So people's lives are being affected by this stuff and we need to respect the rights of the legal observers and get real training around what's going on at crowd control because the police don't seem to know the rules about cop watchers or the rules about filming the police or seem to respect the legal observers. These are the people that are the last bastion of hope for us because the city already has given away its authority to bring in the police. We are told that phone calls make a difference but we have police and police commissioners disassembling and not giving accurate information to the media so when the media induced phone calls come in they are exaggerated. We're not listening to the people on the ground who actually document and file reports. We are filing public reports every time that there is public input available for community input on the crowd control. We don't know where it goes. We never hear back from it. It's time to reopen the crowd control policies and include these kinds of concerns, ones around protecting legal observers.

Wheeler: Thank you. Next item please.

Item 456

Melanie Plaut: I am Melanie Plaut, an obgyn physician, I retired last year and decided climate change was my number one priority and been a volunteer with 350, pdx. In the last few months I met with staff, all of your staff to talk about the gas plants and the transitions to renewables. You probably heard this before. The planet is not dying, it's being killed by people, and those people have names and addresses. Today I am asking you to ask, to act bravely to be sure that the addresses don't belong to those of us who live here in Portland. On June 1st the council will vote on the 100% by 2050 plan put forth by mayor wheeler. I urge you to keep this resolution strong. You may already be hearing from those in the industry who say that it is not feasibility for one reason or another. This simply isn't true. All it takes is the will to do it. In order to keep our beautiful planet livable, we need to enact a fossil fuel freeze as soon as possible and start a transition to renewable energy. I would like you to think about these dates for a minute, 2050, knock wood, we will all live that long and we need decarbonized our electricity transportation and heating sectors in order to limit warming to two degrees. Next, 2100, it sounds like a long time away, but there were babies born yesterday who will likely see that date. I have delivered thousands of babies in my time. If we don't act bravely today those babies might face a world that borders on the uninhabitable. These are not hypothetical people. They are here right now. With luck and hard work, we can bequeath the new Oregonians a world where global warming is actually being reversed or as Paul hocken calls it a drawdown. To get there a recent paper in the journal of science offers a handy rule of thumb that we can use, sort of like the law about semi-conductor, here's the rule. We need to cut our co2 commissions in half every decade. So some more dates between 2020 and 2030 we have to cut emissions in half. Then half again between 30 and 40, and etc. So to bring this back to the June 1 resolution I urge you to do three things, number one, stick to the goal date of 2030 for the clean renewable electricity sector. Not 2035. Other larger cities such as san Diego are doing it even sooner. Companies like apple are moving faster. It is not radical. We can do

May 10-11, 2017

it. Electricity is about 30% of our carbon emissions, so we have to do this if we are going to meet that rule of thumb I talked about. Don't be seduced by dirty alternatives like nuclear, biomass waste incineration or any kind of fossil fuels. Keep a strict definition. This has to be a just transition. It will require big changes. Some of them are going to fall hardest on those suffering the most. We can help with that if we partner with those communities. Finally, if you have not already, please submit your comments to the puc, opposing pge's plan to build new gas plants before the day after tomorrow, Friday, and join us in testifying in front of the puc next Monday. New fossil fuel infrastructure is completely incompatible with the transition to clean energy. We the people of Portland ask you to do what is right and make a rapid and just transition to 100% clean and renewable energy. We're counting on you.

Wheeler: Thank you for being here. Next item please.

Item 457.

Wheeler: Good morning.

Joe Walsh: Good morning, for the record I am Joe Walsh and I represent individuals for justice. I come not to praise you, but I come to warn you. In the third century part of the Roman Empire collapse, and we are repeating the same disaster. What does this have to do with Portland? Everything. Mayor, you came here into the office thinking that you are the person to tame the ongoing protest that was, are taking place during the last and also your administration. So I come to warn you, so you cannot say we did not know. Forget the fact that we have a Caligula in D.C. What you are doing with the imperial god or as we now call them the police is what we should look at. And you used the god to punish the homeless. You used the god to arrest those who dared to say no to your illegal orders. Often the D.A. and the courts have now thrown out the charges against those who you had arrested. You have met in private with those who would run this city as a city state of Greece or maybe in the middle ages in the house. Dictated by any of the, by any other name is still a dictator. You care only for your own prosperity, and if that is in line with the people's needs, we will not suffer. But if there is a conflict, we will all be suffering. We ask you to resign your good offices for the sake of the city. All save Commissioner Eudaly have been given our petition under the state and federal constitution to resign your office. We will continue from time to time to update the signatures from your constituents as they grow in number. Your god has now resorted to giving out jaywalking tickets to cop watches and protesters. I would like to thank you for that action. What you have done is you have taken people that just wanted justice and are making radicals out of them, and I thank you for that. More radicals think we may think about expanding the homeless or expanding the protest at your houses so your police can keep busy. We are in need of strong, local governance who will stand with us at sanctuaries and other things, and we do not have it now. Barbarians are at the gates. We ask you to go with our Blessings but go.

Wheeler: Thank you.

Walsh: Don't thank me.

Wheeler: Next item please.

Item 458.

Wheeler: Good morning.

Merrick Bonneau: Good morning. I am a concerned citizen who was brutalized by the police back in 1999.

Wheeler: Could I ask you to state your name for the record?

Bonneau: Yeah, my name is Merrick Bonneau and that's not an alias. On April 13, 2016 I was profiled and targeted by plain clothes homeland security and DEA agents at Amtrak. My fourth amendment rights were violated by the use of a police dog under the fourth amendment probable cause must be established and a signed search warrant by a judge

May 10-11, 2017

must be acquired before conducting any search. The use of police dogs to smell passengers and their belongings constitutes a search and is therefore a violation of the fourth amendment. I was arrested for not consenting to a search and taken to the federal building. I was interrogated for six hours and was released without being booked and without paperwork. On April 14, 2016, I got a copy of my arrest record. The records were not updated to show the previous day's arrest but I was made aware that the police had manipulated my arrest record and put multiple false charges on the record. Also the city had no follow-through with the expunging of my arrest record as per settlement agreement. The settlement agreement that The city council forced through despite my informing the council that I was under duress at the time and wished to have them set aside this agreement. Because the city council forced through the settlement agreement they are required to follow through with all aspects of that agreement. I have also not received a letter of regret from the city for my police brutality in 1999 as per settlement agreement. The police manipulating my arrest record and putting false charges on the record is a crime and constitutes police corruption. The city not following through with their settlement agreement constitutes negligence. On April 25, 2016, I got another copy of my arrest record. My race had been changed from black to white and the Amtrak arrest was labeled retained and released not arrested. I believe this was done to cover up the illegality and severity of my arrest as well as the unconstitutionally use of police dogs to search Amtrak passengers. On April 13, 2003, my lied complaint rose to the city council. During that hearing mayor Vera Katz read a false portion of deposition from one of my witness's kay huxford. I believe this was done in effort to exonerate the police of wrongdoing and make me look dishonest. Falsifying my witness depositions is a crime and constitutes city council and city attorney collusion and corruption. The constitutional rights of the people are the foundation that our country is built on and must be upheld no matter the cost. If they are not what is the use of having the constitution? What is the point of swearing to uphold and defend the constitution if the public officials you ignore the constitution, or excuse me, if as public officials you ignore the constitution? In efforts to protect yourself and your fellow public servants from liability the constitutional rights of the people are more important than somebody's job. The fourth amendment is in place to keep us safe from unreasonable search and seizure by agents of the government. For the record we are innocent until proven guilty. That right should be in place otherwise we are no longer living in a free country. We are in a tyranny. Here's the fourth amendment. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall be issued but upon probable cause supported by oath or affirmation and describe the places to be searched and the purses and things to be seized. That was not done in my case. It is a clear violation of the fourth amendment rights.

Wheeler: Thank you sir. [applause] next item please.

Wheeler: Sir you forgot -- there is the electronic device up here. It looks like a nice one. You don't want to leave that one. Thank you. I am sorry I am not familiar with your case but legal counsel is here.

Bonneau: I gave each of you council members a packet of information which included all of this information as well as the c.d. That I had of me and commissioner Saltzman. We had an interview together so you have all of that.

Wheeler: I have got that, great. Next item. I am sorry, Karla.

Item 459.

Wheeler: Good morning.

Robert McCullough: Good morning mayor and commissioners. It is a pleasure to see you today. Please do not quit. I believe I voted for each one of you. Although I have not always

May 10-11, 2017

agreed with each one of you. Mayor sometimes the mayor provides another minute or so for a recognized civic organization like southeast uplift. As I listened to dr. Paul, I hope I said that right, I was hoping you might grant me one minute to comment on her words.

Wheeler: Please.

McCullough: Thank you. Doctor Paul said you will be hearing from industry experts and republicans opposing the adoption of renewables. I am a bonafide expert on this issue. A report on that was provided throughout the region, published in, I think, 50 different papers and articles on the dramatic reduction and the cost of renewables over the last five years, the cost of renewables has gone down 50%. They are now cheaper than our nuclear plant. They are cheaper than large base load units. There is nothing magic about it. This was simply technology. We have made enough of them and gotten good at it, and they are cheap, and they are safe, and they are easy to install, and as the doctor said so much better than I did, we are going to be living here and our children will be so please give her words all of the attention that you can because I think that she is right.

Wheeler: Thank you, sir.

McCullough: I am now chaining my hat to southeast uplift and I will be very brief. Many years ago Hugh smith, senior partner over at stoli boley, brilliant, wonderful lobbyist, mainly on the federal side said if you keep talking long enough people will give in just enough to stop having to listen to you. As you know we've been working on the Washington high school, southeast community center for many years. And we have absolutely nagged you to death. I apologize for this. But it's an important issue, council clerk would you put up my one slide? This is the community center that we don't have and I put it up simply to shame you a bit. All of you endorsed the concept of one point or another. I was not in any meetings with commissioner Eudaly on it but this is the sort of thing you would like to see for our city. Where I am on this is this is our last chance to talk to you before the time runs out on our first right of refusal on 1.3 acres. We would like to keep open. Earlier last week I was in a boardroom high above Vancouver British Columbia with shell executives and the head of an Indian group. The secretary who I had looked at the executives and said that I don't like excuses. I thought actually about asking them to fly down and give the speech for me. We have a lot of excuses why we want to move forward. They are good excuses. Mary you explained that you did not have ten million dollars. I know that. I sit on the appropriate committees. But we have also been told lawsuits, we have answers to the lawsuits. Contract issues. We don't have to pay all the money up front. There are solutions to this, so one last time I would beg you consider calling the school district and saying we have 200,000 neighbors who want to save this land. Will you negotiate with us? We have solutions. We have money, actually. What we need is a chance. Now I don't expect to win this argument, and I will respect you no less if I lose. But I do warn you that I am very boring. You have to put up with me for years to come because we need this place for our kids, for our older folks, for our families. We don't have it. Thank you very much.

Wheeler: Thank you sir. We appreciate it. Why don't we go to the consent agenda if there has been any items pulled off of the consent agenda.

Moore-Love: Item 464 is being pulled.

Wheeler: 464 is actually being returned to the mayor's office so please call the roll on the remainder.

[roll call]

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

Wheeler: Aye. [gavel pounded] consent agenda is adopted. First time certain item please. **Item 460.**

Wheeler: Commissioner Fritz.

May 10-11, 2017

Fritz: Thank you, mayor. I am really happy to introduce this item. It is a spectacular collaboration between the parks and recreation urban forestry division and volunteers all over the city. Portland parks and recreation's urban forestry department has completed one of the largest inventory of street trees, city trees in the United States to guide management of Portland's urban forests. Street trees are crucial public assets that provide health and economic benefits to our community, and today we'll hear about the inventory findings from the urban forestry staff and the urban forestry Commissions policy committee. I am delighted to introduce Jenn, the city forester.

Jenn Cairo, Portland Parks and Recreation: Thank you commissioner, good morning mayor and commissioners. For the record I am Jenn Cairo, city forester and manager of urban forestry which is a division of parks and recreation. With me today for this presentation are Angie Di Salvo, urban forestry outreach and science supervisor and founder and manager of the volunteer street tree inventory, also not enough chairs but mark below is somewhere here, the chair of the urban forestry commission and served on the title 11 implementation oversight advisory committee. Jim Labbe will be presenting, a 2016 recipient of the Bill Naito Community Trees Award and been on the title of an implementation advisory oversight committee and is currently working with the policy committee of the urban forestry commission. And lastly why Vivek Shandas director of the Sustaining Urban Places Research Lab at Portland State University and also a member of the urban forestry commission. Our presentation has two parts. Angie and I will fill you in on the street tree inventory and put it within the context especially for Mayor Wheeler and Commissioner Eudaly before whom we have not spoken before. And the second part will be our commissioned partners speaking to the future of the tree industries in the city. Please ask any questions whenever you will. Urban forestry's mission statement is to preserve and ensure the urban forest and the services it provides for current and future generations of Portland residents. Our work includes the physical full life cycle tree work of tree planting, young and mature tree care, tree removal when necessary, and then planting again in various ways. We also respond to tree hazards and emergencies in cities rights of ways, 24-7 in all weather. And we monitor and assess the forest and forest services, develop and implement the tree policies and programs, and such as the city's urban forest management plan. We implement the city tree regulations through outreach, permitting and enforcement, and we also foster local community tree knowledge and stewardship. We work with residents and partners, collaboratively to support the Portland's trees, and including the urban forestry commission, which is 11 residents who volunteer their time and energy to support and advise the decision-makers on all things trees in the city. In our culture we have a saying trees are the answer. And for many things important to everyone not just urban foresters that statement is true. Research has repeatedly shown that the trees are needed in cities for many reasons, and I am going to focus on two right now for the sake of time. The first of those is that they improve public health in important ways including providing cleaner air, taking up carbon dioxide and particulates from the air and off-gassing essential oxygen. They reduce the levels of heat related illness and human mortality from heat. They increase baby's birth weights and reduce the amount of time that people spend recovering from illness in hospitals or being out of work. The second service of trees that's essential in the cities that I will stress today is that they are a key climate resilience tool for urban areas. They reduce summer heat, in homes and in streets, and the loss of trees correlates closely with higher temperatures in the summer and urban heat island effect. The National Oceanic and Atmospheric Administration promotes urban forest as green infrastructure to fight the effects of climate change. Chicago speaks of, "fortifying the urban forest as a strategy to counter climate change and of course trees play a prominent role in Portland's own climate action plan." I want to note that these issues

May 10-11, 2017

disproportionately affect people of color, the less affluent and underserved communities including Portland. These residents increasingly need these and other tree services. Our urban forest is essential infrastructure no less important than the streets and power lines, water pipes, sewer systems, bridges and the like. Another way to look at it is what would Portland be without its trees. Angie will speak to one component of the urban forest, street trees.

Angie Di Salvo, Portland Parks and Recreation: Thank you, I am Angie Di Salvo with urban forestry and I am pleased to be here today to bring you the results from our street tree inventory completed last year. Just to clarify today I am talking about the trees in the public right-of-way. Our urban forestry, our forest has many components, our private trees, our park trees but here we're talking about right-of-way trees. Those trees that line our streets. First to greet you when you walk out your home. They buffer the transportation corridors and they are also the primary way that our residents and the city interact with nature. And we went about inventorying these trees with a large group of volunteers, and I want to first emphasize that the maintenance of these trees is done by the adjacent property owner, so keep that in mind as we go forward with this. In Portland we have a long history of urban forest management and our first inventory was conducted in 1938 by the works progress administration. Then again in 1976 by the parks department, and most recently we completed our largest effort to date, last year, and the city has grown quite a bit since those first two inventories. We need reliable data about what's happening with our street trees so we can adequately manage and maintain that very important resource, and so this data is driving our management in Portland we have to involve our residents in collecting this data. So we could have gone out and just collected the information, but instead we opted to partner with our community. And so we set about neighborhood by neighborhood talking to people, and asking them to come with us on this journey to learn their trees and help us to map and measure, collect data, and do this together. Over six years we collected information on 220,000 street trees and all 95 neighborhoods, and 1300 people assisted us, and most of these have never volunteered with parks before. This was their first opportunity and interaction to work with urban forestry or the city. And together they gave 17,000 hours, and that's the equivalent of one person out there walking the street every day for about 8.5 years. So we're incredibly proud of the community coming together to assist us with this project. Anytime you use 3 volunteers when collecting data, you have to design your data carefully and we made sure to collect enough but to allow it to be accurate enough so that we can teach people to i.d. And collect information. And so we collected information on what type of trees, the species, their size or diameter at breast height, and you see two folks measuring the size of this street tree. And we gave them a condition rating, good, fair, poor or dead, and we mapped their location and we collected information on the site, we had an excellent accuracy rate, 95%, and we were just cited in urban forestry and urban green as one of the highest for volunteer inventories and I give a lot of credit to our professional arborist community, with the hundreds of workdays that we held we had two volunteer arborists usually on the bikes making sure that our volunteers were collecting accurate information. Without their assistance I am sure that our accuracy rate would have dropped but together as a team we collected great information.

Fritz: When I saw that image when I was previewing this I said so you have to, measure the circumference and go home and do the 2pi r or whatever it is, and In fact the wonders of modern science they have double-sided tape measures, one of which is the actual inches and the other converts it to diameter by circumference which what a nice thing.

Di Salvo: Two measurements, one tape. The way that we designed this project we had two goals. One goal was to create great information but the second was to create an

May 10-11, 2017

education project, to outreach and work with people to get out in their communities. Both those goals are mandated to us, so we accomplished both. This is a map of where we worked, only of these is a tree, you will notice that we have more trees towards the center of the city, on the west side you see a bit fewer but that's because this particular protocol is geared towards -- is not geared towards natural wooded areas. So most of our street trees are located in that central area of the city, and as you move east you see that they become fewer and farther apart. Some highlights from our key findings, looking at that map you will see our trees are not equitably distributed. I am going to talk more about that in just a moment. But they are not located evenly throughout the city. However, we have an abundant opportunity for planting we have 90,000 sites are open and available and ready for trees. We are reliant on a handful of tree types, maple, acer, 27% of the street trees are maples, plums and cherries and the prunus are highly overrepresented. This leaves few large, native and evergreen trees, and those that are very important for providing services, those are few and far between. And many of our trees are young. We have had some very successful planting efforts, but they are not necessarily growing and reaching those larger size of classes. So I will highlight a handful of those. Let's talk about the distribution. This is a map of the city that shows where trees are occupying available sites so the darker green colors over 70% of the sites in those neighborhoods have street trees. As you go farther east we see a lower stocking level so in some neighborhoods less than 35% of the sites have trees in them, this is a big concern especially in east Portland where the lower income communities are, communities of color, they don't have access to the same street trees. So keep this in mind. This is an issue that we are tackling. We also need more diversity in the palate of trees that are growing so that we are more resilient to pests and pathogens and a changing climate. So this is a map of the Hollywood neighborhood and just as an illustration we put trees that are vulnerable to four key pest pathogens in red and those resistant in green and chose two pathogens here, Dutch elms disease and brauns birch bore and two that we think will be coming soon. Emerald ash bore and Asian longhorn beetle. Imagine if Hollywood lost all those trees at the same time. That would be catastrophic for that neighborhood. And our best, the best way to deal with this is to plant a diverse palate. We have few of the largest trees so this wonderful maple and native tree here on the left much larger than 18 inches in diameter but when you look at that, only 15% of our street tree population is of that size, and trees when their larger they are providing most of their benefits. 42% of the street trees are less than six inches in diameter, newly planted and young or small form treated. And a bit of maintenance for these young trees making sure that they are mulched and watered and structurally pruned when young will go a long way in keeping that investment going and insuring that they are healthy and getting them to the larger size of classes. Ok. So those are a couple of highlights, but what are we doing with this information? Any time that you are on a citizen science project your participants are not going to let you wait until the project is over. They are not going to wait six years for us to wrap up all of the data and make some changes. We had enough great information to make significant changes in our management and policy. As an example we have updated our approved tree list and added in the large form evergreen native trees, and to give more diversity, and we have also added planting targets for our large permit holders so for example bureau of environmental services has been planting more large form evergreen and natives and we've also set targets for planting in low income and low canopy neighborhoods so we have seen great improvements there, and we're trying to tackle this issue of equitable distribution so we contracted with Portland state university to help us to develop a city-wide planting strategy so that we can really get into and understand how to better serve all Portlanders and to really bring the trees where they are needed without adding undue burden especially with

May 10-11, 2017

that financial piece because you plant the street trees, the adjacent property owners are the ones maintaining it. That's how we used the data and policy and all the data is available online and there is a map and its open data and being used by research institutions, and by residents and universities and other bureaus, all available. One of the best parts has been that the volunteers have stayed with us so this map in green shows you where we have active tree teams. All these groups are still coming back to work in their communities. And they are planting and pruning and talking to their neighbors and doing great work out there. As an example on the lower right this is the Albina neighborhood tree team near the Mississippi district and this is their second year removing and replacing dead and dying cherry trees for low income residents so they received a grant and were able to replace 40 trees this year all by volunteers. Very proud of their work. I mentioned the need to maintain young trees and we are tackling this with our partners. Urban forestry does workshops where we work with volunteers to prune young trees and we have a community tree care program in partnership with friends of trees and funding from the bureau of environmental services and together we are pruning about 2,000 young trees a year, although that's a drop in the bucket when you look at the 90,000 trees in the smaller size classes but we found a good place to start with the resources that we have. In closing, I would like to say thank you to the volunteers and the communities who really did this work for us. People came out to help their communities, and to improve their urban forest, to meet their neighbors, to do something positive right where they live and they really have truly made a difference. Thank you.

Wheeler: Thank you.

Fritz: Council I just want to mention that Angie started this program just starting with one neighborhood and has been able to expand it across the city and we are very proud of you. Thank you. [applause]

Eudaly: Could you collaborate at all on the policy, solutions for addressing the issue of affordability for low income and fixed income homeowners? That's obviously a driving factor behind why we don't have more trees as we move further out, and we have thousands of low income homeowners who may not be able to afford to maintain, remove, repair those sidewalks, and then if they have to they don't want to replace the tree and do it all over again.

Di Salvo: It's a big issue, yes. In terms of the city code that responsibility is assigned to the adjacent property owner and we have limited resources to deal with that directly, and I think that the folks that are going to speak next are going to address that directly. So with the limited resource that we have, we are trying to work around some of that but without the funding or the direct resource, there is not much that we can offer.

Cairo: Very well said. I will add to that commissioner Eudaly, we know for a fact that the adjacent property owner having to maintain the street tree is an obstacle to tree planting for understandable reasons, and I know that friends of trees, bes and the industry planting program have run into that so at this point we will turn it over to the urban forestry commission members who will speak to you about the future of the street trees.

Mark Bellow: Good morning, I am mark bellow, chair of the urban forestry commission, and Meryl Reddish is the chair of our policy commission and Jim Labbe and vivek Shardes will be joining us to make this presentation. First of all for -- first, thank you very much and thank you for putting resources into our urban forest. On a personal note while these folks come up here I will let you know that I've been a city planner for the city of Portland since 1976. I was the liaison to the forestry commission in the 80s, and where we were and where we have become is an amazing journey, and we should be proud of ourselves. I just want to say that, I am proud of us, so having said that, I've been pleased as chair to participate and see the forestry commission create a policy committee that has taken on a

May 10-11, 2017

topic that has bedeviled us for a century literally. Unlike Pasadena, California, which addresses the issue in 1898 we are still struggling with this issue. And that issue is what do we do about the trees in the right-of-way, I want to point out that both the power point presentation and the two-pager talks about problems and solutions. But all of the items on the second page are not tasks for the city council, but actually result from the incredible knowledge that our members have as they started working through this in collaboration with friends of trees, Verde, Johnson creek watershed council, Audubon and many other organizations, so we have given this a lot of thought and we realize now is the time for us to have a, an inter-bureau conversation, and it's the city council that can put that into motion. Finally, I want to say that we always invite anyone to attend our forestry commission meetings. They are Thursdays, Thursday morning, I know that you are very busy. But come any time or any issue that anyone on the council would like the forestry commission to address specifically. We are more than open working with our commissioner, commissioner Fritz. Thank you.

Wheeler: Thank you.

Jim Labbe: Hi there. Mayor wheeler, city council, I am Jim Labbe and I am going to present a proposal today. I don't want to repeat but we are here today of course because street and public right-of-way trees are a valuable public asset, and Portlanders care a lot about them. I lived and worked in all parts of the city and experienced this over my career. Trees are uniquely situated, they are particularly important because they are uniquely situated in the landscape along our transportation corridors to mitigate the environmental impacts, mostly from cars and driving, and also provide the really critical help in creating the vibrant, walkable, more compact neighborhoods that really are the core to our city comp plan and regional plans. These benefits are only going to grow as the city grows more dense. This is recognizing a variety of plans, recent plans, the comp plan, climate strategy plan and going back to the watershed management plan, these are -- all these plans and more recognize the need for trees and other green infrastructure throughout the city but especially along the Portland's densest corridors and centers. They also call for an equitable distribution of trees across the city, and as vivek is going to mention the urban heat island impacts our most vulnerable populations along the key transportation corridors and in the tree deficient neighborhoods, and I always like to pointed out that we are farthest behind in meeting the tree canopy goals in the public right-of-way, so what is the problem? There's really two problems. You already have heard about the street tree maintenance issue. The consequences of that. In addition to the equity issues that raises, it also -- there is backlog of trees in poor condition, and the tree damage is a public safety issue. It's also increases the damage during storm events like we have had and that's a burden to the residents but also to the bureaus. There is extra cost to pbot particularly in terms of dealing with the storm impacts, but there are other issues we cannot use capital funds for street trees if we are not maintaining them in most cases. The other big problem is we don't -- we are needlessly losing large, healthy trees and street tree planting sites in the process of making street Improvements and in development situations, and there is a lot of case studies of this. I wish that I could go into them here today but basically it comes down to the fact that there is a lot of competition for space in the public right-of-way, and trees are really at the end of the line in consideration. That's not because there is bad people in the city that don't like trees, it's because we have outdated policies, procedures, and code requirements that really forced unnecessary removal of trees and the removal of tree planting spaces. So looking at this issue and updating our codes and policies is really critical. This also is an equity issue. Where you see some of the innovative things happening with street trees, and they are out there, it's in neighborhoods where the neighbors are allowed and vocal. And they compel the city to do these innovative things. In

May 10-11, 2017

the parts of the city like east Portland where you don't have that capacity that's where you really see the trees taking a hit and we are losing a lot of these large, healthy trees. So there is an equity issue on this side of the problem as well. So why now? Why address the street trees now? We have just made this huge investment in the inventory in this asset that we are not maintaining, the street trees. We have countless numbers of people involved out in the communities thinking about this. Now is a good time for a look at Street trees and addressing some of these problems. Over the last few years we started making investments in planning street trees. Ever since the watershed plan, and we have made some progress but if we don't maintain these young trees they are not going to grow into healthy trees especially in our under tree neighborhoods. And we're going to have more of the cost mentioned earlier. And there is one city and friends of tree pruning workshops that volunteer the street trees and maintenance but it's not going to cut the mustard when you talk about over 200,000 street trees across the city. And the other thing, looking at the street trees is really timely given a number of ongoing, and current planning efforts, including city-wide street tree strategy that psu and urban forestry are working on, urban forestry plan the update, future code 11 updates, there is more to do related to reforming the titles 11 and updating it, but there is also a lot of, as we update the zoning code, the comp plan, there is a lot of problems that are outside title 11 that impact the trees. A lot of barriers to preserving and planting the street trees as I mentioned. Pbot has a number of projects that they are working on right now which line nicely with this. The living streets program, the update of the city's right-of-way management manual and the community efforts like the jade district green project on the community level that are focused on the street trees. And lastly, the third most important reason why now is an investment in street trees is investment in jobs and green development, and I know that that's a high priority for the city. We had a chance to build on existing programs, Verde has this really cool program with the city where they employ low income people to plant and establish street trees in low income neighborhoods, and a street tree maintenance program could build on a program like that and expand it to deal with the maintenance issues. I will skip ahead and say so to ask our proposal, the gist of it is really to convene a collaborative process that we think needs to be a task force, inter-bureau task force with the community stakeholders, to assess the problems of maintaining the street trees, investigating public finance to begin the city taking a role more active role on that, and addressing the, and updating the codes and processes related to the right-of-way improvements, and development to better integrate the street trees into our streetscapes. We know that this is going to need key bureaus involved and stakeholders and going to need facilitation, and technical services, to, for example, to look at what other cities are doing and what are the financing options for street tree maintenance, and what are the code changes that happened to do a street tree maintenance program. And we are not going to do this all at once. I think we are not going to adopt the street tree maintenance program next year but we can develop one in a targeted way. I think our first step our ask today is that the city council convene a work session, maybe this summer after the bureaus are reassigned and the budget process is farther along that can look at this issue more clearly. We need you to direct your key staff of your staff to be involved and in the bureaus, and our hope is that if we had a work session this summer we could kind of delve into these issues and hopefully initiate a project in September. I am going to pass this to vivek who will close out.

Fritz: If I might interrupt for a second I'm mindful colleagues I asked that we have 30 minutes and we are over, this proposal and request for a work session came out of the urban forestry commission and our community partners so I appreciate the fact that you are here and if you could go on and explain what you were asking.

May 10-11, 2017

Vivek Shandas: Ok. Very briefly, My name is Vivek Shandas I am a professor at urban planning and studies at Portland state. Mayor wheeler, three quick points, one is that we are very lucky. Our lab has been conducting research on the trees of Portland taking from machines that fly up in the air taking pictures of the ground, as well as now there's a robust industry tree inventory that we have, and we're bringing those two things together to really come up with a story that we are quite lucky that there were a number of people, city staff, leaders as well as community members that planted the trees early on, decades ago, and we're now reaping the benefits of it. We have seen, in fact, as Jim was bringing up a number of reductions in urban heat. We have seen upwards of 13 degrees of reduction, urban heat from one neighborhood to another and in some cases especially with low income neighborhoods, that could be the matter of life and death as we have seen in Chicago and Missouri, France and all over the planet, and with the changing, with the changing temperatures across the globe we're going to see these impacts most acute in the cities, second we are just learning about a number of these feedbacks that we would have not necessarily foreseen even just one decade ago. For example, we have just found out the relationship between urban heat, and tree canopy and the amount of money individuals pay for their energy bills. We have been able to document that trees are one of the single most important factors in the built environment in terms of the amount of money that people are contributing to their energy costs particularly during summer when a lot of air-conditioning is used and as the planet warms we're going to be seeing those impacts on communities' pocketbooks. And last I just want to reiterate that this inter-bureau task force proposal from my point of view and again being outside of the city has been illuminating for me in part because I have gotten to understand how different the bureaus work, and much like our disciplines in the universe which I have been vehemently trying to get us to work together I am eager to see a inter bureau communication process play out, I think it will do three things, I think first it will improve collaboration, and second I think it will improve the communication across the complexities of how we actually implement the title 11, which I have recently come to understand in more detail, and I think that it will also just fundamentally make Portland a more livable place especially in these times of a climate crisis. Thank you for your time.

Wheeler: Excellent presentation. Public testimony.

Moore-Love: We have eight people signed up. The first three please come on up.

Wheeler: I hate to do this, I don't like shortening public testimony but given that we are way off the schedule and we have three type certain today could I ask everybody to try and wrap their testimony up in two minutes each. Thank you.

Doug Klotz: My name is Doug Klotz. I am an advocate for the urban environment. I support the street tree asset management strategy. Trees in the right-of-way as Jim Labbe noted are increasingly an important place to plant trees especially with the increasing density and lot coverage as well as down in the pearl district. We need that growth. We need the housing on the corridors where you can use transit. We need the trees there and we need them in the right-of-way. And we need better coordination among the many uses of the right-of-way, we have electrical vaults and water meters and there are a lot of buildings going in right now in the pearl district and in downtown, where you will have 100-foot of frontage here and there and you go one tree. It would call for ten trees there. There is this and that and all these specks for how far things are. We need to look at all those specks and see if those can be changed and can we have shorter street lights so you don't have to keep the trees so far away from them. Shine under the trees. Especially we need to work on getting trees at intersections. That's where the heat islands really are and there is all these obstacles to getting the trees to shade an intersection. That will mean working in concert with traffic engineers, of course I've been working in concert with, or against

May 10-11, 2017

them for the last 25 years. But yes. Traffic engineers are critical in this. And I also wanted to note that the city right now is planting trees in those underserved areas in east Portland, which are also underserved as far as having no sidewalks or pedestrian facilities and some of the trees are going in right where the sidewalk would be, and the city is saying no, the trees would have to come out if there was a sidewalk to go in and that does not seem like the right way. We need to determine where they can go that will not interfere with the future sidewalk. These are a very important aspect of the city that we need to make sure that we are getting as large of ones as we can.

Wheeler: I appreciate it. Good morning.

Barbara Wharton: Good morning, I am Barbara Wharton, a resident of Concordia neighborhood, been a volunteer with urban forestry as the street tree steward for the past eight years and also a member of the Concordia tree team, which was the first neighborhood that embarked on the inventory for street trees. I have seen in the past eight years so many improvements as it relates to urban forestry here in Portland. I continue to see so many opportunities that we have not yet seized. I walked through the neighborhood and just as a resident there is a lot of development in Concordia, and I see houses coming down and going up and at the very point where street trees are planted, I see the wrong tree being planted. So we're not seizing that opportunity for the future. So I think that as far as homeowners for street tree planting, developers are the most important homeowner in the city. We haven't connected with them successfully yet. The other thing that I see is with the data from the street tree inventory is those underserved neighborhoods that need trees, as well, and now we have this data, and it seems like the most perfect time to start addressing and letting that data direct the future efforts. Thank you.

Wheeler: Thank you. Appreciate it. Good morning.

Brian Symes: I am Brian Symes a retired architect from the housing authority of Portland, and I am the first volunteer for the friends of trees. In 1989 at 7:30 in the morning in the basement of this building. I was a witness of Richard Simon asking Bob Naito for 5,000 to start the friends of trees, and that is the earthquake that created the tsunami that we have seen here today. Good volunteers are the best thing in the city, and when they get involved with the friends of trees and making our city better it is like buying a five penny acorn and ending up with a \$10,000 worth tree. I encourage you to go on with this inventory and create involved citizens and their trees and as an architect, that still applies for hundreds of permits in the city, when I have a client that knows the tree code, that knows their trees, it makes my job and all of the bds people at southwest 1900, it makes their job so much easier, all the zoning people that I see and all the pbot people and the bes people that I see every time that I applied for a permit. It makes it a wonderful city that everybody knows what the Worth of trees are and you guys are responsible for that. Thank you very much.

Wheeler: That's a great story, I appreciate it. Thank you. Next please. Good morning.

Daniel Newberry: I am Daniel Newberry, and thank you for the opportunity to speak before you. I am a member of the urban forestry commission and executive director of the Johnson Creek watershed council. We are very proud to have been part of the street of the tree inventory for the past couple of years. I think that everybody is kind of onboard with knowing what the benefits of trees are especially the health benefits, but you know the trees are what make, in a lot of ways what makes Portland, Portland, we have a lot of development pressure coming up, and it seems to me as if whenever there is a new development that involves the right-of-way street trees are the first casualty, and I think that it's important to point out, although I think that it's obvious to everybody that when a large street tree comes down, it really takes decades for a new tree to come up and grow in its place and really reap the benefits so I think that it's really important that the proposal

May 10-11, 2017

that we are putting forward to have the city departments coordinate, I think it's really important because we need to really prevent those big street trees from coming down if there is a way to do that. And I think that getting the departments together is the way to do it. The city bureaus are really good at completing their missions but so many times, you know, in any big bureaucracy everybody is siloed, street trees end up being the sort of casualty that fall between the cracks. Earlier today commissioner Eudaly you asked about the whole equity issue with street trees, and I think that just based on research that I have done, that there are some good examples in other large cities in the country, we're not the first city to have to deal with issues of equity when it comes to paying for street tree maintenance. There are some other cities, Washington d.c. and san Francisco come to mind as really good examples of how this has been dealt with. I guess that's all that I have to say. Thank you.

Scott Fogarty: Good morning. And city council member I am Scott Fogarty, the executive director with friends of trees, and I just want to first say, acknowledge Portland parks and recreation and the urban forestry team for doing this inventory, and for the bureau of environmental services for investing in our urban forest. This is a great asset to the city. At friends of trees we, to address commissioner Eudaly, we take pride in the fact that we are trying to increase the urban canopy in the marginalized neighborhoods. We have our green in the eastside program where we specifically focus on outer east side Portland for the majority of the tree planting events, and I can only say that we are thrilled that there is going to be hopefully a team That, where we can come together with stakeholders and really address the issue of the maintenance of our trees over the long-term. Daniel mentioned other cities outside of this state, but other cities within the state notably Eugene for example are responsible, the city is responsible for trees from planting to maintenance evens, when we have big issues like this winter when you have big trees coming down and causing property damage and death to humans so we very much encourage the city council to form this task force and I know that it's not going to happen overnight. It's going to take time. We hope that we are at the table for that discussion because we have a connection to the community directly, and we really appreciate the fact that bureaus will be working with each other and organizations like ours and Johnson creek watershed council to come up with a solution to this problem, this ever growing problem, no pun intended of trees that need maintenance so thank you very much for your time, and for consideration of this task force.

Wheeler: Thank you very much. Appreciate it.

Elizabeth Hildebrand: Good morning Mr. Mayor and commissioner, I am Elizabeth hildebrand, I'm a resident in northeast Portland. I am a member of the Concordia tree team as well as being a graduate from the 2012 tree steward program. And when I first heard of this task force the first thing that came to my mind was a character from a dr. Seuss story, and I am not sure who it was but who speaks for the trees, the lorax? And I thought ok maybe this needs to start kicking in now. I grew up in Detroit, and I watched the urban canopy get destroyed by Dutch elm disease. It went from being a beautiful, leafy city to almost the dissemination which remains the same now today because of lack of planning so right now in Portland there is so much growth that's happening, and buildings are going up and trees down, and it is the perfect time for people to focus on the trees in the city, and fortunately hopefully can find the focus needed to keep moving forward with this great canopy that we have. Thank you.

Wheeler: Thank you. Thank you.

Mary Vogel: The last two that signed up or Mary Vogel and Michael Durrow.

Wheeler: Good morning.

*****: Good morning. Good morning.

May 10-11, 2017

Wheeler: Do you want to start?

*****: Hi Mary.

Mary Vogel: I am Mary Vogel and Oregon walks already has submitted our written testimony so I won't repeat what is in that but in any case, I did want to say about myself, I also participated in the inventory for downtown and I've been testifying to the planning and sustainability committee, commission rather for at least the last four years on the central city 2035 plan and the west quadrant plan about the need for better street trees downtown. I want to remind you that Jeff Specks walkable city subtitle is how downtown can help save America one step at a time. We need to start with our downtown and expand out as well, downtown and old town in, that the psu study, were also in the low street tree, low income neighborhoods survey, so I guess that I want to request that they not be left out of the target, although I support also targeting the east side neighborhoods in a similar position. I think that's what I need to say in addition to I urge you to read our testimony. Also as Oregon walks -- we are interested in participating on a, an advisory committee on this topic, the street tree right-of-way.

Michael Durrow: My name is Michael Durrow, I'd say I'm the lorax and I'm here to speak for the trees but I think that's been done, and anyway I am here to speak for the trees and the data. We need to pay attention to our planning, and it would be important to include the trees, the bees and the invertebrate in our planning data. There are places in china where there are no trees, and there are no bees. And we don't want to be that place. We don't want to. We need as much information as we can gather on the trees on the people's properties and on our property and rights of ways. I suggest you look at google and you look into big data and this is a good solution for this and not an expensive solution. You need to get citizens to populate the data along with the data that you have. I don't want to take your time; I know that you are busy but thank you for your time. Have a nice day.

Wheeler: That's a great suggestion. The data is important and I like your idea it dovetails with a conversation that we had about open data last week so it's a good dovetail to that conversation as well. Thank you both for your testimony. Commissioners, any further discussion before we entertain a motion?

Fish: I have a question of the sponsor commissioner Fritz. This is on right?

Moore-Love: I turned it on.

Fish: So little confidence that she has in me for good reason. So Meryl Reddish gave us a briefing on this issue at the time that I was also the commissioner in charge. Mayor you are now the commissioner in charge.

Wheeler: You can go back to your seats. I apologize

Fish: just speaking for the bureau of environmental services, we were very impressed with the presentation, and we were eager to join some kind of inter-bureau task force, and we also thought the suggestion that there would be a work session to scope it out and have everyone at the table was a good idea, so commissioner Fritz as part of accepting this report, there are, they are unrelated but I would like to see if we can get a consensus to have that work session and have you make some kind of a motion in connection with sending the report.

Fritz: Thank you. Each one of us has a bureau, at least one or did until a couple of weeks ago, have bureaus that are involved in this issue, and as my colleagues remember the urban forestry department and the bureau of development services have had 45 different high profile challenges in title 11, and we did not have the resources of time and money to do that whole fix, so I would hope that each one of us and mayor as you are now in charge of the bureaus you can direct the bureau directors to do this, and I would very much appreciate it if you would.

May 10-11, 2017

Wheeler: Very good, I will entertain a motion. Make -- commissioner Eudaly did you have something to say first? Ok.

Fritz: Move to accept the report.

Fish: Second.

Wheeler: We have a motion from commissioner Fritz and a second from commissioner Fish, and any further discussion? Please call the roll.

[roll call]

Fish: That was an outstanding presentation, thank you to the urban forestry commission and the urban forester and the folks that took time to testify, I am a former Portland parks and rec commissioner in charge and have the honor now of being in charge of bes and that means that I have had some, I have had some role in what we call the big three here because if you add pbot those are the three infrastructure bureaus that probably have the most immediate impact over trees. I know Meryl reddish couldn't be here today and she is in a warm place hopefully with your family but I appreciate the briefing we got, so mayor I would urge that we schedule a work session in September and direct the relevant bureaus to participate. If I continue to have the honor of serving as the commissioner of bes we will fully participate. I want to share a couple of numbers to add to the outstanding presentation that we had. I asked my team for context about trees and our work since we are the city's environmental services utility, over the past nine years working with great partners like friends of trees, and others, we planted more than 45 trees, 30,000 of which were in the right-of-way. Each year we plant about 2,700 new trees on one of your slides you take a crack at quantifying the replacement value. We're treating it like infrastructure so what's the value of the canopy? Here's a couple of numbers we use, these are back of the envelope. If I was in court, I couldn't prove them but they provide some context. Portland street trees manage 150 million gallons of storm water every year. Now think about that, if they did not we would talk about big pipe two or much more gray so thank you for managing 150 million gallons of storm water, and what's the savings to the rate payers not the taxpayers over here in property but just the rate payers we estimate an excess of \$4 million a year in avoided storm water management costs. So next time say thank you because you are saving us money. We agree more trees in the Right-of-way will help us to meet the sustainability storm water management and watershed health goals and we agree that unless we have a collaborative process to look at the equity issues we're not going to move the needle as we should in east Portland so we look forward to participating in a future process and commissioner Fritz who has been the champion moving this forward thank you for your leadership and I am proud to support the report. Aye.

Saltzman: I want to thank urban forestry for putting together this and the many volunteers who helped to do the street inventory report, I am searching for interesting trivia, and correct me if I am wrong but the take away is we have 220,000 street trees right now and room for 93,000 more so that's great and I appreciate the work that's gone on and I am supportive of a task force to see if we can figure out something better to maintain our street trees, aye.

Eudaly: Thank you for the presentation and to all the volunteers for their service to our community. I am looking forward to further conversations on the issues you raised today and support the idea of a work session. Aye.

Fritz: Thank you everybody for being here and especially our volunteers and our staff, for the report, especially the urban forestry commission and others gave us, only 15 minutes over the time, and it's interesting that this suggestion from the community is the one that I believe I have universal support for so mayor I would like you to direct the bureaus to come up with this. I would like to see a work session in June or the beginning of July to scope it out so we can be prepared in September. We received multiple emails after we

May 10-11, 2017

had what we thought was a fairly simple clarification that adjacent property owners are indeed responsible for their trees. We experienced a lot of concern about that from our community and doing the recapped process, the code updates so we pulled that piece back and it's something that is really important, no matter who looks after the street trees someone has to pay for the maintenance and the removal if they fail and so it's urgent that we figure out what is the most equitable way to manage our street tree inventories I thank the urban forestry commission and the policy committee and Angie Di Salvo who started this off in Concordia and now it's city-wide in all 95 neighborhoods and Brian Lando and Jenn Cairo, the 1300 volunteers who helped with this amazing inventory, we are so proud of it, and I have noticed Roberta Jordan, a retiree from the city of Portland, still volunteering her time in guiding this process, and she was very instrumental in getting the title 11 passed so I am proud to work with people whether they are getting paid or not are willing to come together to make our city better. I've often said friends of trees is more than just planting trees, and I really enjoyed the lunch to celebrate and wish that Scott had more time to tell us about the numbers of thousands and thousands of trees planted, and it's not only going back to the trees that you helped to plant with a team of people at the beginning that you did not know who you were, and in the morning you are fast friends but it's about that developing a friendship and community that we are all in this together and we are going to help each other out. Cause the size of trees that friends of trees plants, you could not do it with a single person unless you had some kind of mechanical device so it's really a wonderful program, and also I want to thank Pooja Bhatt on my staff and our partners in the bureau of development services who have been doing their best to figure out in development situations how do we look after the trees. We speak for the trees which everyone, everyone needs. Aye.

Wheeler: Thanks commissioner Fritz for your passion, enthusiasm and leadership on this, I think this is a great presentation and I want to thank the staff and the community volunteers who came in today, it was very positive. There were a number of things that I heard colleagues during the presentation. First of all, I am hearing loudly and clearly that we would like to have a work session focused on this so I will work with staff and with the council clerk and we will secure a date that makes sense sometime between now and September and we will try to find the mutually agreed upon date that allows us to do that. I was concerned about the low income disparity that we are seeing in east Portland and I would like to be a part of that conversation. I feel that we can do better to address it, someone made the great point that we can do more to connect directly with homeowners, I have a couple of ideas that I would likely to vet at that work session. I heard loudly and clearly and it seems that there is a consensus amongst council to have an inter-bureau task force to work with the community partners to figure out how to best address these issues with the agreement of my colleagues, why don't we wrap that into the conversation that we have as a work session and maybe people in the community as well as all of us and our staff could think about how best to orchestrate that for maximum benefit, and last but not least I am really -- I want to come back to the data collection that Michael raised during his public testimony, and I think that's critical and we have an opportunity to leverage the goodwill and the interests on the part of the community to help us to gather the data so hard for us to collect independently of a broad program so all good ideas that came out of the session and I want to thank people for being here. I vote aye. The report is accepted. Thank you. Please call the next item.

Item 461.

Saltzman: We have before us a long standing issue and a potential solution with this proposal for initiating a local improvement district on north Suttle road. The Portland bureau of transportation has been in discussion with the property owners about a possible local

May 10-11, 2017

Improvement district here since early 2004, over 13 years ago. And let me start off by expressing pbot's staff appreciate to the cordial and collaborative conversations with property owners over the years. The many things, the years of property owner concerns make it clear that there is unquestionably a need to improve the street. You will see in the presentation how dire the situation is out there. Doing nothing and kicking the can down the road is not in the best interest of the property owners and the businesses that use Suttle road, north Suttle road. I also want to highlight that we recognize the estimated \$8.5 million proposed cost of this local improvement district is a big ask. If it's one, it's one if not the most expensive local improvement districts that we have ever considered initiating but the need is great, so here we are. One final item to highlight before I turn it over to Andrew as the city will be contributing to this local improvement district through the newly enacted dollars from the heavy vehicle use tax, as well as from pbot's system development charge funding so we are all in this together so to speak. I will turn it over to our lid administrator Andrew Aebi.

Andrew Aebi, Portland Bureau of Transportation: Thank you very much commissioner Saltzman and Andrew Aebi, local improvement district administrator. We are running over this morning so I will try to get through this presentation efficiently. This is the map north Suttle road south of north marine drive, and it's west of north Portland road. Industrial area. And this is a detail of the west, western end of the street, Suttle road is a dead end and there are no plans to punch it through, and to make it a connecting street. This is the eastern end of the street, and closer to north Portland road. I wanted to give a chronology of how we got here, according to our records the first building went up on Suttle road in 1952. And in 1978 this area was annexed and the county had less stringent street improvement in the city so we inherited that problem when we took that area over from Multnomah county there was a jurisdictional chancellor of many roads in the city and county done in 1984. Suttle road was included in that, it is a historical artifact that the city is in the position of having maintenance responsibility for north Suttle road. Where I got involved was in June 2003. That was when I got my first complaint about Suttle road, to put this into perspective. That was two years before my oldest child was born and he is now two-thirds of the way through to getting to college, so this has been a really long conversation. 2004 we had another property owner meeting, went dark for quite a few years, and in 2015 I received a video which I will show you momentarily. We had two meetings last year and another meeting earlier this year. We did petition this lid and the main reason we're doing this is twofold, one is to get final resolution on whether or not we will improve the street but an urgency to using the fix our street funding, excuse me the heavy vehicle funding, we made a commitment to the voters that we would deliver on those projects are so we want to have an up or down decision on whether we are going to spend the funds on this project or a different one. So that we can deliver on maintaining our roads around the city. So here's the video that I just wanted to show you.

[Video Played]

*****: I am driving down the worst road in Portland. Today is December 30, 9:30 a.m., and I am on north Suttle road. North Suttle road is the home to two leading recycling companies that serve businesses and residential customers in Oregon and around Portland. This is probably the worst road in Portland. Recology, oil refining company, and Les Schwab. And a number of other businesses are represented on this street and have had to contend with essentially road conditions. Today is not bad because the rain is subsided. But on most days the potholes are completely covered, and the conditions are horrid, so I just want to bring this to your attention, and whoever on Mr. Novick's staff is qualified to respond to this we would appreciate your attention. Thank you.

[Video Ends]

May 10-11, 2017

Fish: Andrew we should Note that we don't want to encourage people to take videos like this and send them in. And my understanding is the legislature is in the process of increasing the fines for people that use their phone while driving so it's probably the law has changed since this was taken but it's very helpful but we don't want to encourage people to do that.

Aebi: Thank you commissioner so since 2003 maintenance operations has gone out here 40 times with work orders and in an attempt to fix the road. I really want to emphasize the problems on Suttle road are not due to a failure of maintenance. They are due to a failure to construct the road properly in the beginning and I know the members of the council got an auditor's report recently about the need to keep our roads maintained and I think it's just important really to draw a distinction between those roads that you can properly maintain and those that you cannot. This falls into that so this is what we have to show for the results of 40 maintenance work orders in 13, 14 years so to give an overview of the project, commissioner Saltzman mentioned this is a big ask, \$8.5 million but this is a very long street. It's over 3,000 feet so you get a lot for that money. There is nothing salvageable here. We had a meeting on February 14 and in the spirit of compromise with the property owners what this revolution does is we would narrow it from 36 to 32 feet to reduce the right-of-way acquisition by four feet. And we're only proposing the sidewalk on the right side of the street and really just trying to keep this project scoped to a bare minimum, and we also plan a storm water out-fall to the Columbia river and improvement access to the bus line. The proposed project cost, and this is not a low ball but a conservative one is a little over 3,000 per center line foot, approximately 24% of that is contingency and I want to emphasize that if council approves this and we can continue the collaboration between the city and the property owners, that increases the odds that we can perhaps not use some or all of that contingency.

Fish: Andrew can I ask you a question off this slide? The proposed funding is \$8.5 million lid, and then pbot absorption of overhead and \$800,000 of other sources so by my reckoning that's about a 20% match from other sources. Direct or indirect, how does that compare to other lids that we have authorized?

Aebi: It does not move the needle on this lid, this is a big ask of the property owners. The lid that you approved last week in another area of north Portland was \$819,000 so the additional funding that we are talking about here over and above the \$1.1 million, the additional \$800,000 that we are proposing is almost equal to the entire amount of that residential lid that council approved last week. So, and that is a big lift that we did in a short amount of time since the February property owner meeting. That would be the first dollars of funding so we will spend that before we use the property owner's money, so, and then we did have discussions about, instead of the square footage methodology, perhaps assessing this lid on a linear footage basis, the property in orange is owned by the port of Portland and I want to mention the port of Portland has not advocated for this but if we switched to a linear footage we would have a disparity because their effective rate would drop down to two cents per square foot so they would get a 99% reduction in their assessment. You look next door at the property shaded in purple, it would go up to \$6.80. And so for those reasons I don't recommend that council change the assessment methodology. I wanted to put this a bit in financial perspective. When we did the 148th avenue lid quite a few years ago, we had an estimate of \$2,000 a foot. And we were able to bring that particular lid in 28% below budget, and I am not going to promise we will do that but that's the goal is to bring the project in below budget, and we recognize the sacrifice of the property owners and I wanted to mention that when we put the 148th avenue lid together I remember one of the property owners calling me up and saying the lid was outrageous, that he was never going to benefit from it, and two years after we

May 10-11, 2017

completed the lid I sat in a new building that he had built in the back part of his lot and he had a ribbon-cutting and we had a significant increase in real market value of the properties participating. I am not going to promise that here it but I think it is fair to say that there is -- the intensity is relatively low, and I wanted to put the time element of the equation into perspective so if this council hearing had been back in January 2004, if we had the same scope, we traditionally plan for 5% a year inflation, so instead of \$3,200 a foot we would be looking at \$1700 a foot. The property owners would have the ability to finance it over 20 years, they'd be on the homestretch of paying off this lid. If we take another 13 years to discuss this lid and we kick the can down the road we could very easily be back here in 2030, and instead of \$3,200 we are talking \$6,000 per foot. If we think about the scope options and the cost options, I am really here to just emphasize that time is not on our side in terms of delaying the decision, and lastly one of the things that we typically do on the lids is look at the proposed amount of the listed relative to the burden of the properties, the value so this lid amount is 23% of the real market value of the property on the street. Again I am not promising an increase in the property values, but there is the potential for this to generate improvements on the property values for the property owners. I think more importantly, the life blood of the industrial land is that you need good access and as the presentation showed you we do not have safe access to move the property so I am happy to answer any questions that you might have otherwise we have several property owners here to testify.

Wheeler: All right public testimony, how many people do we have?

Moore-Love: Six people.

Wheeler: Again we'll limit it to two minutes.

Bill Briggs: I must be the first one on the list. I have enjoyed sitting here and watching the wonderful things that you have been doing. I am bill Briggs, one of the owners of the oil refining we have about seven acres there, most of us, most of it is wetlands, and half of it has been dedicated to the wet lands and it's actually an improved facility for wetlands for the deq. We did some improvement on it. And first of all that is the expenditure for a street for 11 owners to put on means that we have about an \$800,000 mortgage added to our property. One day it is paid for and the next day you have an \$800,000 mortgage and payable at like \$4,500 a month for 20 years. That's extreme, and in my case it takes my retirement because I don't have an extra \$46,000 a month to be paying for that. I think you will find that's the common problem on the street. I don't want to challenge the presentation but there is a lot of facts that should be looked at, and be happy to supply you with that. The 40 times it had been on the street they may have passed one or two potholes. I would like to know what the dollar value was, I almost completely ignored the street. We do not have a storm water system on it and we never have and yet we are paying \$130,000 a year for storm water fees on the street and we have never had anything, and it has been there 120 years, and survived the storm water system that it has, and having been taken care of we probably wouldn't be here. We would hope that as property owners, I am only speaking for myself because there is plenty of others here. We would hope that we would take -- you would assign somebody to look at it and see if you could find \$1.5 million improvement on that street rather than \$945 million on it. We think it will, handle that, about 750 vehicles a day on there, about 500 employees on that street. About, in my judgment, about seven of them may not survive that kind of a concern I have to increase my sales a million dollars a year to pay that 45 or \$4,600 a month. That's 20% of my sales, difficult to do. This is an odd road, been there for a long time. Used to carry all kinds of traffic because there was 32,000 rail cars down the rail there for the meat packing industry so it has more traffic and doesn't give us much trouble, if you look at my pictures that I sent all of you, some emails and letters, you will find this is the low spot and needs to be

May 10-11, 2017

improved. The rest of the street probably would handle it for another 100 years but it does need mariners and the city has lacked that. And anything I can answer I would be happy to.

Wheeler: Thank you, we appreciate your testimony. Two minutes please.

Susan Barthel: Good morning mayor and council members, I am Susan Barthel, I am not a landowner but somebody who knows a great deal about this area. Having worked out in the area for 23 years, there is no doubt about it. The road is a mess and the base of it is a mess, and so I disagree with bill who happened to be a friend and an acquaintance, and I think that because it scares people and damages the cars and trucks, it deserves some attention and there is also no drainage and nothing that treats storm water. It is surrounded by industrial businesses, you know that, we know that it is sandwiched between the railroad that borders smith and bybee wetlands, called smith and bybee lakes originally, that is designated as a significant bird area so I am not excited about run-off going to that area, and therefore advocating for treated storm water to go to the Columbia river. Even though we do have significant fish there, in some ways, having a much bigger water body that's less sensitive would be a good place to put the treated storm water so I will ask you to do this. Take action to make sure the road is sound, and serviceable for the businesses and make sure the run-off is treated. And preferably that it goes to the Columbia river. Thank you.

Wheeler: Thank you, appreciate it. Good morning.

Corky Collier: I am corky collier, the executive director of the Columbia corridor association. The landowners who will be paying the lion's share of this are frustrated that the city has not reconstructed the road in the past. They are scared of the cost of the lid. Some agree this it is a necessary step to take, working with Mr. Aebi, we have managed to come up with some additional funds, and we managed to keep costs constrained and we will continue to do that. My ask of you is to help find additional funds on top of what we have done. This is a very, very expensive lid. The cost is falling on 20 property owners. I know of one property owner whose child is close to going to college and the cost of this lid is going to affect the financing of that kids' college education. I think this is a necessary project, and it's being managed very well by Mr. Aebi, and I suggest that you approve it. Let's not forget about this after lunch. Help these property owners repair our infrastructure. They are going above and beyond to put their cash into a city asset. And it's the courteous thing to do for you to go above and beyond to help them. Thanks.

Fish: Can I ask one question and thank you for being here and always being a positive voice, voice of reason on these, Mr. Aebi in one of his slides documented the benefit to property owners if these are done well over time in terms of increased property values. And I understand you have made an eloquent plea that we add some additional resources but if this is done right, is it fair to say over time it will have the effect of increasing the value of some of the property out there?

Collier: I think that it's fair to say that the property values probably will increase however that will never cover the cost of this lid. They are building new storm water systems and reconstructing the street, and all things the city normally does on its own. That's too big of a bill, the increase in the property values is no way going to make up for it. One of the reasons it's difficult to do that in an industrial area is because as you are aware, industrial land costs have to remain low. The economics of industrial business does not allow for very high cost land. It's strange, I don't understand it because the industrial jobs pay higher than average wages but they require lower than average land costs. That's just the way that it is.

Fish: Thank you sir.

May 10-11, 2017

Briggs: It's in a floodplain unprotected so it's not industrial land that you can decide to build everything on.

Wheeler: Thank you sir, appreciate it. Next three please.

Wheeler: Good morning.

Larry Conn: I am Larry conn. I manage a property for pnp properties that sits on the intersection of north Suttle road and north Portland road. I've been working this area since 1978 from a brokerage perspective. Been involved with and seen a lot of the various acquisitions that have taken place since that time. I can tell you that I don't think that there will be any increase in the value for these properties, and due to the improvement of Suttle road. We are trying to keep the values as high as we can get them all the time. And what Suttle road needs is, in my opinion, some maintenance, the city has said that they are no longer going to provide maintenance for this road. That they never accepted the condition of the road when they annexed the property, which was a surprise to me. And it's always been a road in a similar condition to what it is now. Maybe a little worse. But certainly not significantly worse. It has always been an area that was considered a diamond in the rough in a lot of ways. I represent a lady who is 80 years old, and to add at one time, the estimate was \$1.3 to \$1.5 million lien to her property would absolutely devastate her. One thing no one seems to mention when people discuss the fact that these liens will be, when they are paid off will be a boon to the area I don't think that they are taking into consideration if you have a mortgage on a property those mortgages are generally ten-year terms. When those mortgages terminate or mature if there is a lien on a property it slides to the first position. You are not going to be able to get a loan for that increased value.

Wheeler: I appreciate it, thank you sir. Good morning.

Jim Brown: Mr. Mayor and members of the council thank you. My name is Jim Brown and I am an attorney who has been asked to represent several of the property owners at this meeting. We appreciate the efforts of Mr. Aebi and the city staff and making recommendations to the council. Suttle road has been there for a century. I have driven up and down it for 30 years now. There is no doubt that there is need for repair on north Suttle road. The question informing an lid is to what degree of repair is needed. The east end is in worse shape than the west end. The west end is serviceable at this point in time. I think it's due to the ability to manage the storm water drainage on the east end that tends to pond whereas in the west end the drainage ditch on both the north and south side of the roads are allowing that storm water to infiltrate and that does not happen on the east end. I think the problems could be resolved if we were able to manage that storm water better on the east end and dissipate the drainage throughout the length of the ditch. The other question is what degree of road is needed? The standard the city has used is Marine Drive which is basically constructed to the standard of an interstate. It has magnitudes, more traffic per day than north Suttle road. You have got numerous traffic signals on Marine Drive to manage the traffic whereas on north Suttle road we have a stop sign. The amount of traffic is so much less, the property owners received a bid in September to reconstruct about 800 feet of north Suttle road which included a six-inch crushed rock base and six-inch asphalt cover. The cost to do that was \$112,000. If you extrapolate that to the length of north Suttle road that would have been approximately \$400,000. We believe that road would adequately service the traffic usage on north Suttle road and there is a big difference between \$8.5 million and \$400,000 so we respectfully request that if you decide to form the lid, that the city instruct staff to work with the property owners to arrive at a road that meets the needs of the neighborhood but doesn't put them out of business. You have 400 jobs in that street and maybe over half would be lost, and simply because they cannot afford this road.

May 10-11, 2017

Wheeler: Thanks for being here, is there anybody else signed up for public Testimony?

Moore-Love: That's all.

Wheeler: Very good. Andrew do you want to come back up and reflect on the issues that have been raised. Somebody said that we would not maintain the road if we did the improvements.

Saltzman: I am sorry but there was testimony that the city would not maintain it?

Aebi: It's not an issue of the city not being able to maintain the road, just the level of maintenance that the city can provide is extremely limited.

Fritz: You are talking about for the current road, without the improvements?

Aebi: Yes.

Fritz: If we did the lid the city would take care of it there-after?

Aebi: What we are aiming for here is that we want to build a road that does not require a lot of maintenance by anybody, whether it's to private property owners or the city. And we want to build a structural section that works, a truck les Schwab is no lighter than suttle road than marine drive, so while traffic volume is much lower on suttle road we still have to build a road section for the third amount of structural integrity for the vehicles operating on the street and until we address the storm water issue when you have pavement sitting in water, that pavement is not going to hold up well over time. So we know it's a big ask but if council approves this, staff are committed to minimizing the expense of this lid. If you approve this there would be no expense out-of-pocket until 2020, and the city would offer financing in 2040 so we are not asking anyone to write a check for pay for this, this is a long-term investment with long-term financing.

Fish: Could you remind us again procedurally what our role is today? So you have come forward. We have a resolution, and you have presented a case, and you are asking us to authorize the formation of a district which would be subject to a subsequent hearing. We have heard testimony from people that object to the lid. So what is our role and what is the standard that we should apply? Could you remind me?

Aebi: What you have before you is a council initiated lid so my role is to make a recommendation to council, and my recommendation to council is to approve this resolution. And then what would happen is we would formally notify the property owners and we would receive any remonstrance's that the property owners may choose to submit and council would make a final decision in July. I don't think there would be benefit to at least calling the question formally, significant benefit to making an up or down decision in July so if you approved this today, it does not bind the council to approve the formation of the lid in July, and for the sake of argument we are not going to move forward with this, I think it's very important that it be on the council record of what the proposed scope is and the cost is and who objected so if we are back here in 2030 and the costs have gone up significantly that at least we know that we have had the opportunity to solve the problem today.

Fish: I'll put it in very simple language, if we approve this resolution today property owners that object to this lid or to the formula or have other concerns, still have their full rights to bring their remonstrance's forward and we would have a future hearing to decide those issues.

Aebi: Yes, and I would particularly encourage those property owners to contact me directly so that I can bring in proposed amendments to the lid back to council in July.

Fritz: I have a question for commissioner Saltzman. I was surprised to hear that transportation has in the past maintained this road. Certainly in southwest, where I live I was interested in the worst road in Portland, it is the longest of the bad roads but there is others that would vie for that category so why was pbot maintaining the street that was not

May 10-11, 2017

up to standards? I thought the role was they had to be before the city would take over the maintenance.

Aebi: It is just a historical artifact. There were a lot of road transfers in Multnomah county, to the city, and ultimately it started with misconduct, I think that would be is a question for them. And why they took on that road but we inherited the road from Multnomah county. So I don't have a good answer for you. Frankly I am puzzled that either the county or the city got stuck with maintaining this road.

Fritz: I think that's something to discuss with the property owners then. The residents that that is the citywide policy that we don't maintain the streets that are not up to the city standards. That is part of their choice.

Aebi: I think what it boils down to is the council knows you have a limited amount of resources, and we have \$11.8 million in one year to take care of the landslides and the pavement maintenance and et cetera. This is 72% of our annual maintenance budget city-wide to deal with the roads all over the city. At some point whether it's maintenance operations or council we have to exercise reasonable discretion on how we spend those funds and I would submit that there is a lower cost and preventative maintenance options than putting it into one project.

Fritz: You said it was a council initiated local improvement district, are there any supportive property owners?

Aebi: I am hesitant to characterize positions of property owners. Several property owners have told me that -- nobody is enthusiastic or excited about this. It's a heavy ask but I have had several property owners tell me that they acknowledge the time has come to get the road reconstructed and I think that there is a bit of pause to put themselves out front and advocate for it because property owners are sensitive to the overall ask of being made of everybody, and it will be harder for some than others. I will point that out.

Saltzman: We have letters to us handed to us in support of this by Les Schwab and the suttle road committee.

Fritz: Thank you. So again to go back to commissioner Fish's point if we say yes at this point we then do some more scoping and then come back to council for a formal approval of the project is that correct?

Aebi: Yes, but to be candor with you commissioner I don't expect to see big code changes or amendments. We've been having this discussion for 13 years at some point I have to listen to what the engineers are telling me. When they say we need a 9 on 8 road section I don't want to cut corners and offer up a 6 on 6 and we spend 85% of the money and then in 5 years the road falls a part because we saved \$400,000 out of a \$8.5 million lid to take 3 inches of asphalt and 2 inches of rock out of the base, that's not wise engineering.

Fritz: Right and clearly that's part of the decision too, so if the choice is we're not going to go forward with that we do need to be clear that we're not going to maintain it at all. And then can you just repeat about the financing there was the concern about having to start paying \$4500 a month.

Aebi: It's going to be at least three years before anybody pays anything and 20 years to finance and we will look very carefully at possible additional funding sources. People should budget for what's being proposed, but we will continue to looks for additional funding.

Fritz: And is there any way they don't have to pay and just leave it until the property is sold.

Aebi: We do not have an option for deferral, but again I would encourage property owners to come to me you we will try to be creative as we can be and I guess on a final note I just want to say that these have been very difficult conversations over the past 13 years and I

May 10-11, 2017

really want to commend all of the property owners they have been extraordinarily gracious and cordial and I really appreciate that.

Wheeler: Thank you, any further questions before we call the roll? Commissioner Eudaly.

Eudaly: I need a couple things clarified so did you say there's about 20 affected property owners.

Aebi: Yes, there are some property owners on multiple property's, but if you look at unique property owners there's about 20.

Eudaly: And so with a square foot assessment how is the cost divided between those property owners. Is it based on their frontage or is it divided equally?

Aebi: Neither of those two is based on the area of land.

Eudaly: That they own?

Aebi: yes.

Eudaly: And they might not have much frontage, but they could have –

Aebi: Yes.

Eudaly: Ok I got it and I guess I'm a little uncomfortable taking a step that would obligate property owners with very little buy in and without knowing how much funding we're going to find. So I just want to make sure I understand if we approve this today there's still another part of the process to go through.

Aebi: So the ordinance that would come back to you in July would have \$300,000 of heavy vehicle funding that's been already set aside. What I can't do is obligate the pbot sdc funding because this street needs to be added to the sdc project list, but there will be a directive in the formation ordinance that would direct staff to include in the pbot sdc project update pbot sdc funding for north suttle road.

Fish: One of the benefits of this hearing is we now have a record from property owners raising a series of concerns. Including opposition to the plan, questions about financing, questions about the mix of funding. We now have a record, that record is now available to lid administrator, and the commissioner in charge. And as a council, we can ask when this comes back what further conversations have they had with the community, has there been a change in any of the support. The reason I'm going to support this is that this is the -- we're launching a process, we're not deciding the question, and in my experience, with all the caveats that Andrew Aebi has given, if there's an lid to be formed and a deal to be reached, Andrew will go the extra mile to try to bring that to fruition. It may not be satisfactory to each commissioner when it comes back for a vote, but I have great confidence he'll go the extra mile.

Aebi: Thank you, commissioner.

Fritz: Why, it's been 13 years or more, why did you bring this forward now?

Aebi: Well, as I mentioned in my presentation, this went dark for several years, and it kind of came back to a head at the end of 2015. When I saw that video when it landed in my email box, my first sense as a public servant was well, I need to do something about this. That's when we ramped up the outreach. When I first started looking at this project, bes wasn't even sure they had a way to deal with storm water. We have some very talented staff and bes came up with a storm water solution. We had a heavy vehicle tax, and there was discussions forming a homeowner association. And I just felt that it was important to call to question, because if maintenance operations, with their fleet of vehicles and talented staff can't keep this road maintained, I think it's really setting people up for a failure to think that a group of folks can get together on their own for \$100,000 and do a better job than maintenance operations. There's just to solution other than reconstructing the road.

Wheeler: Very good. Karla, please call the roll.

[roll call]

May 10-11, 2017

Fish: Dan, thank you for bringing this forward. Andrew, I love what you just said about how you responded to evidence of a problem and as a public servant you felt like you were compelled to try to come up with a solution. It is conceivable based on what we've heard today, that we won't get to that solution. But you've asked us to launch a process which gives us a fair chance of reaching a resolution, and after all, what we're talking about here is substandard streets, which means they're unsafe for people who use the streets, and long-term infrastructure needs, and you're also responding to complaints that you received from people in that neighborhood. So we're launching a process today to give you the opportunity to see if you can bring this to fruition. And I appreciate the folks who took time out today to testify, because your concerns are now part of the record, and the council will be monitoring those issues as we go forward. Thank you to everyone who participated. Aye.

Saltzman: Thank you, Andrew, thank you for everybody who testified today, and also who contacted us via email or letters. This is not the final decision, that point is down the road. And that will allow Andrew to further work his magic, often he works his magic with property owners to bring them along, but in any case, it will be open, fair, and transparent decision that we make sometime this summer. Aye.

Eudaly: Aye.

Fritz: I share -- lots of concerns have been raised, and I do remember Andrew in the past has come back and said we're not going to do this. So I appreciate your work. Many times you come back and say yes, we now understand what the choices are. It's important for the property owners to know that in fact in the rest of the city, the city doesn't maintain streets that's not up to public standards. Aye.

Wheeler: Thank you to everybody who testified today, and Andrew, thank you for your presentation, and thank you for your directness in answering the questions. I am concerned when people who are potentially on a fixed income, who potentially have low margin businesses, are being asked to step up in a significant way. So I know you heard the testimony today, and the -- that you'll work to find a fair resolution before you bring it back to the city council. So I want to thank you for that, your hard work on this, and I have heard nothing but good about your interactions with the neighborhood. Whether they agree or disagree with you, everybody has said to a person you that you have been respectful and you've heard them out. And I think that speaks highly to you, and we appreciate you representing the city well in these conversations. And thank you commissioner Saltzman for bringing this forward. I vote aye. The resolution is adopted. Thank you. Next item, and I thank those who have been waiting patiently, we're a bit behind schedule, but these were important conversations to have.

Item 462.

Wheeler: This resolution is what I would describe as the first step to implement a major expansion of the city-owned stadium. It will be funded with private dollars. These kinds of projects don't typically happen in the way that's being proposed today, and I'm very pleased with the conversations we've had with Peregrine and with the folks at city hall, and we're appreciative of their willingness to work with us and be flexible in some -- on some of the terms of this conversation. I think this is an exciting design, and I think it's a necessary expansion for this facility to make sure Portland remains soccer city usa for decades to come. Obviously there will be much more to this conversation in the coming months, and I look forward to seeing people from the community, fans of the timbers and the thorns, people from the community who have other ideas about how best to approach this. We look forward to that conversation. Finally, I just want to state this -- while there is no such thing as a free deal, there are always ancillary costs that will be borne by the city with any expansion. The vast, vast share of this proposal is covered by the private sector itself. In

May 10-11, 2017

fact, this \$50 million investment is a private investment for the rehabilitation and expansion of this facility, it is a city-owned facility. And I just want to contrast this with some recent deals that have taken place in other cities. In the city of Las Vegas, the taxpayers put in \$750 million on a stadium expansion. In Atlanta recently, \$280 million for stadium expansion. So I'm very appreciative that when peregrine came to us, we made it very clear that while we certainly saw some benefits to the community and saw the importance of what they were proposing, we really wanted them to step forward first. And I believe through this proposal they've shown that commitment to do so. And with that I'll turn it over to Mr. Rinehart.

Tom Rinehart, Director, Office of Management and Finance: Good morning, mayor wheeler, councilmembers. My name is tom Rinehart, I'm proud to be your chief administrative officer and director of the office of management and finance. Susan Hartnett, my colleagues and I are going to do a short presentation on this resolution, and you'll hear from peregrine. As you know informal discussions about a possible expansion of the city-owned stadium currently called approval criteria, have been quietly happening for a year, and I know your offices have been briefed about that. Today's item is a resolution expressing council's formal support for peregrine sports proposal to expand and direct city bureaus to work with them on that effort. Specifically, for omf to negotiate the deal terms and necessary formal agreements. To be clear, the resolution that we're bringing to you today just directs us to do that work. And we will be bringing back other actions in the coming weeks. The mayor mentioned months, it will be the coming weeks, and I'll explain that at the end. The resolution before you outlines the following. Tell us a little bit about the successful story we now know, professional soccer here in Portland that led peregrine to make this proposal. 13,000 people who are on the waiting list for season tickets, and the great enthusiasm for our Portland thorns. It outlines core elements of peregrines proposal 4,000 additional seats for the stadium, an estimated cost of \$50 million that will be fully paid by peregrine as the mayor mentioned. And their requested exemption from ticket tax on new seats for a period of 10 years. The resolution also outlines the construction time line as we have talked to all of you and your staffs about, peregrine would like to start this fall and expects the majority of the work to occur between the two mls seasons. To meet this proposed construction schedule, the passage of this resolution today, assuming you pass it, will be followed in quick succession by several other items on your agenda. I wanted to give you a preview of those so you know what events will be triggered by your action today, assuming you take. May 17th on your regular agenda an emergency ordinance for amendment to an existing on-call contract that will allow our spectator program that Susan so ably runs, will enable them to retain owner's reps for the design and construction phase of the expansion. On June 7th, a resolution would be on your agenda to approve nonbinding term sheet covering the deal points and an ordinance approving exemption from the competitive bid Requirements. So that's a little bit of a preview of what will happen if you approve the resolution today. Unless there are questions for Susan and I, I'm going to invite Mike Golub from peregrine sports to come up and talk to you about the resolution.

Saltzman: And you'll all be available for questioning?

Rinehart: Yes.

Wheeler: Very good. Mike, come on up. If you could introduce yourself for the record, please.

Mike Golub: Twice in one week. Good morning, mayor wheeler and council members, I'm Mike Golub the president of the business for the Portland thorns and the Portland timbers. And we've had just what would I characterize as a successful partnership with the city with all of you, your offices, the bureaus, with Susan and her team, and quite simply the

May 10-11, 2017

success we've had on the field and off the field over the last seven years would not be possible without the partnership we have with the city. The championships, the all-star game, many amazing moments on the field, and all the things we do off the field, our waiting lists, our sellouts, what we do in the community, really without the foundational partnership we have with you, would not be possible. So thank you first of all. And we believe that the expansion that we're contemplating and that you're considering today in the collaboration on this new chapter in providence park is a natural evolution of where the industry and league is going, and as mayor wheeler said, we think it's a necessary one to really ensure a successful future for the city, for our fan base, for the stadium, and for our club. So again, thank you for your collaboration, and we appreciate all the time and effort that Tom and his team and all of your staff who have put into this.

Fish: Mike thanks for joining us and thanks for the excitement you brought to our city with the two fantastic soccer teams. Two questions, one is if we authorize this and you grow the stadium to 25,000 seats does that make us eligible for sporting events that we currently miss out on because of the size of our stadium?

Golub: We do, as a thicket we've shared with you providence park is currently in the lowest half of capacity in the league and that's only going to change as more and more new venues come online in our league and there's some events concerts that really need a larger capacity. We're talking to some promoters now about some big shows that would bypass Portland if they didn't have a larger capacity, moreover we're really hopeful to have the men's and women's U.S national team returning to Portland for world cup qualifiers friendly's and again given the growth of the sport in the country they are needing larger capacity. So the economic impact and the ability to draw events we think will be very well served if expansion does proceed.

Fish: And the second question Mike just has to do with the quantifying the extent of the waiver of the ticket tax and let me put it as succinctly as possible. I believe that waiving the ticket tax in consideration of the Portland investment that's being made to expand and enhance a facility owned by the city is in the public interest. We can quantify what that means assuming your wildly successful and you fill all the seats the one thing we can't quantify as precisely is the displacement of fact that could occur if existing ticket holders in seats that are subject to the tax migrate over to seats that are not subject to the tax. Number one, how do we quantify that and number two what assurances can you give us that we are in effect being asked to waive a specific amount of tax revenue.

Golub: Sure a couple questions in their commissioner Fish, let me address them one at a time please. As it relates to the taxes exemption that we're seeking what we're asking for is through our investment in the city to derive ticket tax revenue that they would not otherwise arrive, we're simply asking for delay in that. So beyond our exemption and going forward through the length of our operating agreement and then beyond which is not immaterial to the discussion the city will be deriving the material amounts of new ticket tax revenue by virtue of the expansion. And commissioner Fritz raised the question the other day about the thorns, as it relates to the timbers we are sold out as you know we have a waiting list of 14,000, so all the seats will be occupied so the city will not forego any ticket tax on existing seats because they will be filled as they have been for each of the games over the last seven years, and as it relates to the thorns, we never contemplated the thorns when we did our original deal in 2010-2011, we are unbelievably proud to have launched the thorns and see it flourish the way it has, as many of you it is the most well attended women's sports team in the world. It's pretty cool. And the business has grown dramatically, the thorn's business has grown dramatically and we expect that trajectory to continue, so financially I think all of us involved will benefit from the thorns continuing to

May 10-11, 2017

grow, and we think that the expansion will only be further a catalyst to the thorns growth so I think that it's going to be additive to all of us and not dilutive.

Wheeler: Thank you commissioner Fritz.

Fritz: So on that point I recognize this resolution today is just giving the blessing to go forth and negotiate a contract. I would like to see something in there that does safeguard the ticket taxes currently paid on the thorn's seats. I am not sure how you are going to do this, but to make sure -- to make sure people are not moving to a seat where you will get the ticket taxes and we won't, because as we all know as wildly successful as the timbers and the thorns have, it still is an investment of public money, that enables the whole stadium expansion to work. I would like that to be considered, the other thing that is concerning, I believe that the blazers contract is up in the rose quarter, and in 2025, I am looking at Susan Hartnett, yes, so to the extent that currently blazer ticket taxes are helping to pay the financing for providence park, if for some reason that the blazers no longer are at the moda center, then we will have a very challenging situation in which the general fund will be responsible for paying off the providence park debt, so I would hope that there would be something in the contract that would speak to the willingness to look at the different -- to do something about that to help the city out to minimize the general fund risk as part of the contract negotiations.

Golub: Noted. Thank you.

Wheeler: Commissioner Fish.

Fish: One other question, your league is expanding and we are seeing stadiums built all over the country and some are suburban style stadiums that are not as accessible as ours and some are bigger with more seating, and they are starting from scratch. I asked you this question when you came in to brief me but I was so proud of the answer that I thought I would give you a chance to say it publicly, why do you as an ownership group want to make a big investment in this stadium versus replacing it with a larger stadium in another location?

Golub: We realize that we have a very unique relationship with our fan base, many of whom are here today with the community at large with the city, and we realize that providence park is uniquely situated. There is an amazing, rich history at that location, and we want to be there for the long-term, and this expansion that we're all contemplating increases our commitment to doing that. One of our biggest fears is that at the end of our operating agreement which expires in 2035, if we don't do this, that the providence park isn't viable and we would be forced to look elsewhere and we don't want to do that, we are committed to being where we are and we think that this expansion will help us through that.

Wheeler: Commissioner Eudaly.

Eudaly: In the last couple of months I have learned more than I knew that there was to know about our spectator news and I still have a long ways to go, I am generally supportive of the expansion, and I think that it's a beautiful design. I share some of commissioner Fritz's concerns. I realize that the 50 million is coming from your end but I want to understand the impact on our spectator venue maintenance fund, and the impact on our obligation to maintain this increase size, the potential of diluting tickets on the side where we are taking a commission, and I guess I am curious, do you have a timeline for how long you think it would take peregrine to recoup the 50 million through increased ticket sales?

Golub: On the latter question, commissioner Eudaly, there is a lot of moving parts, the design is not in final form, the costs are possibly going up, we haven't set the ticket prices so there is a lot of moving parts so for us, to definitively state what our economics are, is challenging. It's many years. We know that. As it relates to the first part of your question or

May 10-11, 2017

comments, we believe if you look at this deal on its own merits, which I think is what you are doing today, it's really hard to argue that there is a material return on investment. There's some additional costs the city may face as you pointed out but there is no upfront investment, and there is long-term material upside for the city predicated on our private investments so I think, and we want this, we want this to be a win for the city. We want this to be a win for the fan base, and obviously we would not be doing it if we did not feel it was a good thing for the club and crafting a deal that reflects that.

Eudaly: Thank you.

Wheeler: Commissioner Fish. Very good. If you can just hang out we will take some public testimony, and is there public testimony on this item?

Moore-Love: yes, we have three people signed up

Wheeler: Come on up. Good morning.

Charles Bridge Crane Johnson: Good morning. For the record Charles bridge crane Johnson, and as the mayor noted this is kind of a unique -- we're doing professional sports venues different than Mr. Adelson in Las Vegas, and I think that commissioner Eudaly and commissioner Fritz for their concern that even on the generally positive financial picture we have the question of we've had a bunch of sold out seats that we have, ticket revenue, tax that we are collecting, the new seats, people will switch but as peregrine just pointed out it is unclear what type of seating they are going to construct and how many nosebleed seats, how many premium seats. I think that one thing that is missing and you know, perhaps the peregrine comes back up, we'll hear how well Portland is doing as a professional sports venue with equity. What is the scoping of the ticket prices? Is there any pressure to have them look at the feasibility of the seats that are not nosebleed but are still affordable so that the whole of the Portland community can enjoy the thorns and the timbers? Thank you.

Wheeler: Thank you. Appreciate it. Good morning.

Scott Swearingen: Good morning. I am Scott Swearingen, good to be back in front of several of you and some of you for the first time. I am representing the one of seven independent supporters trust which is the engine behind the timbers army as well as the rose city riveters. We were -- I went through this process in 2010-2011, and I am glad to be back here with this deal in particular, especially with the private money. I will keep it short but we are in support of this resolution, and this expansion, the main thing that we are challenged with as an organization, especially on the timber's side is that we are constrained within our north end sections. We represent over 5,000 paying members this year. And our ability to get any of those paying members into the stadium is hamstrung by the overall capacity, as a population within the stadium, we are aging out because there is no ability to get fresh faces in as a part of the stadium expansion, it will open up the ability for people to move with, within the stadium who have tickets and get some of those new faces in and into the timber's army sections into the rose city riveter sections, and allow us to continue to grow and thrive because our goal is to be the greatest supporters the world has seen, and we start popping up on a lot of international media, like one of the best places to catch a game in the world, and we would like to continue that, and to do that adding this renovation and this additional capacity will really aid everybody involved, and our members especially.

Wheeler: Thank you.

Johnson: One important thing that we overlooked in the age of smart phones, we might have a way that we can impose surcharges on sounders fans. We don't want a war back and forth but I think that that's important to research. Thank you.

Wheeler: Was there any more public testimony?

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

May 10-11, 2017

Wheeler: Mike could you come back? There were a couple of interesting points raised, and the first is around, you know, it's my understanding, and I don't want to put words in your mouth but in the conversations that we have had and staff has had staff to staff, it is obvious that your intention is not to play shell game with regard to the spectator funds on the thorns. It's my understanding that we could reach an agreement whereby those funds would be stabilized.

Golub: Absolutely. We are coming at this truly with a win-win proposition in mind, and we also realize that a healthy spectator fund is good for us, and so we want to do the right thing and so as we if the resolution passes we will continue to work hard at achieving that right balance.

Wheeler: Thank you, I don't want to put you on the spot but I thought it was an interesting comment, the question about is there an opportunity as we go forward to talk about the lower income opportunities for people to be able to participate in what's obviously a phenomenal sporting opportunity.

Golub: I appreciate Mr. Johnson's comments and questions, and one of the things that we are so proud of, with the timbers and the thorns, that we are very affordable, and very accessible, and you can come to the thorn's game for \$12, and you can have a season ticket the timbers army, and if you are willing to sleep out overnight, sit in the front row for \$24, and so soccer relative to the other sports in our country, is highly affordable and one of the engines behind our success. And what the expansion will allow us to do is to keep the prices at an affordable level. As we've talked about we've been sold out we have a waiting list yet, you know, simply economics would say that you have all of this. You can raise prices and we have not, and so the affordability and the accessibility at the heart of soccer is critical to us as well.

Wheeler: Any further questions or comments? Karla please call the roll; Mike you are welcome to take a seat.

Fish: Well, first I have to declare a conflict of interest. My son and my daughter are soccer snobs and we go to a lot of thorns game. Some of the best times in my life is to sit with my kids watching the best women in the world play soccer and to wear Kendall Johnson jersey to root on for a local star. This is not a hearing to address the design that is subject to other legal process so it would be inappropriate to comment on the design. I will comment that I was inspired to ask architect brad colful to work with your team for two reasons, one is he's one of the most famous architects in the world and most of his work is done outside of Oregon. So the fact that he would have an opportunity to design something iconic here is important and the second thing is during design week he was featured at an event and not a lot of people know this, but in the most important competition currently in the world for a memorial he's been chosen as a finalist to design the holocaust memorial in the city of London, England. And that honor of being a finalist has gone to a number of prominent architects in the world so it's kind of neat that someone of that caliber is on your team, I've been on the council from the very beginning of this process and back in 2010-2011 we had a very spirit discussion about the level of public investment in innovation that Mr. Paulson had and as you know Mike at the time I could not get my arms around the city putting substantial resources into both the soccer stadium and a baseball venue and my ultimate decision was reached on the bases of conversations I had with our financial team and including our chief financial officer. I was very proud subsequently to vote on an ordinance that went with a soccer stadium only option which was based on a new set of financing which I thought was more in the public interest. Today, who could have forecast that we'd be here talking about a franchise that has already won a national championship or two national championships in both teams? And bringing the best of professional soccer to our community. The mayor I think is correct to look at the experience of other cities around the

May 10-11, 2017

country because cities that have invested hundreds of millions of dollars of taxpayer money in these bigger and bigger stadiums have often found it is not a good deal for the taxpayer. It is a good deal for the owners but not the taxpayer. So when I heard that you and the ownership group was coming forward and saying we're ready to take \$50 million investment in the city's stadium I was very pleasantly surprised. What you have asked as part of this deal is that we waive a tax on tickets that would not exist but for your \$50 million investment. If the city doesn't want the expansion, we won't be generating the taxes anyway. We're either going to give green light to this opportunity. Since you haven't asked for any direct public subsidies it seems to me it is reasonable to ask our modest contribution be the taxes generated on seats that would not otherwise be generated unless you invested \$50 million. I wish more people came forward to the city with deals like that. We're not here to debate every aspect of the visitor's development fund in every bucket and the holistic system. We're looking at one stadium and one deal. And I have concluded this is in the public interest to proceed on these terms and I thank you and the mayor Paulson for really the spectacular benefit you brought to our community with two successful soccer clubs. Aye.

Saltzman: I think this is a wise investment. As our decision in 2010-2011 was a wise decision to partner with peregrine sports to produce the tremendous success the city has experienced under having the Portland timbers and the Portland thorns. You have lived up to everything that was committed to. And then some which includes revenues to the city. The additional investment of private dollars for a modest forgiveness of ticket tax for a period of 10 years. I think is a wise leverage of city resources to produce a \$50 million investment and to better serve our residents and their enjoyment of all the excitement and magic that is the timbers and the thorns. I'm pleased to support this aye.

Eudaly: Well, commissioner Fish, I certainly wasn't wanting to look a gift horse in the mouth I just feel it is my responsibility to understand what kind of liability we're agreeing too even though we're not outlaying cash up front and I will continue to explore that. Aye.

Fritz: I've got my Rosie the riveters scarf here and Scott Swearingen did say that we aim to be the greatest supporters in the world, I think we're there. I don't know of any other supporter's club that is so public spirited and Mr. Johnson raised the issue of ticket cost, you can get two free thorns tickets by filling up with gas at some places and there's always people that are donating tickets that you can pick up and if you get there early enough. So it's a very mixed group. Especially for the thorns game it's all different ages. All different kinds of folks enjoying a relatively inexpensive family day out. And I appreciate that aspect of it. And this resolution refers to the 10-year tax diversion because peregrine will be keeping the taxes it's not like the tax won't be there the seat prices will remain the same after the 10-years. It says it in the whereas clause, but it doesn't yet say it in the resolved. So I know our team from the office of management and finance will be negotiating a good deal for everybody to be really clear. I also want to particular thank mike Golub who as commissioner Fish referred to is not only on the chair of the regional arts and culture council he and I have been having discussions over many years now about paid internships for the thorns players. It's one of the big areas of our community in Oregon where the gender difference in pay is stark and disgraceful. That's the way the national soccer federation or whatever they call it. Sounds like the empire strikes back. They set the rules. The national team players for the thorns get paid a decent wage. And the other local heroes, as commissioner Fish mentioned Kendall Johnson they don't. What Mr. Golub and I are going to be doing over the next few weeks and hopefully will have something to prepare for the next council vote is a formal internship program reaching out to the thorns and the timbers sponsors to introduce the wonderful young players who come to Portland to be part of the greatest team in the world and hopefully will stay in our city.

May 10-11, 2017

We were very happy to host one of the thorns as an intern in Portland parks and recreation this past year. As the pilot project and with the success of that, I'm sure we can build on it. So thank you for your partnership in that. It really is about the whole game. It's about the whole experience for players and families and I appreciate what our city has done. Aye.

Wheeler: I, first of all, want to say I believe the timbers and the thorns are amongst the best sporting franchises in the world. This has been a positive and personal thing for me I personally I've always been involved in sports that are lousy spectator sports. It's been hard to inspire my daughter to be interested in something like triathlon. When you watch it on channel 387 or whatever channel it is. It's like watching paint dry. And then there was the day I took her to the thorns. She had never expressed any interest in sports at all until we got to the thorn's game. When she saw all the women on the field, she was riveted. She asked if we could move down closer. She was leaning into the game the whole time. And she asked me if she could get a jersey. So we went up and she got a jersey. And I'm happy to say she wears that jersey all the time. Maybe more than she should. But she wears it all the time. Now I have to take it back to the beginning. I was also at the hearings that were held by the city council when merit Paulson was here and others talking about the original vision. And I supported the timbers and I supported their efforts to expand the stadium, I opposed the financing mechanism that was being proposed at the time which was the use of tax increment financing. The reason I opposed it was because it was taking resources away from other valuable county programs. And I was, of course, sitting at that table not this table. I also opposed it because it meant the public was taking the risk. If the vision that these individuals have didn't actually pan out, the reality is we will still need to expend financing that would pay off the bonds issued with the expansion of the stadium. So when I was first approached by merit Paulson and mike about an expansion, I'll be honest with you. I started to get sweaty palms. And I was pleased over the course of several conversations that now they are an established franchise and their proof of concept has been proven beyond any doubt and now that they can actually look back on their most optimistic business plans their proformas and be able to state with a straight face that they exceeded even their most optimistic scenarios of how this experiment would turn out with a major stadium expansion and the creation of a new franchise system. This deal to me is as good as any public jurisdiction has been able to put together with a private sector sports team. And it is as a result of their preparation and their leadership in bringing a really incredible opportunity to the city of Portland and what we're doing here by passing this resolution is both acknowledging the value of that effort that took place here and recognizing that there is still a tremendous amount of upside potential not just for the timbers and the thorns and peregrine but for the community at large. So I'm very supportive of this effort. I will tell the chief operating officer -- sorry, chief administrative officer. You also heard Mr. Rinehart that there are other issues the council would like to have conversations about. And I know you and mike and others will take those conversations seriously going forward. This is the necessary first step. I thank my colleagues for listening to my long-winded speech. I vote aye. The resolution is adopted.

Fish: Mayor can we take a two-minute break and do a time check?

Wheeler: Let's take a two-minute break. Think on this during your two minutes my preference would be that we continue till one if people are able to continue. We'll see how far we get through the agenda and talk about it at one. Does that work? Alright. We're adjourned for two minutes. We're in recess.

At 12:12 p.m. council recessed.

At 12:16 p.m. council reconvened,

May 10-11, 2017

Wheeler: Karla if you could read the next two items, we're only taking a vote on one. If you can read it together.

Item 467.

Item 468.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. What we have before us is a change to an ordinance which is an emergency and also then the resolution to issue a subpoena for documents from uber and I'll sort of paint the road map then I'll turn it over to the city attorneys to fill in the details. This March the New York times published an investigation of Ubers use of gray ball a sophisticated software tool used to evade government officials and their attempts to enforce consumer and safety protections. As part of it investigation the New York times cited it's experience of Portland regulators who when uber illegally entered the Portland market in December of 2014 tried to book uber rides, but found those rides being cancelled. At the time Portland officials suspected there was an effort on uber's part to avoid regulators. But it's not until the New York times investigation that we understood how sophisticated and widespread ubers evasion truly was. Immediately following the disclosure of the gray ball tool as outlined in the New York times article, I directed the Portland bureau of transportation to conduct an investigation into the use of gray ball in the city of Portland. And to determine if there were any signs that is similar tactic is still used by uber to avoid regulation. The Portland bureau of transportation worked closely with my staff over the 45-day period to conduct an investigative audit to look in depth at the 2300 compliance and field audits commonly known as inspections, conducted by regulatory enforcement specialists. And also requested ride data provided by the transportation network companies both Uber and Lyft and posed 8 specific information request that were outlined in a letter addressed to ubers ceo Travis sent from myself and mayor wheeler on march 15th, 2017. I want to take this opportunity to thank the Portland bureau of transportation specifically Leah Treat, Chris warner, Dave Benson, our city attorney ken mcgare and their staffs for tireless work during this time and for the effort that went into producing the detailed report. While the Portland bureau of transportation report didn't find any indication the gray ball is still used by uber in the city of Portland, they have recommended programmatic and code changes that will strengthen our roll as a regulatory body. And we will be bringing forward some code changes in light of what we have learned and what we will learn from the subpoena at a later date.

*****: Thank you very much.

Saltzman: As part of our investigation, we called on uber to supply us with the data and other critical information that would help us to fully assess their activities here in Portland and the extent to their attempt to evade our efforts to protect the public. Unfortunately look, uber has not complied with our request. And I feel strongly the city council must use one of the powerful tools at our disposal our legislative subpoena power. In order to obtain the requested records uber has yet to provide. Mainly the gray ball playbook and associated software. After we authorize the city attorney to issue the subpoena, it is my hope I will have the support of council to come back in the coming months with a slate of code revisions that will be informed by what comes of this process and the recommendations I've received from the private for hire advisory committee and the bureau of transportation. I support ride sharing in Portland. And believe that it provides many benefits to our community. We as a council fully support expanding transportation options for Portlanders. However, as a regulatory body charged with ensuring the safety of the public, we must also ensure everyone in the industry is playing by the rules providing universal service and acting ethically. So I want to thank my colleagues for joining me in signing on to the resolution we'll consider. Sends a strong message that we collectively stand firm in our

May 10-11, 2017

right to subpoena these documents that will inform our legislative and regulatory processes. It is my hope the city of Portland and uber can have a mutually beneficial partnership going forward. In order for that to happen, I believe this is a necessary and right thing to do on behalf of all Portlanders. And now I'd like to turn over to ben Walters and Tracy reeve going to talk about the ordinance a little more.

Tracy Reeve, City Attorney: I'm your city attorney Tracy reeve and with me is chief deputy city attorney ben Walters. Ben is going to briefly address the ordinance which contains some code changes and I'll briefly address the legislative subpoena.

Ben Walters, Chief Deputy City Attorney: So mayor, commissioners, I'm ben Walters with the city attorney's office. So the power to conduct investigation --

Moore-Love: Is that mic on?

Walters: There we go. Sorry. The power to conduct investigations is inherent to the legislative process. This power encompasses the inquiries of existing laws as well as proposed or possibly needed legislation. The authority vested in the council is both explicit in the charter, various provisions and inherent in the council's legislative powers. There's code language addressing the subpoena authority. I was around the last time the council did this back when they were asking for records from pge. And Tracy assisted in that capacity when that was challenged by pge in Multnomah county circuit court. In looking back upon that experience, we looked at the code and came up with modifications to avoid some of the complicated issues experienced in the last go around and provide clarification in the process going forward so both the city and any entities that might be the recipient of the subpoena will have a clear understanding of how to move forward once the subpoena is issued. So if there's any questions regarding the code amendments, I'm here and available to answer those questions.

Wheeler: I just have one question. Could you clarify any potential risks between our decision to investigate independently which I strongly support? And the federal criminal investigation just announced. Is there any potential overlap? And are we at risk of interfering with the investigation at the federal level.

Walters: If the response we receive is a -- relies upon 5th amendment protections in order to deny the request for production or at this point all the subpoena is, is for the production of records. And ordinarily in a corporate setting, and I'm advised of this by lawyers in our office who are more familiar with these issues, corporations at this point in time, the courts do not recognize the corporations have self-incrimination protection. And so we'd have to undertake an evaluation of that. But we are cooperating with the u.s. Attorney's office in California and we would probably confer with them. We don't want to jeopardize any of that process.

Wheeler: Very good. Thank you. Any further questions?

Fish: I'm going to support this and I thank Dan for his leadership in bringing this forward. There were some additional findings in the pbot report that I wanted just to flag. And when I, back in time, cast a no vote in terms of allowing uber and lyft and others to operate in Portland, one of the concerns I had was about trust. One of the concerns another of my colleague's commissioner Fritz had was about consumer protection and adequacy of insurance protections. And in this thoughtful report that pbot under dans leadership has issued, it appears to me that a quarter of the operators who were subject to random checks could not produce a valid insurance certificate. And that is very alarming. And I wonder Dan or council if you could comment about that and what I believe are inadequate insurance standards are followed. And if somebody can't produce a insurance certificate then it raises the question about whether the operator of that vehicle is under the misunderstanding they can use the personal car insurance rather than commercial insurance which, again, puts the consumer at undue risk. Can we get a follow up?

May 10-11, 2017

Saltzman: Mark Williams from the Portland bureau of transportation who's in charge of our regulatory division.

Mark Williams, Portland Bureau of Transportation Thank you. So Mark Williams regulatory divisions manager so the insurance during the field audits, the drivers aren't carrying a copy of the tnc insurance. But the tncs are covered.

Fish: According to figure 1.7 on page 12 of the report, it says noncompliant. And then underneath says company insurance. Pbot has determined these drivers are noncompliant. In what way are they noncompliant concerning insurance?

Williams: They are just not carrying a paper copy of the insurance. It's a problem that we've had with many of the tnc drivers of the past. We first required them to carry a digital copy. When we updated the code in 2016 the requirement was to carry a nondigital copy. So just a paper copy of the insurance. So when they don't have that, we do record them as being noncompliant.

Saltzman: So they have the insurance they just may not have the paperwork.

Williams: They don't have the paper copy.

Fish: They have the insurance because the tncs have by some agreement agreed to provide umbrella insurance to all the providers.

Williams: Correct. Uber and lyft provide coverage in all three periods for all the tnc drivers. The tnc periods the type of coverage varies between period one, two and three.

Fish: How do we know that driver is not submitting a claim to their personal insurance as opposed to the uber corporate umbrella coverage?

Williams: That is the reason for them being required to carry the paper copy.

Fish: That's the point I wanted to get at this has the effect of not only being a violation of our rules but it also opens the door to people seeking to evade using the corporate umbrella insurance and using their private insurance which would make it more difficult for you to track accidents and claims; correct?

Williams: Well, possibly. So it would be -- consider an enormous disadvantage to a tnc driver to present their own personal insurance in an event of an accident that insurance is in place mostly to protect the consumer and in the event that the driver is liable for the accident. What we don't want to happen is that if a tnc driver hits you in your car we don't want them to present his or her personal insurance eventually what happens is that the insurance companies eventually figure out this was an accident that was caused while they were operating on the platform and Uber and Lyfts insurance will eventually kick in, but it does delay the process. So other than a claim being settled in 45 days or less it could be as far out as six months so it's really important that if they have an accident that they present the appropriate insurance so that the claim processors can head down the appropriate route.

Fish: And finally Mr. Williams, what's the fine for not carrying a company insurance certificate?

Williams: Currently the fine is 50 dollars if you don't have that's the first initial offense, it goes up from there I believe from 50 to 150.

Fish: Do you think that's adequate?

Williams: We are making recommendations to present to council at a later time to increase that minimum fine from 50 to 250.

Reeve: So I just wanted to address that the legislative subpoena power is not a new -- you are not granting a new authority here. This is a long established authority that legislative bodies have, as has been mentioned and used in the pge situation but as Ben mentioned what we did not have is a process in place that specifically set forth the rules, if you will, for how that works, and so in order of clarity for everyone we are setting that forth, but the legislative subpoena authority is a long established authority that you have that is inherent

May 10-11, 2017

in the nature of the legislative body so you have the ability to investigate and determine whether the legislative changes, and new legislation is appropriate and so the legislative subpoena that you would be authorizing us to issue in the resolution is directed at getting the information from uber that we have not previously gotten the gray ball playbook, software, and other information, about how they have been using this technology, because we don't have any facts, and I don't mean to suggest that there are any facts that this is being used if other purposes but it certainly is depending on the nature of the technology it is of concern, could it be used for other improper purposes, and is that something that council might want to address which is why we are more broadly wanting to get the playbook and evaluate how this technology works, what other areas it could be used in, and is specific legislation appropriate that would avoid that occurring.

Saltzman: So our former legislative and regulatory efforts private for hire transportation.

Reeve: Exactly.

Fish: One other question because I think that there is some confusion in the public. Today we're asked to authorize the issuance of a legislative subpoena, but we are also going to come back to council in a couple of weeks with an ordinance or a resolution to authorize administrative subpoenas so that the department of revenue can collect data from companies that are not currently complying with our laws in the sharing of the economy, other than uber. What's the distinction?

Reeve: Well, an administrative subpoena is an aid of enforcing a legislative scheme that is already in place. So council has a legislative scheme in place for taxing and regulating short-term rentals, and that will give us explicit subpoena authority to get the information to apply that regulatory code so it's not looking at what information do we need for you all to be able to make informed legislative judgments. It's directed at allowing the regulators to implement the Legislative program that you have already adopted and with any changes that you make to implement that short-term rental regulatory scheme.

Wheeler: Is there any public testimony?

Moore-Love: One person is left, Charles bridge crane Johnson.

Wheeler: Very good. Come on up. Good afternoon.

Charles Bridge Crane Johnson: Good afternoon commissioners. So I want to thank commissioner Fish for going in with the administrative subpoenas cause when we talk about fairness I want to make sure that all of the new falsely labeled sharing economy companies can be concerned that the public will know what they are really doing, and so I only wish the legislative subpoena process could have been sped up so that Airbnb or similar companies would know that we want to really know how involved they are in deceiving people about the effect they are having on the housing market, and the fact that we live in a city where thousands of people are sleeping outdoors and on the streets. To the specifics of gray ball and uber, it would be interesting to hear that a corporate person who it doesn't extend to the fifth amendment so I appreciate your zeal here, which is really where the city needs to put this deal. Earlier today on 455 we heard from individuals, a person screwed over by the community to the tune of having to pay a quarter million-dollar bond to get out of jail for situations that within months the district attorney said that it is dismissed. One of the things that -- I mean this corporation needs to do is to be governed by real people who put real people first so that we don't have the situations where the real human beings are abducted by armed thugs out in Starbucks, framed with quarter million-dollar extortion that then disappears through the legal process when cooler heads realize a bunch of armed thugs exaggerated the situation. So please save your zeal for situations like that. Or Uber, Airbnb billionaires hiding in san Francisco undermining the quality of life while running something they falsely label as sharing economy.

Wheeler: Good afternoon.

May 10-11, 2017

Lighting: Good afternoon, I'm lightning and I represent lightning super watchdog x. The city of Portland has found no evidence that uber has used gray ball or any technology to avoid city inspectors. Again I think what the city is doing right now is a witch hunt. You are positioning yourself based on the doj investigation, to negotiate a settlement agreement, them not admitting any guilt, and they are not going to supply you any records, it will not happen. The program was designed as a safety program, basically, to make sure that the drivers are not harmed, they're going to prove that and you are just positioning yourself in a way to get money from them, and as you know uber is getting ready to do an ipo, whether it's in the next year or so, this is going to affect their value, and I hope that Travis will come back and sue the city for 1 billion just to let you know you don't have anything here. It's a witch hunt. You are going after Travis and you know what's interesting here is you allowed uber to come in and lyft into this city and create an app in their platform that is decimated the cab companies that have been here for years, and now you are surprised that uber is creating software that you are claiming is monitoring you at the same time and your regulars? Again, don't be surprised at the end of this, you will find out that everything that they are doing is legal. Everything its doing will proceed forward, and again he will get the highest value for his ipo when he rolls out uber, and again he can thank you for that. He can thank you for that, and I noticed on this resolution all of the commissioners submitted this resolution and pushed it forward. Isn't that great to the taxicab companies in the city that have lost everything? You are hypocritical, you will get nothing from uber, and they will win at the end of the day, thank you.

Wheeler: Thank you.

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

Wheeler: Very good. Any further council discussion?

Fish: Since lightning is someone who testifies a lot and often makes cogent and thoughtful comments I want to correct the record on one thing that he said, in the investigative report that commissioner Saltzman brought forward to the council, uber acknowledged they used the technology to evade and deceive -- that's an admission and that's in a letter from the attorney so it's not a claim or an unfounded claim. They have acknowledged but they have also stated that they have discontinued using it. And one of the things that we're going to do is verify whether that's accurate but I wanted to clarify that. They did acknowledge using the technology.

Wheeler: So 468 is a first reading. And so --

Saltzman: An emergency.

Wheeler: I am talking about 468. 468 is a non-emergency first reading.

Saltzman: It's a resolution so we will vote on both.

Wheeler: You are right, I stand corrected. If only I could learn to read, so let's take them in order. 467, please call the roll.

[roll call]

Fish: I am very proud to support this ordinance today, and I want to begin by thanking the transportation commissioner for the aggressive way that he has pursued the truth in this case. I reread the report the other night that Dan and his department issued, and I think it's a model of an investigative report so I compliment the commissioner, the director and the legal team that worked on it. I was mildly surprised once the report issued that uber chose to, once again revert to the combative nature rather than seek a conciliatory attitude, I was struck when I was contacted by a reporter who asked me to respond to a statement that uber issued, did not have the courtesy of sharing it with the council, but issued, and it has the following sentence, and it is unfortunate these investigators and the report have become so politically charged. And the commissioner Fish used the process to make baseless claims about our conduct in Portland. Let me say that I consider it an insult to

May 10-11, 2017

suggest that commissioner Saltzman at any stage of this proceeding, has been politically motivated. I would challenge uber to come forward with one shred of evidence to support that claim and to attack the integrity of this body and the commissioner as a way of deflecting attention away from their acknowledged misconduct, is the kind of behavior that we take for granted in Washington d.c. But is new to Portland, Oregon. The second thing that I want to say since the person who issued this statement also chose to make an attack on me personally mayor, point of personal privilege, and I want to review what's in the record because we don't want there to be any suggestion that the council is making claims that are not supported by the facts. These are the claims that had been made at various points in this proceeding. The first is that when uber entered the marketplace, they operated illegally. We have made that claim, and we believe that our law supports that, and in fact the city of Portland brought a lawsuit to compel uber to cease their illegal operations. Number two Uber has now acknowledged through an attorney's submission that they used a technology called gray ball to evade and deceive regulators. If a statute of limitations on fraud had not run I believe that we would have a number of legal claims that we could bring around that but they have acknowledged that they used a software to identify the particular passengers and to bypass them so that they could not, those passengers being city regulators could not enforce the law, and that has been documented. And it is also a fact that after the city, in a split vote, welcomed uber into town and set up a regulatory scheme, uber subsequently went to Salem to seek to preempt the city from having any further role in regulating them as a tnc. And in their effort in Salem and the bill that they sponsored they also proposed weakening consumer protections, preempting the city from enforcing its code, including protecting consumers, and in an interesting piece of regulatory overkill, seek to have forever the status of the drivers declared as a matter of law, independent contractor. Fortunately, that, that legislation faced significant opposition, and including the city that opposed it and commissioner Saltzman testified against it. All of the statements that I have just made are factually supported claims based on evidence in the record, and so I am puzzled when uber through its paid professionals, makes claims about a politicized process or unfounded claims. I am not going to address the conduct that has been alleged outside of Portland, around what I think could only be described as a sick corporate culture. A corporate culture that has led to uber as a company bringing in an outside law firm to do a complete review of their compliance with title 7, and a corporate culture that has resulted in bombshell allegation about the treatment of women in the workplace, and as has been noted in the report issued by pbob, a corporate culture that has prompted the department of justice to begin a criminal inquiry, and they do not undertake things lightly. So those are all claims made, and they are all factually supported, and I think some offense that the response by this company at this point when a report was issued is to challenge the integrity of the body. I believe it is time that we authorize the subpoena, and I think that we have an obligation as a legislative body to follow the evindence wherever it takes us, and I frankly do not trust this company to make representations to the legal counsel, and we have a right to see the underlying documents around gray ball and we have a right to make our own inquiry as to whether the company engaged in illegal conduct. And Dan thank you for your strong leadership on this. This is a vote I am very proud to make and in conclusion because I get the this sometimes from our critics I happened to Proudly carry the app of a company called lyft on my phone, and it was placed there by someone in my office who said that I should have it during inclement weather to have another option. I am not against companies that provide these services. I do have concerns about the documented behavior of one company called uber. Aye.

May 10-11, 2017

Saltzman: I want to thank my colleagues for the -- what I anticipate will be their support for these items. This is about getting at the facts and insuring that our public is being served in a safe and sound manner and we regulars have the ability to do their job to protect the public safety and ensure all riders have universal access to these services and are not being somehow discriminated by income level or zip code or any other sophisticated means that maybe encompassed in the gray ball technology and that's why I feel compelled to seek the subpoena to see this information to assure that we can do our job and we can protect our public and so I thank my colleagues and really wanted to -- I thank people of pbot, and I also want to thank Tia Williams in my office for doing an outstanding job in organizing and helping to make sure this investigation was done in a timely manner and that we're at the point where we are at today so thank you for your work as well, aye.

Eudaly: I am pleased to support this ordinance. I have had ongoing concerns about uber and other sharing economy platforms rolling into towns and flouting local laws and seeing how, how far -- what they can get away with and how far they can push local governments and I think it's time to show them how far they can push. I think that it's -- I am also puzzled when people come to give testimony in front of this body and blame us for the actions of the past council. We have two people sitting here that voted against uber and two people that weren't on council, and I guess that I just have to get used to being part of an entity that gets to be part of that phenomenon although I resent it, and I think it's meaningful that commissioner Saltzman is the one to bring this forward. He's supported uber in the past, and is now doing his job to protect the public. Aye.

Fritz: An interesting conversation last week with tom chamberlain at the Oregon cio, and he is working with some of the and I agree with Mr. Johnson sharing economy is not descriptive of what these companies do, he's working with some of the drivers who having been lured into working for uber and lyft, especially uber, and suddenly found that uber slashed prices which meant that they had to work longer hours in order to make a decent living, and many of them do work full-time for it, with no benefits and no, no -- much less ability to affect their own future than if they worked for a traditional taxicab company. I found that interesting, obviously, a group of employees who don't even get the respect of being called employees who Are reaching out to unions saying how can we push back against this giant who is in our country and in our city, indeed so I appreciate that. Thank you commissioner Saltzman for your leadership on this, aye.

Wheeler: I would like to add my thanks. Commissioner Saltzman and his team did an exemplary effort of putting together the framework for this conversation and framework for an investigation. I want to thank those at the staff level and the bureaus who worked very hard to provide us with factual and accurate information and I want to reflect going into this subpoena situation should always be a last resort for us but as regulators this is a tool that we need to ensure we are doing our jobs, and commissioner Fish did a great job of laying out the facts. The reason we are doing this is we need access to documents that we believe are there, and that support what is in the factual record in terms of circumventing local regulators and local regulations and therefore we need access to this, and this is the tool that we have at our disposal is a local city council to gain access to the information to which we are entitled. It brings me and my colleagues no pleasure to have to do this, this is what we have to do to get the in fact we need to be effective regulators of this market so I support the effort you have brought forth Saltzman. And I join my colleagues in voting aye so the ordinance is Adopted and I will call the vote on 468, which is the resolution, I don't know if people have anything else to add but we need to vote for that separately so if you could call it on that resolution.

Fish: I will vote aye on this and it is the council's hope I think within about two weeks we'll have a separate ordinance and companion resolution that comes to council that delegates

May 10-11, 2017

to the revenue bureau the authority to issue administrative subpoenas and to make some additional proposed changes to the code. Aye.

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

Wheeler: Aye. The resolution is adopted. Please call the next item.

Item 469.

Fish: It's unusual for the commissioner in charge to pass the buck to a back venture but.

Wheeler: It is in the spirit of the cooperation.

Fish: I will do my best as the recovering commissioner in charge of the bureau, this project in southeast Portland is part of the bureau of environmental services phase two sewer rehabilitation program to replace and to repair the highly deteriorated sewer pipes, the project calls for a variety of repairs and rehabilitation with a total of three miles of sewer pipe. It will protect the public health, property, and our environment by increasing the sewer system capacity and reliability and reducing the risk of sewage releases to homes, businesses, and streets. If approved, construction would begin in September and last about a year. We are joined today by bill Ryan and colleen Harold from bes. Welcome.

*****: Thank you.

Bill Ryan, Bureau of Environmental Services: Good afternoon mayor and commissioners.

Moore-Love: Could you turn the mic on? Someone turned it off.

Wheeler: Is the green light on? There you go.

Ryan: I am sorry, I am bill Ryan the chief engineer for the bureau of environmental services, and with me today is colleen Harold, the project manager for this very exciting project. She's got a presentation to describe the project a little more, and afterwards we can answer any questions that you may have. Colleen?

Colleen Harold, Bureau of Environmental Services: Thank you very much. We are here today to ask for the authorization to approve the ordinance to advertise the \$1.87 million contract for the Tabor-Powell sewer rehabilitation project. This is the 31st project in 39 planned in the large scale program. There is 165,000 feet of pipe constructed, rehabilitated to date in this program. The total expenditures through the third quarter of 2017 equal \$98.4 million. The Tabor-Powell project is made up of two distinct districts or areas, shown in green on the map. Nestled within the large scale sewer rehab program projects That are in yellow. The southernmost project is bounded on the north side by Powell, and on the west side by 42nd avenue, and on the east by 74th avenue, and on the south by Holgate and foster. The northerly green project is bounded on the north side by i-84 and on the west by 42nd and on the east by 66th avenue and on the south by stark street. These are your favorite slides. I know that they are. They are mine, too. This project replaces a rehabilitation of highly deteriorated sewer pipes. This really allows me to be a forensic scientist when it comes to sewer and really determine whether the pipe is in or out of the scope of my work. The top two examples are typical main line pipe defects, and show deteriorated pipe that needs repair. The bottom two are lateral defects that show holes in pipes and roots that really inhibit the flow to the main line. By replacing and rehabilitating the mains, sewer laterals and manholes, this project will protect public health, property, and the environment, and increase sewer system capacity, and reliability, and most importantly reduce the risk and sewage release to the homes and businesses. Some statistics about our project, there is 67 pipe segments, close to three miles of pipes, planned for rehabilitation by cure in place u.v. And there is 14,313 feet in this project alone, with the small amount to be open cut for 431 feet. Six spot repairs and the pipe ranges from 8 inch to 36 inches in diameter. The vintage is 1905 to 1955, makes it 112 years old as the oldest pipe in the project. 70% are in residential streets and 30% in major roadways. P.i., outreach for the sweet of the tabor projects began in 2014, it covers four projects. It

May 10-11, 2017

covers the tabor project in phase one, in Powell, and cipp, southeast base in phase two and now Tabor-Powell in phase 2. Work for all four projects has been tracked with the public on mapping online and through print. Since all four projects are in the same geographical area and boundaries and some in the same streets, we determined that trying to communicate each project separately would be too confusing. So rolling up into ongoing communications as a whole would be more effective so that's what they did. Work for the projects has been communicated to the public as phases of one ongoing project with this being the last. Tabor-Powell 2 will follow work on the same streets as in phases 1 and still representing them as the single program as two phases with multiple, as with multiple phases has been easier to understand for the public. As the phase 1 projects we have continued our partnership with coordination and coordination with various neighbors and businesses. We have providence hospital that we've been working closely with to access their campus for our work, and performing the maintenance and repairs that's needed on their property, and we have also worked with Portland nursery around their large popular annual apple festival on stark street. The spi staff has been providing monthly and quarterly updates to the neighbors and businesses by mail. A noise permit has been issued and received by us for the project following all requirements of the noise office. We received no comment in opposition to the project, and communications received were about scheduled types of work, the construction methods, and we also requested from some neighbors to be added to the email list. This is an exciting project for bes and for me personally. I have worked hard to specify this as the u.v. Cure only project, so we have specified that as the method of cure. It is an innovative sewer rehabilitation effort that offers the advantages to the city. This is the first project that allows the city to gain experience and knowledge used in this method, to date it has been installed on several smaller projects. They are using it on the Yamhill and Morrison job currently, and half of the project is u.v., and we also used it on the first and Madison courthouse pipe included in the development project. We believe this will showcase the technology as viable and economically, and economical rehabilitation method. We have extensive experience with thermal care but not with u.v. And we really want to try it. With thermal care we know that there is an odor, with u.v. There is no odor. At least not styrene. There is slightly smaller equipment footprints that we look forward to sort of tracking and making sure it's smaller than the thermal, and we worked with contract, to contract the potential vendors and contractors to ensure a competitive pool will bid this project. Six potential contractors indicate they will prime and bid this project and have been directed to procurement to go through the prequalification requirements. Lastly and finally the engineers estimate is \$1,875,000. The level of confidence is high; this represents our best professional estimate of what this will cost. The pricing of the u.v work is less certain simply because we have less experience with this technology. Lastly, we will begin construction in September and our construction duration is 325 days. Thank you.

Wheeler: Any questions from we move to public testimony? Is there any public testimony on this item?

Moore-Love: No one signed up.

Fish: Can I make one comment? Commissioner Fritz we had that slide in there for your benefit. As our professional overseeing the projected noted we are using a u.v. Technology, and it is exciting. The curing goes on inside with ultraviolet light and among the benefits is a more durable outcome with less odor.

Fritz: How is that especially for me?

Fritz: You and I over the course of eight or nine years have had conversations about ultraviolet fill in the blank.

Fritz: I have got it, yeah.

May 10-11, 2017

Wheeler: All right, good. Seeing no further questions or comments thank you for the presentation. This is a non-emergency first reading and it moves to the second reading, and colleagues could I suggest that we go through the second readings, four of them quickly and let's stop because I am sure that people would like to take a break prior to -- we have a fairly lengthy agenda this afternoon.

Fish: Could you come back at 2:00 and we'll do 470?

Wheeler: Let's do this. First 475 has been rescheduled to May 24. I will state that for the record, so 475 is off the agenda. Karla could you please call -- sorry?

Fritz: Before you go can I make a suggestion the things that we have this afternoon will take some time, too, commissioner Fish, is this accepting the report the 470, is that something that needs to be done today or could we put that on next week?

Fish: We rescheduled it three times. Bill could we do that, put over to next week? So 470, we will be returning to my -- actually continued to next week. Karla?

Moore-Love: Yes, continued.

Wheeler: Very good.

Fish: Thank you,

Wheeler: and I have noticed that we've been way off on the estimates of presentations, and I think that we have undershot in terms of the public testimony. I think that I can hold people to tighter constraints around public testimony. Between those three things while I have got the bureaus I will work with all the bureau leadership to talk about getting clearer estimates and clearer understanding of how long these presentations will actually take.

Fish: I don't know what the practice is but on the time certain I think it is it is bureau's obligation to guesstimate the amount of public testimony and I think that you have a sense about the issues being more controversial than others.

Wheeler: Exactly. I think that we can work that out so Karla could read the item 471 please.

Item 471.

Wheeler: Is there a further discussion? Call the roll.

[roll call]

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

Wheeler: Aye. Adopted 472 please.

Item 472.

Wheeler: Is there any further discussion? Seeing none please call the roll.

[roll call]

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

Wheeler: Aye. Solicitation and contract is approved. Could you please call 473.

Item 473.

Wheeler: Is there any Further discussion? Call the roll.

[roll call]

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

Wheeler: Aye. Solicitation is approved. And I think that there was one more, yes, 477.

Item 477.

Wheeler: Is there any further discussion? Commissioner Fish? Call the roll please.

[roll call]

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

Fritz: This is the very definition of devoted staff that Lore Wintergreen has been sitting here all morning so make sure that we all said yes. Aye.

Wheeler: Aye. The grant agreement is approved. So colleagues what we'll do, we'll reach out to your offices with regard to the rest of the agenda. I will just put the thought in your

May 10-11, 2017

head there may be time on Thursday at 3:30, alternatively we can push it off until next week so think on that and we will touch base with your staff. Very good, we are adjourned.

At 1:07 p.m. council recessed.

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.**

May 10, 2017 2:00 PM

Wheeler: Good afternoon. This is the afternoon session of Portland city council. It's Wednesday, May 10, 2017. I'm going to shorten my script. Everyone please respect everybody else. Name for the record. If you come up to testify, please no interruptions or disruptions. If you disrupt test mope or council deliberations I'll have to ask you to stop. If I have to ask you twice you'll probably be asked to leave. If you don't leave after being asked you're subject to arrest for trespass. Let's all just behave. We had three items that have time sensitivity to them that we did not complete this morning, so we're going to do that. Karla, please call the roll.

[roll call]

Wheeler: I believe commissioner Saltzman will be here. 474. Please call it.

Item 474.

Wheeler: Commissioner Fritz.

Fritz: Thank you mayor and thank you everybody for your patience and coming back after the lunch break. I'm going to introduce -- i'm not going to. Carry on.

Lauren McGuire, Portland Parks and Recreation: Hello, mayor, members of council. I'm Lauren McGuire, parks development program manager for Portland parks and recreation. With me is Larry Pelatt from procurement and Jill Hutchinson, project manager for the park we're talking about, we're here today to accept a bid from duke construction for the Argay park tennis court project for \$581,192. Argay park is located at northeast 141st avenue and failing street. The project is part of the 2014 bond program that was generously passed by voters who approved the \$68 million bond measure to address park needs without increasing tax rates. The bond funding that goes towards parks' urgent needs includes repair failing play grounds, pools, bridges, pioneer courthouse square, accessibility improvements, restroom improvements and other urgent safety improvements. This particular project falls into the restroom and other category which is fix and replace restrooms and other urgent repairs such as the tennis courts. Here's the four argay tennis court image. We're here talking about tennis courts and improvements that we're going to do to those tennis courts. The tennis courts improvements include replacing sub grade, replacing lighting, fencing and benches and remove more than 30 invasive holly trees which obstruct sight line from the street and promoted undesirable behavior in the park and we're going to be replacing that with a landscape design that follows the principle of crime prevention through environmental design. We're also going to be removing some accessibility areas by constructing new ada compliant pathways and installing ada compliant drinking fountains near the tennis court the 2014 bond will be paying for all these improvements. These original courts were constructed in 1974 more than 40 years ago and they are now in pretty poor condition and that are not really playable. To show you a little more detail of the improvements that are happening, the slide illustrates some of the ways we'll be addressing them the red shows the tennis course. The blue circles shows where the holly trees are being removed and replaced with new deciduous trees in a different arrangement. And the yellow rectangles show's pathway accessibility to the tennis courts. The purple dot shows the location of the new ada-

May 10-11, 2017

compliant drinking fountain. The timeline for the argay park tennis court improvements is as follows. The design and construction drawings have been completed with the assistance of Harper Houf Peterson Righelis. We have also talked to the argay neighborhood association. Permit drawings have been approved by bureau of development services and we're here requesting council approval to accept the bid for construction. We anticipate this will start this summer and we hope to finish it this year. Some of the projects in the bond going forward are listed here. You can see projects under construction and upcoming construction as well. Larry, would you like to take it from here?

Larry Pelatt, Procurement Services: Good afternoon. I'm Larry pelatt from procurement services. You have before you a procurement report recommending a contract award to duke construction excavation for the argay tennis court project. The engineers estimate was \$500,000 with a confidence level of medium. On March 23, 2017 three bids were received and duke construction is the low bidder at 581,192.73. That's 16.24% over the estimate. Portland parks and recreation conducted a data analysis and determined that the bid items came in higher due to current labor demand in the commercial construction market. The city put forward an aspirational goal for disadvantaged minority women and emerging small business contractor at 20% of the hard construction costs. Duke construction identified four divisions of work for the dmwesb participation with subcontracting participation at 27.4%. with work being performed in concrete, paving, landscaping and fencing. Duke construction and excavation is a state certified emerging small business so combined prime and subcontract participation on this project is 73%. Which is very good.

Wheeler: That's great. Thank you. Any other questions?

Fish: I have two questions. What's the surface of the tennis court?

Jill Hutchinson, Portland Parks and Recreation: Eight inches of aggregate base then three inches of asphalt. There's an acrylic top surface.

Fish: How would you -- what would you compare that to within our system?

Hutchinson: I'm not sure I understand the question.

Fish: We have different kinds of courts in our system. What will be an example of another tennis court that has a similar set of specifications?

Hutchinson: Oh. Berkeley tennis court in southeast Portland is the court that we modeled this one after.

Fish: This says you're also replacing the lighting.

Hutchinson: Yes.

Fish: What are the hours of operation with the lights?

Hutchinson: The lights operate from dusk until 10:00 p.m.

Fish: Thank you.

Fritz: Those tennis courts in Berkeley that's the Alex Revello courts?

Hutchinson: Yes.

Wheeler: Any further questions? Public testimony on this item?

Moore-Love: No one signed up.

Fish: Move the report.

Fritz: Second.

Wheeler: Motion commissioner Fish, second commissioner Fritz. Please call the roll.

[roll call]

Fish: I'm delighted your upgrading some tennis courts believe it or not I used to be a pretty good tennis player but I hung up my racquet a long time ago. These kinds of courts are another amenity we offer the public and I'm glad the bond was able to fund this. Aye.

Fritz: Glad to be able to provide improvements in one of our few parks in east Portland. This is one of the few that was actually eligible for the fix our parks money on account of

May 10-11, 2017

they have tennis courts, but they're not currently playable. Thank you for your work. Thanks to those voters who approved the tax. Aye.

Wheeler: Thank you for bringing this forward. The pictures speak a thousand words. I will vote aye. Commissioner Eudaly is here.

Eudaly: Aye.

Wheeler: The bid is accepted. Next we'll move to 476, same players, different issue. Sorry, it has to be read first.

Item 476.

Lauren McGuire, Portland Parks and Recreation: We're here to accept the bid again reiki field is located at 1405 southwest Vermont street. It's part of the 2014 bond again, again, part of the restroom and other categories. As far as the field itself goes, this was one of the oldest fields that we had as well. The slide shows reiki located at reiki elementary adjacent to Wilson high school. It's part of Portland parks and public school's joint facilities program. Where the property's actually owned by the public schools and we are the ones owning and maintaining the actual asset. It's the second ever synthetic field we had in Portland. This existing field is outdated, unsafe and not meeting national standards for playability. Portland parks discontinued issuing permits on this in 2009 and it's still used by reiki elementary students for recess and physical education on a daily basis. The existing field has significant drainage and surrounding issues and surrounding sloped area has eroded causing sediment issues as well. Again, we have severe ada challenges that we're trying to address. The project seeks to replace the field in its entirety and it will be actually a little bit larger. The goals of the project are to provide a field that's safe for play, durable field that can be used year round and that is an accessible field. Field improvements will include removing and responsibly recycling the synthetic turf, we'll also regrade the field and surrounding lawn for accessibility and slope stability. We'll be installing new field drainage systems for storm water management and install new industry standards synthetic turf and infill consistent with city guidelines it will be recycled crumb rubber. The field will be lined for soccer and both men's and women's lacrosse. We'll be making ada improvements installing one accessible van and one standard parking space. We'll be providing accessible walkways from the main parking area to the field and we'll be providing accessible drinking fountains as well. As far as the timing for this project goes we finished design and construction with David Evans and associates. We talked to the public at two open houses in march and in May. We're here for acceptance of the bid. The project should happen this summer. Again, the project that we're working on currently in the bond in the upcoming project.

Larry Pelatt, Procurement Services: Good afternoon. You have before you the procurement report for recommending a contract to K&e excavating for reiki field turf replacement project. The engineers estimate for the project was \$969,906. With a moderate confidence level on March 28, 2017 two bids were received and k&e excavating is the low bidder at \$700,031,585. Approximately 22% under the engineer's estimate. The city put forth an aspirational goal for disadvantaged minority women and emerging small business contractors and supply utilization at 20% of the hard construction costs for this project. K&e excavating identified two divisions of work for dmwesb opportunities with participation at 5.2% or \$38,345.50 with work being performed in trucking and landscaping. This project is particularly challenged based on the surrounding topographical issues and significant technical expertise required. I will turn this back to council for questions. There is a representative from k&e here if there are specific questions.

Fish: I have some questions. Having spent most of my daughter's childhood on this field I might have lobbied commissioner Fritz to include this in the bond effort. So couple questions. You mentioned the challenges with the site and the drainage. The problem with

May 10-11, 2017

the old field is there was a hill and incline and when it rained it meant that dirt and other debris came down the hill and came on to the field and degraded the field. When it rained a lot, the field took on water and became unplayable because you would have several inches of water and that is not safe for kids to play in. How are you addressing the runoff of water on the incline and also how you're addressing drainage of water on the site.

McGuire: The project manager for this project couldn't be here right now. I know that he had plans for different kinds of grading on the site to address your issue. I don't know the specifics of that but I can get that answer for you.

Fish: It's a rare instance where I have personal experience with the two problems. Drainage on the hill and that just brings sediment and dirt and other things on to the field, and second, the field itself when it rains hard doesn't drain, the current field, which is why we stopped permitting it. I assume you're addressing both in the design?

McGuire: Correct. We have the contractor here.

Fish: You've been here all day. Very patient. Should give you two contracts while you're here.

Brian Littlefield: I'm Brian Littlefield with k&e excavating. Maybe to answer your question about the grading there is a hill, a small knoll on the north side of that field. That all gets taken away. So that will help some of the slopeage. Then also.

Fish: Also help with spectators. Stands there.

Littlefield: The field itself has a flat pipe that runs at a 45-degree angle down the center of the field and that takes all the ground water into that pipe and takes it out to header pipes around the perimeter of the field. Then that takes it out to a main line which takes it out to the system.

Fish: That should allow the kids to play on the field while it's raining?

Littlefield: Yes. It's common on a lot of these fields. We have done some of them with the same design.

Fish: What's the surface you're using on this field?

Littlefield: That is --

Pelatt: Field turf. Nike field turf.

Fish: Nike field turf so commissioner Fritz is that the same surface we used at buckman?

Fritz: I'm not familiar with what was done at buckman.

Pelatt: Portland parks has an agreement with Nike and they have a branding agreement with Nike for --

Fish: It's their highest specification surface?

Pelatt: Yes.

Fritz: Certainly an issue of concern for the parents at reiki and Elizabeth Kennedy wong and others on our communications team had a lot of backwards and forwards about what kind of turf including doing a very comprehensive study. Did you want to comment on that at all Lauren?

McGuire: I can talk a little bit to that. This is post-consumer crumb rubber that we're using in this particular case, but we do have -- we have been talking about whether we might be able to use epdm, which is a new synthetic crumb rubber.

Fish: From my point of view the Nike product is very safe and durable product. I'm a big believer in synthetic. You get more use out of it. I would defer to you on that. Final question I have is that we have had robust conversations at council before about whether certain fields should or should not be lit. The virtue of this field is it's surrounded by commercial properties and a school. It doesn't have the essentially negative impact on homeowners. I see that this includes provisions for future sports field lighting. The advantage of putting lighting in of course is you can almost double the usage of the field. What are the current plans to put lighting on the field?

May 10-11, 2017

McGuire: We don't have this in our bond budget. So we don't have lighting for this particular field.

Fish: Commissioner, is this eligible for sdc investment in lights?

Fritz: It would be if we had any left. Almost all of it has been allocated already.

Fish: I think I was the third vote on raising the limit on sdc revenues. This is a field I care deeply about and by putting lights on it ensures the families in that area get about a 50% greater usage without it adversely impacting the surrounding neighbors. I'm going to vote for this but I would like to work with my colleagues to find resources for lights.

Fritz: As you remember, commissioner, you put adding of lights to be a conditional use permit so it would have to go through that process. We're looking into what we have done at dunaway park even though there's no lighting there. We have the electrical conduit and other such fittings underneath the new surfaces so that in future it would be relatively easy. So we could look into -- I don't know what is being done here or we could look into it.

Fish: All I would ask is at some point someone would get back to me with what a lighting plan would look like and what the cost would be and I'll take it up with the commissioner in charge.

Wheeler: Any further questions at this point Brian, thank you in particular for your patience. We appreciate it. Is there any public testimony?

Moore-Love: No one signed up.

Wheeler: Motion?

Fish: So moved. I move the report.

Fritz: Second.

Wheeler: Please call the roll.

[roll call]

Fish: Thank you for being here, sir. Aye.

Eudaly: Aye.

Fritz: It was very helpful that you did stay and came back. We had questions that you were the one able to answer them. Aye.

Wheeler: Aye. The report is accepted. 478, please.

Item 478.

Wheeler: Speaking of patience, thank you. Good afternoon.

Drummond Kahn, Director, Auditor Services: Good afternoon, mayor, commissioners. I'm Drummond Kahn, director of audit services in the city auditor's office. I'm here today with Fiona Earl who is a principle management auditor and manages the contract for the audit of the city's financial statements. I know it sounds exciting, but we'll try to keep it brief. Under Oregon state law and city charter the city is required to complete an annual audit of the city's financial statements the audit has to be conducted by a licensed municipal audit firm. As contract manager the city auditor's office oversees a contract with an outside firm to conduct this required audit. We're here today to obtain your authorization for a new financial audit contract because the existing contract expires this month. The materials we submitted explain the open and competitive process we use to advertise, collect and evaluate the bids that we received and we're happy to field any questions you have about the selection process or about the annual financial statement audit.

Wheeler: Questions? Public testimony? Please call the roll.

Moore-Love: No one signed up.

[roll call]

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

Fritz: Thank you. Aye.

Wheeler: So as a two-minute presentation you waited all day and commissioner Fish still yawned. That's probably a good sign.

May 10-11, 2017

Kahn: It was quality time.

Wheeler: Thank you for bringing this. Aye. The ordinance is adopted. We are now adjourning the meeting of the Portland city council.

At 2:23 p.m. council recessed.

At 2:23 p.m. council convened as PDC Budget Committee

Wheeler: We're now reconvening as the Portland development commission budget committee on Wednesday, May 10, afternoon session. As members of the budget committee we have all received copies of the budget on Tuesday, May 2. I would now request council clerk call the roll.

Wheeler: This is not a vote. Sorry. Roll call.

[toll call]

Fish: Here **Saltzman:** Here **Eudaly:** Here

Fritz: Very challenging to be on stage all morning then come back and figure out what's going on. We appreciate your helpfulness. Here.

Wheeler: Here.

Wheeler: I now request that the Portland development commission present the budget message. I have a few initial remarks prior. Few things promote progress in our community better than well-paying jobs. I'm committed to bringing living wage jobs to Portland and matching Portlanders with those opportunities. New jobs are certainly coming our way, but not all jobs are created equal. We need jobs that support middle class families, not just lower wage work. Through the work that Portland development commission will be doing moving forward, I support their focus on shared prosperity for all Portlanders. Pdc is innovating to support entrepreneurs as well as bringing economic vitality to neighborhoods. Through the neighborhood prosperity initiative that my colleagues and I have heard much favorable information about. The pdc budget we're considering today reflects nearly a year of work engaging the community. I want to thank the pdc staff, stakeholders, board and city leaders in developing a budget that will allow the pdc to advance its mission to create economic growth and importantly opportunity for Portland. That mission has been shaped by the current reality that while our economy demonstrates business and employment growth, its benefits still are not reaching all Portlanders. To align its communication and engagement pdc's board is adopting a new communications strategy that recommends a new name for the agency and I endorse that needed step to demonstrate the agency's commitment to building an equitable economy. Together we'll use our resources and talent to deliver growth and opportunities for all Portland residents. I now request that the Portland development commission present the budget message. Chair Kelly?

Tom Kelly: Thank you, mayor wheeler, commissioners. I would also like to thank the many people involved in the preparation of this budget. It's truly a community and collaborative effort. As we move into the third year of our strategic --

Wheeler: I'm sorry, everyone needs to identify themselves for the record.

Kelly: Tom Kelly, chair of Portland development commission. Sorry about that. I know better. As we move into the third year of our strategic plan pdc continues to focus its work to address Portland's ongoing challenge to be a place that offers opportunity and economic growth to all of its residents. Our general fund request prioritizes resources essential to implement plan's balloon inclusive of economic growth. The budget also recognizes the importance of implementing strategies and plans we have in place to assist key areas of the city including north northeast community development initiative and action plan gateway Lents, old town Chinatown as well as 45% set-aside for affordable housing. Over the next five years pdc's budget and forecast will recognize the need to generate new revenues and resources to sustain the agency's ability to deliver on its mission to create economic growth and opportunity for Portland. Currently in draft form the new plan will

May 10-11, 2017

ensure pdc optimizes public benefits and financial returns. Later this afternoon as the mayor mentioned the pdc board will take up the proposed adoption of a new communication strategy and brand for the agency. I'm proud of the strategy and look forward to the agency's continued contributions to make Portland a city we can be proud of. On a personal note I think this will be my last time before you as the chair of the Portland development commission and I just want to say that first of all I believe that the state of the pdc is strong, and I'm proud of where I'll be leaving it. I want to thank all of you. I have enjoyed working with the city commission and in collaboration and I think it's a great example of good government in our city.

Wheeler: Thank you, chair.

Kelly: I'll turn it over to Kimberly.

Kimberly Branam, Portland Development Commission: Thank you chair Kelly, I'm Kimberly branam, executive director of the Portland development commission. Good afternoon, mayor wheeler and commissioners. I want to echo our publicly state my appreciation to the chair for his service. I have had an opportunity to see how much time he puts into this and how much heart he puts into his work and his wise counsel will be missed. We appreciate his leadership. I'm pleased to be here today and I'm joined by Lisa Abauf, our development and investment director, and tony Barnes, our ever capable budget officer and responsible for what Lisa and I are going to explain. We're pleased to be here to talk about the fiscal year '17-18 proposed budget. I'm going to provide context and give a high level overview of the fiscal year '17-18 budget with the framework of our strategic plan and long term future and Lisa will provide and overview ura urban renewal area by urban renewal area and then I'll close out with a sneak peek at our new brand. As illustrated during the march 21 budget work session we align our budget and five-year forecast with the four objectives of the strategic plan today because we have already shared with you in depth our general fund and other non tif resources we will be particularly focused on the healthy, complete neighborhood area of focus which is 99% supported by tax increment finances which are resources that support capital improvements but will also touch on equitable wealth creation and access to employment. Pdc's total estimated resources are \$342 million for the next fiscal year approximately half of the resources available is cash on hand represented by the beginning fund balance from prior bond sales and tax increment land sales and other program income. About one-third of the resources will be from new tax increment resources mainly interstate Lents river district and north McAdam urban renewal area. Consistent with prior years the general fund resources represent about 2% of planned resources. On May 17 you'll take action to approve and consider the 17-18 budget we have included in the budget documents received a five-year forecast so that you can see the plans for the urban renewal areas because they are largely capital. They can really differ year to year, so five-year look can show better sometimes our priorities. Over that period in total there will be almost \$660 million in expenditures both for Portland housing bureau and Portland development commission. The majority of expenditures over the next five years will be related to property development, notably in Lents town center, old town Chinatown and gateway action plan. As seen by the housing expenditure total close to \$200 million over five years will be expended, much of that front-loaded in this year. In interstate urban renewal, area north macadam and Lents. Funding is available through general funds, cdbg, and ezone resources. We have been conservative in our forecast because of an anticipation of reduction in community development block grants from the federal government. I'm going to change mics. I'm going in an out. Pdc works closely with our colleagues at the Portland housing bureau. I see that Kurt is here so if there are any questions about priorities there he is available to answer those. To program the timing of the housing set-aside. Looking

May 10-11, 2017

from fiscal year '15-16, which was the beginning of the revised policy, the tif lift, through the completion of all urban renewal areas we are on track to spend approximately \$281 million or 45% in new tif resources as well as the remaining \$20 million from the closeout districts. Taking into account the last two years and proposed '17-18 budget we're largely spending ahead with regard to affordable housing with the exception of the central east side and gateway urban renewal area. As we look at our investments we're heartened to see that much of our impact has achieved desired outcomes from recruiting more than 2,000 quality jobs and achieving a 10-1 leverage ratio. We have room for improvement with mwesb dba participation just meeting the policy objective of 20%. With our loan and grant tools we have begun to update our products and tools with a new strategic plan focus. We have a prosperity investment program which is a consolidation of our storefront improvement plan, development opportunity services and also allows for internal tenant improvements. Nearly 70% of resources today since we launched that program in September identify as people of color. Over the -- as part of our business plan work over the last year pdc in conjunction with the office of debt management, has been refining estimates for the city general fund taxes return from ura this season. You see an illustration between fiscal year '17-18 and fiscal year 2034-35. You'll see key inflexion points when for example in 2021 the airport way and neighborhood prosperity initiative districts will pay off and so resources will be returned to city, county and state school fund resources. What you see represents the portion that is anticipated to come back to city council. To the city of Portland. In 24-25 the downtown waterfront, south block, central east side and river district are set to decrease and there will be another increase in 25-26 with closeout of interstate and the Oregon convention center and urban renewal areas. This takes you through the Lents gateway and north McAdam in 2032-33. So the blue line illustrates total estimated return taxes about \$380 million during this period. Then the red line takes into account compression, discounts and delinquency so it's effectively a more conservative assessment of what would be returned to the tax rolls. The green line illustrates the funding pdc has been carrying and one of the models for the long term business plan and we realize this is not yet a conversation we have brought to you in a work session. We plan to do that over the summer so this is for illustrative purposes but we wanted to make sure if there were conversations about the return of resources to city council that you had this order of magnitude look.

Fish: Kimberly is your projection of return of resources net of any properties that we may assign to you to develop? Is this just a cash flow issue?

Branam: Just cash flow. This is not our asset management. These are just resources that are returned.

Fish: It doesn't presuppose we have changed our business model in any way, this is just cash flow.

Branam: This is almost from your perspective as stewards of public resources for the city of Portland, what could you anticipate returning to your coffers. So with what you have in this graph is a representation of the long term business plan model. So you see in the darkest blue existing resources. These are tax increment finance resources, community development block grant dollars, general fund resources then you see that there's a portion where we identify new public resources, so that's where we would ideally like to see an increase in general fund or other source of resources. That's our gap at this point effectively. Then we also have an area which we are calling mission related investments and then program related investments. So those are the potential returns that were we to invest as we are showing in our budget and be able to have -- really optimize public benefits and financial return of our tif assets we could secure significant resources to help offset our operations costs. What you'll see that is by 2026 tif funds supporting pdc's

May 10-11, 2017

operating budget will be eliminated so the remaining resources in that bottom level are general fund community development block grants and others. So as we begin to implement the business plan that's beginning to talk more about how planned investments fit into the investment categories, which are crucial to the business plan assumptions. Looking at our five-year investment plan through the investment category lens, this is a difference from business lines that we talk about in our budget, the three primary categories are infrastructure and grants, so we anticipate investing about 26% of resources in grants and infrastructure, not expecting that we would get any financial return. Approximately 34% are just over \$100 million in program related investments so these are investments where we would anticipate a below market rate of return, higher public benefit, but a return of capital. And then finally mission related investments that maintain key public benefits but are expected to provide a market rate of return somewhere between four to 6%. It's worth noting that this graph does not include the housing expenditures if we were to put housing back in-housing would represent just over 37% of total expenditures at about \$185 million during this time period. So looking at the nine urban renewal areas, this is meant to not to look at in detail but to see each urban renewal area has a different makeup in terms of what portion is focused on grants and infrastructure, what portion is focused on program related investments and what portion is focused on mission related investments. In the top line you have our neighborhood urban renewal areas. We're not anticipating doing any mission related investments. We'll anticipate below market returns and grants and infrastructures, north McAdam is heavily infrastructure, grant and program related in the next five years. In the bottom line the riverside, central east side and Oregon convention center are heavily programmed to mission related events. Because they are in the central city where we know the market can absorb that but also where a lot of the primary public benefits have already been achieved. So with that I'm going to turn it over to Lisa, but I'm happy to answer any questions now or we can go through the urban renewal areas.

Wheeler: Go ahead. Good to go. Thank you.

Lisa Abauf, Portland Development Commission: Thank you, mayor, commissioners. I'm Lisa Abauf with Portland development commission. The interim director of development investment. We're going to walk through slides, urban renewal area by urban renewal area but you'll note for purposes we're trying to see the smaller versions of the allocation between different investments we have an expanded version by urban renewal area here. Starting with interstate, the north northeast community development initiative that came before council in January guides our investments of about \$32 million of new investment over five years then we had approximately \$10 million of existing commitment also within the urban renewal area. The community development initiative prioritized five areas of investment, which are what is listed here including about 5 million of investment in property ownership and redevelopment together with business ownership and growth that touch upon the wealth creation goals that Kimberly showed at the beginning of the presentation and that's over the next fiscal year. We are also introducing a new middle income housing opportunity investment which complements the district's sizable set-aside. We're anticipating an allocation of \$2.4 million next fiscal year toward that program which would expand the housing bureau's homeownership and home repair programs to a broader community, so a broader set of income levels than is currently available via the housing bureau. Finally, what you'll see in the budget we're anticipating investment in the Alberta commons project that you'll see in the next fiscal year and that will help make tenant improvements and provide affordable commercial space to local small minority owned businesses as part of the natural grocer's project.

May 10-11, 2017

Fish: Can you hold this slide for a second? Last time we had a hearing on this we heard from a number of community members including representatives of homeownership nonprofits that they thought we should put more money into homeownership and change the mix. When the mayor prepared his budget I -- it was difficult to figure out where this issue gets resolved. So what have we done in light of that testimony and in terms of changing the mix?

Branam: Let me see if Kurt still here. I think Kurt may be able to speak to it from the affordable housing standpoint.

Fish: Do you know what i'm referring to?

Kurt Creager, Director, Portland Housing Bureau: Actually, we have a 101 briefing with you in a week to specifically talk about the flow of funds. It's interesting, when the housing bureau did its nofa for this spring we made available not just a site for homeownership at 5020 north interstate which was purchased with tif, but capital dollars for that site. And additional homeownership resources. I think it's important to mention that not all the resources were applied for. We did with the mayor's decision identify proud ground as the entity for which we are giving an exclusive right to negotiate for the development of the 5020 north interstate site and we have allocated funds to habitat for humanity for homeownership but there's still money available. We have prepared a summary sheet of all resources that we have put forward both directly and indirectly. Including mortgage credit certificates, a program you'll recall we administer in the region, and down payment assistance. So I have a much more robust spreadsheet that describes that to you and would be happy to share it with full council.

Fish: Maybe it's just me but it's hard to hear off these new mics. There's an echo in a chamber. We have to revisit the technology. Kurt, without going into any more details and thank you for that summary, based on the testimony that we heard at that hearing have we modified the split? The amount of resources we're allocating to affordable homeownership or are we retaining the committee recommendation?

Creager: The advocates asked for 50% of the tif lift and we have not abided that request. What we have done is we identified the entire flow of funds which actually gets a significant -- us significantly in that direction. I think they were specifically looking at down payment assistance without looking at the other kinds of resources like mortgage credit certificates.

Fish: I look forward to the briefing. I guess I generally am biased towards investing in affordable housing for people shut out of the market. We heard from a number of people including community members they wanted to see low barrier homeownership in that district so i'll look forward to seeing the plan you have for meeting the apparent demand.

Creager: I would like to say parenthetically down payment assistance works if you have product in the pipeline under \$400,000. The challenge in the northeast corridor, especially Albina proper, is the dearth of product. We actually have qualified home buyers who have been granted down payment assistance and they cannot physically find units. So we're shifting more to the direct provision of hard units to then couple up with down payment assistance.

Fish: Thank you.

Abauf: So we'll next move to gateway. The gateway ura is set to expire in June 2022 and we similar to the north northeast area have an action plan of priorities identified by the community in 2016 which focuses on creating a vibrant mixed use regional center through investment in three key geographies. One is the halsey/weidler couplet that they prioritized above all, the transit center and what is called central gateway. The majority of pdc's investment in the area based on community feedback is focused along the halsey/weidler business district and we're administering those funds through our loan and grant products.

May 10-11, 2017

So as you look at the budget you'll see it in our commercial property redevelopment loan, business lending and grant products and those are all targeted at helping with small business development along halsey/weidler. A significant set-aside of our loan resources of approximately \$4.7 million is focused on partnering with the housing bureau and human solutions to realize a new mixed use mixed income housing project at 106th and halsey and we're looking at an investment in new space to provide for small businesses or retailers at that location. Finally, we're working closely with pbot on joint street improvement investments to support and complement the small business investments that pdc is making and we're excited that in the next couple of months a national entity, called people for bikes, is going out to gateway to tour the infrastructure improvements as well as business development activities that we have undertaking. So moving next to Lents, more like old town Chinatown is midway so the back end of an action plan that helps guide our investments. The most sizeable action plan investments currently of approximately 19 million is towards the completion of the four Lents town center projects of Oliver station, 9101, Asian health services and woody Guthrie project. You'll see that investment reflected in our commercial property lending line item. Our activities are focused on business development and growth particularly at the town center as we bring on new commercial space in the ground floor of the housing project and then also along southeast foster we have approximately 2 million in business lending and prosperity investment program grants. And finally, I would call attention to 1.9 million which we're investing in leach botanical gardens matching money from the parks bureau. So moving into the central city, our investments in downtown waterfront are almost exclusively focused on old town Chinatown. It has an action plan that was approved by council in 2014. The majority of our investments are anticipated to support historic and seismic renovation of the historic buildings in that area as well as to provide replacement parking to both historic buildings and new development that the district has long aspired towards as the district sees surface lots developed. We have available about 14 million in the next fiscal year and 27 million over five years for that historic preservation, district parking that's related both to the preservation as well as new private development. I would showcase in the lower left in terms of pictures we have about 400,000 annually that we administer through our business finance items and grant products that focus on entrepreneurship and business support in the district. And that's resulted in projects like the preservation and tenanting of the overlook building with a local company named movell. Moving to the river district. The river district budget is sizable and you'll see it's well allocated between differing outcome goals. But it's predominantly allocated to three major project activities. First old town Chinatown action plan actually overlaps between downtown waterfront and river district so our commitment in old town Chinatown spans both of those urban renewal areas so our focus similarly of our investment is to focus on historic and cultural preservation spurring new private investment and development and encouraging business growth within the neighborhood. Second we have approximately \$1 million dedicated to the Broadway corridor area or the post office location. Over the next year. This really covers two major activities. It covers work to get the master plan under way for the Broadway corridor and post office site as well as completing a feasibility analysis that we have been conducting for the past couple of years for union station and that investment for union station is approximately 800,000 of the million, and it's part of a five-year federal grant that we're providing a match for and the goal of that by the end of this calendar year is to have identified kind of major track and building improvements to allow the station to continue for another 100 years. Then I would note as you look at our budget and you do look at the future fiscal years you'll see the major reinvestments of infrastructure, resources into the Broadway corridor area happening within the next five fiscal years. Lastly, we have

May 10-11, 2017

approximately 10 million allocated for centennial mills in the current fiscal year and we anticipate based on council action that we will have about five to 6 million of that remaining to administer into redevelopment of that site into next fiscal year. We anticipate some of that will roll over.

Fish: Can I ask a question of you, tom, as the chair? We have been all at one time or another pitched on the idea of using veteran's memorial coliseum as a rail station if there were ever to be high speed rail linking the west coast. I'm struck by the fact that Amtrak has to cross the steel bridge and come into union station, which begs the question, is union station the right place for a train station? If you were king for a day and money wasn't an object, would you renovate union station for some other purpose like they did in Denver and move our rail capacity across the river?

Kelly: Since I had not put any thought into that at all until you asked me the question, I would say off the cuff, yes. I think that might be a better use if I were king for a day.

Fish: Having done a randy miller trip to Denver and seeing how they renovated their union station as a hub for many things but they moved the rail and bus somewhere else, and we're looking at a feasibility for the station and we're also looking about maybe relocating the bus station, it seems like -- Kimberly, that is part of the bigger thinking about whether it's the right location?

Branam: It is. The grant work that Lisa and her team are leading is really going to come at a good time for the rest of the work that we're doing with Broadway corridor. We'll have the sense of order of magnitude to get it to a place where you could actually have a more active use. Right now there are estimates of almost \$100 million so we really need to get that number and have additional clarity to be able to have as aspirations such as the one you're talking about.

Fritz: I love having the rail at union station. I would not like it going to the other side.

Fish: Commissioner, I thought if we were going to spend \$100 million I would rather spend it at veteran's memorial coliseum upgrade and save the building and use the ground floor for rail if that was in the cards.

Branam: The one caveat to that is the \$100 million looks at just the rails at union station. It doesn't look at all of the infrastructure investment that would need to happen to relocate those Amtrak's facilities as well as facilities to the east side. It certainly would be a vision. It would be a sizable investment.

Fish: If we ever the mayor in the state of the city address talked about dr. Tu lone's vision of burying i-5. If you're going to bury i-5, if you're going to -- if money no object -- why wouldn't you bury the trains as well on the west side.

Kelly: Can't think of why not.

Abauf: So we're going to move to the east side for a moment. Moving to the central east side, we continue to prioritize our investments in the central eastside industrial district towards growing accessible jobs, preserving and supporting affordable industrial options. These are investments reflected in three budget line items. First a strategic site line item for a million and a half that is target towards sites like the odot blocks or other properties along the Milwaukie light rail alignment. Second we have about \$1 million annually via our business and commercial property lending programs where we see a lot of activity with businesses growing. Finally, we have about \$450,000 annually via prosperity investment program which has supported companies like salt and straw who's developing their new facility in the central east side together with pdc's larger ezone investment. Coming back kind of to the other side of the innovation quadrant looking at north McAdam, as Kimberly mentioned our anticipated investments in north McAdam over the next five fiscal years are heavily invested towards infrastructure. Our investments focus both in south waterfront as well as Portland state university area. Our major investment for '17-18 under way is about

May 10-11, 2017

\$1.2 million for bond which has also come before council and that's part of a larger investment by pdc for extension of southwest bond in conjunction with ohsu's growth and that complement the bureau's investment. A majority of non-set aside investments are not currently committed to via zrz psu agreements we would caveat that we anticipate that both those development agreements will come under amendment over six months to a year and that will likely change the timing of their projects and the generation of tax increment and change the timing of pdc's investment. And lastly as we speak about psu's development agreement pdc's contribution of land value you'll see in both the south park blocks and north McAdam urban renewal area and that's the contribution to the joint psu Oregon health science university, Portland community college city project at 4th and Montgomery. Our contribution in the Lloyd center is predominantly for this fiscal year and next fiscal year in the convention center hotel via an investment in the garage to support the hotel. Again, that's actually in this currently in this fiscal year but we anticipate it rolling over based on the hotel timing. Good news is we believe we've heard ground breaking for the hotel is anticipated in late summer of this year. Development of the hotel is one of the main objectives of the urban renewal area, so it's great to see it come to fruition at the end of the life of this district. It will bring tremendous economic activity to the city and the region. What you see as we look forward and the garage gets completed is trimets contribution which is anticipated to occur in 17-18 comes back into the district and becomes available again for redistribution whether that's at northeast Broadway or in the rose quarter and that's reflected in what we're calling the project development line item so it leaves flexibility for the community to weigh in on how we spend those resources.

Fritz: Is pdc going to keep the parking garage?

Abauf: Yes. Finally, just to note because it was an active conversation over the past year with the transportation bureau, we have a contribution of about \$2 million in some of our forecast years as matching funds to the transportation bureau's Sullivan's crossing bridge project.

Wheeler: Is there any impact with regard to the proposed transportation budget in Salem? Is this contingent upon any of that or is this separate? And so I would assume that is a leveraging impact if that goes forth.

Abauf: Yes, so finally going to the six neighborhood prosperity initiative districts five years in we're truly pleased to see significant momentum in each district and some identification of major projects. So for example, the cully boulevard alliance is investing \$211,000 into living cully plaza, the jade district has earmarked approximately \$200,000 for the roots to rise cultural center, and r42 has acquired property for tenancing by local diverse businesses with a mixture of tax increment revenue and the community opportunity fund. Now a look to the future, in just a few minutes we'll be heading over to our board and presenting a new communication and engagement strategy that's really designed to align our words and actions more closely with the agency's strategic direction. Working with consultants who gathered information from stakeholders, partners and the general public we have developed a strategy that helps distill the strategic plan into an easier to digest framework, that of building an equitable economy. That means growing family wage jobs, advancing opportunities for prosperity, collaborating with partners for an equitable city and creating vibrant neighborhoods and communities. Because we're committed to doing this work and continuing to fundamentally change in our organization I'm excited to share that we are going to be prosper Portland. The grand reveal. To prosper means to flourish, succeed, thrive and do well. We really want Portland to prosper, especially communities of color and those that have been historically under-served. The new logo represents a keystone so you have five keystones, a key part of the bridge between the public and private sector between different communities there are five keystones representing the five

May 10-11, 2017

quadrants and it also happens to align nicely with the five portions of our strategic plan. We look forward to living into this new era and are happy to take any questions that you might have.

Wheeler: Questions for director branam?

Fish: Just a few. First of all, the mayor has proposed a budget note and funding which would give the film and video office a one-year reprieve, with one-time general fund money and he's directing the city budget office to work with pdc to consider alternatives. As the arts liaison I'll be engaged in and I have some thoughts. I'm looking to you to think about where is the synergy? Where is the best fit? What are options for a more sustainable funding stream. I appreciate that the mayor took that off the chop block for this year with two of our major productions leaving Portland this is a year we want to be showcasing that concierge service as we hope to land a successor or to grimm and Portlandia. We have been getting a lot of testimony about some mixed use development in gateway with education partners and housing. Is that still high concept or do you have anything to update us on?

Branam: I'll turn to Lisa. I believe we're at the master planning phase. This is the ted gilbert project.

Abauf: We have been having active conversations around the same. What our understanding is having looked at that area for a while is some of the zoning and street plan doesn't necessarily encourage development because it aspired to higher density development than the market will bear so the early work that we're doing as we have convened all of the bureau partners to assess what works and what doesn't work in code and regulation today to encourage development and holding ongoing conversations with the property owners who are interested in developing. Gateway has a really limited budget. So as we look at 106th and halsey as well as future opportunities making sure that we're balancing our investments between the two.

Fish: At this point you're looking at creating the platform for having the discussion. Final question I have, Kimberly, for you. I have served under four mayors and each mayor came in with a lot of enthusiasm about crafting a vision for the rose quarter. At some point we'll have a whole storage area filled with rose quarter visions. Partly I have learned is that we have to be careful about not trying to get ahead of the market. At some point the market is going to tell us that the rose quarter is viable. But it's hard to jump-start that. We're seeing in other parts of the city where the market ignited development and so I guess the question I have particularly with the expenditure of the monies we budgeted in this era, at some point should we rethink how we approach the rose quarter including rethink the legal -- whatever. Structure that we impose in hopes over a 20-year period to actually develop and implement a vision?

Branam: I would start with what I think is a really strong public process that was led to create the northeast quadrant as part of the central city 2035 plan and establish I think a shared framework for that area. If Odot is successful in securing resources to help deliver on some of that with the alignment in that area I think we will send signals to the market that it is a better time to invest. So I don't know that they are mutually exclusive but I agree with you that I'm not sure the time is right today particularly with competing areas like the central east side, south waterfront, even the Broadway corridor.

Fish: As an aside, I have had developers suggest that because it's a unique part of the city we need a battery park authority where we need a different kind of legal structure with a role for pdc, and I don't know the answer to it other than it is a unique entertainment district and i'm not sure anyone has figured out how to activate it yet we have the pieces. I hope over time you come to us with ideas for how to do that.

Branam: We're looking forward to engage in that conversation.

May 10-11, 2017

Wheeler: Further questions for this panel? Thank you. Excellent presentation. Very thorough. Obviously well received and director Branam and chair Kelly I want to applaud you. Chair Kelly, this may be your last time, maybe we'll have you back, but I want to thank you for your leadership. You've done a phenomenal job I would even argue that it was a transformative period over which you were the chair of the PDC commission. You not only have led some of the work that's brought us to the conversation we had today you were obviously instrumental in helping us Portland Development Commission to Director Branam. Director Branam I want to applaud you for pushing very hard, very publically and consistently for equity and this new rebranding of the agency is really the last step that you have taken towards an agency transformation where all of the agency is focused on answering the question that you have put out at every public meeting I have been to where you have said you've raised the question who benefits. Now you have an agency to ensure that all Portlanders who are impacted by growth have the opportunity to participate in the benefits of that growth. So I applaud you and I wish you well. So at this point the meeting of the PDC budget committee is continued till tomorrow May 11th at 6pm here in the Portland city council chambers in Portland city hall. We will hear public testimony on the budget thank you.

At 3:07 p.m. PDC Budget Committee recessed.

At 3:10 p.m. council reconvened.

Wheeler: We are now reconvened again as the Portland city council. And we now have a hearing.

Wheeler: Alright good afternoon everyone. We'll start off with legal counsel making an announcement about today's hearing.

Liny Rees, Deputy City Attorney: First we're going to let Karla read the item, I mean I could, but that would be weird.

Wheeler: So Karla if you could read the item 480.

Item 480.

Wheeler: Alright thank you and now we can get to the attorney giving us some procedural information.

Rees: This is an on the record hearing today, this means you must limit your testimony to materials and issues in the record. We'll begin with a staff report by Bureau of Development Services for approximately 10 minutes, following the staff report the city council will hear from interested persons in the following order. The appellant will go first and have 10 minutes to present their case, following the appellant persons who support the appeal will go next and each person will have 3 minutes to speak to council. Following that the principle opponent will address council and rebut appellant's presentation if there is no principle opponent council will move directly to testimony from persons who oppose the appeal. After principle opponent council will hear from persons who oppose the appeal and each will have 3 minutes. Finally, the appellant will have 5 minutes to rebut the presentation of the opponents to the appeal, council may then close the hearing, deliberate and take a vote on the appeal. If it is a tentative vote council will set a future date for adoption of findings and a final vote if council takes a final vote today that concludes the matter before council. There's several guidelines for those who will be addressing council today, first the evidentiary record is closed again it's on the record. The hearing is to decide only if the body below made the correct decision based on the evidence that was presented, this means you must limit your remarks to arguments based on the record compiled below. You may refer to evidence that previously submitted, you may not submit new evidence today that was not submitted before, if your argument includes new evidence or issues you may be interrupted and reminded that you must limit your testimony to the record. The council will not consider the new information and it will be

May 10-11, 2017

rejected in the city council's final decision. Second if they believe a person addressing the council today improperly presents new evidence or presents and illegal arguments relying on evidence not in the record you may object to that argument. Finally, under state law only issues that were raised below may be raised in this appeal to city council. If you believe another person has raised issues today that were not raised below at design commission, you may object to the council's consideration of that issue. Additionally, if the applicant fails to raise constitutional or issues relating to proposed conditions of approval with enough specificity to allow the council to respond the applicant will be precluded from bringing an action for damages in circuit court and that concludes my remarks.

Wheeler: Thank you, does the council wish to prepare any conflicts of interest? I'd like to declare a potential conflict of interest I've taken campaign contributions in the past from tmt development I don't know if that qualifies, but I'd like clarity on that.

Rees: A potential conflict of interest is an action that you could take in your official capacity that could or would be to your personal benefit. I don't think a past campaign contribution would fall into that. I think there may be some exemptions. I'm sorry I'm a little on the spot without my ethics code in front of me.

Wheeler: Feel free to excuse me at any time if you think it's warranted.

Rees: I think you're on the hook to participate.

Wheeler: Very good.

Fritz: Can I just comment on that, that's the first time anybody in my recollection while I've been on the council has stated that. I think it's a nice piece of clarity and transparency whether it's a conflict of interest or not. I appreciate you saying so.

Wheeler: Very good.

Fish: I think it's a disclosure. We should be careful not to use conflict of interest in an all too generic way. I appreciate the mayor disclosing it. It doesn't constitute in my judgment a conflict of interest. There's nothing that precludes us I think that council will tell us from over disclosing, but that does not establish that he has a personal financial interest and outcome.

Wheeler: Very good, it sounds like I don't get excused from this afternoons hearing it was a good try on my part.

Fish: It might have worked for jury duty mayor, but not here.

Wheeler: No members of the council have an actual conflict of interest. Do any of the members of the city council have ex parte contacts to declare or information gathered outside of this hearing to disclose?

Fish: Mayor, I don't have any ex parte but I do walk by the building all the time on my way to work. So technically I'm aware of the site.

Wheeler: Very good. Would you agree, city attorney, that that does not constitute ex parte contact?

Rees: It actually does but you just disclosed it on the record, so if people on a regular basis are familiar with the site then yes you would just say that on the record.

Wheeler: I'm also familiar with the site. Very good.

Fish: In fact, sometimes members of the public that come to these proceedings are surprised that we are so quick to profess complete ignorance about the underlying issue as a way of staying on the side of not having ex parte contact. So like we're not allowed to take trips to the site and inspect without disclosing it. This is a hard to miss building.

Wheeler: Okay. Good.

Fritz: I have walked past it multiple times and I cannot remember having taken any particular note.

Fish: No offense.

May 10-11, 2017

Wheeler: This is more interesting than I thought it would be. I sold this short right off the bat. Does anyone present in council chambers wish to ask either commissioners Fish or myself or others about ex parte contacts or information that has been disclosed? Seeing none, have any members of the council made any visits to the site involved in this matter? I think some of us have said we have walked by it. Does anyone want to ask us about that. DO the council members have any other matters to discuss before we begin the formal hearing? Seeing none we'll start with the staff report and as legal counsel indicated that's approximately ten minutes. Good afternoon.

Tanya Paglia, Bureau of Development Services: Good afternoon, mayor, commissioners. Thanks for having us. I'm Tanya Paglia from bds.

Hillary Adam, Bureau of Development Services: I'll Hillary Adam, bds.

Paglia: We're up. This is an appeal of the design commission decision for a studio building and the guild theater on southwest Taylor street. The presentation will have five parts. Context, proposal, process, decision and appeal. So the first part is about contexts. The studio building and guild theater occupy approximately one quarter block and are located in the west end sub area of the downtown sub district and central city plan. Because the site lies within these districts the approval criteria for design review are the central city fundamental design guidelines the studio building and connected guild theater are located along the south park blocks and face onto director park. The site is in a highly trafficked and visible location a block from central library and close to pioneer courthouse square, the cultural district and the max. The buildings are on the 10,000 square foot site with frontages on southwest Taylor and southwest 9th to the east. This view is from the east looking west across southwest 9th. It shows the studio building identified by the red arrow and to the right is the guild theater. The two connected buildings were built in 1927 by the Ellison white conservatory for music and dramatic art. They were designed by architect Luther lee Dugan. They feature three-dimensional busts of Chopin, Bach, Mozart and panels with composer's names. The buildings are on the city's list of historic resources the hri but not on the national historic register. This view is from the south looking north along southwest 9th to give you more context. The studio building is a nine-story building with a mansard roof, the adjacent guild theater is two story and they are interconnected at the ground floor. Another view of the site, this view is from the northeast looking southwest across director park. This is a busy pedestrian area at the heart of the city. Another context slide, this is a view from the east looking west along southwest Taylor with director park on the right. The site is zoned cxd, center commercial with design overlay. Moving from context to the proposal itself, the proposal had three main elements. The first was to replace windows on the studio building. The second was for storefront alterations to the guild theater, the third to replace rooftop mechanical and not provide the required screening. There was a modification request to not provide the screening as part of the review. The rest of the presentation is only going to focus on replacement windows part of the project as the other two are not in any kind of contest. So the proposal, the applicant requested design review for replacement of 192 of the studio building's existing steel windows. Proposing to replace them with aluminum windows. For the process, there were two design review hearings and before that there was a pre-application conference. At the pre-application conference, the applicants got some feedback from staff that these are significant buildings for the city's architectural and cultural fabric and staff highly recommended pursuing information about possibly listing the buildings. Then on to the design review that was January 19, 2017. Staff had come in with a recommendation of approval. The commission rejected the staff report and they were unanimous that the guidelines c3, respect architectural integrity, and A6 reuse, rehabilitate and restore buildings, were not met by the proposal. The commission commented that this is a very

May 10-11, 2017

important historical building for the city and noted that it is one of the biggest buildings in the city with original steel windows. And that the existing steel windows are a character defining feature of the studio building. They were concerned that the applicant had not thoroughly explored retention of the existing windows or explored replacement with more similar windows. Beyond the change in material from steel to aluminum the profile the proposed replacement windows differed a great deal from the original windows. The commission noted that the architectural integrity and significance of the existing buildings which would qualify them for the national register of historic places could be at stake. The commission does encourage applicant to explore the financial aspects of listing above the buildings. The commission advised that the financial benefits could offset the cost of rehabilitation of the existing windows. The commission asked the applicant to return for a second hearing and to bring in-depth information on alternatives to aluminum replacement windows to include restoration of existing steel windows or replacement with steel replica windows. The commission requested applicant bring enough information to show due diligence has been performed and the hearing was continued to march 2. At that hearing per the request of the commission the applicant submitted all information requested about other replacement window options. The information for replacement windows included three models of steel replica and three models of aluminum windows. Of these the applicant had a preferred option which was aluminum window from be winco 3250 series. That window had a better matching profile than the one brought to the previous hearing. The staff report recommended approval with conditions intended to avoid denial but they were also intended to uphold the commission's direction that retention of steel windows, a character defining feature of the building, would help meet guidelines, so staff wrote a condition of approval requiring original windows to be restored with the understanding that the commission could opt to strike the condition and include their own new condition.

Wheeler: Could I ask a question here, please? Your time obviously gets extended. This is true for everybody. We stop the clock for questions.

Paglia: Sure.

Wheeler: I just want to make sure I understand what happened on march 2. On march 2, a set of windows that was aluminum came before the design review commission and the design review commission agreed that those aluminum windows were acceptable and met conditions?

Paglia: A little nuanced. They had aluminum the first time, the second hearing march 2nd they did have an aluminum window but they also presented other options because they had been asked to do so. However, they had a preferred option. In essence they were just presenting that one aluminum window.

Wheeler: When you say the decision was approval with conditions, what did they approve?

Paglia: I was going to get to that in the next slide.

Wheeler: Very good. Thank you.

Paglia: I'm happy to get to that now. The decision, we had recommended approval of retention of steel windows but the commission did not. They struck that condition and they added their own condition so conditions you're seeing here they were added by the commission to address the guidelines that we have listed a6, c2, c3 and c5. The conditions d and e were the new conditions. Of those, the two sub bullets, last sub bullets of d, are the bullets under contention today. If that makes sense.

Wheeler: No. I'm slow. I have had a long day. Can you say this in idiot speak so I absolutely understand what the point of contention is?

May 10-11, 2017

Paglia: Sure. Based on everything they saw and everything that the commission wanted, they finally were able to come up with an approval but to have approval they needed the windows to be more in line with existing. So to achieve that they added these conditions.

Wheeler: The two in bold.

Paglia: The two in bold.

Wheeler: So glazing --

Paglia: Sorry there's too much text.

Wheeler: The glazing has to have a greater clarity. What does that mean? For those of us who are not window experts.

Paglia: So things got very stressful at the ends of that hearing.

Wheeler: I can see why.

Paglia: They wanted the applicant to come back with a glass sample of greater clarity that they could just approve but the applicant wanted an up or down vote. They didn't want to wait two weeks to come back with a glass sample. In order to get them out the door with an approval everyone scrambled with their cellphones to try to find a metric to give to state we need higher clarity. It is a hard thing to define without being prepared to do that ahead of time. In the end, basically what they wanted to say was they wanted greater clarity than was presented but with a tint that would allow them to meet their energy code. The way this condition is written --

Wheeler: These were tinted windows and they were too dark?

Paglia: Yes.

Wheeler: Got it. Thank you.

Paglia: We'll get into that later. But the traditional old building has perfectly clear windows because they didn't have tinting. We wanted a clear window. That's how that got added on. The other thing was to add the muntins and the spacer bars to create a better simulation of a divided light window which is a condition that happens throughout all our cases with older buildings. So just wanted to say that they reached an agreement. They reached an approval --

Fritz: What is a muntin?

Paglia: A muntin is a piece of wood or material between the panes of glass to create divided lights. I'm going to show you -- I can cut over to that slide. This one last thing about the decision that it was for approval but we had some dissenting commissioners and they felt that guidelines C3 and a6 were not met so we had a split decision. Four out of six did vote in favor.

Fish: I remember we had a discussion in a similar proceeding about a building within walking distance of this building where the issues is windows and one of the questions that came up was cost, another was the availability of having them manufactured somewhere. Are either of those issues raised in this proceeding relevant to our decision?

Paglia: Those issues were raised during the discussion of both hearings one and two. They are not approval criteria; they are always raised in a kind of sideways way. But they were factored in the commissioners asked the applicants to come back from hearing 1 to hearing 2 with all that type of information. Even though we're not supposed to count it they asked it to be provided to show how you compare the different products.

Fish: I guess for my purposes if costs became so prohibitive you couldn't do it or if you were unable to find someone who could fabricate I would view that as relevant. Is there a claim here that the cost is prohibitive or there's not a manufacturer that could manufacture the window?

Paglia: In terms of contesting these bullets -- these two bullets, no. One applicant during the course of the hearing said the spacer bar muntin issue was not a financial concern. Not sure about the glazing. Nobody made any statements either way about the glazing

May 10-11, 2017

whether there was a financial concern. I think that might be a factor or might be just the way it was written.

Fish: If someone said there's no way I can have someone manufacture this window, as a practical matter I can't comply, that would be of interest. As we had in a case years ago someone talking about cost and practicality. That would be in the record. You're saying at least for purposes of our discussion now those are not raised as issues?

Paglia: I'm sure it adds cost. I'm sure it would add cost. I'm not sure about the glass but the muntin would. One item happened to come across the fact that the applicant said it wasn't huge cost. It wasn't the main reason they decided not to do it. They had other reasons they decided not to do it.

Fish: Ok thank you.

Wheeler: So it was a split vote four saying they'd like to see lighter and two saying they'd like to see darker.

Paglia: Well interesting the two who dissented didn't want to see a aluminum window at all. The aluminum window was a very heavy compromise for the commission, they would have liked to see restoration of the steel windows, the character defining feature of the buildings or maybe a possibly a steel replica. So to get to aluminum was—

Wheeler: The majority supported what?

Paglia: The majority did end up accepting the aluminum windows because with discussions with the applicant they could see that's what the applicant would be willing to do.

Wheeler: So the majority accepted the proposal so how did it get here? What happened then?

Paglia: In accepting it, to get these undesirable -- from their perspective, undesirable windows up to snuff, up to high bar, that it's important that the city gives, it has to have these other elements.

Wheeler: Got it.

Paglia: If we're going to have an aluminum window it has to be, like, the best. Best-case scenario for that aluminum window. That's how that ended up in there

Eudaly: I do have one question. On the all-new window's feature simulated divided lights with both spacer bars and interior mutins, the option they presented had exterior muntins, is that correct?

Paglia: Yes. And I'm going to show you an example of how that looks, not their exact window, if that would help. This is just a quickie. We added a condition about the lot line windows. This is not contested. Those windows are no longer allowed by building code cause they're on the lot line. In order to preserve them, they have to do a building code appeal. So it's just an extra precaution to protect the windows, with added a condition of approval. So, I didn't want to confuse you by adding that slide but I figured you might have questions about it down the road. Now I'm going to show you about the divided lights to get us on the same page in terms of what we're actually talking about. So, the top-left is a true divided light. That's what you saw in historical buildings, smaller panes of glass were available. That's the historic condition of most old windows. The top-middle is that one that we were hoping to have with our condition of approval. It's the simulated divided light with interior and exterior muntin and spacer bars. The one to the right, the top-right, is also simulated divided light with no spacer bar, but exterior and exterior muntin. The one on the bottom-right is a highly-residential application. And then I wanted to narrow it down. These are the two really in question here. The one on the left is what the applicant proposes and prefers. The one on the right is what is our condition. This is a wood window. There's is aluminum so it's not exactly what the difference is, but it's --

Adam: Representative.

May 10-11, 2017

Paglia: Representative.

Wheeler: So I want to be clear, I understand. The one on the left doesn't have the same degree of beveling on the -- I don't know if those are muntins or separators.

Paglia: Those are the muntins, yeah.

Wheeler: Is that a true difference in terms of the two?

Paglia: That wasn't meant to be part of the story.

Wheeler: Exterior only versus exterior and interior is the debate?

Paglia: Right. The one on the left would have the same exterior.

Wheeler: So, is there a difference -- if I'm standing outside and looking up at the building, do I see any difference?

Paglia: We would say that you do and the commission felt that you would. These windows do open and now that's going to be nicer weather, somebody walked by and told me they saw a bunch of windows open today so you'll see the interior of open windows. Even the closed windows, you would likely -- I think just the whole shadow like and all of the completeness of the window system looks different when you have this complete package.

Wheeler: Okay.

Eudaly: I have a question. So, I understand this property's on our historic inventory.

Paglia: Yes.

Eudaly: But that doesn't -- I mean, if the developers wanted to, they could tear it down, couldn't they?

Paglia: Yes.

Eudaly: Okay.

Paglia: That would have to go through design review.

Adam: They would have to go through 120-day demolition delay before they could do that.

Eudaly: That's been happening all over the city.

Paglia: This is just a quickie to say that, originally staff saw the proposal on the left and this is all techie, but the circled area is the exterior/interior muntin spacer bar. The first round of hearing one had that. The second hearing didn't have it. So, we originally, when we wrote our approval had seen the one on the left that had those three pieces. The applicant didn't mean to submit those but they came to us that way so we took them as their face value. By the time of the second hearing, they were no longer proposing that. This is just to give some perspective because across all our different cases, big houses, small houses, big buildings, condos, school buildings, like the Lincoln center, this is a common thing staff asks for. It doesn't usually come down to a condition of approval. Sometimes in working with the applicant, if they haven't proposed a spacer bar and muntins, by the time it gets to a decision, they've usually added them. This is just a sample of the many buildings that have had this type of replacement window. And just too quickly, about the glass clarity, it was confusing. They came in with that sample that you can see, the numerical values there. It would have been easier to compare it with another glass sample to make the final decision. But, that wasn't possible. So, they took this one and they said, let's just say, another one that's clearer and condition around that. So that's how that condition came to be. On the right, you can see how some of the buildings with replacement windows look shiny and green. Glass clarity is part of a traditional historical building so that was important to the commission. So, the appeal statement, I'll just leave it up for you guys to look at it. There's four different elements of it. It's also in the proposal -- or, in the notice, I think. Or is it better if I read it? I'll just let you guys read it.

Fish: Just to summarize in looking at this, there is a claim of cost, there's a claim of procedural error. There's a claim of, I guess, cost benefit, that's what the 4% is. I guess the issue that I could use some clarification on is that the difference between the exterior and

May 10-11, 2017

interior of the building, for purposes of the scope of the design commission's review, does that -- is that a legally significant difference?

Adam: I mean, the windows are an element of the exterior envelope of the building and it is standard practice that we -- if not -- if interior muntins and spacer bars are not already proposed for buildings of this caliber, we would suggest that the applicant provide that and if they didn't, it's a fairly-common condition on historic buildings. We don't see too many of these through design review, but there has been a few.

Fish: And the picture on the top-right, where the shows the windows opening out, is that representative of how these windows open?

Adam: Correct.

Fish: That explains when you said earlier when you say the windows are open, these open out so that in fact, from the sidewalk, you can see both the interior and the exterior of that window.

Adam: Correct.

Fish: Thank you. That's helpful.

Paglia: This slide is showing our responses to those different points. I could try to summarize it. I guess -- I don't want to read you guys to death here, but -- so basically the commission believed that the guidelines would not be met, that was response to one of their issues. And that they did feel that the interior/exterior muntins were a standard expectation for a divided light window and to maintain the character of the building. The applicant stated during the hearing that adding muntin and spacer bars would not be a great expense for the project. That was something they said. They said their reasoning was because they thought no one was going to see it from the ground. They were more motivated by, why bother, than by money. The second response is that the commission rejected the entire window sample at the first hearing. So it was a procedural question about this didn't come up at the first hearing. At the first hearing, the commission said absolutely no to the entire window and the glazing. They were so dissatisfied with the entire window that was being proposed. Glazing was only part of that window. They had so much to discuss, that didn't become a discussion item. Once they were trying to make the new window proposal, they wanted to make it work and they wanted to find a way to approve it so they worked really hard to find what things can we change about this window to make it approvable? Glazing was one things they changed to make it a approvable window. So that was the procedural concern they had, why it came up at the second hearing, not the first. I'm trying to see what else --

Wheeler: Can I ask a question about the 4% differentiation in the -- I think it was in the glazing, if I remember correctly.

Paglia: That was the slide up, this is their concerns.

Wheeler: Yes. That the conditioned glass only has a clarity 4% greater than the appellants. I'm no great expert on glass clarity, but 4% seems like a rather small difference?

Paglia: Right.

Wheeler: How visible is that?

Paglia: I can't answer the question of how visible it is but I can say that -- so what happened was, they said, this isn't clear enough. We need you to bring something clearer.

Wheeler: Based on what standard? 4%?

Paglia: Right. They didn't ask for a 4% difference. What they asked for was bring us the very clearest glass you can bring while still meeting your energy requirements. This was done on the fly on a hearing and everyone was pulling out their phones trying to figure out what would be the clearest glass that would still meet their energy requirements clearer than this glass. It came down to, well, everyone knows of this one particular glass, the

May 10-11, 2017

staphire, is a little bit clearer so let's use that as the baseline standard so the condition is written to say that they have to bring a clear glass -- they have to use a clearer glass with a baseline of the starphire and hopefully better than the starphire. But at a minimum, the starphire. That's where that 4% kind of came from is the difference between the starphire, which was a frame of reference for the commissioners that they worked with versus what was presented to them. This was that mad scramble of bring back a glass sample in two weeks and the applicant saying, no, we want an answer today. We hashed it out. It's an imperfect way to do it but we really wanted to get them approved and out of the door.

Adam: The condition is written so they have some flexibility and they don't have to use that brand of window, but as long as the clarity is equal to that.

Wheeler: I'm trying to see the bigger picture here. This is a historic building, it's a great building. It's right in the middle of the central city. We have invested heavily in infrastructure and the building as grand as she is it is a tired, old dump in need of a lot of attention someone's offering us to do that and we're quibbling over 4% greater clarity. As an outsider to this thing, I appreciate where we're trying to go but these seems really in the weeds.

Adam: I understand that. The 4% value came after the hearing, when the appeal came in. I think that was the applicant noting that it's a 4% greater clarity. I think across the broad spectrum of the entire facade, that would add up as you're looking into it, historic buildings have clearer glass. Anything darker than clear is going to be treated as a replacement window.

Wheeler: Right, the energy efficiency is important. Separate from this hearing we've set very aggressive climate goals for the city of Portland and we've asked developers and builders to actively participate in helping to achieve those goals and they didn't worry about that 100 years ago and now we do.

Fish: Mayor -- let me offer a slightly different context for how I'm now going to hear the other evidence because we're just getting the staff report. The park that faces this building is one of the great public spaces in our city. And was built 60/40, private/public resources and was one of the great acts of generosity of Tom Moyer and Jordan Schnitzer to build this thing. It was deliberately built as hard scrabble, in a design enhancement, it was built building to building. So the park is extended so the design includes the street. We can all -- we all have different aesthetic judgments and I'm not pre-judging this issue. But having invested a lot of my time and life in bringing that park to fruition, as the then parks commissioners in charge, I will say that the -- the perhaps the singular view of that park is facing this historic building. No disrespect to the two modern towers, which are updating our downtown. There is something magical about the way the park interacts with the guild and that I think, is also historically significant because the guild is so identified with tom moyer's legacy around film and that building and the park wouldn't have happened without an extraordinary act of generosity. But again, there is a symbiotic relationship between the two and they were designed in tandem and I would offer that as a perspective as we think about the window.

Wheeler: Great. Any other thoughts? Questions? Very thorough staff report.

Adam: I think Tanya has one last thing.

Paglia: As I pull up the glazing side. It can be very green, very distracting, very reflective, compared to what you see in the guild and that lower left-hand corner, which is all very, very clear glass. It seems petty, but it's an important element of the building.

Wheeler: I had a question about that, too. Believe me, I'm not trying to be problematic. But if you look at -- what am I looking at? Is that St. Mary's? Mlc up there on the right and they have fairly dark glazed windows. You'll notice the blinds are up and then you look at the historic building with its clear glazing and the blinds are all closed and again, that's sort of -

May 10-11, 2017

- I know that there have been discussions about this glazing issue before and whether blinds are what you see from the outside or whether windows are what you see from the outside. So I just want to throw that out there, as well.

Paglia: That's a good question. Honestly, I think there might have been construction on that floor because that whole floor had the blinds in a very consistent way and the rest of the building did not. That buildings under a lot of transition right now. I don't know if all of those blinds would be down on a normal day so maybe the owners can speak to that.

Wheeler: Very good.

Paglia: I have to go to my last slide. So then you have these alternatives that you can deny the appeal and uphold what was already issued. You can deny the appeal and uphold the commission and even still monkey around with the conditions. You can grant the appeal and you can remove the third and fourth bullets of the conditions of approval and that would still uphold the decision of approval. Or you can continue the hearing.

Wheeler: Very good.

Paglia: And I think that's it.

Wheeler: Excellent. Very thorough staff report. Thank you. Appreciate it. So, next up, the appellant has 10 minutes. And, again, you should expect that you should get interrupted with questions but that doesn't count toward your 10 minutes. If you could state your name for the record, please?

Fritz: Was that shown at the hearing?

*****: [audio not understandable]

Fritz: Was the one that you are now touching was that one shown at the last hearing? Could I get clarity as to whether or not we're allowed to consider that?

Rees: The new sample would be considered new evidence. But --

Vanessa Sturgeon: Vanessa sturgeon representing the tired, old dump.

Wheeler: Can I interrupt and clarify remarks there. It's a beautiful building.

Sturgeon: I was totally joking, mayor.

Wheeler: The building needs attention and my intent was to compliment you and acknowledge that you're trying to make a significant investment in a building that I think most people would acknowledge is worthy of that investment so I'm actually applauding you and your colleagues for be willing to make an investment in that building rather than doing what commissioner Eudaly suggested which you have the legal right to do after 120 days, which was demolish it.

Eudaly: I was definitely not suggesting that you do that.

Wheeler: I want to make it clear, I'm thanking you and complimenting you for going through the process to restore what was an architectural gem.

Sturgeon: Thank you. And I agree, it's really in need of significant attention. The purpose of the window replacement is that the windows are currently corroding and leaking and they are composed, unfortunately, of led. So, we are looking to replace them, to prolong the life of the building, to stop the leaking. And of course, to improve the energy efficiency. The proposed new window matches the building's original craftsmanship and material quality and style, color, operability and form. This has been an incredibly taxing journey for my staff. It has taken us two years to get to this point where we have been able to find a satisfactory product to replace these windows. Kudos to my staff, Kristen, in particular, to doing two years' worth of research. As I can see, the existing condition of the windows are very poor. The casements are in operable. Concern over attachment integrity is a euphemism for falling out some of them are in with duct tape and we are concerned about led dust exposure from peeling and delaminating paint. We are worried about led exposure. The 7th, 8th and 9th floor windows are leaking and the windows are single pane, which is why you see the blinds closed. Hot and cold air, in and out. And they

May 10-11, 2017

unfortunately don't do a lot to block noise on the street, so people close their blinds in an effort to mitigate those issues. This is a photo of the existing window and an elevation of the existing window and the proposed window elevation is included on the far-right. We think that it matches the existing windows quite well.

Fritz: What do you mean by elevation?

Sturgeon: An elevation is an architectural rendering drawing, the difference between a photograph and elevation are an actual picture and a rendering. So when we're talking about the differences in these windows, we're talking about widths that are one-eighth of an inch. The muntin will be the exact same size as what is existing. The only issue is whether or not those muntins are continued on to the inside of the building. I think it's important to note we've chosen to move forward a different window series than what was originally proposed put to the design commission on January 19. They asked us to come back with a window that more closely matched the measurements of the head, jam and seal and we did that with the winco 3250 series. There was a \$70,000 premium to do so and we accepted that premium as an improvement to the overall project. It is our position that the proposed window, winco 3250, meets the c3 guideline and the conditions of approval go beyond a reasonable interpretation of the intent of the code. So, the first condition was that the glazing for the windows shall have a greater clarity than the sample presented at the march 2 hearing. And part of the frustration is that we did bring glass samples to the January 19 hearing and we heard no objection from the design review commission from the clarity of the glass at that first hearing. So what they proposed -- and includes that 4% variation, adds a \$57,000 cost premium. The second condition is that the muntins will be added to the inside of the building. I would like you to consider that the windows are 16 feet from the ground. So the conjecture that they'll be seen from the street level, I think, is quite a stretch. So, again, that adds additional cost to the project, that is a budget buster for us. We've accepted the additional \$70,000 condition. We're working with a bank on the project. It's a \$2 million window replacement and 11% premium, that's being requested here, is just -- puts the project over the line in terms of budget. We don't feel that a 4% greater clarity better-meets with the intent of design guideline c3. And -- we had two last samples to show you, but it is very, very hard to tell the difference, if you can tell at all. Between the conditions that the design commission has put on with the glass clarity again, those windows are 16 feet off of the ground. So, this is a good perspective of how far off the ground these windows are. South-facing view, the same. 16 feet off the ground. Oops. Okay. So, our proposed windows respect the original character of the studio building by replicating the exterior muntins on the current windows. As shown from the third and second slides, we have brought a sample of the muntin that is here for you to see in person. The condition of approval does not help us meet the design guidelines of c3, the windows we're proposing in their current state, already meet it. It's -- on this particular appeal, one of the reasons that we had to call for a vote at the end of the second hearing is that we received new direction again at the first hearing with the glass, then we received more feedback at the second hearing. It took us a month to get back on the calendar for the second hearing and we need to take advantage of the timing with the good weather coming in the summer or we will have to wait until next year, at the very earliest, to do the project. We have financing coming from a bank and the additional \$120,000 -- \$105,000 puts us over budget in terms of what we have penciled in for the renovation of the building and it's in the context of an \$8 million renovation, that is going into modernizing the mechanical systems, the domestic water lines, which are corroded and in drastic need of attention.

Fritz: When I had the windows replaced in my house, they did it in November so what's the problem with doing it over the winter?

May 10-11, 2017

Sturgeon: It's occupied as a commercial building. It involves a plastic wrap around an entire commercial building so it's like enveloping the commercial building in a giant condom for the entire winter, it's unsightly and the poor folks inside will have no view.

Wheeler: Quick, move on. [laughter]

Fish: That's a first. [laughter]

Eudaly: Some people call that art.

Wheeler: Other people say, there's no view. Commissioner Fish, save us. [laughter]

Fish: Ms. Sturgeon, let me just -- about two appeals ago, from design review, I think it began to dawn on us that we were going to get more and more appeals of design review processes. In part because of the more frenetic activity in the marketplace, which is a good sign. But it potentially put us in the position of playing referee. We've debated whether it's appropriate to use a roof-type substance as the siding and the aesthetics and durability and other things. I actually find these fascinating hearings because I find the staff's report interesting you learn a lot about the history of our city. I don't want us to become the default design review commission and I'm not sure how we can avoid that because people have a right to bring it here. So, I just want to make sure -- apparently restore Oregon has not taken a formal position on this case. From your point of view, there's a cross-component, a timing component in terms of wanting to move forward, so both of those were, yes. And the third is that you take a principled view that the decision commission purview is limited to the exterior of the window, not the interior. Is that a fair characterization?

Sturgeon: That's correct. And I've also -- to be quite candid with you, think that part of the reason we're here is because there was -- what we feel -- a significant amount of stepping into the deep, deep minutia of the building, of the design, which seems to me to be outside the purview of what the design review commission is supposed to be tasked with doing.

Fritz: Wasn't that because they didn't like aluminum windows at all. They wanted you to do steel like the originals.

Sturgeon: Say that again?

Fritz: The reason these are getting into the minutia is because they initially denied the application all together because they wanted you to do steel replacements.

Sturgeon: They wanted us to refurbish the steel windows that were already there and that's impossible.

Fish: The windows you're proposing now are double pane?

Sturgeon: They're double pane.

Fish: Aluminum looks like wood on the exterior so the technology's evolving so it's pretty hard to tell --

Sturgeon: The aluminum doesn't look like wood.

Fish: Whatever. Maybe I'm just going so blind. It's double-paned, it's energy efficient. What is your understanding as to the benefit of the -- that interior spacer bar? That's the part I can't quite figure out. I understand the muntins, every time I say that I think of someone with a haircut when I say that. What is the aesthetic and functional benefit of the interior spacer bar, as you understand it?

Sturgeon: Our view is there is limited to none in terms of benefit. That's the issue. That's why we don't want to spend the additional \$50,000 doing it. Muntins and spacers are there on the outside of the windows.

Fish: Okay. Thank you.

Eudaly: I have a couple clarifying questions. You said you'd settled on a different glass product, is that correct?

Sturgeon: No.

Eudaly: Oh, what was the additional \$60 --

May 10-11, 2017

Sturgeon: To upgrade to the starphire, the 4%.

Eudaly: Different from the sample today?

Sturgeon: Yeah. The larger --

Eudaly: Really, the only --

Sturgeon: This piece is what we settled on, this piece right here.

Eudaly: So this is the glass?

Sturgeon: That's the glass.

Saltzman: That's the starphire?

Sturgeon: No, we can't show the starphire because it wasn't presented. It was referenced, but the sample wasn't shown.

Eudaly: This is a sample of glass you're no longer going to use?

Sturgeon: No, this is the glass we want to use.

Eudaly: Okay, I thought it changed since the hearing.

Fish: Is this in the record, technically?

*****: [audio not understandable]

Fish: Could you rotate it this way.

Sturgeon: If the starphire's referenced, we can't show it.

Fish: And if that had a 4% adjustment, it would be arguably just a little lighter?

Sturgeon: It's not even discernible. You cannot tell the difference.

Fish: Is there a -- does it naturally reflect any of the colors in the environment on the exterior or is it just a neutral?

Sturgeon: To the naked eye, you can see literally no difference between the two.

Fish: Okay.

Eudaly: I feel very torn on this issue. I mean, I care about historic preservation, I love the building, that glass does look dark to me. On the other hand, the first request that you restore the original windows, I don't feel, was reasonable because you've mentioned it's not even possible. But they are, like, the least energy-efficient windows you could probably have. I guess, unless you were missing some panes. So, I support that upgrade.

Fritz: Could we let them finish their presentation?

Sturgeon: We're finished, commissioner. Thank you.

Eudaly: Not to complicate matters, could you do a clearer glass on the second floor with inside muntins to satisfy them? Or -- I mean, is there a compromise? Looking at the building, there's this significant -- you know, the second floor is different than the rest and it's the closest to the eye at 16 feet away.

Sturgeon: If I have a second to just ask our architect, who's here.

Eudaly: If he's going to weigh in, he should probably come up to the --

Wheeler: Why don't we do this, we have an opportunity after this presentation for supporters to come forward and speak. If you don't waiting, we'll give you your own three minutes, is that good? Cool.

Eudaly: I'm looking for a way to balance the aesthetic concerns and the energy efficiency costs.

Fish: Mayor, can I ask a question?

Wheeler: Sure.

Fish: We have a member of the design review commission here. I want to ask, does the design review commission member here today intending to testify or observe? Testify? Okay.

Wheeler: So why don't we do this if we're don't with questions for the appellant and this point why don't we let you take a seat and we'll hear from any supporters of the appeal for three minutes each. And again if you could just state your name for the record please.

May 10-11, 2017

Peter Meijer: Thank you mayor and fellow commissioners I'm Peter Meijer from Peter Meijer architects 605 NE 21st avenue and with me is—

Paula Hauffer: Paula Hauffer with Peter Meijer architects.

Meijer: Just a way of Background with this we were asked by tmt if we could assist them with this project before we even were hired they asked about the historic status of this property and what their options were so they put much time and due diligence on whether or not they elevate this property to a historic status and whether or not that would be a benefit to them as a company. Throughout this project we continued to have that level of conversation, unfortunately the design commission made that one of their high point of reviewing these windows. It's my personal belief that we would have had a much easier time in front of the historic landmarks commission with window replacements because that is a commission body that is used to getting replacement windows. So the benefit of coming back on the second round is that we propose a much stronger look alike and these are steel windows and the replacement comes very, very close if not identical to those windows. The question on the table from commissioner Eudaly is whether or not there could be a compromise we would recommend that because you'll see a clarity on the second floor so we recommend that you stay with the windows as the applicant has proposed from a historic standpoint for a consistency from the façade. With the new windows and the new mechanical system and in new balance of the interior environment, it's unlikely that you'll see these windows open and closed. They'll have to put limiters on the windows so that one doesn't fall out. So those two will limit the amount if any at all in the swing seasons that you might see on beautiful days like today. It's highly unlikely that the windows would ever be opened so I think it's an accurate description to see what we actually view from the exterior and from the exterior, there almost is not identical.

Fritz: Can I ask a question? I don't understand, they look identical versus don't do something different on the second floor versus the ones above cause you'll see the difference.

Meijer: Correct me if I didn't hear the request to go to a clearer glass on the second floor?

Fritz: Yes.

Meijer: There's visually no difference between the starphire and what is proposed. But I didn't know if the question was to go to a third type of glass that had an even more clarity. Those third types don't meet energy codes so you should know what you're requesting in that. So had this been a landmark building, had we gone, we would have been able to have the opportunity not to meet energy codes. We don't have that option in this property because it is not a landmark structure. We all love it as a historic building. We all look at it as a contributor to Portland but it technically is not a landmark property. When I heard, clear, I'm thinking it's a third type of glass.

Eudaly: No, that was correct.

Fish: And I guess the question I would ask because it may not be a design requirement, but I think of this building in the context of the plaza and design. In your professional opinion, does the design that is being proposed by the appellant, who obviously you work with, is it harmonized and consistent with the vision of the park?

Meijer: Absolutely. This is not an uncommon request in today's development world, to find reuse for these buildings, keep these buildings alive. There's -- now that you've heard this case, you may see the difference as professionals, we may see the difference. But the vast majority of people will not see the difference so it will not lose any of that relationship of the building to the plaza. All the ground floor work being done on the guild theater will enhance that relationship with them. So we don't see any detriment to the park or that whole urban experience with this work.

Wheeler: Thank you.

May 10-11, 2017

Hauffer: I don't have anything to add, I was just here for extra questions.

Wheeler: Very good. Are there supporters of the appeal, who would like to testify? Yes, sir. Come on up and state your name for the record?

Robert Pile: I'm Robert Pile with tmt development, as well. I want to --

Wheeler: Is the green light on?

Pile: Sorry. Am I not close enough? Just to make this extra sure that your question was asked and answered. You asked about the extra cost from the first design hearing and the second, that was the \$70,000 premium to go to the different model. Commissioner Fish, on the question about the park, as we as neighbors and those that live in the park love it. Very much and see how much it gets used. I think one thing I would advise we consider, too, is the position of the studio building in relationship to the park. If you're standing in the park, the nearest point is a little ways back. You have the deli and the storm water treatment. The overhead canopy of glass. The perspective of the studio building from the park has some obstructions, if you will so I think the overall impact you might see if there was a difference of clarity is somewhat minimized given where it sits in the rest of the relation to the park. Thank you.

Wheeler: Thank you. Appreciate it. So, is that all the supporters that would like to speak? Very good. Next, the principle opponent has 15 minutes to speak.

Rees: I think, technically we don't have a principle opponent in this appeal. We don't consider the design commission to be a principle opponent.

Wheeler: If you need more than three -- I'm sure we can accommodate and you'll probably get some questions anyway. State your name for the record.

Julie Livingston: Good afternoon mayor wheeler and commissioners, I'm Julie Livingston, a member of the Portland design commission. I have prepared some testimony, but what I will do is offer a couple of clarifications based on comments and questions that have surfaced and then answer your questions. So not in any particular order, I'd like to address peter's comment that buildings on the hri should be reviewed by landmarks, I agree with that. This is a -- even though this building is not on the national register of historic places, it and other buildings in our city are very significant and regardless of whether or not it is listed and regardless if it is in a historic district, it should be looked at by landmarks. They bring a level of authority they design commission may not.

Saltzman: Are you suggesting that in lieu of design commission?

Livingston: In lieu of design commission, I think landmarks should look at buildings on the hri. Commissioner Eudaly, you asked a question about restoration versus replacement. In the first meeting, it was never suggested that restoration -- sorry, that restoration of the existing steel windows would be necessary. The majority of commissioners believed that replacement was reasonable. Having a well-functioning office space with energy efficient space, this is a great improvement to this building. The building needs some love and folks were happy to see the owner was willing to give it. Although we had a lot of discussion about restoration and the difficulty of doing that, it was never suggested that that was the only path the owner should be on. Just as a point, when steel windows are repaired, say a building is on the register, it is possible to install insulated glazing units in steel windows. So, for instance, the town storage building on the east side of Portland, which is currently being renovated, it had old wood windows which have been replaced the new windows have insulated glazing units and they meet energy code. The fisk tire building, in the northwest 13th avenue historic district, where cargo used to be located. Those windows have been -- steel sash, very similar to the ones in the studio building. They have renovated and repaired and the owner has installed new insulated glazing units so they meet energy code and they're all new. Both of those went through landmarks and not design commission. There was no discussion about whether or not those windows would

May 10-11, 2017

meet energy code. It happened as a matter of course and it was not a condition. Commissioner Fish, you asked about cost and availability. This is commonly available. The muntins, true divided lights, the interior spacer bars, all of those types are commonly available. And there is generally a slight uptick in cost on historic buildings because the glass was originally clear on historic buildings. It's generally a great amount of effort moving toward the clearest glass available. Insulated glazing units have gas in between the panes of glass and coatings on the glass. The starphire glass has less iron in the glass. So, it's all of the coatings and the gas that make the energy efficiency happen. The actual glass itself in the starphire glass or the equivalent of the starfire glass has less iron in it and is less green so there's a difference in color. There's a difference in clarity, in reflectivity and in light transmittance.

Fish: Can I ask you something, Julie? If you were to rank in significance, the two conditions one above the other, how would you rank them? This is going to be helpful to my decision-making here.

Livingston: And I am not representing all of the design commission when I answer a question like this.

Fish: I'm asking you, in your opinion.

Livingston: Yeah. Neither is a perfect outcome. With the spacer bars and the muntins, it is somewhat obvious that that is not a true, divided light. It does a pretty good job of replicating a true, divided light. You want the spacer bar in the middle so you're not looking through the glass. If there's no spacer bar, you can tell, it's absolutely obvious that the window is not a true divided light. With the color of the glass, with the greener glass, it is absolutely evident that it is a replacement window. A lot of work -- the owner put a lot of work into the correct profile. So the windows, themselves, the actual metal profile is good. Given the choice between -- if you're asking me to make the choice between one or the other, I would generally elect to have something that approximates a true, divided light over clearer glass. I think it's more it's more in character in keeping with the historic nature of the building. Once the quality of the true divided light is absent, you won't get that back. The glass -- as people look at the glass, they will realize there's new glass here. Most people may not see the difference between a true divided light and the window pattern, the assembly that we've recommended.

Fritz: Is there anything else that was discussed at either of the hearings that we should be aware of?

Livingston: I would say when it came time to vote as Peter mentioned that the owner asked to call the vote. At that time, we understood that both the clear glass and the muntin assembly was acceptable to the owner.

Fritz: Excuse me. I'm trying to listen. Could you not talk? Thank you.

Livingston: We understood that the clear glass and muntin assembly, that those were acceptable conditions to the owner and so the appeal was a surprise to us because there was not contentious discussion around that. So had we known differently at the time, we may have had more or different conversation that would have led to a different outcome.

Fritz: More about that?

Livingston: Well, I won't project what type of conversation we might have had. But if it had been clear at the second meeting, that the owner was not satisfied with the conditions around clearer glass and the muntin assembly, we would have had more conversation about that, at the time, trying to, you know, get to a different yes answer. Or, then perhaps even a no vote.

Wheeler: Great. Thank you very much. You were very thorough. Are there any other --

Rees: Before Julie leaves, because we asked the appellant not to show their piece of starphire glass, there was testimony you gave of composition glass. I don't know if that

May 10-11, 2017

was part of the record before. If not, discussion of the iron content and gas between the panes, if that was not discussed --

Fish: It will not influence my decision. It probably went over my head, anyway.

Wheeler: Are there any other opponents of the appeal that would like to speak? Very good. Is there any rebuttal by the appellant, that you would care to make? If so, you have five minutes.

Sturgeon: Thank you, I will not need five minutes. I'm just going to make one point. I want to underscore what Peter Meijer said, which is that there is virtually no discernable difference between what we have proposed and what the design commission would like us to do in terms of the conditions. There is, however, a significant cost difference so I would ask that you consider that point.

Saltzman: The cost difference is?

Sturgeon: \$105,000.

Saltzman: On top of \$70,000?

Sturgeon: \$70,000, we already accepted. It's \$105,000 on top of a project that's already \$2 million.

Fritz: What was the \$70,000 for?

Sturgeon: The \$70,000 is an additional change to the frame of the windows that was made after the first design review hearing. And we accepted that request from the design review commission, to make that change. And frankly, it was a good suggestion.

Wheeler: Thank you, very much. All right, colleagues, this is the time where we can have a discussion or I can accept a motion or we can decide to keep the record open or we can close the record.

Fish: Mayor, let me, if I can --

Fritz: I saw something. Could I have staff come back up, please? Was there any discussion at either of the hearings about whether or not the windows would prevent the building from potentially getting on the national historic register if they weren't done correctly?

Paglia: That came up primarily at the first hearing. The first hearing centered on that a lot. And they -- they say that it's a character-defining feature and that, yes, if you remove them, that could have consequences. Do you remember?

Adam: The design commission said this building, besides having significant architecture, also has very high level of integrity and those are two of the things that you -- pretty much required to become listed in the national register. There was concern that the replacement of the windows could jeopardize future listing by the current or future owner. There are some buildings that they've replaced the windows and they're listed anyway and that is totally possible with this building. But I think the quality of the windows that go in could have some influence on that.

Fritz: And did the design commission recommend to the applicant that they pursue the historic designation?

Adam: It came up at the preapp at the staff level. They said that they considered it and design commission also noted again, independent of our considerations, that there are financial benefits, rehabilitation tax credits, that the owner could take advantage of if they restored the existing windows.

Paglia: Yeah, it was definitely stated that they truly -- these members of the commission believe the windows could be restored. Could be, you know, made more thermally. You know, a better thermal level. But also restored. So, I don't think there's a definite answer to that, whether they could be restored or not.

Fritz: In proposing the two conditions, was there discussion of whether they felt with those conditions, it could qualify as a historic designation and qualify for a tax credit?

May 10-11, 2017

Paglia: I think the two dissenters they had concerns about that and they were the ones who were the most concerned the whole way through the process.

Adam: I think that question was no longer part of the consideration because the owner said that it was a business decision to not move forward with listing. So, I mean, that's their choice. There's no further push on that.

Fritz: Thank you for the clarification.

Wheeler: Commissioner Fish?

Fish: I offer a couple points to help solve the discussion. I appreciate this hearing and the clarity of the presentations and I, personally, do not want the council on a regular basis to be placed in a position to deciding these questions. Even though there is a right of appeal, I'm concerned that we become the body that makes what I consider to be very, very specific judgments that sort of are partially aesthetic and partially code. I don't think it's -- I don't think we are the best equipped body and I appreciate the testimony -- I appreciated the comment earlier that we may want to revisit our process and have these kinds of things go to historic review. That makes sense to me. This is not like a case that we've had recently where there seemed to be a wholesale unwillingness to engage the design review commission. This doesn't seem like a case where the parties haven't made an effort to reach common ground. Reasonable people can disagree, at this point. And for me, it is important that this is a building in a highly-visible area, off of a distinguished plaza, and so I think it's going to get some attention. But as I try to balance all this, mayor and colleagues, and I feel like this is one where I could almost flip a coin and frankly, what tips the scale for me is I don't think we can compel someone to list their property as a condition of getting a tax credit. I don't want to be in the position of doing that. And I think cost is a relevant factor. So, on balance, and it's a very close call, I would be inclined to grant the appeal and deny the conditions.

Wheeler: Is there a second?

Saltzman: I'll second.

Wheeler: Commissioner Fish moves, councilor Saltzman seconds.

Paglia: Could I ask for a clarification?

Wheeler: Please.

Paglia: The conditions you're striking, are they the two bullets in question?

Fish: The two bullets in question. I think they're the ones you said were before us. Good clarification. Just the two in question and as I said, it's a very close call.

Wheeler: Further discussion on the motion?

Saltzman: I would just echo the sentiment that commissioner Fish expressed, I feel extremely unqualified about making decisions about something I cannot detect a difference in and takes me into a level of design detail that I'm ill-equipped to have comprehension. I understand this has been before the design commission twice, it seems like it's come down to a very subjective level of detail and that's what we're asked to use here is our subjective best judgments and my best judgment, there's a lot of effort being put into this building to make it a vital building again and respect its history and I just don't think that -- and also, I think the issue about having the risers over dividers so the windows aren't going to be fully-open, that makes me support removing those two conditions of concern.

Wheeler: Commissioner Fritz?

Fritz: I have the same concerns and would then come down on the opposite side of it since I don't consider myself an expert in this. I consider the design commission experts so I would defer to their opinion because the approval criteria say -- we must approve land use applications if they can be approved -- if the approval criteria are met or can be met with appropriate conditions. I respect that the design commission tried hard to get a yes up to the initial no to put in the conditions that they believed would be -- would improve the

May 10-11, 2017

project so I -- my colleagues on the left feel like they don't have the information to go against the appeal. I feel I don't have the information to go against the design commission.

Wheeler: So, I'll chime in, as well. First of all, I want to, again, thank the members of the design review commission and state, again, clearly, they are volunteers. And they are dedicating a lot of their time and their energy and their expertise to that effort. And, I'm very appreciative of that and I want to be very clear. This case -- I think commissioner Fish, you nailed it when you said you don't want to regularly be in a position of having to make decisions about a 4% difference in light or the muntins and the dividers and all that. It's a lot to take in, in one hearing. And make what ultimately is something of a subjective decision. And, we have that expertise on design review and we have that expertise elsewhere to make those decisions and it sounds like there was some division there, as well. And I am making my decision -- I want to be very clear -- based on that narrow question of the conditions. So, I want to be clear. That being said, I also want to acknowledge -- unless the attorney stops me and tells me I shouldn't say these things -- I also heard, during the testimony, this has been a two-year-long process. And we have a -- an organization that wants to restore this incredible asset in the community and it seems like we're really, really close to the yes on this, although there's honest disagreements about the window treatment. I'm persuaded that the right thing to do here is let them go forth with their project. I think they've made a good faith effort. It sounds like they've been responsive. They addressed the questions here very well so I would support commissioner Fish's motion, based on that. But I agree -- I actually like the fact everybody seemed to agree that for those on the historic list, it would make sense for them to go to the commission rather than design review. I think that's actually a great suggestion worth pursuing.

Fish: I want to acknowledge what commissioner Fritz said. If I was channeling my inner Vera Katz what I would say is I want the commission to do these things so I will deny any appeal that comes forward to force these parties to work it out. I appreciate and respect the logic of that and -- but for me, it comes down to the fact that it's -- I can't find a path forward to go beyond what they've done.

Wheeler: Weirdly enough for me, it's pretty clear-cut. Based on the issues that have been brought forth to us -- and I'm sure I'll regret having said this tomorrow based on my email inbox -- but these don't strike me as the big issues. The big issue is -- I've heard people previously say here the objective with design review is to make sure bad buildings don't get built and even as I weigh the two alternatives here, I'm not seeing a whole lot of differences, that I, as a layman will see. I was intrigued by the argument when I saw the windows swing fully out. If they don't swing fully out, that lessens the argument in opposition to the appeal. I think it's pretty clear-cut.

Eudaly: I need the city attorney to repeat the actual question that we are being asked. The -- just the question.

Rees: The question you're being asked is whether to uphold or deny the appeal based on whether you think the -- those two conditions are necessary to satisfy the design review approval criteria. Is that what you're asking?

Eudaly: I thought you had said something slightly more restrictive than that.

Rees: I'm going to note, you're in deliberations so this is the mayor's discretion. It is my understanding that the opening of the windows being limited is not something that was discussed down at design commission, either.

Wheeler: Fair enough. That doesn't change my view, specifically, with regard to the muntins, the dividers or the clarity issue. For the record. Without further ado, call the roll.

Fish: I want to thank everybody --

Rees: I'm going to interrupt again. Sorry.

May 10-11, 2017

****: [audio not understandable].

Rees: Findings that you have are for a decision that includes the criteria so today you are making a tentative decision and will come back with findings and after you've voted, we'll figure out when that happens.

Wheeler: Very good. Thank you for the clarification. Please call the roll.

[roll call]

Fish: We are so lucky to have Karla and Linly in our chambers on a regular basis. I want to thank everybody that took the time today to come and testify and present the facts and the arguments. I particularly want to thank a member of the design review commission, I don't know how she balances the rest of her life because she's often here providing context and -- and her expertise on these issues and that's going above and beyond, Julie, and it was very much appreciated up here and noted. This is a close call and I think reasonable people could disagree about the outcome but I believe this is the sensible path forward and I appreciate the process that led us to here. Aye.

Saltzman: Aye.

Eudaly: This is also a close call for me. I mean, what I would personally like to see happen to the building is different than what I think is necessarily reasonable to require. I agree, I'd like to see these buildings go before the historic review. I'm going to vote aye with some -- some reservation. But, aye.

Fritz: Well, I still love land use hearings even when I'm on the downside of the vote because by definition, they are discretionary decisions when reasonable people can disagree and they do. I want to thank everybody who came to the hearing and the principle way the pros and cons were discussed, once again, looking at the actual product rather than any kind of dispersions of one side or the other. In one measure, I'm going to do my no vote to show, in the record, that it wasn't a straight up and down slam dunk and I do continue to value the design review commission. Since the vote has been made, I can say that I have experience in my own home where I have just discovered I have a muntin on my front door. I thought it was a wooden latch. [laughter] it's on one side and it would look different if it was on both sides. I shall go home and tell my daughter, look at the nice muntin we have there. We didn't know what it was when we bought the house, it was in the cupboard. I do appreciate that these are economic issues, as well as aesthetic and very much appreciate the fact that the lovely, old building is being kept, restored and put to another 100 years of good use. Thank you very much. No.

Wheeler: I think it's all been said. Thank you, all, for being here. It was great hearing. I learned a lot. I'm going to vote in support of the motion. So the motion passes 4-1. And we will schedule a time to come back and we'll just have to look at the schedule.

Rees: So under our code, the prevailing party, the appellant wins and they are represented prepare the findings and come back. I don't know if that's your intent to have your representative draft the findings. Staff will work with peter. How much time does the appellants think they need to prepare revised findings?

Fish: Three weeks?

Wheeler: It has to be within 120 days?

Rees: I think we have a good amount of time until --

Fritz: That's how much time they need, isn't it?

Rees: July 21. So three weeks is typical. That would mean that -- meaning you would get the findings to staff within two weeks. Okay. So, Karla, do we have a time in three weeks for a final vote?

Moore-Love: May 31, the mayor's gone

Fish: That's okay, as long as we have a quorum.

Fritz: If it's necessary for me to change my vote to have a vote, let's do that.

May 10-11, 2017

Wheeler: That's just a simple majority.

Fritz: It has to be three.

Fish: Do we have to have three?

Rees: It could be a morning time-certain.

Fish: Does it have to be time certain, council?

Rees: It does. Sorry.

Moore-Love: Let's go with 10:20 on May 31?

Wheeler: What was the time?

Moore-Love: 10:20 a.m.

Wheeler: All right. Great. So, this hearing is closed -- technically, is this a continuation, legal counsel?

Rees: It's a continuation, but we're setting it over to May 31, 10:20 for a final vote.

Wheeler: May 31, 10:20 a.m. Will be the final vote. Thank you, all, for attending. We are adjourned.

At 4:44 p.m. council recessed.

May 10-11, 2017
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.

May 11, 2017 2:00 PM

Wheeler: This is the Thursday, May 11, 2017 afternoon session of the Portland city council. Please call the roll Karla.

[roll call taken]

Wheeler: The purpose of the 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 due consideration to matters before the council we must all endeavor to preserve the decorum of the meetings. To make sure the process is clear for everyone I want to review some of the basic guidelines which I hope will help everyone feel comfortable, welcome and safe and ensure decorum is maintained. Let's see people may sign up for public testimony on the first reading 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 representing an organization, please identify the organization. Individuals have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light will light up and when your time is done the red light will come on. Conduct that disrupts the meeting for example shouting, interrupting people's 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 disrupting the meeting will be subject to ejection for the remainder of the meeting. Anyone who fails to leave will be subject arrested for trespass. With that happy thought, Karla, please call the first item.

Item 481.

Wheeler: At the conclusion of the last hearing on this matter the city council continued the hearing until today and left the record open until May 10. The record is currently closed. The council also asked bds to work with the interested parties. Bds, that's the bureau of development services, was directed to facilitate two meetings before today's hearing. One with the applicant and the neighborhood association, and one with the applicant and immediate neighbors. It's my understanding that the meeting with the applicant and the neighborhood association has happened. While bds is diligently organizing the second meeting with the applicant and immediate neighbors that meeting has not yet occurred. In addition, the city has offered to make the mediation services of resolutions northwest available to the applicant and neighbors if they are interested in using these services. To allow time for these meetings I'm going to ask council to continue this matter to June 8th, 3:30 time certain. I would like to reopen the record from now through June 8 hearing to allow the parties and other interested persons to submit any additional written testimony if they would like to do so. The earlier we receive such testimony before the hearing the better so we have adequate time to review it. Depending on whether there's new evidence submitted we may also take limited oral testimony at the June 8 hearing. Are there any comments or objection from my colleagues? Seeing none, item 481 is then continued to June 8, 3:30 time certain. City council chamber, Portland city hall.

May 10-11, 2017

Wheeler: The next item, of course, is a time certain at 2:30. We cannot start until then so we're in recess until 2:30.

At 2:06 p.m. council recessed.

At 2:31 p.m. council reconvened.

Wheeler: We're back in session. Karla, please read the next item.

Item 482.

Wheeler: Before I turn this over to commissioner Fish, I want to give notice I'm afraid I have to leave at 3:15, so I'll be turning the gavel over to council president.

Fish: We should be finished by then. Thank you, mayor. I'm pleased to bring this resolution forward today, which is co-sponsored by commissioner Eudaly and commissioner Fritz I'll provide a few opening comments then invite my colleagues to do the same. Local government works best when we consult with the community we serve in a substantive, thoughtful way. That relationship must be based on mutual trust, mutual respect and shared expectations. Despite our best efforts, we know that we don't always get it right. In the fall, we plan to return to council with a package of reforms designed to increase the transparency and accountability of city advisory bodies. Our goal is to standardize policies and procedures where appropriate and to increase clarity for all involved, staff, community members, and decision makers. I became interested in this issue after learning that we did not formally require disclosures of conflicts of interest as a condition of community members serving on advisory bodies. I want to acknowledge Alan Claassen at the northwest examiner for his reporting on this issue and our ombudsman, Margie Sollinger, who is here today. We'll hear from her. And others who helped us to identify what I consider to be a significant loophole. A little history. We held a work session on April 4 to frame the issues and to solicit council and community feedback. Today's resolution does three things. It directs bureaus to furnish information and documents to the city attorney to create the inventory. Second it directs the city attorney to work with the sponsors of this resolution, the office of the neighborhood involvement, office of equity and human rights and others to develop policy recommendations over the summer. Finally, we anticipate that in the fall we will return to council with a set of proposed reforms. I want to take a moment at the outset, mayor, to recognize and acknowledge Judy Prosper of the city attorney's office. Judy has been the driving force behind this work and it's our loss that she's unable to be with us today. Judy, if in the unlikely event you're at home watching us on tv, we're thinking of you and we're sending good wishes for a speedy recovery. Today we have city attorney Tracy Reeve to briefly walk us through the proposal, then we have a panel that will invite up to offer comments then take testimony.

Wheeler: Very good.

Fish: I'll turn it over to my colleagues if they have any opening statements.

Fritz: Well thank you very much, I'm really happy to partner with both commissioner Eudaly and commissioner Fish on this issue. I was on the planning commission for seven years before I was elected office, so it gave me a lot of experience, in some ways experience on how things were not done particularly well. So both ways. For my first term when I was in charge of the neighborhood involvement I was interested in the issue of boards and commissions and encouraging more people to be involved and helping people be successful when they are involved. We started looking at the demographics of our boards and commissions, over 400 of them that Brian Hoop compiled a list of the demographics in order to select a chart commission in 2011 that was broadly representative of the city as a whole. It's kind of -- the amount of effort that Brian had to put in to get that information was another warning sign that we needed to do something differently. I was not assigned to the office of neighborhood involvement when Mayor Hales was first in office, and so I'm very happy to be now coming back into it from a different

May 10-11, 2017

perspective. As the title says, this work which has been led by commissioner Fish for over a year is about strengthening accountability and transparency. The work that I hope to do and plan to do in a companion resolution is about accessibility and inclusion and how can we welcome and prepare everyone in our community especially those who have not been involved before being on boards and commissions because that not only is a good service to the city, it can provide an opportunity to run for office or a number of other options that that experience can give a person. Diverse leadership program in the office of neighborhood involvement has been training folks in leadership in six different communities for many years. We don't necessarily loop those trained eager especially young people and people of color we don't have a formal way to encourage them to know what kinds of openings might be available and how to get on the boards and commissions. It's a companion policy that I'm hoping to bring back at the same time or right after when you do yours. Thank you for letting me be involved.

Eudaly: Thank you both. It's been a pleasure learning about this and working on it with you. I think this resolution and the work that comes out of it will hopefully strengthen the public support, interest, beliefs in these committees. It will ensure that conflict of interest issue is of particular concern to me. Ensure that we're also valuing the time that the community members are putting into these boards and commissions.

Fish: Thank you both for your partnership. It's an honor to work with you on this important matter. We turn now to the city attorney who is pitching in for another city attorney and I want to be clear, mayor and colleagues, Tracy Reeve is going to walk us through the specifics of the resolution. The resolution does not set the policy. The resolution directs the bureaus and other city staff to forward information and documents to a central repository from which we can evaluate those documents and information and come back in the fall with recommendations. So we are not deciding policy today but we're foreshadowing areas of interest in terms of addressing and there will be significant opportunity for public involvement as we shape the policy going forward. So Tracy, thank you for joining us.

Tracy Reeve, City Attorney: Well, thank you, members of council, I'm Tracy reeve, Portland city attorney. I appreciate the opportunity to be here today. As commissioner Fish said, I'm pinch-hitting for deputy city attorney Judy prosper of my office who is out with an illness but will be back at work and back at this as soon as she can. So in my office and Judy in particular although other attorneys as well have been trying to act as a resource for various boards and commissions and members of boards and commissions and community members who have questions about which rules apply to advisory body participation, how to navigate the laws and policies that guide their service, how to run the public meetings that many of these bodies have. That has at times been challenging for the members of the boards and commissions for the various staff that staff the boards and commissions and frankly for some of my attorneys including Judy who has done a lot of that work. Experience shows us that additional clarity about roles and expectations would benefit everyone, staff, members who serve, and the decision makers that they advise. We have also seen that the lack of comprehensive current information about how we as a city are engaging people in our community on policy questions. We don't have a kind of a systematic approach to that across the city. The resolution before you today directs staff to work over the summer to put together a package of deliverables that will come back before you in the fall for your final consideration. Specifically, the resolution directs the following. The creation of an inventory to provide a comprehensive database of the advisory bodies and the people who serve on them including basic information about the body's function, when it was created, what the purpose of the body is, number of positions, whether it has existing bylaws and hopefully what those are, and if available a demographic information about the members. This is important because we had tried to start doing some of this

May 10-11, 2017

work with a paralegal in my office and we realized there's just not a comprehensive source and as commissioner Fritz mentioned others have tried to pull it together. It will be really beneficial for us as a city I think to have that information in one place. We're going to develop a uniform application form to bring forward for your consideration that could be implemented as a standard practice. I want to note that this would be intended to be a floor, not a ceiling. It would be a tool that could be tailored with additional questions that could be added for an individual board or commission to make sure that it was getting the members and the community participants that are most appropriate for that board or commission.

Fritz: May I interrupt? Will it be starting from the form that's already in use or will you be developing a new one from scratch?

Reeve: Welling, I would say we would certainly be looking at the form that is still in use. I'm not -- I apologize. I'm stepping in for Judy, who has been much more involved in the details of this. So I'm not sure if there's been a decision whether to adapt that form or start with a new one. Another area of direction that this resolution provides is for us to develop training materials to help city staff effectively facilitate advisory bodies. As all of you know it can be challenging to run public meetings. We're often asking advisory bodies to do that and we're asking staff to staff them as they are doing that we need to train both staff and the advisory body members. And then training materials to help the community members who will serve on these bodies both to help with their knowledge of process and procedure but also importantly to make them aware of the legal obligations that they are taking on by serving on one of these bodies, they are subject to conflict of interest in many cases, they may be public officials under various legal standards and they need to be aware of that and what that entails. Many of these bodies are public bodies, not all are, but that brings with it legal obligations in terms of quorum requirements and public meetings and almost all of the folks who serve on these boards and commissions are creating public records in the course of their work and they need to be advised on how to manage that. We came to the conclusion that it's just not fair to put people on as advisory board members that are not provided this kind of training so they really have a good sense of what these legal obligations may be.

Fish: If I could just add, Tracy, you stated the challenge and the question very succinctly. Our goal is not to scare people off from serving in these positions. Our goal is to make sure they understand exactly what they are being asked to do and what the legal requirements of the position are. We don't want to have a situation in the future where someone is performing an important function at the request of the city only to find out after the fact that they were a public official, their emails are subject to public records, that they may have deviated from good practice in how to run a meeting. That's not fair to people we're asking to serve and we owe it to them that we give them all that information and training before we ask them to serve.

Reeve: Absolutely. We will also if you pass this resolution come back to you with a recommendation about how to track the training have occurred so we can make sure not only that each board and commission has been trained but for example as new members come on that they are likewise receiving the training. We will develop a template for standard bylaws. One thing we know is they are all over the board. If we have a template for standard bylaws again it may well be that individual boards or commissions would want to modify those in certain ways to suit their needs, but there may be some items that council decides should be across the board. If nothing else, we can give a template that they can start from. We will develop for your consideration a survey that will ask members to complete at the end of their service so we can get some information about how our community members are finding their experience serving on boards and commissions,

May 10-11, 2017

where the areas of frustration are, where we can provide more support as a city to those who are doing this important work on our behalf. We will also at least get started for your consideration on a proposed set of values to help us be thoughtful as we select people and put these bodies together. We want to be mindful of all of the city's values that have been articulated around diversity, equity, ensuring that we're getting robust participation from a variety of folks on these issues, and what is that, what are those guiding values that guide that selection process across the different boards and commissions. When we come back to you with these updates we'll also propose a lead office for this work and a budget for implementation. So it's our intention that any budget requests will be before you in time for your consideration as part of the fall bump process.

Fritz: I'll ask my colleague the question on that. Since so much of the work might be assigned to the office of neighborhood involvement. Does even the collecting of the data and compiling of it create a workload issue for oni? Maybe you don't need to answer that right now.

Eudaly: I'm looking at Brian right now.

Fritz: I'm concerned that there's a lot of work here and I know you already have a work plan so that's something to keep in mind.

Eudaly: So far concern has not been expressed, but --

Reeve: My office will be doing a fair amount of the work as well. We will be dedicating both Judy and other attorneys' time and we'll also have staff support available to help do some of this work as well.

Fritz: Thank you.

Reeve: In fact, this work will be done by a combination of my staff, staff from the office of neighborhood involvement, staff from adoptive management and finance in consultation with the office of equity and human rights. It's our expectation that representatives of the public involvement advisory committee housed in oni will also participate in these conversations and they have really good guidance and experience to share. Finally, we expect to continue engaging with the sponsors' offices and all of your offices as we develop these updates for your consideration in the fall.

Fish: Tracy, thank you. You did a suburb job pitch-hitting for Judy on short notice. Mayor, in case you do have to leave us before this is over, what we will be asking you if this passes today is to send out a directive to the bureaus within the next week directing them to follow the time limits and requirements of the resolution. We have set an aggressive timeline on this matter because we want to keep this on track. Commissioner Fritz, though, raises a very important question. If it turns out in the course of collecting documents and information that people feel that it's unreasonably short time frame, we can make some adjustments. We're trying to keep this on track for something to come back this fall but that is a flexible timeline if we run into some problems. The other thing that I want to preview that's not in the resolution is that we have a habit as a council of appointing boards and commissions on an ad hoc basis with great frequency. It's something we do and interestingly, even though it's an incredibly important task and delegation, we have no formal structure for determining what is the appropriate kind of board or commission or what their charge should be. I will be proposing as part of this that we add to the filing documents that go into the record before you that anybody proposing to create a new board or commission has checked with the city attorney's office, has reviewed the applicable legal issues and we're confident that what is being proposed is the right match for the task. I think that will system ties the work of keeping legal counsel in the loop so we get their advice. If there's a disagreement, we have a chance to air that disagreement. With that thank you Tracy I'm going to invite our invited guests forward. First Debbi Aiona from the league of women voters. In the stationary of the letter we received from her we

May 10-11, 2017

understand the senate has launched an investigation into called voting irregularities in the last election. City ombudsmen Margie Sollinger, I apologize for constantly mispronouncing your name. Particularly given that you are our ombudsman and Patricolo Patricolo am I close. Thank you, who is also a member of the piac and represents the Portland bureau of transportation. Debbie, I'll start with you. And I'll acknowledge part of the record is the letter we received dated May 10, 2017, from the league of women vote there's sets fort your position formally.

Debbie Aiona: I'm Debbie Aiona representing the league of women voters of Portland. The league supports the efforts to provide more accountability and transparency in city boards and commissions. The process described in the resolution calls for the city attorney to work with the office of neighborhood involvement, office of equity and human rights, and office of management and finance to develop written materials that will be provided to city advisory bodies. The league urges council to instruct the city attorney and it sounds like they are headed in that direction to also consult with the public involvement advisory council and the human rights commission during the policy development phase and to include the public in the discussions related to these new policies. In the last several years we have become increasingly concerned that policies of importance to the community are developed without involving advisory bodies at open meetings. Tapping into the expertise of these two groups and the public at are large is an essential step that should not be overlooked. Over the years league members have attended numerous advisory group meetings. In our experience, one size does not fit all when it comes to governing procedures, training needs, staffing, selection process, and terms of service. Including whether or not term limits are imposed on members. Therefore, we want to emphasize that where appropriate the materials produced by the city attorney should include guidelines or recommendations but not requirements as what I heard the city attorney just say. We oppose the universal imposition of term limits. Each board and commission is unique and the specifics applicable to that body should be included in code or in bylaws and protocols. For example, as long term observers of the independent police review citizen review committee, we have come to appreciate the importance of experience and institutional knowledge in this advisory body because of the complexity of the oversight system and the time it takes to understand police bureau policies. Term limits would be a barrier to crc's effectiveness. Their recruitment process allows selection panel to consider the current makeup of the committee and if experienced members are in short supply, it can renew a member's term without limits. The league recommends a full public discussion of disclosure and recusal rules. State law allows individuals with actual or potential conflicts serving on advisory bodies to participate in committee decisions as long as their conflicts are disclosed. The most current version of the resolution implies a potential change of that practice by calling for recusal when appropriate. If the city is contemplating adopt ago higher standard than that required by state law, the public should be involved in full consideration of the tradeoff. The pros and cons of requiring recusal should be discussed with piac, human rights commission and the public before a time decision is made on this issue. In conclusion, the piac, human rights commission and the public must be involved in developing the materials cited in the resolution. Those materials should be written in a way that allows advisory bodies to tailor their procedures, member, training in terms of service to fit their function and responsibilities. Thank you.

Fritz: Can I ask a qualifying question? Is 20 years too long to serve on a committee?

Aiona: I want to make the point again with the crc, the way they do if you get a three-year term. You have to apply at the ends of that three-year term. It's up to the selection committee, and I have actually seen them not have somebody come back because they look at the makeup of the board, the applicants, and they kind of balance all the factors.

May 10-11, 2017

Diversity, length of service, all those things, and decide whether or not to renew that person's term. I think -- I don't mean for every board and commission that that's the right thing to do. I think for one that is as complicated as the job that the crc does I think it's important for the selection committee to balance all those factors. Just one more thing, I have noticed when there is like a large turnover which happens from time to time it's as if they are in neutral for like a year. It takes that long. It feels like for people to really finally feel like they have their feet on the ground and they are ready to start functioning in a way that's effective. So that's how I struggle with this.

Fritz: Is 20 years too long and if you have a majority of the committee who served for 20 years and they are responsible for selecting themselves --

Aiona: No, they are not. That's a key to this. You have to have a selection committee with different perspectives so that they are not just trying to keep their friends around. One, I think it's one former crc member, auditor, ipr, a community member. There are some different -- people with different priorities who sit on the selection panel. It's not as if the current crc members are deciding whether or not, you know, people get to stay around forever.

Fritz: It would depend on the board of commission. Cause some of them are really like the human rights commission is responsible for nominating its own.

Aiona: Depends on your rules, yes. What's important is who is on the selection committee and what your process is.

Fritz: Very helpful conversation. Thank you.

Margie Sollinger, City Ombudsman, Auditors Office: I'm Margie sollinger, ombudsman for the city of Portland. Thank you to the --

Wheeler: Is the green light on?

Sollinger: Yes.

Wheeler: Thank you.

Sollinger: Thank you for having me here. I was involved in just a small slice of this issue and the baton has long since been passed but what I can offer is context for why this resolution is important. Two years ago I received a complaint from a group of community members who believed that multiple members of the west quadrant stakeholder advisory committee had undisclosed financial conflicts of interest. The bureau of planning and sustainability created this particular committee to help guide staff in recommend ago plan for the long term development of the western half of Portland central city. The bureau wanted to empanel a portion of members who could bring subject matter expertise from fields like finance and architecture. Having subject matter experts serve on these sorts of committees makes a lot of sense. It can be incredibly beneficial but at the same time outside experts often bring with them affiliations and professional interests that may be at odds with obligations they assume while serving as public officials. For the public to have confidence in the outcome there need to be safeguards in place to protect the integrity of the decision making process. Looking into this community group's complaint, I found out that some of the committee members had not -- none of the committee members had been pre-screened for conflicts of interest during the selection faze. Once appointed they had not been informed of or trained on their obligations as public officials and during committee discussions members were not disclosing any potential conflicts of interest. Disclosure of conflicts of interest is an important mechanism for managing conflicts where they can't be avoided in the first instance and where recusal is not required. Disclosure allows other community members, the public, and downstream decision makers like council to take into account or discount the input of a committee member who acknowledges they or a relative or business they are associated with could benefit financially from their recommended course of action. What I also found out is the scenario that played out with the west

May 10-11, 2017

quadrant committee was not unique to that committee or the bureau of planning and sustainability rather the city as a whole had a much more widespread institutional short coming when it came to recognizing and acting upon its responsibility to ensure conformance with state ethics law. As a result of the west quadrant case the city attorney's office developed a training to make sure that committee members are aware of their ethical obligations to disclose conflicts of interest and this was a necessary first step. The city has a clear interest in volunteers complying with state ethics law. But the proposal before you today at least proposes to go further than the minimum requirements. State law places the burden currently on volunteers to understand their obligations and comply with them. With this proposal the city is at least foreshadowing taking greater ownership and making sure there's an ethical decision making process that inspires public confidence. The city setting a higher standard for itself and I commend the commissioners Fish, Eudaly and Fritz for taking the lead. Commissioner Fish in particular deserves credit for transforming a host community concerns into a concrete and responsive policy proposal. The proposed reforms honor hard work and input of the volume evens, putting in place safeguards that public service remains the public trust.

Fish: Thank you. Franchesca?

Patricolo Patricolo, Portland Bureau of Transportation: I'm Patricolo Patricolo, a planner and public involvement specialist with the bureau of transportation and a member of the public involvement advisory council. The public involvement advisory council, piac, is excited to work alongside staff from commissioners Fish, Eudaly and Fritz's offices. The office of the city attorney, office of management and finance, and office of equity and human rights in order to strengthen the transparency and accountability of city advisory bodies. Piac was created by city council in 2008 by city council to increase the consistency and effectiveness of public involvement in city government decision making. Piac is city-wide in scope. Advisory to city council and bureaus. What makes it unique is that the members are balance of community members and city bureau staff. Piac reviews current city practices around public involvement and government decision making, proposes new policies and guidelines, and creates tools and resources to help city staff engage in Portland's diverse communities in meaningful ways. We appreciate reference to the city council adopted public involvement principles which were crafted by piac in 2010. We agree Portland city government works best when community members and government work as partners. Advisory economy committees are a fundamental component toward successful implementation of these principles. Piac has a work group examining boards and commissions which we see as complementary to the efforts initiated by commissioners Fish, Eudaly and the attorney's office. Based on our preliminary examination in the past year, piac's work group has organized our emerging recommendations into five categories. Several of which complement the themes in the resolution. Those are managing advisory committees, providing clear guidance on rules, responsibilities and authority in the many advisory committees. How we might better coordinate administration of such committees city-wide and improving the ability of volunteer members to effectively participate. Recruiting and retaining diverse membership. Considering best practices to help bureaus more successfully recruit members, better reflecting the changing demographics of the city and creating more welcoming supportive environments to improve the recruitment and more importantly retention of community volunteers. In the sense that not that they are serving for 20 years but to create a welcoming environment for those who are serving so they don't want to quit, they enjoy serving their duration. Public engagement. Developing tools and best practices to improve the ability of the public to find information about and participate in advisory committees as well as looking outside the box for alternative strategies for expanding community input

May 10-11, 2017

into city decision making process processes. Training and legal issues. Mostly issues brought up by the city attorney's office but also looking for city-wide best practices to help orient committee members on how to be effective participants and assist city staff to better understand their roles and responsibilities for building effective committees. Consider city wide practices for serving and evaluating effectiveness of advisory committees. Are they making a positive difference and how we might continually learn from and propose system improvements? The last bullet point of the resolution is about developing values to guide transparent selection processes. As a member of the piac work group examining boards and commissions I see a role for us to support this work by develop guides to instruct bureau staff on best practice recruitment and selection of memberships, processes and strategies for starting up a successful new group and maintaining an effective, inclusive advisory body. Piac would welcome the opportunity to review the draft products and recommendations that result from the efforts outlined in this resolution. We could offer feedback from diverse community and city public involved staff perspective that may prove as a helpful sounding board. The need is large. It's been a long time coming and we want to thank you for taking this initiative to act on moving this good work forward inclusively.

Fish: Can I thank you for your very thoughtful testimony and I want to make a commitment here since it was raised in the league's letter and you have referenced the work group that is doing a parallel function although the scope of your work group includes what commissioner Fritz has foreshadowed around a subsequent resolution or ordinance around how we get a more representative body of citizens to serve on panels. Of course piac is also interested in meaningful public engagement and ways of facilitating that but I will make a commitment to you in this proceeding that we will meet with the work group in the development of a proposal and we will also review any proposal with you prior to coming to council. So we solicit your feedback.

Patricolo: Thank you so much, commissioner.

Fish: Thank you for your time and service. Thank you, ladies. Mayor, that is our formal presentation.

Wheeler: Good presentation. Thank you. I assume we have some public testimony.

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

Wheeler: Very good.

Sarah Hobbs: For the record I'm Sarah Hobbs. I have to tell you my experience in 2012 or 2013 sitting on the selection committee turned me off to the committee process in the city. I will never again volunteer for another city committee. In 2013 I'm surprised four years later you're just now looking at addressing a lot of the issues that have turned me off to serving as a city citizen, resident of Portland. I guess better late than never. But there is a very long history here. You all know me. If I am this adamant that I will never do it again it had to be bad. I have never in a city showing up here since 2009 on various issues felt so badly burned. On that note, I do have some concern. How long is this going to take? Do we have time limits on how long the process to come up with the process is going to take? I got burnt four years ago. How much longer is this going to be going on?

Fish: Can I respond to that? There are aggressive timelines in the resolution that depend on the bureau's furnishing information the city attorney's office and there is a directive to come back to council within 150 days with a proposed ordinance.

Hobbs: That's four and a half months, five months?

Fish: September. The goal is September with a finished product.

Hobbs: Okay. You're on record. I'm holding you to it. Thank you.

Joe Walsh: Good afternoon, I'm joe Walsh. I represent individuals for justice. Our big concern is that we look at the five of you who are not really interested -- with the exception of commissioner Eudaly, I don't really know yet, but the other four of you I don't think you

May 10-11, 2017

are really interested in transparency. That's a problem. You get a d and an f when outside agencies look at your transparency and now you want to create something that's going to make it better. Our suggestion would be that the auditor be involved in this. The auditor's office is an office that the community respects. Really does. We looked at that office and we're pleased with a lot of their decisions. Not all of them. We fight with them. We argue with them. But they have credibility with us. Being at the table. The city attorney works for you, mayor. The auditor does not. You have a lot of control. You might lose a little bit if the vote goes the way it should go in our opinion. But that's our concern. Somebody, a good friend who is sitting to my left, whispered in my ear it's amazing we have five white people up there talking about equity and justice and equality and compassion and stuff like that. It's a problem. I think you realize it. That you are sitting representing a city that is becoming more and more diverse. This council is not. Exception again, commissioner Eudaly. Glad you're here. Two women does my heart goodness even when I fight with you I like seeing two women on there. I would like to see a minority on this council. You have no credibility. You have to earn that back. Auditor's office does. Now, I realize that this is kind of the first step and that's a good point there, commissioner Fish, that you're going to bring it back and tweak it and screw around with it. One of the things to consider is something that Sarah said I think or implied. You don't want to drive people away from these commissions and committees. They are volunteers. They are not getting paid. That means they get up that day and say I want to do this. If you keep screwing with this stuff, and you do not have the ability to do it, find somebody else that does. If you screw with it too much you will run them out. That will be sad because we'll be right back where we started again. Thank you.

Wheeler: Thank you. Good afternoon.

Star Stauffer: Good afternoon. Star Stauffer, you guys all know me. I have a few concerns about this proposal. Number one, joe is absolutely right, I did say that. I have concerns of when I see a group of white people come up here all white people and talk about how they aren't really sure how to reach out to the community and get them involved and how come people don't feel welcome to join the community and there's a lot of diversity. Well, I mean you're all white. Duh: In this city, in specific, I can't talk nationwide but why would any person of color feel safe to approach to try to be on a committee where their voice is most likely going to be drowned out by the white voices they are surrounded by. That word diversity is a liberal racist term. Who gets to decide what's diverse and who decides to include other people? Who is deciding to be inclusive and what gave them the right to be the includers? Number 2 I have an issue with the office of management and finance weighing in on this considering they are not transparent themselves. Only recently due to you slashing the budget for houseless and cutting 1,000 beds did we really learn of their involvement in regards to those issues. We have yet after repeated requests been able to receive protocol on how they make their decisions and directions in regards to sweeps. That's a lack of transparency. We cannot get a call back, an email back and we have yet to see a face or protocol. This council shows lack of transparency left and right. The fact that you went behind the city's back and slashed that budget and cut 1,000 beds, you did not do that openly. Even your assistant couldn't look us in the eyes. Don't interrupt me, please. I'm not finished, actually.

Wheeler: Okay. Trying to get to the bottom of this.

Stauffer: If you wanted to get to the bottom of that you would have been open from the get go but you weren't. We were blocked left and right. We have been here week after week after week approaching you on these issues of diversity and houseless issues. We have been met with roadblocks left and right. You say it's the county's fault, the county says it's your fault. You made a decision based on a draft, a very crappy draft written by the joint office of houseless services and you made a decision in regards to houseless that is going

May 10-11, 2017

to put 1,000 more lives in jeopardy next year. And you did that without discussing it with us first even though we had gone over that revision. That is a lack of transparency. Now you're advising other people and boards on how to be more transparent when you yourselves show consistent lack of transparency. That lack of transparency is endangering lives in this city. You have nine deaths under you so far. Nine. And nobody in the city knows why. That's a lack of transparency.

Wheeler: Thank you for your time. For the record the city's budget has not been adopted. All of it is in public tonight if people would like to participate in an open budget forum. There's our third community forum today. The proposed budget is available online, line item by line item by line item and you can actually see within each item the complete narrative. City council has not yet adopted that budget and I will just say I factually dispute that there's any proposal to reduce funding for 1,000 beds or any number of beds in the community. Is there any more public testimony?

Fish: We have two more. [shouting]

Wheeler: Good afternoon.

Mark Wubbold: Good afternoon. Thank you for giving me this opportunity to address you. I'm mark wubbbold, a citizen of northeast Portland. I'm here to talk about-- I'm also currently serving on piac, and I was formerly serving on the arts tax oversight commission as one of the founding group and really enjoyed that work and really enjoyed the work with piac. The reason I wanted to address you today is that recently I was appointed by the governor to serve on the tax supervising conservation commission. So in the last couple of years I have gone through both the local process for being vetted for the boards and commissions as well as the state process, and I just wanted to inform you that the state has a wonderful online training program. I don't know if you're aware of it, but it is broken up into six modules. The first is an overview of Oregon state government, which is an excellent civics lesson for anyone who is interested. Second module is concern with an overview of boards, commissions and small entities. It covers templates for bylaws. I know that's a concern of the resolution. The third is general activities of boards, commissions -- I'm sorry, the fourth is operations and management of boards, commissions and small entities. The fifth has to do with diverse tip and inclusion. The sixth module has to do with conflict of interest, which I know is a primary concern of yours as well. So the reason I am here today, I would encourage you to take a look at that training piece and consider that for your boards and commissions. Nice thing about it is I also am aware that you're considering digital engagement and the possibility of making some investments there. If that's the case this is the perfect pilot for that kind of an investment. When I was asked by the governor to serve they took all kinds of important information. They identified my conflict of interest, they had me sign off on a variety of legal issues and so at the end of the day they can tell you who I am, where I reside, what board and commission I serve on, when I'm going to term out, and a bunch of other logistical issues that I know you're going to grapple with if you're going to do a database. My primary concern is with a database you have a one-off that may not over time serve you. That we may find ourselves back here again in three months or six months or three years or six years doing this again trying to identify who all of those folks are and where they have gone and who they are serving and how long they have been serving. Having been through those two processes I can just tell you the state has an excellent tool for this that if they are amenable to collaborating with the city perhaps there's a way to share the investment that that would be an excellent resource for reports and commissions.

Fish: Mark, first thank you for taking the time to testify. Thank you for your service on the arts tax oversight committee. The city attorney joining us today is the lawyer that argued the final appeal before the Oregon supreme court. So we're hoping to get a decision at

May 10-11, 2017

some point. Could I ask you, Sonja, can you raise your hand? My chief of staff is sitting in the back. Would you mind sharing with her your current contact information?

Wubbold: I will do that.

Fish: We would like to follow up with you.

Fritz: I just have a quick question. Are those modules, are they only for people appointed or are they public? Can anyone view them?

Wubbold: I doubt -- well, they are public. But I was given a password and so it's an authenticated system. You have to log on. That's why they are able to capture all of that data and to retain it.

Fritz: Thank you.

Fish: I think what you have raised is extremely helpful and frankly it also addresses perhaps the next phase of our work, which is how can we do periodic refreshers. If we were going to do, say, an annual refresher so people can get a reminder about their obligations and checklists, it may be that an online process might be tailor made for that. Thank you for joining us. If you could just touch base with Sonja.

Wheeler: Charles?

Charles Johnson: Good afternoon. I'm Charles Johnson. You actually did not get her full name into the thank yous. You didn't say Sonja Schmanski when you were thanking Judy Prosper. You must be having a bad day, commissioner Fish. The scope of I would like to address equity and involvement first is actually something rather different and ask you commissioners to reflect which high schools do you remember seeing coming in here for any reason? We're going to start to talk about inclusion and equity. Today we're sort of more focused on the nuts and bolts I know but it seems to me that in my four years of advocating and agitating here, we're not treating everyone equally. I can think of multiple appearances for closer schools and lesser appearances for distant schools. There's a lot of demographic impact there. I think we finally got Jefferson high school down here once in the last six months. It's unfortunate that mayor had to go. One angle I think we need to talk about with these boards and committees is return on investment in which case we really suck. Why? Because we invested the most money in the cocl and the coab and we starved it to death. Well, I don't know if that was a unilateral decision ever the city council commission or not but hundreds of thousands of dollars went into coabing and cocling. Just one person's salary actually plus the rosenbaum and Watson. There probably ought to be ever-action report just on. That that's unique because it came from the situation of the united states of America versus the city of Portland for violence and patterns and practices harmful to mentally ill people or people experiencing mental illness. The other thing that's really sticking in my mind is that there's been almost a hyper vigilance or disturbance. When you go to a public meeting of one of those advisory bodies and the environment is more harsh, less welcoming than the situation we have here where we generally try to be flexible about decorum and for citizens to get their ideas out and shared with their neighbors and participate. That was most evidenced with the now defunct coab where people felt there was a more regulatory, stricter policy there than we have even in this room. So I hope that after commissioner Fish mentioned the supreme court and the arts tax we're still up in the air with what the 9th circuit is going to do about judge Simon's positioning in the procedure in the cocl settlements. Thank you.

Eudaly: Do we have any more public testimony?

Moore-Love: There's no one signed up.

Eudaly: Colleagues, discussion?

Fish: Vote?

Eudaly: Take the roll, please.

[roll call]

May 10-11, 2017

Fish: I want to thank my colleague's commissioners Fritz and Eudaly for cosponsoring this resolution and thank their terrific staff for their involvement as well. I want to acknowledge two people on my team, first is Jim Blackwood, who I think is home watching this on channel 30. I want to thank Jim for all the work that he did to launch this effort. I want to thank my chief of staff Sonja Schmanski for picking up the baton and bringing us to this moment. I want to give a tip of the hat to Judy Prosper. Judy is really the person that inspired this work and she on a somewhat ad hoc basis became the person the city attorney's office who provided guidance to electives appointed and staff and I think she's the one who first identified a bigger structural problem along with our ombudsman. I want to just thank her for her public service and we look forward to having her back. Tracy Reeve, our city attorney, thank you for helping us get to this point. I want to thank our partners and our partners in good government, the League of Women Voters, Debbie Aiona, Doreen Binder, the new co-president. Congratulations. I want to acknowledge the ombudsman. If the charter changes are on the ballot path I believe she will be permanently placed within the auditor's office, just for the record, and we appreciate her involvement in shaping this proposal. I want to thank folks from PIAC. Francesca thanks for joining us today and we look forward to working with your work group in the development of the policy and in fine tuning the policy. Thank you for your time. I'm proud to play a role in bringing this issue to this point. We have a lot of hard work ahead. I think with all the good will and the people at the table we have a good chance of getting it right. So thank you. Aye.

Saltzman: Thank you, commissioners, Eudaly, Fritz and Fish, for bringing this forward. This is good stuff. Look forward to working to bring it to successful fruition. Aye.

Fritz: I'm very happy that we're doing this work thank you for being involved. Thank you to Linda Nettekoven who was here earlier. She made a good point that we shouldn't just be waiting to do exit interviews we should be checking in annually about how things are going, how the committee members are there things they need from us that would make it a more meaningful role for them. Also be clear about what is the role and expectation as far as advice making decisions and that can vary widely between different bodies. I also am honor Judy Prosper and hope she will be back soon and Sonia Schmanski, Clair Adamsick, and Jamie Duhamel and commissioner Eudaly's office is some of the strong women working together at the staff level as well as the commissioner level. Thank you to Ashley Horn of the public involvement best practices program as she staffed the public involvement advisory committee and also pretty does much all of the work externally on our inclusion goals. That was one reason I'm very concerned about whether this effort will have enough staff. I appreciate the city attorney agreeing that this will be a shared task rather than dumped on somebody's desk and come back in September. I sense enthusiasm for this project throughout city hall and city government. It's high time. Yes, perhaps we should have done it before but we're doing it now. Because we're doing it now we can do it informed by the experience in my case the past eight years what we have tried, the office of equity and human rights, the different ways boards and commissions function can be a very good thing. I will continue to be looking at the issue should there be any term limits because I was eligible for another term on the planning commission and Vera Katz decided not to reappoint me. It would have felt much better if I had just been termed out. When we're asking community members to put their best foot forward sometimes having term limits can be a gracious way to say thank you, now it's somebody else's terms. Other times as Debbie Aiona points out that historical memory, that the institutional knowledge needs to carry through although in my experience until people step down it's difficult for other people to get a place at the table. When you start having 50, 60 people at the table each has less time for input. There's that tension which probably will

May 10-11, 2017

not lend itself easily to rigid rules. Again, Linda Nettekoven suggested talking about values and principles as well as strict limits. I personally think 20 years may be a bit long. Somebody else could probably take up the baton after that time. Thank you for the conversation. I look forward to working with everybody on it. Aye.

Eudaly: I want to echo all the thanks of my colleagues and say to Jamie perhaps we need to start making a thank you list because I have yet to memorize the names of everyone in this building and I think every time I talk I am probably forgetting to thank somebody. So I'm just going to give a whole blanket thank you to everyone in this room and in city hall and try to do better moving forward. So I was excited to be involved in this process as someone who has been asked to serve on a variety of boards and committees and for whom the word stakeholder has become somewhat of a dirty word. That is due to time, experience and expertise has not always been valued and that sometimes people just want to pay lip service to a certain community or cause so that's where I'm coming from. I am also as an outsider and community member sometimes disappointed and cynical about who is making the decisions and who is -- thank you for the twinkle fingers. Who feels welcome enough at the table to get involved. So those are really vital issues to me and I do think we can -- many things have probably gone wrong more by default than by design, but it's time to get really deliberate about how we form these boards and committees and to make sure that we do have true representation across our whole community. Aye. The resolution is passed. And we are adjourned.

At 3:31 p.m. council adjourned.