



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14<sup>TH</sup> DAY OF JUNE, 2017** AT 9:30 A.M.

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

Commissioner Eudaly arrived at 9:58 a.m.  
Commissioner Fritz left at 12:30 p.m.

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

Item Nos. 664-667, 669-672, 676, 678 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 12:23 p.m. and reconvened at 12:23 p.m.  
The meeting recessed at 12:26 p.m. and reconvened at 12:37 p.m.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>656</b>	Request of Joe Walsh to address Council regarding First Amendment of the Bill of Rights (Communication)	<b>PLACED ON FILE</b>
<b>657</b>	Request of Sarah Hobbs to address Council regarding complaint about rapid response on sidewalks (Communication)	<b>PLACED ON FILE</b>
<b>658</b>	Request of Dominic Kukla to address Council regarding civic education (Communication)	<b>PLACED ON FILE</b>
<b>659</b>	Request of Matthew Micetic to address Council regarding the great work of the Portland Bureau of Transportation with the continuing challenges of the Foster Streetscape (Communication)	<b>PLACED ON FILE</b>
<b>660</b>	Request of George Middle School 6th grade students to address Council regarding the 3D map project (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		

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<p><b>661</b></p>	<p><b>TIME CERTAIN: 9:45 AM</b> – Amend Code to allow Green Street Stewards to remove sediment from and plant vegetation in public green street facilities, and to discourage removal of dead plantings (Ordinance introduced by Mayor Wheeler and Commissioner Fish; amend Code Section 17.32.070) 30 minutes requested</p>	<p align="center"><b>PASSED TO SECOND READING JUNE 21, 2017 AT 9:30 AM</b></p>
<p><b>*662</b></p>	<p><b>TIME CERTAIN: 10:15 AM</b> – Grant a revocable permit, valid from July 1, 2017 to June 30, 2022 to Metro to close SW Main St between SW Broadway and SW Park Ave East to accommodate specified temporary uses and activities within the right of way and waive fees (Ordinance introduced by Mayor Wheeler) 20 minutes requested (Y-5)</p>	<p align="center"><b>188450</b></p>
<p><b>*663</b></p>	<p><b>TIME CERTAIN: 10:35 AM</b> – Approve funding recommendations made by Children’s Levy Allocation Committee for July 1, 2017 – June 30, 2019 (Ordinance introduced by Commissioner Saltzman) 20 minutes requested (Y-5)</p>	<p align="center"><b>188451</b></p>
<p align="center"><b>CONSENT AGENDA – NO DISCUSSION</b></p>		
<p><b>664</b></p>	<p>Authorize grant agreements and Intergovernmental Agreements with eleven community groups and native plant mini grants related to the Community Watershed Stewardship Program up to \$100,000 total (Ordinance introduced by Mayor Wheeler and Commissioner Fish)</p>	<p align="center"><b>PASSED TO SECOND READING JUNE 21, 2017 AT 9:30 AM</b></p>
<p><b>*665</b></p>	<p>Amend fee schedule for the Office of Neighborhood Involvement Noise Control program (Ordinance introduced by Mayor Wheeler and Commissioner Eudaly) (Y-4; Fritz absent)</p>	<p align="center"><b>188462</b></p>
<p><b>666</b></p>	<p>Authorize grant agreement up to \$73,000 in FY 17/18 to Southwest Neighborhoods, Inc. to provide outreach, technical assistance and community involvement for watershed projects in Southwest sub-watersheds (Second Reading Agenda 619; introduced by Mayor Wheeler and Commissioner Fish) (Y-5)</p>	<p align="center"><b>188453</b></p>
<p><b>667</b></p>	<p>Authorize five-year contract with the Columbia Slough Watershed Council for \$255,000 for Columbia Slough related education and stewardship activities (Second Reading Agenda 620; Ordinance introduced by Mayor Wheeler and Commissioner Fish) (Y-5)</p>	<p align="center"><b>188454</b></p>
<p align="center"><b>Mayor Ted Wheeler</b></p>		
<p><b>668</b></p>	<p>Appoint Maya Foty as Preservation Architect member to the Historic Landmarks Commission for term to expire June 21, 2021 (Report) (Y-4; Eudaly absent)</p>	<p align="center"><b>CONFIRMED</b></p>

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<b>669</b>	Proclaim results of the Municipal non-partisan Special Election on Measure 26-194: Amends Charter: Authorizes Council to change scope of transient lodgings tax obligations (Proclamation)	<b>PLACED ON FILE</b>
<b>Bureau of Emergency Management</b>		
<b>*670</b>	Apply for a grant from the Oregon Military Department Office of Emergency Management for their Emergency Management Performance Grant Program in the amount of \$285,000 for administering an integrated all-hazard emergency management program for the City of Portland (Ordinance) (Y-4; Fritz absent)	<b>188459</b>
<b>*671</b>	Accept and appropriate the FY 2016 Urban Areas Security Initiative Grant in the amount of \$2,822,000 from the Oregon Office of Emergency Management to enhance emergency preparedness through planning, training, and equipping emergency responders in the Portland Urban Area (Ordinance) (Y-4; Fritz absent)	<b>188460</b>
<b>*672</b>	Authorize application to the Department of Homeland Security Urban Areas Security Initiative Grant program for a grant in the amount of \$2,837,000 to enhance emergency preparedness through planning, training and equipping of emergency responders in the Portland Urban Area (Ordinance) (Y-4; Fritz absent)	<b>188461</b>
<b>673</b>	Authorize the Intergovernmental Agreement for the crisis information management system WebEOC shared software among the City of Portland and the Oregon counties of Multnomah and Washington (Ordinance)	<b>PASSED TO SECOND READING JUNE 21, 2017 AT 9:30 AM</b>
<b>Bureau of Planning &amp; Sustainability</b>		
<b>*674</b>	Authorize an Intergovernmental Agreement with Portland State University to provide funding for a State of Urban Manufacturing Survey (Ordinance) (Y-4; Eudaly absent)	<b>188447</b>
<b>Bureau of Transportation</b>		
<b>*675</b>	Authorize contract with HDR Engineering Inc. for the design of the North Rivergate overcrossing project in the amount of \$2,222,941 (Ordinance) (Y-4; Eudaly absent)	<b>188448</b>
<b>Office of Neighborhood Involvement</b>		
<b>*676</b>	Authorize a grant agreement with Northeast Coalition of Neighborhoods, Inc. for \$90,000 to provide cleaning services as part of the overall management of Inner Northeast/Eastside Industrial Clean Start PDX Project (Ordinance) (Y-4; Fritz absent)	<b>188463</b>
<b>Parks &amp; Recreation</b>		
<b>677</b>	Approve application of The Oaks Park Association, a nonprofit corporation for continuation of property tax exemption with exceptions (Second Reading Agenda 631) (Y-4; Eudaly absent)	<b>188449</b>

<b>Commissioner Dan Saltzman</b>		
<b>*678</b>	Approve a grant agreement with Catholic Charities Immigration Legal Services, a non-profit corporation, to provide immigration legal assistance and relief at the Gateway Center for Domestic Violence Services for \$60,000 (Ordinance) (Y-5)	<b>188452</b>
<b>679</b>	Amend grant agreements for navigator services at the Gateway Center for Domestic Violence Services for a combined annual amount of \$267,000 (Ordinance; amend Contract Nos. 32000375; 32000391; 32000976; 32000977; and 32000998)	<b>PASSED TO SECOND READING JUNE 21, 2017 AT 9:30 AM</b>
<b>City Auditor Mary Hull Caballero</b>		
<b>680</b>	Certify results of May 16, 2017 Municipal Special Election and proclaim measures approved (Report) (Y-4; Eudaly absent)	<b>ACCEPTED</b>
<b>REGULAR AGENDA</b>		
<b>Mayor Ted Wheeler</b>		
<b>681</b>	Proclaim results of the Municipal non-partisan Special Election on Measure 26-189; Amends Charter: Increases Auditor's independence from audited agencies, adds duty (Proclamation introduced by Mayor Wheeler)	<b>PLACED ON FILE</b>
<b>Bureau of Emergency Management</b>		
<b>682</b>	Authorize Memorandum of Understanding with the American Red Cross for Cooperation in Emergency Preparedness, Response and Recovery (Ordinance) 15 minutes requested	<b>PASSED TO SECOND READING JUNE 21, 2017 AT 9:30 AM</b>
<b>Bureau of Transportation</b>		
<b>*683</b>	Accept a grant in the amount of \$2,877,000 from Oregon Department of Transportation for Flanders Crossing Active Transportation Bridge (Ordinance) 10 minutes requested (Y-4; Fritz absent)	<b>188457</b>
<b>*684</b>	Authorize the Bureau of Development Services to permit environmental remediation and Portland Bureau of Transportation to permit construction of the SW Meade St interim improvements, under the authority of the City Engineer and without land use review approval (Previous Agenda 640) <b>Motion to accept amendments to Finding 8 and Directive d as stated in Bureau June 6, 2017 memo:</b> Moved by Saltzman and seconded by Eudaly. (Y-4; Fritz absent) (Y-4; Fritz absent)	<b>188458 AS AMENDED</b>

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<p><b>685</b></p>	<p>Amend the boundary of the NW 20<sup>th</sup> Avenue Local Improvement District and include traffic signal replacement in the scope of improvements authorized for the NW 23<sup>rd</sup> Ave and NW Vaughn St and US Hwy 30 intersection (Second Reading 616; C-10049; amend Ordinance No. 187244) (Y-5)</p>	<p align="center"><b>188455</b> AS AMENDED</p>
<p><b>686</b></p>	<p>Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the NW 20th Avenue LID project through the exercise of the City's Eminent Domain Authority (Second Reading Agenda 617; C-10049) (Y-5)</p>	<p align="center"><b>188456</b> AS AMENDED</p>
<p align="center"><b>Office of Management and Finance</b></p>		
<p><b>687</b></p>	<p>Accept bid of Stellar J Corporation for the Alder Pump Station Upgrade project for \$3,169,500 (Procurement Report - Bid No. 00000541) 15 minutes requested Rescheduled to June 14, 2017 at 2:00 pm. <b>Motion to accept report:</b> Moved by Fish and seconded by Fritz. (Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>688</b></p>	<p>Accept bid of Titan Utilities, LLC for the Fanno Creek at SW 45th Avenue Culvert Replacement Project for \$902,605 (Procurement Report - Bid No. 00000580) 15 minutes requested Rescheduled to June 14, 2017 at 2:00 pm. <b>Motion to accept report:</b> Moved by Fish and seconded by Eudaly. (Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>689</b></p>	<p>Accept bid of Landis and Landis Construction, LLC for the Richmond-South Tabor Sewer Rehabilitation project for \$4,176,283 (Procurement Report – Bid No. 00000601) 15 minutes requested Rescheduled to June 14, 2017 at 2:00 pm. <b>Motion to accept report:</b> Moved by Eudaly and seconded by Fish. (Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>690</b></p>	<p>Authorize an Intergovernmental Agreement with Metro to provide funding in the amount of \$50,000 for the Regional Construction Workforce Market Study (Second Reading Agenda 630) Rescheduled to June 14, 2017 at 2:00 pm. (Y-5)</p>	<p align="center"><b>188464</b></p>
<p align="center"><b>Portland Housing Bureau</b></p>		
<p><b>*691</b></p>	<p>Amend contract with Impact NW for relocation services by \$79,308 for a total value of \$238,308 to support expansion of housing relocation program and extend the date to June 2018 (Previous Agenda 633; amend Contract No. 32001387) Rescheduled to June 14, 2017 at 2:00 pm. (Y-4; Saltzman recused)</p>	<p align="center"><b>188465</b></p>
<p><b>692</b></p>	<p>Amend relocation assistance regulations in Affordable Housing Preservation and Portland Renter Protections (Previous Agenda 608; amend Code Section 30.01.085)</p>	<p align="center"><b>CONTINUED TO JULY 12, 2017 AT 9:30 AM</b></p>

At 1:10 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14<sup>TH</sup> DAY OF JUNE, 2017 AT 2:00 P.M.

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

Commissioner Fish left at 4:55 p.m.  
Commissioner Eudaly left at 5:11 p.m.

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

<p><b>693</b>      <b>TIME CERTAIN: 2:00 PM</b> – Appeal of John Hollister against the Portland Historic Landmark Commission’s Historic Resource Review decision of approval with conditions in the River District sub district of Central City plan district for construction of a 6-story office building with a penthouse and 3-story underground garage at NW Glisan and NW 13<sup>th</sup> Ave (Hearing introduced by Mayor Wheeler; LU 16-153002 HRM AD) 1.5 hours requested</p> <p><b>Motion to tentatively deny appeal and uphold Portland Historic Landmark Commission decision:</b> Moved by Fritz and seconded by Eudaly. (Y-5)</p>	<p><b>Disposition:</b></p> <p><b>TENTATIVELY DENY APPEAL AND UPHOLD PORTLAND HISTORIC LANDMARK COMMISSION DECISION; PREPARE FINDINGS FOR JULY 12, 2017 AT 10:20 AM TIME CERTAIN</b></p>
<p><b>694</b>      <b>TIME CERTAIN: 3:30 PM</b> – Support Smart Autonomous Vehicle Initiative implementation (Resolution introduced by Mayor Wheeler and Commissioner Saltzman) 30 minutes requested</p> <p><b>Motion to add Resolved clause to require summary of Request for Information responses and recommended actions be brought to City Council prior to any permit issuance or approval of pilot activities:</b> Moved by Fish and seconded by Fritz. (Y-5) (Y-3; Eudaly and Fish absent)</p>	<p><b>37296</b> AS AMENDED</p>

At 5:42 p.m., Council recessed.

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

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidi Brown, Deputy City Attorney and Jim Wood and John Paolazzi, Sergeants at Arms.

<b>695</b> <b>TIME CERTAIN: 2:00 PM</b> – Replace Code pertaining to Private For-Hire Transportation in the City (Previous Agenda 653; Ordinance introduced by Mayor Wheeler; replace Code Chapter 16.40) 1 hour requested	<b>Disposition:</b>  <b>PASSED TO SECOND READING JUNE 21, 2017 AT 9:30 AM</b>
<b>EXECUTIVE ORDER</b>  <b>695-1</b> Reassign all City departments, bureaus and liaison responsibilities to Commissioners as stated in Mayor Executive Order dated June 15, 2017 (Ordinance; Executive Order)	<b>188466</b>

At 2:53 p.m., Council adjourned.

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



By Karla Moore-Love  
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

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

**JUNE 14, 2017 9:30am**

**Wheeler:** Good morning, this is the Wednesday June 14 morning session of the Portland city council. We are now in order, Karla please call the roll.

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

**Wheeler:** Before we begin I want to acknowledge we have a large group of children from the Kairos Portland program with us today. Hello up there, we had an opportunity to meet with them in the hallway before we started. They have created a nice gesture that I would like to share with everybody in the chamber this morning. They have put together some handmade cards and they are sending their love to the brave people involved with the max train tragedy a couple of weeks ago, and we will make certain that the cards get to the right people, and I will tell you they will come highly appreciated so thank you very much for this wonderful venture. It speaking highly for you and for Kairos and your parents and your teachers so thank you for that. Before we begin, there is a statement that I read about maintaining conduct and order in the chamber, the purpose of council meetings is to do the city's business including hearing from the community on issues of concern. In order to hear from everyone and to give due consideration to matters before the council we must endeavor to preserve the order and decorum of these meetings. To make sure the process is clear I want to review the basic guidelines which I hope will make everybody feel comfortable, welcome, respected and had safe at the meeting and also to ensure the decorum is maintained. There are two opportunities for public participation. First we have the opportunity for people to sign up for communications to speak about any subject they would like to address, these items must be scheduled in advance with the clerk's office. Second of all people can sign up for public testimony on the first readings of any reports, resolutions, or ordinances. If you sign up your testimony must address the matter being considered at that time. Please state your name for the record. We don't need people's address. If you are a lobbyist, we do need to know that. And if you are here representing an organization that's good to know as well. Individuals typically have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light, lights up and when your time is done the red light goes on. Shouting, interrupting other's testimony, or interrupting during council deliberations is not allowed. Personal attacks and insults levied against city and counsel staff, many of whom are required to testify as a condition of their employment is not tolerated. People who, people who -- excuse me. Mimi that is a disruption. And if you continue I will have to have you leave. Good morning.

**Wheeler:** Thank you, Mimi. If there is a disruption I will issue a warning that if any further disruption occurs, anyone who is disrupting the meeting will be subject to ejection for the remainder of the meeting. Anyone who fails to leave the meeting after being ejected will be subject to arrest for trespass. If folks would like to show your support, a simple thumbs up will do. If you would like to express that you don't support something thumbs down. Thank you. Let's get started. So kids just fyi that's not unusual and you should not be alarmed. That is civil disobedience in action and you will learn all about that if you have not already so with that we will continue. The first item on the council agenda is communications. Please call the first item.

**Item 656.**

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**Wheeler:** Good morning sir.

**Joe Walsh:** Good morning. Before we start I would request because I am having some troubles breathing today, that if I go over the three minutes, it's going to be only a few seconds, so I gave you copies in case I have to stop in the middle. My name is Joe Walsh and I represent individuals for justice. Kif Davis sends his regard, and he wishes that he could be here but is barred from this body by a restraining order instigated by commissioner Fish and his staff. Now let me go to the first amendment. It has now been 48 days since we petitioned four of you to resign. All four of you are now present. The people have the right and the obligation to call for you to step down. You have of course refused to honor your position and remain to dictate what you millionaires, white politicians, think is correct. You are wrong. We will be working to defeat for re-election of Danny boy Saltzman aka Richey Rich and Nick Fish aka Benedict Arnold. In our opinion, the police department under the direct command of Mayor Wheeler aka Ted the Violent, use excessive force on the 4th of June against innocent people who have disabilities, children, and all people who are at Chapman and Lonsdale to show the imported right wing outright that this city stands for inclusion and not exclusions. Tell me what offense I committed or what law did I break sitting on the park bench when the bombs, the chemical attacks and shootings took place. You violated my peace. You violated the right of -- to peacefully protest against what I consider lies and exclusions. You terrorize me and my friends from the veterans for peace. They got me away from the gas because the gas would have done serious harm to me and could have killed me. You excluded the angels of the city, Teresa Raiford, Mimi German and sitting next to me Starr. And that tells me all about you and your corruptions. Resign now or face the people of Portland when they realize that you four are now going on the fifth one, and this will be continued. Thank you for your patience I would like to say one more thing about the shooting this morning. Again the person shot is somebody that would disagree with me on 99% of issues. However it broke my heart again because I keep seeing this country falling apart, and unless we all step back, all of us, that's why I was not here last week and I won't be here ever again. I've given up on you. I will be outside with the bullhorn. I will blast you from 9:30 until 11:00. Every Wednesday. I will embarrass you until you really start to do things. Mayor you just wrote a letter to the police chief asking what happened. You were in the command center on the 4th. He wasn't. Why are you sending a letter to him? He should be sending a letter to you. What happened? You also are doing some good stuff with the homeless. You talk about it and you say it is going to happen but you are a liar, Mayor. I don't trust you. When you do it I will sing you praises. The day you actually do something that is significant about the homeless in this city, I will come back and buy you a mocha.

**Wheeler:** Perfect, deal accepted. Thank you sir. I look forward to hearing you sing.

**Walsh:** And I like mochas.

**Wheeler:** Thank you, we'll share one together. Next item, please.

**Item 657.**

**Sarah Hobbs:** Good morning. For the record I am Sarah Hobbs. I want you to see what I am wearing. This is what I was wearing on Mayday. I was told that I had to take off the vest when I came into the city hall with Joe and Mimi German. We had a good talk with your staff, and I was cleared to wear it. I wanted to start by reading this. This is a communication Mayor from May 31. Dear Mayor, it took Portland police negotiation team calling and vouching for me. They finally have my messages to take them seriously. Contrary to what you were told there is not a policy in place considering riot cops on the sidewalks. Apparently it has been brought up with the Portland police bureau and so has the fact that this needs to happen. In light of what happened on Mayday I have been asked to sit in these discussions. The police say we protest. They don't talk to us, either. Had

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sergeant king not called on my behalf I would have been totally ignored. Talk about anger. The painting of cops, protesters, with problems, is bias and totally unfair. You have heard me tell the story. I was on a sidewalk of Morrison and 2nd. We were ordered to go west to get out of the area. Not even a warning. They were back there. Not even an order to move. Hands like this the whole way. Going I'm disabled and going as fast as I can. I am 54 years old. I now have middle age female bladder problems, and in addition to my back, I have a spasm. I am catted on a corner of 3rd and Morrison having wet my pants. For the sole thing because of my disability I was moving slow and I just got in their way. We should have the right when we have done nothing illegal to expect that we will be safe on a sidewalk. I understand the instant my toes went off into that sidewalk and into that street I would have been involved in the civil disobedience and I would have been at risk. I have been pushed by riot cops. When I have been out on that street and you have never once heard me complain because I accept that that's the risky take when I engage in civil disobedience but on mayday I did nothing at all. I was doing what I was ordered and just trying to get out in the area of the way that we were ordered to go. There is an issue. We still have a right expect the side of a sidewalk to be of safety. I got cleared out by three truckloads of riot cops. We could all have ended up death but they left me alone. I never was expecting what happened, to happen.

**Wheeler:** Thank you. We appreciate it.

**Item 658.**

**Wheeler:** Good morning.

**Dominic Kukla:** Good morning, I am Dominic kukla, I was raised in sellwood. Thank you for your service to the city, for the sake of time I wrote out my statement and for the sake of attention and entertainment it is a poem. Tremendous political energy in this city. How will you contribute to trans-mute it to something pretty? I got involved in politics fast by chance. Bumping into a group of those who had known in advance, listen with wide ears to find out how things are done. By locals here with Portland's million. Relatively few are vocal, much fewer run. In fact, it was the first time that I had met anyone who knew how to do more than vote or protest, talk about a presidential quote. I was empowered to do things like come here to city hall and listen, seats empty, always tall, come into a world where plans are unfurled and every few moments there is a new person involved. So much to do. How can anyone be bored. And why do we feel the need to crowd the streets in scores of thousands. Is that how we do democracy? Reasons to get involved are growing. Are we about to see a change? Certainly. How will it feel? Civic progress arranged together, the need is real. People want to make a difference but most don't know how. And whose job is it? To tell them what it is about? News just telling us to keep watching tv. Politics make no sense until we listen locally. And not enough of us do. Who is going to teach? I say you. And yeah you already have, thank goodness it's true, office of citizen involvement, and others too. But here's the thing. The demand is up. Many hands raised, hungry for something to pick up. New leaders emerging, ideas range. The thing that is consistent is the need for change. I hope that next time you see a mob you will remember that they are asking for an unpaid job. Revolutionary energy across the nation, who is going to lead the way in civic education? Thank you.

**Wheeler:** Excellent, Thank you. Appreciate it. Next item please, Karla.

**Item 659.**

**Wheeler:** Good morning.

**Matthew Micetic:** Good morning. I am a little envious of the poem. That was great.

**Wheeler:** That was good.

**Micetic:** I have never heard that before. But so my name is Matthew micetic. I own and operate red castle games on southeast foster road, also the president of the foster area

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business association. I am here today just to talk about the foster streetscape, which was council approved three years ago almost to the day, and it has been a longer process than we hoped like many major projects are. I really want to emphasize how great of a job pbot has done in reaching out and working with us and continuing that work past the planning stages. It started out with Mauricio during the planning stages but really has been picked up by rich newland, the project manager with pbot. When we had a concern as a business organization about the bike route and connecting to the 50s bikeway, he came out, he met with our business owners, and they did their best and they were able to change that route slightly to really benefit the businesses. Likewise as issues have come up with drainage, we thought that we were going to lose as many as 40 on-street parking spots. Through their hard work they limited it to four to six spaces So they really have come out and gone above and beyond and addressed the concerns of the business community on foster, and I really feel that they should be recognized for that very work because the communication, the working together, the willingness to come and meet us and hear us and not just listen but also to take our concerns and put them into action, it's a model for how these projects could go, and I really appreciate that, and I want you all to know how great of a job that they are doing. Thank you very much.

**Wheeler:** Thank you. Appreciate hearing. Next item please.

**Item 660.**

**Wheeler:** Good morning kids, we are glad to have you.

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

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

**Darcy Gil:** So we worked with an organization called wind and ore at George middle school.

**Wheeler:** I am sorry could you state your name for the record.

**Gil:** Darcy gil. I am their teacher at George middle school. So we worked with an organization wind and ore who are here to create a 3d map of st. John's with the sixth graders in the intro to steam class, and these are eight of the kids that worked on the map. It took the whole year, and it's upstairs on the third floor if anybody wants to check it out. It's eight by eight feet wide. Pretty heavy, so a fun job moving it here, but it's done. Do you have any questions that you want to ask the kids? Or I can ask them.

**Wheeler:** I had a chance to look at it yesterday and I looked at it this morning as I was coming. How long did it take you to make that?

\*\*\*\*: A long time.

\*\*\*\*: Two semesters.

**Wheeler:** Two semesters. And it has little bridges, and what are they made of?

\*\*\*\*: Well we built six.

\*\*\*\*: Lots of stuff.

**Wheeler:** Lots. It looked like lots of stuff. When you finished it what was the most surprising thing to you. What did you learn?

\*\*\*\*: We learned a lot of stuff like how to measure, make sure that things are right, not too big, not too small. Things like that I guess.

**Wheeler:** It's a problem if one side of the bridge is bigger than the other, right, and so you learn proportionality and how to measure things. And what about just in terms of the topography in terms of whether it was flat or not flat. Did anything surprise you about the neighborhood?

\*\*\*\*: We had to study the map of Portland. We had to really dig deep into all of the topography and the vegetation.

**Gil:** Did anything surprise you about the elevation?

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\*\*\*\*: Just how weird it is. When you look at it with normal eyes like standing on the road it does not look like much when you look at the map you can see how crazy it is.

**Wheeler:** And you sure noticed that if you are on a bicycle going through the bicycle lines. All of a sudden you realize that's a hilly neighborhood.

\*\*\*\*: It took a lot of elevation. At first it was confusing but then when you finish it, it is huge. And you have to kind of double it, so it doubles in size.

\*\*\*\*: The styrofoam got in my ears and nose.

**Fish:** Mayor I have a question, based on the great work these young people did and their obvious interest in the city and the natural environment, how many of you would consider a career working for the city someday. We may have some work to do here.

**Fritz:** Could each of you lean into the microphone and tell us the people here and the people at home what your names are please?

**Emma Arnold:** Well, my name is Emma Arnold.

**Jaiden Quintanilla:** I am jaiden Quintanilla.

**George Robinson:** George Robinson.

**Fatima Ally:** My name is Fatima Ally.

**Enrique Alexandras:** I am Enrique Alexandras.

**Monica Pierson:** I am Monica Pierson.

**Damien Cook:** And Damien cook.

**Fritz:** Thank you for coming to tell us about your project and working hard all year at school. I hope you are having a good summer and get back to it in the fall.

**Wheeler:** One more question, how much longer do we get to have the display in city hall? Several weeks.

**Wheeler:** I would encourage people, it's on the third floor of Portland city hall, really exciting, a great effort on the part of the kids. I want to thank you and to thank your teachers and your parents for sharing it with us. It's really exciting. Thanks for coming in.  
[applause]

**Wheeler:** Very good, on the consent agenda, Karla, as I understand it, we have pulled 664, 665, 666, 667, 669, 670, 671, 672, 676. 678. Those have been pulled, is that correct?

**Moore-Love:** Correct.

**Wheeler:** Could you call the roll.

**Fish:** A housekeeping matter, 664, 666, and 667 will all be heard together.

**Wheeler:** That's correct.

**Fish:** Can we hear those at the beginning of the agenda?

**Wheeler:** If there is no objection that would be absolutely fine with me. And just by way -- let me tell you the housekeeping ones I know so we can do that commissioner Fish with 664, 666, 667. We will do those before the time certain. Karla.

**Fish:** After the time certain. Very brief presentation.

**Wheeler:** That's good. And then it's my understanding commissioner Saltzman that you would like to pull 678 and move it to after 663, is that correct?

**Saltzman:** That's correct.

**Wheeler:** So we'll do 663 immediately after 678 because the staffing on that is aligned and the others are straightforward. With that we'll go to the first -- or sorry, call the roll on the remainder of the consent agenda please.

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

**Wheeler:** Aye. The consent agenda is adopted. So we'll move to the first time certain item 661. Thanks kids, appreciate it. Thank you. Karla could you call 661 please.

**Item 661.**

**Wheeler:** Commissioner Fish.

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**Fish:** Thank you mayor and colleagues, the streets of Portland are now filled with small green spaces which we call green street facilities including bio swales, planters and rain gardens, that store and absorb rain or storm water that runs off our streets. Green streets are an economical and beautiful addition to our city. They keep the storm water out of the public sewer system, reduce the need for more pipes, and save rate payers money, and while also greening our neighborhoods and reducing heat island impacts. We are fortunate to have nearly 2,000 green street facilities in our city. While the bureau of environmental services is responsible for maintaining green streets, the green street stewards program offers Portlanders the opportunity to volunteer and keep our green streets working effectively and looking good. Currently we have over 150 Stewards helping to maintain 360 facilities. Based on the feed benchmark we received from the community including our stewards we are proposing today three small code changes, which will remove barriers and broaden the range of activities that green street stewards can engage in. With the code changes we are reintroducing the program and encouraging more people to sign up. I would like to introduce Amy Chomowicz and Svetlana Pell from the best green streets stewards program to give us a brief presentation on the program and the proposed changes. Ladies, welcome.

**Amy Chomowicz, Bureau of Environmental Services:** Thank you commissioner Fish.

**Fish:** I should say that we do have a letter is, Mike Houck submitted a letter on behalf of the urban green spaces institute in support of this application.

**Chomowicz:** Thank you commissioner. I am Amy Chomowicz, and as commissioner Fish said I am program manager for the bureau of environmental services. I want to thank you first for allowing us time on your agenda. We know you are busy with plane things and we appreciate your time. I am going to provide background on green street facilities in the ordinance with the code changes that Svetlana is going to talk about the green street steward program and we have public comment as well. So just some background, green streets are bio swales or even street gardens as some people call them. Manage storm water run-off from paved surfaces such as streets and sidewalks, and they do this sustainably. The green streets that collect run-off and infiltrate it into the ground and they provide many benefits for the community and for the city. The vegetation, they add it to the neighborhood which is good for human health and for watershed health, and they reduce the pollution reaching the Willamette river and our smaller streams, and they are part of the city's efforts to control combined stormwater overflows. The way they do this is by reducing the amount of water or run-off that enters into our pipe system. By doing that they preserve capacity of our pipe system, and this can also help save rate payer dollars, just one example of saving rate payer dollars, is the tabor to river program, and this entails replacing aging and undersized pipes, and we could have used a completely gray system or a gray solution to resolve these issues, but instead we combined gray with the green streets, and in doing so we saved rate payers \$63 million.

**Wheeler:** What's a gray solution?

**Chomowicz:** That's the pipe solution. So pipes under the ground, lateral, things like that.

**Wheeler:** Thank you.

**Chomowicz:** Pumps, things like that, sorry. So as commissioner Fish mentioned we have about 2,000 green street facilities in the city right now. By 2025 we expect to have about 2,300 facilities. With so many green streets we recognize that there is a growing maintenance responsibility for the bureau. The green street stewards program helps us engage the community in helping us to maintain these facilities. So what we're here today to ask you to consider changes to the code that will allow greater flexibility for stewards. The first change will allow stewards to remove sediment from the facilities.

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**Svetlana Pell, Bureau of Environmental Services:** I am sorry there is a slide missing in your packet. You have our power point presentation and there is a slide with the proposed code changes in it. Sorry about that.

**Fish:** How would.

**Fritz:** How would people remove the sediment and what would they do with it.

**Chomowicz:** First sediment collects in facilities in small amounts. This is what we want the facilities to do. It keeps that sediment from going into our rivers and streams, so it is simple. They could take a shovel or a trowel, scoop it up wearing gloves, and put it in a plastic bag and dispose of it in just the regular garbage.

**Fritz:** It goes in the trash it does not go in the compost or anything?

**Chomowicz:** It does not go into the compost, no. Also I will just mention that Svetlana is the green streets stewards coordinator and she provides one-on-one training for stewards so handling sediment is one of the things that she would talk about and of course adopting the state's practices. The second change will allow stewards to plant additional vegetation in facilities that they adopt. The third change a bit different, it removes the language that currently allows volunteers to remove vegetation that appears dead. So sometimes the vegetation can appear dead when it's really dormant so we'll leave that to our professional maintenance crews to manage those plans. So these changes are small but they are important and we are using the code changes as an opportunity to reintroduce the green street stewards program to the community. So now Svetlana will tell you more about the program.

**Pell:** Thank you for the opportunity to speak to you this morning. This is the correct slide now that you see. The goal of the green steward program is to engage the residents, business owners, and nonprofit organizations in the care of green street facilities. By being involved, our stewards will develop a sense of ownership of the green infrastructure and understanding of what the green streets are doing for the storm water management, watershed health and livability in their neighborhoods. Engaging community in stewardship activity has a potential to decrease the amount of time that the bureau crew needs to visit individual facilities. And these are some of the examples or resources that is we provide to our stewards. As a volunteer -- I am not sure what's going on but everything slide is not present correctly. But the packet is correct. As a volunteer coordinator my Job is to educate the public about green infrastructure and encourage their participation in the green street steward program. I do this through tabling a different events throughout Portland, taking community to the bike or walking tour, of the green infrastructure, and organizing cleanup events. As volunteers the green street stewards are helping the city by performing simply activities that include removing the trash and debris from the inlets to preserve the capacity for the facility, weeding and watering in the summer. With the code changes volunteers will also be able to remove the sediment and add additional plants. I would like to emphasize that the idea for this code change came from the current stewards. The adoption of the changes would open additional opportunities for the community to engage in stewardship and develop a sense of ownership for the facility that they adopt. As I mentioned the green street steward program building relationships with nonprofits and business owners and residents, and here's the example of the cleanup event that we had with the partnership from the surf rider foundation and the widmer brewery where in two hours we collected 75 gallons of trash and two gallons of cigarette butts. We also found that free beer and snacks after the cleanup provided the opportunity for us to meet new stewards and have fun. Currently we have 150 volunteers looking after 360 facilities. As Amy mentioned we are expecting the number of green streets to continue to increase so we need to promote the program and feel that the code changes can do that for us. This pilot project is the example of how we would use the code changes and work

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with the community to enhance this type of green streets. We call them gracias swales. This particular project was done in collaboration with the green lens, and nonprofits in the Lents neighborhood. Green Lents, worked with the community to find out if people will be, they will be interested in working with the city and in the end we will be able to enhance the three facilities by replacing the grass with pollinator friendly vegetation and at the same time provide better looking green streets in the Lents neighborhood. And for the future with the code changes we can reintroduce the program in a way that we know will attract more community members. We will do this using social media campaign by creating partnerships with businesses and individuals by focusing in east Portland. Now I would like to provide you with the testimony for the program. We have enclosed two letters of testimony in your packet, one from Mike Houck, the executive director and the other from Julia Person, sustainability manager at the Widmer Brother Brewery. In the interest of time I will read the shorter one. Testimony to the council, city of Portland, Widmer Brother Brewing supports the green street steward program as one of the longest running and largest breweries in the region we have committed to support our local communities and the environments through our sustainability efforts. With the help of the green street steward program we have become caretakers of seven green state facilities in our neighborhood and are filtering pollutants from storm water to protect the watershed critical to making great beer in Portland. Our employees volunteer their time for cleanup events and we have partnered with our community organizations such as the Portland surf rider chapter. Widmer Brother Brewing would love to see the important green street steward program continue to be funded and grow. Thank you for the opportunity to provide testimony. Please reach out with any questions. Julia Person, sustainability manager at the Widmer Brewery.

**Chomowicz:** Any questions for us?

**Pell:** Great, I would like to invite Linda and [inaudible] to provide their testimonies for our program.

**Wheeler:** Welcome. Good morning.

**Ian Canelli:** Good morning. I am Ian Canelli, I'm a volunteer with the Portland chapter of the surf rider foundation, an international nonprofit and we care about water quality, we do a lot of beach cleanups, we do cleanups up the stream here in Portland on the Columbia river. We also go out to the coast and one of our best partners that we have had since 2011 has been Bes and the green street stewards program. We oftentimes try to lure volunteers with commitments that aren't too heavy or time intensive, and green streets has been one of the best that we have to bringing in new volunteers, so once a month we get together and we start at my house, the first Tuesday of the month, and we pick up trash and clean out bios swales on northeast Alberta avenue. It's a great way to meet people and we have really seen an incredible effect by doing this in the same place over and over again. Northeast Alberta or at least our little stretch of it is a lot cleaner. Bes has been a really incredible partner with the surf rider foundation. Svetlana has outfitted us with these snazzy vests, and one of our bigger incentives is that everyone gets this grabber to pick up trash, which is a lot of fun. I also wanted to talk quickly about some of the cool partnerships that we have had with local breweries. They mentioned one with the Widmer Brothers. Tomorrow we have an event at 5:30 p.m. with Alameda Brewing so we'll be picking up trash on northeast Fremont avenue. And all of you are welcome. I believe that you will find this flyer in the packet. Anyone here is welcome to come. It's a free event. They will have free refreshments and food afterwards, and so once again I really wanted to say what an amazing partnership this has been and I really hope that it continues onto the future. Thank you very much.

**Wheeler:** Thank you.

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**Linda Nettekoven:** Good morning mayor wheeler and commissioner members. Thanks for the opportunity to speak in support of this excellent program. My name is Linda Nettekoven, I live in the Hansford Abernathy neighborhood and I am a founding member of the coalition which began working to transform southeast division way back in 2001 trying to make it a green main street. I am here today again to support the ongoing efforts in this direction. We began advocating for these were trendy or most had heard of them aside from the city staff and other visionaries here in Portland. We worked with bes to provide a self guided walking tour of the bios swales in the neighborhood when they were popping up in the early days. We are obviously as Amy pointed out very aware of the functions that the bios swales offer our neighborhoods. The ones that especially we want to comment on today, their potential to educate people as to why we have bios swales, what these features are about, and that speaks to the need for signage. I've been thinking I know we have some approved signage's that exist but we're hoping that we can again spur creative thinking for more of that in the future. The other is the issue of adding attractive plantings to a main street environment or any neighborhood environment for that matter, so since I am closest to division we're looking ahead to see what we can expect from the green stewardship program. We are finding ourselves without adequate maintenance of our bio swales at the moment, partly due to contracting issues and other challenges in their instillation. But the fact that the bio swales are not attractive means they not only don't contribute to livability but undermine it, so I really want to stress the need for adequate resource for his this program. It's where will important and really makes all the difference in terms of I think the community's acceptance of other green features going forward. We want to make -- to demonstrate how -- what an amenity that they can be. So as I mentioned we're looking forward to the continuation of the written materials for potential volunteers, and some new signage for our bio swales and the option we're excited about of having the stewards have some opportunity to choose some additional plants, you know, carefully in keeping with a plant list or other guidelines that the bureau has put in place. But that again contributes to that ownership feeling that this is my bio swale and not only am I keeping it clean and working but also I have a bit of say in terms of the additional plants that could be planted there. I think Sydney is going to cover the role of the business association is going to play in the future as the partnership continues on division street.

**Sydney Meade:** Good morning. I am Sydney Meade. I am with habitat property management and a board member for the division clinton business association. In the last couple of years we have had a great opportunity to partner with the Svetlana and the folks from surf rider and solve together on cleanup programs in our street and the bio swales. We are very supportive of the transformation that's happened on division street and part of that transformation and the vibrancy that we are seeing for our little main street in division has been around the trees and the plantings and the bio swales. I think that when you visualize a vibrant retail and business core, what you are visualizing is something that is well maintained and has plants and a vibrant community. And I think that these bio swales have the ability to do that. We have had a lot of challenges with them as Linda alluded to there is issues with the contracting we are hopeful that with the correct resources that we can maybe correct some of the plantings and get some of the dead vegetation out of there and have the type of bio swale that can be a real asset for the city and for the program moving forward. What I would encourage, what I have really seen is with the cleanups and the trash pickups, there is a sense of community. People enjoy getting out and having a say and being involved in their community. But there is also a sense of frustration that there are not enough resources to care for these bio swales. I would just encourage if a storm water facility or a factory had been built there would be maintenance funds for it. So

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I would make sure that this program even though it's not a physical warehouse or plant, it has adequate maintenance dollars to make sure that it's successful.

**Wheeler:** Let me just say to both you and to Linda.

**Fish:** Having worked with both of you over a long period of time on the division street reconstruction, and it was a fantastic collaboration between the neighborhood association, the business association and pbob and bes and others, I am chagrined to hear about the frustrations you felt with some of the bio swales because they are is a controversial component of the design, so you have my commitment we'll take a close look at how we can get in front of those problems because we did make a commitment that they would be operational and functioning so we'll figure out what the problem is and get back to you but I appreciate you sharing those concerns.

**Nettekoven:** Just from our side the part-time staff member for the division clinton business association has already, you know, pledged that she is willing to carry the word on her appointed rounds on the street. She's also a building manager so she knows the other managers there, and is hoping again to reach out to residents so that we have an extra pool of people to draw from for potential stewards, so we're optimistic and looking forward to that.

**Fish:** I might ride my book up to division over the weekend to get a closer look but we'll get back to you with a solution. And I really appreciate your testimony.

**Wheeler:** Thank you. Are there other invited panels? Folks we have a busy agenda. We have had ten items pulled off the consent agenda so I will ask people to keep testimony within two minutes, that's the same amount granted by the legislature. I won't be crazy about it but if we can keep these concise as possible. Is there any public testimony?

**Moore-Love:** We have one person signed up. Star Stauffer.

**Wheeler:** Star you are up.

**Star Stauffer:** Wow that was really good timing. Star Stauffer. I am all for green streets. Obviously one of the things that makes Portland great is the green streets but again where's the representation from the communities of color in this initiative? Why is it just -- do you think that black people don't like clean streets? That maybe they don't have some kind of an input here? Why have they not been invited on this? Why in that picture of the beer party was there one black Person? That means they are not going out into these communities and offering them the key to activation which again white people are the gatekeepers. They have got to wait for them to go to the neighborhoods and offer them a key to be activated and get involved in this. But they don't invite them. But they come up here and say they care about community. White communities. That's crap. Where the hell is the representation of people of color? In their supposedly green and wonderful organization? Every week it's another group after another group after another group coming up. They are white, white, white, asking for money, money, money. And they say they care about communities yet I never see people of color represented. Shame on you. Why don't you get yourselves out there and activate in communities where there is people of color? Give them money to make their neighborhoods cleaner and safer and more livable for their children so they have a chance to thrive, survive and be healthy. Be included. That's why I hate the word diversity and inclusion because they are the ones, you are the ones with your white faces and their white faces, yes, I know I am white for the people that feel the need to point that out. Why do you think that I call out other white people? Telling people of color we are going to invite you. That should be a foregone conclusion. This is shameful. You don't care about community, you care about white people.

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**Wheeler:** There you have it. Thank you. Are there any further comments or questions from the city council? Hearing none this is the non-emergency reading of a first ordinance. Moves to second reading. Next item. 662.

**Item 662.**

**Wheeler:** Excuse me. This is an interruption and violation of council rules. If you continue you will be asked to leave. Good morning.

**Karl Lisle, Office of Management and Finance:** Good morning, mayor and commissioner, I am Karl Lisle with the spectator venues program and the office of management and finance and I have with me the executive director of the Portland five centers for the arts Robyn Williams.

**Wheeler:** I am sorry I wanted to introduce this. I got sidetracked. First of all I want to start off by thanking you and thanking the work that omf and the fire bureau and pbot have done putting this Portland -- this ordinance to the council, and I appreciate it. It will ensure the Portland five can continue to close southwest main street as they have for many, many years. In the interest of public safety and also to be able to hold the many wonderful events that are marquee events in the summer. Southwest main street in Portland five, generally great community assets and the city has been very happy to partner with them as owners of the theater buildings and as the streets so you have introduced yourself and I will let you continue but I want to welcome you and thank you for being here today.

**Lisle:** Thank you very much. So I will just give a brief overview of what this ordinance is, kind of how we got to this point, and Robyn can talk about how it is for the operations of the Portland five venues and the activity that is they have. This is about southwest main street, and I do have one slide, brought one slide because this is a case where a picture is probably worth at least a thousand words. But what we're talking about is southwest main street between Broadway and the park blocks and as you know between the Arlene schnitzer concert hall and the Antoinette Hatfield hall, two city owned facilities operated by the Portland five as part of metro. So these improvements, it's a unique street, right, and it has special plantings and paving's and ballards and automatic gates that allow the street to be easily closed both to improve the public safety when there are events and pedestrians involved with events in the theater buildings but also for events in that street. It was designed and developed when Antoinette Hatfield hall opened in I think 1987 and has been successful ever since. The sort of rules and permitting and regulations about that street because it remains a city of Portland right-of-way, is a piece of actual street, have become complicated over time. And have been governed by a series of ordinances granted by the council but also administrative permits related to uses and various different things over time, and so really in the course of going through that process or beginning to enter that process of conversations about how to allow the closure of the street for the regular events, we realized in working with the partners, at transportation and we have staff here if there are any questions for transportation as well, that it would be beneficial to consolidate those various permits and clarify what was allowed and could be allowed and do it for a longer time period rather than one or two events at a time so that's really what you have. We work closely with the pbot staff both in permitting group, Eisenhower and also the traffic engineering folks, Carl Snyder and they are both here if there are questions, and with the fire bureau who has a role in insuring public safety during events and closures as well. And what we have come up with is this revocable permit which is valid for five years, and allow essentially the Portland five to continue operating the street closing it regularly for both improving public safety, and emergencies, and also allowing events in the street and increasing safety when there are lots of things and people happening going back and forth between the two theater buildings adjacent to that street. It's not really a change in existing practices but a housekeeping measure that clarifies the intent and the

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importance of their ability, Portland 5's ability to use that street and continues it for a period of five years so with that I will turn it over to Robyn.

**Robyn Williams:** Thank you mayor and commissioners. It's been a wonderful opportunity to close main street in conjunction with the things that we do at the Portland 5 venues. The safety aspect of being able to keep our patrons and certainly all the children that come to our student events safe is really important to us, but we have found main street to be an important tool to us to provide free programming that we can open up to the entire community in a way that we believe it allows our buildings to kind of open their arms more. When we started our, I believe around our 11th or 12th year with our music on main free concert series once a week through the summer. Prior to that our summer arts on main program which starts around the noon hour and in conjunction with the farmers market, and we use that opportunity to bring in local arts organizations, smaller organizations that don't get an opportunity to perform in our building or get in front of a downtown audience all the time. This is a great opportunity to bring them in, our volunteers run a program of free arts activities, and for any children that come down during this time period, we have a partnership with the farmers mark to do vegetable car races and we segue into the evening where we represent local musicians so we are supporting local performers, but we off this program for free, and I have a friend who lives in section 8 housing a couple blocks away and she told me how important it was for us to have these events so her residents could come down and sit, there is no obligation to buy anything. Or pay any money and you get this activity and I think that's a very important part of who we are and who we have become when we made the name change to Portland 5. It was because we really want to be Portland's performing art center and main street to become a real important part of that for us to continue doing that, we very much appreciate this partnership with the city over the past 30 years, and the ability to continue doing this well into the future so thank you very much.

**Wheeler:** Thank you.

**Lisle:** I would add one more thing there is an emergency clause in this ordinance and that's because the first of the annual music on main Wednesday event is scheduled to happen July 5 so we need to get this taken care of.

**Wheeler:** Very good, any questions? Is there public testimony on this item?

**Moore-Love:** We have three people signed up.

**Wheeler:** Very good if You would hang out for a minute.

**Star Stauffer:** Good morning. Star Stauffer again, I have the same question. Where is the representation of the black community to sit up here and talk about this art program? I mean I know it sounds like a broken record but quite frankly racism is a broken record. This is ridiculous. Who is the performers that are going to be paid? Are any of them black? Is the art that's going to be up going to represent the historical struggle of black people? Are we going to educate this racist community with white hate crimes happening every day now? Even you have acknowledged the rise in white hate crimes so are we going to actually stand as a community? If you are going to use that word community I hate to break it to you but that includes black and brown people. So if you talk about community, why are they not being represented when we live in a city that is number one of the most racist in the country and number two one of the highest for white hate crimes right now. There better be some education for people of color or that -- it might get shut down, I don't know. I can't say how people will react. They are pissed. They are tired of being marginalized by white people and white voices drowning out their voices while they are being killed and maimed in the streets so where's the education on that or is this just more celebrating white people with white money and their white privilege and having a permit to shut down an entire street to pat themselves on the back and call themselves as

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community? That is shameful. No kkk, no usa. You know what I'm saying. This is disgusting. I am sick and tired of seeing these groups get up here without any representation from the black community and speaking about community. We're tired of hearing their voices. We want to hear the voices of people of color coming up here and not just being invited but being allowed to help lead, not -- and I hate to use that word allow but when white supremacy rules everything what other word is there? Shameful.

**Wheeler:** Thank you.

**Stauffer:** You are not welcome.

**Robert West:** I am bob with film the police, and I find it really interesting that you guys want to grant extended permits for yuppie stuff and people with money, but when it comes to areas like street parties in northeast Portland or protests you want to charge the protesters a lot of money. And the other people in the street parties and stuff, a lot of money to shut down the street, and these people don't have a lot of money. What you are doing is financially unfair to the disadvantaged people. I think what it is if you grant these people permits, then you need to remove the money at things from the permit system and allow people to get permits without having to pay for them. And allow protests without riot cops coming in and beating people up and kettling them and gassing them. That was really bad, you want to close down a street so yuppies can have parties for a year or five years or whatever, but whether it comes to a protest or people are tired of racism in their city you want to gas them and you call that all right. That's shameful. That's why you are seeing all this anti racist stuff. I sat there and watched the Portland police go up to a Muslim house on a welfare check on a guy and as soon as they found out that there was children in there the police wanted to know the names and ages of every one of those children because the guy supposedly doesn't live there, and the lady was on welfare so they wanted to do that so they could notify cps of what was going on. And the Muslims were black.

**Wheeler:** I am sorry your time is up sir, thank you. Mr. Walsh.

**Joe Walsh:** Good morning I am joe Walsh, I represent individuals for justice. One of the things that I can't figure out is why metro is asking you to raise the fees. Metro has bucks. Why are they asking you to waive the fees and what fees are we talking about? If they want them waived it must be significant and if they have the money they ought to pay. I think it's a great idea to close the streets and I think what the other speakers are trying to tell you is this year 2017 is the beginning of the people going before city councils and school boards and saying hey folks do your job. That's what we are demanding and we have a right to do that if you read the first amendment. The last line says I have a right to petition my government. That's what we do whether you like it or not. Do your job and people are crying out to you. Go into the community. Teresa Raiford is here get to go with her and say ok. How can we help you? That's your job. Hi joe Walsh, how can we help you? That's your job. That's before we get so angry with you. Metro has money. Why are you waiving the fees for metro? That's what we're asking you, and how much are you waiving? Is to 10 bucks or 10 million? I don't know. Do you?

**Fritz:** It's \$1200 a year.

**Mary Sipe:** I don't consider myself a yuppie, I am white, I am low income. Without this program it would be very, very unusual for me to get to enjoy the entertainment that they provide. I can't even afford to go to a movie theater so programs like this that the city provides I get to take advantage of. My neighbors get to take advantage of it. I've been going to the concerts for years. I see a diverse audience and diverse groups that perform. I do understand the concerns about waiving the fees. To me I think that the thing that needs to be balanced is are these fees going to cost so much that they can no longer do this? I think that that's an important consideration. I do have concerns when I see one city agency collecting fees from another city agency for different permits and that's something that we

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need to look at. I know that the noise control office has a program with city parks for the multiple events that they have and they wrap it up into one permit and charge one fee so maybe not waive the fee but condense the fee, but I just want to say that without this program there are a lot of people in the city that would never get to enjoy these events or see these performers ever.

**Wheeler:** That's correct. Thank you. Good morning.

**Lightning:** Good morning, I am lightning and I represent lightning super watchdog x. Again the amount of the fee was addressed at \$1200 per year and I agree with the other speakers that that should be waived to metro, and it's my understanding that the permit that we're talking about is to metro if their use of 20 times per year with an extension of, I believe, ten more times with the written approval, my big issue on here is these are city owned buildings and I don't think that the city should own these buildings. I don't think the city of Portland should be in the performing arts venue Business, I think these should be sold out to private investors. The reason why I say that, I thought that the Arlene schnitzer concert hall, which I know Jordan schnitzer, was owned by the schnitzers. Now I am surprised on that. I would like to see this sold to the schnitzers. Let them own this building. Why? You are in the real estate business holding business is beyond me, why you think that you are a land banking institution, is beyond me, and why you think that you are a philanthropist is beyond me. All conflicts of interest, and I hope somebody pursues this and lets you understand you are not in the real estate business and I hope somebody pursues this and lets you understand you're not in the real estate business. Ok. And these should be sold to the private sector. The private sector should have control of this, and again as far as on metro being able to consolidate all the permits and waive the fees, I think is inappropriate and it shouldn't happen like that so put these buildings up for sale, get out of the land banking business and let the private sector have their properties. Thank you.

**Wheeler:** Any other questions or colleagues? I will say this, well, I shall say it during my vote, please call the vote.

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

**Eudaly:** I am very happy to support this item. It's wonderful that we have free programming for the public and these are great space that also provide opportunities for culturally specific organizations, provide access for low income audience members, and just back after a week gone and I am feeling highly amused by some of this testimony. Aye.

**Fritz:** Thank you very much to the metro and the Portland 5 for managing these city assets for us so everybody can enjoy them and lots of people of all kinds come to events in that space are in that space and it makes a lot of sense to consolidate the permits and cut down on the paperwork. So thanks to Janine gates on my staff who had it in my notes about how much the fees being waived is, aye.

**Wheeler:** I believe it is absolutely critical that these venues and arts and culture be accessible to everybody in our community. And so I am a little surprised by some of the testimony that seems to suggest either people don't understand that this is about access in many cases for free to participate in activities that in other cities cost a lot of money to participate in them. I want to thank the groups and organizations that actively participate in the planning and the running of these events with the intention of including the community broadly. So I am very happy to support this. And I encourage everybody to -- I think one of the most exciting things is when they have the noon concerts. I think those are great on a beautiful day. Anybody who wants to come can show up and enjoy it. So I am all for it. Thank you. Aye. The ordinance is adopted. The permit is approved. Next item please. We're going to do 663 and move onto 668, please.

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**Wheeler:** This is a disruption in violation of the council policies. If you do not stop I will ask you to leave. Please have her removed. Next item, please.

**Item 663.**

**Wheeler:** Good morning. Another day in paradise. How are you. Commissioner Saltzman excuse me. Commissioner Saltzman, sorry for the interruption.

**Saltzman:** This year the Portland children's levy marks the 15th year of serving the city's children and families, since 2002 the levy has strengthened our community by helping thousands of children from birth through age 24 to achieve their potential, we have done this through increasing children's access to proven programs that provide positive early childhood development systems, school engagement and academic achievement, and high school graduation assistance, and family safety, and stability services, and we are very thankful to Portland voters who have chosen to make children a priority each time the levy has come before them. We are gratified by our community's confidence that the levy is empowering not just children but parents and caregivers to become more skilled at advocating for their children in the classroom and in life. Today Lisa Hansel of the children's levy staff is here to present to us a request for the council to approve about \$32 million of investments over the next two years made by the children's levy allocation committee. These investments will provide a smoother route to kindergarten through early childhood programs and safe and high quality after-school mentoring programs that will run through the summer. Strong community connections and transition assistance for children in foster care. Programs to help children overcome the trauma of abuse and neglect, and parenting classes and respite care for families struggling with violence. Also healthy and nutritious meals for children to address the dire hunger problem in Portland for more than 12,000 children in the city rely on emergency food boxes for their sustenance. And I will turn it over to Lisa to make the presentation and we do have some invited panels.

**Lisa Hansel:** Thank you commissioner Saltzman. I am Lisa Hansel, a grant manager for the children's levy. I am here to request city council approval of the allocation committee's recommendations to fund investments totaling \$32,191,172 for a two-year period beginning July 2017. They recommended investment around are detailed in exhibit c titled pcl grant renewal, in additional funding amounts approved by the allocation committee. The five-member allocation committee is charged with making all funding decisions for the levy, the committee is comprised of Dan Saltzman, as city commissioner, and also the chair of the committee. Chair Deborah Kafoury, a county commissioner. Julius Young, a citizen and member appointed by the city council. Serena Stoudamire Wesley, a citizen member appointed by the county board, and Mitch Horniker, a representative of the Portland business alliance. Most of the funding requested just over \$30 million will be used to renew the current grants for the final two years of the current levy period. The renewal amounts include a 3.5% COLA each year. After reviewing performance data for each grantee, the allocation committee recommends renewing a total of 67 grants including 17 early childhood grants, 16 after-school grants and 15 child abuse prevention and intervention grants, eight foster care grants, six mentoring grants and five hunger relief grants. There is additional amounts that have been recommended for current grantees to address the specific policy advancement. The first, the allocation committee recommends just over a million dollars be awarded to 16 grantees that offer home visiting services and two grantees that offer preschool groups, the purpose is to reduce the caseloads or group sizes and increase reflective supervision while maintaining current service levels. This supports quality improvement efforts undertaken in early childhood, child abuse prevention, intervention and foster care program areas. The committee also recommends that \$385,000 be added to an existing grant that provides early childhood mental health

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consultation services to early childhood programs with center-based programs funded through the levy. The additional funding will expand the mental health consultation services to include home visiting programs in child abuse prevention and foster care program areas.

**Fritz:** I just wanted to say thank you and I appreciate you are giving the cost of living adjustments for this program. In the past they have not done that in all of our grants and I appreciate that we are.

**Hansel:** Thank you. The grantees also appreciate it and for the salaries, increases for staff it helps to move towards the -- to make sure that minimum wage is addressed, as well. The committee recommends awarding 360,000 to expand summer programming for 10 after school grantees. The purchase of these funds is to prevent summer learning loss as well as expand the availability of summer programming in the community and the allocation committee recommends awarding over \$50,000 to nine after-school and mentoring grantees. The purpose is to support the implementation of the youth program quality assessment process and covers things like staff time for training, assessment improvement planning, logistics and materials. The children's levy request with the city council accept these recommendations of the committee to fund the investments totaling \$32,191,172 as detailed in exhibit c, pcl grant renewal and additional amounts approved by the allocation committee. This request does not include any cost to the city general fund. Children's levy revenues are generated by a property tax and the levy proposes to use a portion of the proceeds of the levy to fund these allocations.

**Saltzman:** Now we will hear from three of the programs that the children's levy invest in and we will start with Albina early head start and Latino network and irco so I would like to invite Albina early head start's director Elaine Harrison up first and she will introduce a few of the families. Welcome Elaine.

**Wheeler:** Good morning.

**Elaine Harrison:** Good morning, I am Elaine Harrison from Albina early head start and we are proud and grateful with the levy, and I have a coalition of parents, staffer and children here to speak to you today and we realize won't have five minutes and they all want to speak so I hope that they get to say their name and a bit about what they do.

**Pumi Airavon:** I am Pumi Airavon I have two little girls in Albina head start, early head start. I appreciate it. The oldest one started when she was 14 months and the younger one started at four months. And she's so well advanced. I appreciate the teacher, the time and the effort that they put on her. She's like -- I can't explain, the program needs to continue and they deserve the funds because they have been a blessing from my family and yeah.

**Wheeler:** Thank you. Thank you.

**Marta Lewis:** I am Marta Lewis, and first of all I want to thank you for your service. Second I want to say that this program has been life altering to my daughter and I. Macy has been in the program, a little over two, been in the program since she was four months old, and I started in the in-home services and she has been in the classroom for a year and also is -- she's just flourished in the program. I am a student at pcc, and because of this program I've been able to go full time and it helped me to get good grades, you know. Knowing that my daughter is in safe hands. We go to school at the same time, she loves the program and speaks Spanish at two, and she loves to read. They have been very loving to me and my daughter, and there is times being a single mom, sometimes I don't know what I am doing. I feel like I'm out of my element and I have a lot of questions, and I feel safe asking the teachers that. And they have not only given me the answers but they have plugged me into resources such as parenting classes and stuff like that, and I just -- I am so grateful for this program. It's been a blessing for me and my daughters.

**Wheeler:** Thank you.

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**Fritz:** What are you studying at pcc?

**Lewis:** Doing my associate of science and theology, hopefully at Multnomah university. We'll see.

**Wheeler:** Cool. Thank you.

**Julietta:** I am Julietta. I love this program, I know my first girl, I was pregnant with her and now she's 13. Four years later I have my other girl, and now this baby so I really love the program. It's really very well for all the children. They have the opportunity to be in there, and I am really happy for this program.

**Wheeler:** Appreciate it.

**\*\*\*\*\*:** I am really grateful, thank you very much, I've been in the program for three years. I don't think like it's a great -- it's a great help for kids but also for parents. I was really attached to my kids. I didn't really want to work. I prefer my husband working and I didn't want them to go to school. They cry a lot with other people but the teacher helped me understand how they can go to school and learn and my daughter, like the other moms say that she is two, speaks, can already say all the colors, and most parents, they like, I get a lot of good compliments. I already have teachers with my kids at a young age and I am grateful because without the program I would not be able to achieve my goals. We were struggling a lot with money and my teacher knew this and she said we couldn't -- like she saw that we could not move ahead so she helped me to pay for a certification for medical assisting and I passed it and now I am really grateful for all that, and my kids and my future.

**Sabrina Ersland:** I am Sabrina ersland and I am an employee of Albina but a previous parent. I was asked to share a bit about my history and I was a child that grew up in the foster system in the city of Portland. A group home, juvenile facility, adult jail to prison, and when I became part of the early head start, head start community as a parent both my life and my children's life and my husband's life changed. My husband and I had a lot of time in state custody and throughout the systems growing up, and being able to connect with early head start and the resources and the services that were provided from being a home based family to a center based family, we really received the support that we needed to care for our child. We received the education we needed. We went to college, which wasn't something that we anticipated ever doing. And it's really provided that support and safety for a place for us to go to and get what we need to go farther in life than what we ever thought that we would have. This Sunday I walked from Portland state with my masters in early childhood education and I have become part of the Albina family, and they, and it's just been a saving grace. The people, the home visitors and the teachers and the staff and the education coordinators and the directors. They come in and wrap themselves around us and help us walk through these obstacles in life that sometimes we don't foresee ourselves getting through. And so that's who I am and why I am here and the program has been great and I want to touch on the fact that I have been a family that has received home-based services and early head start center-based services and head start center-based services and it's really helped my family make it to where we are today.

**Wheeler:** Awesome. Thank you.

**Harrison:** I want to wrap up and say thank you again for your support and as you heard today, it's very valuable and needed. Thank you very much.

**Saltzman:** Thank you elaine and the Albina head start families for being here. [applause] next up is Sadie, the director of early childhood programs, Latino network, and one of their families. Good morning.

**Sadie fiboholmes:** Good morning. So yes, for the record I am Sadie fiboholmes, the director of early childhood programs for Latino network. And I am here today with Raphaela to express our support for the Portland children's family levy investments and to

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give an example of what those funds pay for in the city I would like to tell you a bit about the program and turn it over to share this person's experience. This is a culturally specific parent and child kindergarten readiness program. It brings three to five-year-old Latino children and their parents into their neighborhood school for 30 weeks. By the end of the program year children demonstrate measurable gains in kindergarten readiness indicators with 90% of our kids showing improvement in early literacy and math skills and at the same time over 90% of the parents report engaging in more educational activities with their children at home, reading more frequently with their kids and utilizing positive parenting strategies so we know the parents who graduate from our program are building their children's brains at home and building that strong foundation of parent and child attachment that we know foster's set these kids up for success in school and life. So I want to thank the children's Portland levy for their commitment to Portland's kids and families. Commissioner Dan Saltzman for your leadership on the allocation committee and to the whole city council for your support of Portland's children. Thank you very much and I will turn it over to you.

**Raphaela Suto:** My name is Raphaela Suto I speak a little English you I have a translator for me because I want you to understand everything, what I want to say.

**Interpreter:** My name is Raphaela Suto I have a three year old and I have two years participating in this program, it's an excellent program I would like everyone to know that. The program gives all of us parents the necessary tools to help our children to build the skills they need in order to achieve their goals in life. The program teaches us the importance of being involved in our children's schools, the program has excellent teachers, and they don't just work with the students they also work with the parents and give us ideas on how to support our kids learning at home. Right now the program is one day a week for two hours. It's been incredible help. I speak on behalf of the other moms in my group when I say it would be amazing to have additional funding to expand the program to at least two days a week. In my own experience my son has advanced so much in one year of going one day a week two hours a day. You can imagine how much more he would grow with two days a week. So I would like to thank you and thank this program. The program has really changed our lives and changed our family and helped us work together better as a family to move forward. And the focus on parents has been really important because not only do they teach us but they also show us the importance of being involved. The first child that I brought to this program he was five already and he barely spoke. The teachers worked with him and helped him and by the end of the year he was able to communicate with other children and now in kindergarten he's one of the more advanced students in his class. He can read and he can write. One of the important aspects is that the program is conducted in Spanish, something we don't want our children to lose. Now my son speaks English and Spanish very well. So thank you very much and we hope that the program will continue with additional funds be able to serve more families and maybe more days of programming.

**Saltzman:** Thank you very much, both of you.

**Suto:** Thank you.

**Saltzman:** Last we have Jorge Marin. Coordinator of IRCOS Inspire program and the families that they serve.

**Jorge Marin:** Thank you, commissioner Saltzman, city council, for having us here today. I'm Jorge Nava Marin, I'm coordinator for the immigrant and refugee program. It's immigrant and refugee community -- I'm sorry, Inspire program is a in school program for refugee education and provides academic advising, group activities and parent engagement for Slavic, Latino, African American and Pacific Islander families. I'm here today in support of the Portland children levy suggestion to increase summer funding this

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coming summer. As well as to introduce to you two a wonderful family who is a member of the program. First with this adjusted increase we can serve an additional 25 students during the summer months. We will be able to do so in a way that we have not been able to do so before. We will be working under the all hands race umbrella to provide summer transition program. We will have the capacity to provide crucial academic support as students transition from 8th to 9th grade. It's especially important for English language learners not to miss out during the summer months. Additional funds will allow us to have two programs to the inspire program, one in Portland public schools, the other in David Douglas. Students have an opportunity to participate in meaningful academic supports and social and emotional support they will also have the ability to earn high school credit and be able to familiarize themselves with their high schools. We know from research and our own experience and research that the opportunity to participate in the program is essential for the impact to their success in high school and beyond so we thank the Portland children's levy and the allocation committee for their continued support for a valuable program. I want to introduce you to Patrick Rivera, a student, 7th grader, in the program since he was in fourth grade as well as his dad Martin Gueverra.

**Martin Gueverra/ Interpreter:** Good morning. I want to thank you for the opportunity to be here. As a parent of Patrick I'm very grateful for the program as they provide support for Patrick as well as the opportunity for us to talk to the school whenever they have problems. Thanks to this program my son has also been able to get to know different places that are age appropriate for him. The inspire staff are always available to help us and that's something I'm grateful for. I want to thank all of you for your help.

**Saltzman:** Thank you.

**Patrick Rivera:** I'm Patrick Rivera. I'm a 7th grade student from Jason Lee school. I'm here to talk today about my experience in the inspire program. Inspire has been beneficial to me in the following ways. First the after-school group has helped improve my math and reading skills. For example we played board games that taught these concepts another time inspire has been officially during my classes. Jorge was in my class. He was able to answer, help me answer my questions as an example I could ask what a metaphor was. Lastly, when it got to the end of the term as reward for participating in the group we went on a field trip. Thank you for your time.

**Saltzman:** Thank you. Good job.

\*\*\*\*: Thank you all for your time.

\*\*\*\*: Thank you.

**Saltzman:** Thank you all to irco, Latino network and Albina early head start for being here today and for the families. Thank you for your work on behalf of Portland children of families. That completes our presentation. This is an emergency ordinance.

**Wheeler:** Any questions before we call for public testimony? Any public testimony?

**Moore-Love:** We have one person. Star Stauffer.

**Star Stauffer:** Good morning again. Star Stauffer. I love this program. I am super grateful that you are leading the charge in allowing these communities that are marginalized and in desperate need of more resources and services so thank you for that Saltzman. I would like to add, I think the city has the ability and I think if the city is serious about taking care of our communities and educating and lifting up people of color so that they have a chance to succeed next to their white counterparts I challenge you to double the funding for each of these programs. 25 students, they are only asking for enough funding this inspire program to just add 25 more students over the summer. Why can't we make that 50? Maybe 100? Let's give these guys more funding. I think what they are asking for is -- it's not enough. I think that as a city we can stand up and show them we are willing to do more. I'm challenging you guys to think about doubling the funding for each of these

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individual programs so that they can help even more so next year when they come forward they have double the families talking about their success stories. They have double the success stories amongst the children in kindergarten and beyond. I'm challenging you to make that happen.

**Wheeler:** Thank you. Any further questions or comments before I call the roll? Commissioner Fish? Please call the roll.

**Fish:** Dan, thank you for bringing this presentation to council and thank you to all the families that joined us today. I have served with Dan Saltzman since 2008, and what I have come to understand is that this program, the children's levy, and this mission around supporting children, all children in our community, is really at the heart of why Dan Saltzman serves. Why he sought public office, why he has continued in public office and frankly, Dan, there are obviously a lot of people today to thank for these accomplishments but there's one indispensable person and that's you. You are the person that has initiated this and every time there's a renewal you're in the forefront of seeking funding from the public. So thank you for your work and it's inspiring. Joe, it's not about you right now. It's about this program. Thank you for your good work. I'm very proud to support your work. Aye.

**Saltzman:** I want to thank in addition to the programs who do a great job helping our children and families programs we invest in I want to thank also my fellow members of the allocation committee, county chair Deborah Kafoury, Mitch Hornecker, Julie Young and Serena Stoudamire Wesley. We have a lot of demands for the money, limited funds we have and we try to do the best we can to make sure we invest in proven programs. So more money goes directly into the programs that serve children and families. Lastly I want to thank the staff of the Portland children's levy who worked hard to make sure that we make the best decisions we can under the circumstances about who are the best organizations, who have the proven programs and whose programs can best benefit from our investments to expand their capacity to serve more children and families. Aye.

**Eudaly:** Well, I think they are all gone but I wanted to thank the families who came here today to share their very compelling stories. My son did not attend early head start but he attended a fantastic school on a scholarship and it really was a life-changing experience for us and one of the most inclusive experiences that he's ever had since. So thank you, commissioner Saltzman, and staff, and board, and I vote aye.

**Fritz:** I concur with commissioner Fish's comments. Thank you for initiating this, for continuing to champion it and for getting it renewed each time. Your service obviously is a great investment to our community. Thank you to the families who came. It's unfortunate we had to stop otherwise perhaps they could have been able to hear what we were saying here. It's very inspirational. This emergency ordinance allocates over \$32 million. That's from the children's levy, which is paid by the taxpayers of Portland. I appreciate the investment in our children of today so that the adults of tomorrow will be better prepared to meet the challenges they will face. Aye.

**Wheeler:** So I obviously am a huge fan of the children's levy. I had the privilege of serving on the allocation committee when I was county chair in 2008 my wife was hosting an event, it was a women for Obama event. The guest speaker was then U.S. house speaker, Nancy Pelosi. She noticed a children's levy sign on my front yard coming in. As is typical with people at that level they are always 20 minutes late for everything and they are being rushed from one thing to the next. She got halfway up the stairs, saw the sign, and stopped and the whole delegation stopped behind her and she said, what's that? She wanted to hear all about it as somebody who herself has championed the cause of children particularly disadvantaged youth in her own community and nationally, she thought this was an outstanding model. The more she heard about it the more she said we immediate

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to take these ideas back to Washington d.c. And help expand it to other communities. I like the challenge put before us, how can we actually increase the funding for these kinds of programs. My quick and dirty count, about 70 different community based organizations receive funds from the levy this year. I know there are always far more excellent requests than there are resources provided by that tax levy, so the work of the allocation committee is actually very challenging, very challenging process. I'm always appreciative of the fact that you have these different if I can call it subject areas and an attempt to balance it and focus on outcomes, results and accountability so the taxpayers, the voters will be willing again time after time to renew this important levy. I want to thank you, commissioner, thank your staff. I want to thank all the folks from the community organizations who worked collectively in our community to help make this a raging success. Obviously I'll vote aye and the ordinance is adopted. Thank you. You want 678 first? Same staffing. If you don't mind, commissioner, we'll do 678, then we'll move to --

**Fish:** Let's do 681 since the auditor is here.

**Wheeler:** Yes, then 664, 666, 667 in that order.

**Item 678.**

**Saltzman:** Thank you, mayor. Since the presidential election the trump administration's abrupt actions have created unnecessary climate of fear across our country. Regardless of legal status or residency, our immigrant and refugee neighbors are scared to engage in everyday activities. Especially when intersecting with public safety services. The gateway center for domestic violence services offers important services to domestic violence victims and their children including crisis and safety planning, and the processing of more than 50% of all restraining orders issued in Multnomah county. Immigrant victims of domestic violence can be especially vulnerable especially when abusers use the victims immigration status to trap their partners in abusive relationships. In just the first few months of 2017, the gateway center for domestic violence services have seen a significant drop in the number of immigrant clients seeking our services. Because of the particularly vulnerable status of immigrant victims, we feel it imperative to offer onsite legal immigration services at the gateway center. That's what this agreement would do. We need to let our immigrant victims know we can and will offer help. We will stand with you and we will do our utmost to protect you. Now I would like to talk more about it. Is the director of the gateway center Martha Strawn Morris joined by John Herrera, Catholic Charities immigration legal services and Patricia Rojas.

**Martha Strawn Morris:** Thank you, commissioner Saltzman. Good morning.

**Saltzman:** Good morning.

**Morris:** Mayor Wheeler, commissioners, I'm Martha Strawn Morris the director of the gateway center for domestic violence services. I'm here to ask you to support a strategic expansion to our services. We would like to bring with your approval immigration legal services onsite to the gateway center as well as engage them to represent survivors we serve in immigration proceedings. By way of reminder, the gateway center is a walk-in drop-in center on 102 and East Burnside. Most survivors come to us initially for crisis and safety intervention like restraining orders and safety planning but once there we're able to inform them about and help them avail themselves of a wide variety of wrap-around services. The wrap-around services are vital to helping break patterns of abuse that keep survivors from stabilizing and healing. On average, 36 survivors a day come through our doors seeking help. As commissioner Saltzman noted, the number of immigrants seeking our services has declined this year. While last year 15% of all of our participants identified as Latina, in the first quarter of 2017, that number dropped to 11%. Though this decline is new, it has heightened a long-held wish to bring immigration legal services on site. Abusers will exploit any vulnerability to maintain control over their victims and we have

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long understood that immigration relief would help wrest control from abusers, which is our mission and our job. We could not hope for a better partner to help us in this mission than catholic charities immigration legal services. Over the last 20 years, they have built and unparalleled reputation as a provider of services to the immigrant community and by bringing them onsite I hope we send a strong message and the message is heard that the gateway center continues to be a safe place to seek services. To talk more about the partnership is John Herrera followed by Patricia Rojas.

**John Herrera:** Good morning. Thank you. Mr. Mayor, city council, commissioners, especially commissioner Dan Saltzman to testify in support of this agreement between catholic charities and immigration legal services and to provide services at the gateway center. I'm John Herrera, director of immigration legal services at catholic charities. I am an immigrant from Columbia. Catholic legal services has provided the high quality immigration legal services to immigrants and refugees for over 20 years. We have significant expertise in providing services specifically especially for domestic violence survivors and victims of crimes. For over a decade a portion of our program has exclusively served victims of domestic violence and sexual violence. We have built an extraordinary reputation with the immigrant community for providing high quality immigration legal services in the nonprofit setting. This agreement to provide services at the gateway center sends a message to the immigrant community especially survivors of domestic violence and crime victims, that they don't need to choose between reporting a crime or the fear of being deported. In Portland we want to assure people that our local officials are making an effort to support public safety and we are also taking steps to prove that we are a welcoming city for immigrants and refugees. We respectfully ask the city council and the mayor to please consider and approve this agreement so we can provide this much needed service for our immigrant community and survivors. Thank you so much.

**Patricia Rojas:** Good morning. I'm Patricia Rojas, executive director of a programa Española de caleco. We are a culturally specific partner at the gateway center. There's nothing more important than being able to provide safety in our community and the gateway center supported by the city of Portland is one of those primary areas of commitment to that principle. However we have to reconsider what safety means and the gateway center has spent so much effort and commitment to building the right types of wrap-around services, the right type of environment, the right types of partnerships that are meaningful for communities of color, meaningful for survivors of all walks of life to feel safe and supported. However, we do have a changing environment politically and we have to understand that that means we have to resource the gateway center appropriately to respond to that new reality and the implications on survivors. I think you may be aware I think many of the folks in the audience are aware of the situation in Texas where a survivor went in for support from public safety on a domestic violence situation and they deported her or they detained her for deportation. That story has resounded across the nation including here in Portland. We are seeing reductions in people seeking assistance not just in domestic violence but across the board. The children's levy we are recipient and other areas we're seeing declines there as well and I think this is the case for many culturally specific organizations. Putting in a resource for immigration legal services will allow the gateway center to be able to support survivors more effectively and right now we're asking folks to go to catholic charities to go to a different center to go all over the county or the region to get immigration legal support services. We're putting undocumented survivors at unnecessary risk in doing that. So I can't emphasize enough how important it is to resource immigration legal services at the point of entry and contact with the survivor. We know that there are resources and catholic charities is one of the key partners in the community has extensive experience in this as a provider of d.v. Services we have

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partnered fairly well with catholic charities. We have many cases of survivors that we're working together on to support the survivors and who have been able to access with the help of catholic charities. How wonderful would it be if they didn't have to go through the extra steps to accomplish that and gain additional safety. So I highly encourage you to support this very meaningful investment in the safety of immigrants and refugees in Portland.

**Saltzman:** Thank you.

**Fritz:** I know we're running out of time here, but what are u visas and t visas?

**Rojas:** John would be best.

**Fritz:** The kinds of visas people can get in this situation.

**Herrera:** Visa for victims of crime like the u visa, anyone who reports a crime regardless of legal status can get a temporary visa that ultimately will let them to stay in the country, work legally and at the end become a legal permanent resident. Those are unfortunately not the best way to get legal status but at least it's something that allows the victim to go forward and report a crime, that's the meaning of the u visa to report the crime and stop the abuser and criminals and don't use the legal status of someone just not to report because they are afraid to go to the police and report a crime because immigrant community we tend to think that anyone in uniform is an immigration officer that can deport you from this country. That's one of the kind of visas that help these victims. T visas is for people brought to this country in a trafficking situation. Labor or sexual trafficking issue. Cases are -- specifically for victims of domestic violence married to a u.s. citizen or legal permanent resident whose spouse has been abusive and use the power of the immigration status to put more control and more abuse on those victims and also using the children as a tool to tell someone if you report me I'm going to kick you out of the country and take the kids.

**Fritz:** You can make sure they can stay that's fabulous.

**Herrera:** And with this kind of program we can assure them it's the law that can protect them.

**Fritz:** That is very good to know. Thank you.

**Eudaly:** I have a couple of questions. This is one of the most horrifying out comes of the anti-immigration agenda to me. I have also heard reports of sexual violence are way down, that families are not showing up for custody orders, restraining orders. So my question is, number one, is there a plan of action if ice officers show up on your property, and number 2, what outreach to the community are you going to undertake and can we help in any way, because as you said, these stories reverberate across the country, and although they may be few and far between, I'm afraid that very few people are coming forward for help right now.

**Herrera:** Absolutely. Along with other departments we have been doing a lot of outreach to tell the community what to know your rights and what to do if they encounter an ice officer and how to protect them. Also we're working really hard on a safety plan for commissioners and mayor, you can't imagine how hard it is to tell a parent to be ready to give someone else the control or the ability to take care of your kids if you're going to be put in jail for removal case. Meaning you're going to be deported from this country and your kids are not going to be able to stay with someone that is not foster care but a family matter. We're preparing families to have a safety plan. It's also that we plan to do at the gateway center do a little bit of know your rights setting presentation as they become available.

**Morris:** We do have a plan at least I talked the gateway center is guarded by the Multnomah county sheriff's office. Our facility security officer understands that he would treat ice officers like any other member of the public. Any member of the public that came

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to the gateway center could not learn who was inside the gateway center seeking services. It's a very secure building. We make very conscious decisions about who leaves our lobby space. I feel fairly confident we won't have an incident but we're cautious and on guard. I think about the docket, the downtown courthouse for restraining orders. It's not public or it is not public for long but we're cautious for sure. In terms of outreach, we certainly will go to all of our domestic violence partners and they will understand that the service is available, they will be talking to their clients. My understanding of this community it's word of mouth is incredibly important. Just the fact that immigration legal services is with us is part of our strategic design to reach to the community. We would certainly be happy to make public and it will go on our website that this service might be available. They are going to hit capacity in almost no time flat. So we don't want to create too much expectation that we can't meet is the balance of the outreach question.

**Rojas:** I think we and we do need to spread the word that this resource would be available so for example a lot of the partners that are at the gateway center like programa, naya, we have relationships in the community. We have a very deep and broad connection with the Latina community. Others would also participate in being able to share that information. So management of if you will capacity is a different issue but I think we have the ability to spread the word far and wide.

**Eudaly:** Please share any public online resources with my office. We would be happy to help push that information out.

**Morris:** Thank you, commissioner. I appreciate that.

**Fritz:** I appreciate you were here to explain about this and that you pulled it from the consent agenda. This is one of the active ways we can provide help to people who need it. Thank you.

**Saltzman:** Thank you.

**Wheeler:** Any further questions before public testimony? Is there public testimony?

**Moore-Love:** I don't have a signup sheet. Star at least wants to speak to this.

**Wheeler:** Come on up.

**Moore-Love:** Robert west. Come on up if you want to address this.

**Star Stauffer:** Good morning again. Star Stauffer. So to me what they are talking about as far as for services for immigration people who don't have their visas, who are victims of not only community violence but domestic violence, this is a serious priority in our communities. These people are in jeopardy just walking outside. Not just from their partners who are dangerous but as I said many times coming here today white hate crime is on the rise and people like this program coming up here are exactly what we need to prioritize in the city so we can better protect our neighbors and our sanctuary city. \$60,000 is barely one person's salary in a year in some cases. I don't think that's enough money to accomplish the goals that they set forth in regards to wanting to help people and expand their program. I really don't think it's enough. That's not even going to cover overhead to run this program for more than six months. We know based on what we're seeing in our city and the rise in hate crimes and attacks on immigrants and our black and brown communities this is a serious problem and we won't get rid of it any time soon unfortunately. Really the consideration is how can we help besides just putting it on the front page of our website. Let's double, tripling the funding. They need more money than what they are requesting. We need to make sure that they have those services and that resource available whether we have to crowd source it from the community or take it out of our city funds we have to give them more money.

**Wheeler:** Thank you. Good morning.

**Robert West:** Yes, I'm Robert west. I'm all for funding this kind of funding. The only thing that I also noticed on the agenda was the \$50,000 for homeland security, their grant. I'm

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sure hoping that this is not an agreement with homeland security that will pass this if you allow us to buy your weapons with your money. Like I said, I'm all for this. But I'm not for anything, any kind of negotiations with homeland security. I know that's on the agenda. That's what I want to bring up.

**Wheeler:** When we get to that I want to be clear the homeland security grant is emergency preparedness. So that is in response to the kinds of issues that took place in new Orleans to make sure they don't happen here in the event of a wide scale emergency situation. Any further questions, colleagues, before I call the roll? Please call the roll.

**Fish:** Dan, thanks for bringing this forward. In a perfect world we could seek federal reimbursement for these dollars. We'll have to wait at least three years for that. Aye.

**Saltzman:** This is going to provide much needed critical funding albeit probably not enough to provide legal services to our immigrant and refugee communities. So I want to thank catholic charities, immigration legal services for stepping up to provide this critical service. I want to thank catholic charities and immigration legal services for stepping up to provide this critical services I want to thank Martha Strawn Morris of the gateway center for her capable leadership. Shannon Callahan of my staff, who conspired with Martha to figure this out, how to use this money in a positive way for our immigrant and refugee community. Aye.

**Eudaly:** I see this is a small step toward strengthening our sanctuary city resolution. I agree it's not nearly enough money and we'll just have to see how fast it goes and where we can find more funding. Aye.

**Fritz:** Thank you very much for pulling this together. Thank you for being here to explain about the it I learned about the visas. That's encouraging to know there's a path to legal citizenship. If folks have the courage and knowledge to go to the gateway center. This is part of the action. We did pass the welcoming inclusive sanctuary city resolution and we promised we were going to do not just one thing, but a whole range of things to support people in our community who are vulnerable and terrified. I'm just glad that we're doing this one. It's not all that we need to do, though. We need to combat racism and all the evils that we're currently challenged by and we need to do it up front and as strongly as we can. Aye.

**Wheeler:** My recollection is this is our third distribution of funding for this purpose. We had one in the fall bump. We had a larger one through the budget process. Now this. I want to be very clear that the organizations who spoke here today are doing great work in the community. They are ongoing partners with us. So we'll continue to work together. If the 60 doesn't turn out to be anywhere near enough obviously we'll continue the conversation. This is something that both philosophically and operationally we have committed to. So for those who say this is not enough, I agree. It's not enough. There will be a continued refinement of resources as we go forward. Again, I want to respect the partnership that we have and express my appreciation for it. It's a great partnership and I look forward to continuing it. Aye. The ordinance is adopted. Thanks for being here.

**Wheeler:** Next 681, which pertains to the auditor. For that reason I would like to move 669 right after that because it's the same conversation and the same staffing. 681 up next. Subsequently we'll do 664, 666 and 667 as a block.

**Item 681.**

**Wheeler:** Good morning.

**Mary Hull Caballero, City Auditor:** Good morning.

**Wheeler:** We have a proclamation, ladies and gentlemen. Before us we have our amazing auditor Mary hull caballero, who has done tremendous work since January and worked very collegially with this council to put forward a auditor independent ballot measure which won in a landslide. I would like to read the proclamation. Whereas the council of the city of

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Portland referred to the voters of the city at the municipal nonpartisan special election held May 16, 2017, a measure with the ballot title caption amends charter, increases auditor's independence from audited agencies adds duty in such measure was designated as measure 26-189 and according to the official canvas, 108,068 votes were cast in favor of said measure and only 16,991 were cast against said measure, now therefore it is hereby proclaimed by the undersigned mayor of the city of Portland the measure with the ballot title caption amends charter increases auditor's independence from the audited agencies has been enacted and is in effect. Dated at Portland, Oregon, this 14th day of June, 2017. Thank you, auditor. I don't know if you have comments you would like to make.

**Hull Caballero:** I do. I would like to take the opportunity to thank the council for referring this item to the ballot. I think it's an important expression of your commitment to accountability and to having a strong auditor's office. I very much appreciated that. I also want to thank the voters for embracing the measure and I have to in advance thank the staff in my office and the management services division who are going to take the lead in implementing these changes and I just very much appreciate your support. Thank you.

**Wheeler:** Thank you. I don't know if there's any other comments or questions --

**Fish:** I want to make two quick comments. The first is auditor we are going to conduct an investigation and determine why 16,991 people voted no. The second is since the next item is 26194 I want to express my concern after the overwhelming victory of 26189, mayor, there did seem to be a case of voter fatigue reflected in the voting on 26194. [laughter] congratulations. Thank you for the great work you did.

**Hull Caballero:** Thank you.

**Wheeler:** Thank you very much. That is a proclamation 669. If we can move that next, please.

### Item 669.

**Wheeler:** And this proclamation is very similar but I will read it for the record whereas the council of the city of Portland referred to the voters the city at the municipal nonpartisan special election held on May 16, 2017 a measure with ballot title caption amends charter authorizes council to change scope of transit lodging tax obligations and such measure was designated as measure 26194 and according to the official canvas 80,476 votes were cast in favor of said measure and 48,394 were cast against said measure. Now therefore it is hereby proclaimed by the undersigned mayor of the city of Portland that the measure with ballot title captions amends charter authorizes council to change scope of transient logics tax obligations has been is in effect dated Portland, Oregon, this 14th day of June, 2017. So proclaimed. Commissioner Fish, congratulations. Any further comments on this item?

**Fish:** Want to thank the voters. As a result of this change we see additional revenues coming into the general fund and we will see more tax fairness where a mom and pop bed and breakfast in st. John's is paying the same lodging tax as an out of state internet company like home away, as it should be. Thank you.

**Wheeler:** Very good. Thank you. That completes that item. 664, please.

### Item 664.

**Fish:** Let's read all these together.

**Wheeler:** 666.

### Item 666.

### Item 667.

**Fish:** Mayor, I'm pleased to bring forward these three actions from the bureau of environmental services which will leverage local nonprofits and volunteers to protect our community's watershed. The first item, 664, is part of the community watershed stewardship program which provides mini-grants to support activities like natural area

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revegetation, environmental education and watershed stewardship. As we'll hear today, grantees include Verde which will be working with the Columbia slough watershed council, habitat for humanities and homeowners to install rain gardens, depave which will partner with essential catholic church congregation and elemental technologies to depave a church parking lot and the national Indian parent information council which will collaborate with the Johnson creek watershed council and Portland parks and recreation to engage youth in restoration projects and blueprint foundation which will work with students from Roosevelt high school to make storm water improvements at the darmah rain zen center. The next item is a grant agreement with southwest neighborhoods, inc., supporting watershed education at the southwest watershed resource center. Watershed protection grants, invasive plant removal and native plant landscaping in southwest and northwest Portland. The third item, 667, a five-year agreement with the Columbia slough watershed council work on stream and wetland restoration for the Columbia slough. The watershed council connects over 2,000 people annually to watershed improvement events. This includes new support for participation from under-represented groups and environmental education and stewardship work. Very proud that the Columbia slough watershed council will continue to be our partner in promoting and protecting the health of the Columbia slough. I thank bes staff, particularly Jennifer Devlin, with us today, for their commitment to community partnerships in the work in the bureau of environmental services work. I also want to thank my colleague commissioner Fritz, who has been a strong voice of support for these programs over the years. We believe these partnerships strengthen our watersheds and communities and colleagues, with that I'll turn it over to Jennifer Devlin good morning.

**Jennifer Devlin, Bureau of Environmental Services:** Good morning. I'll each introduce ourselves. I'm Jennifer Devlin I have been with environmental services for about 18 years now. I'll be able to talk about it and answer questions about the Columbia slough watershed council ordinance.

**Semelda Sanchez:** Good morning. I'm Semelda Sanchez. I'm a Portland state student coordinator of the Columbia watershed stewardship program. I'm part of the indigenous studies program at Portland state.

**Becky Tilson, Bureau of Environmental Services:** I'm Becky tilson. I'm with the west side watershed team at bes. I can answer any questions you may have about the agreement with southwest neighborhoods.

**Fish:** Let me say even though we're jammed today we pulled a couple of these from consent because we wanted to celebrate the great work of these partnerships and I'll turn it over to commissioner Fritz.

**Fritz:** I was just reminiscing with myself. I think I got one of the first grants in 1995 when Patrice mango and ivy Francis were in the bureau of environmental services. That was another step in my progression to get here, is realizing that good things can be done by community members in partnership with city government and good for the health of the watershed as well. So thank you for all the work you've done. Thank you, commissioner Fish, for continuing this program.

**Devlin:** I want to follow that up with since the Portland building staff are all moving, it's up to staff that are here now to go through all those grants and put the final reports into long term storage. Your grant report is really a nice one. I have to say, commissioner Fritz.

**Fritz:** Can I give you my copy as well cause it is taking up space. I don't want to throw it away.

**Devlin:** Yes.

**Wheeler:** Thank you. Is there any public testimony on 664? 666 or 667.

**Fish:** Second readings are just 666 and 667.

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**Wheeler:** That's correct. Is there any public testimony on 664?

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

**Wheeler:** Is there anyone who wants to testify? Any further discussion on 664? That's nonemergency first reading. It moves to second reading. Please call the roll on 666.

**Fish:** We're very proud of these partnerships and grateful to the council for supporting them and want to thank all of our invited testimony this morning. Aye.

**Saltzman:** These are great partnerships and really help improve our community. Thank you. Aye.

**Eudaly:** Aye.

**Fritz:** This partnership with southwest neighborhoods incorporated recognizes neighborhood coalitions are the experts in getting messages out to their communities within geographic areas and partnering with many different ethnic communities as well. Very much appreciate your work and that of your predecessors on this grant. Thanks to the bureau of environmental services who realized early on having community do the outreach is a good way to get thing done. Aye.

**Wheeler:** Aye. The grants adopted the ordinance is accepted. Please call the role on 667.

**Fish:** I want to thank all the team members at bes particularly Jennifer Devlin for their great work in overseeing these programs. Aye.

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

**Wheeler:** Aye. The ordinance is adopted. Why don't we begin moving through the remainder as much of the regular agenda as we can get through. I would like to dispose of 685, 686 first, please.

**Item 685.**

**Wheeler:** Please call the roll.

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

**Wheeler:** Aye. The ordinance is adopted. Please call 686.

**Item 686.**

**Wheeler:** Please call the roll.

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

**Wheeler:** Aye. The ordinance is adopted. Colleagues 692 is being--if you could call item 692.

**Item 692.**

**Wheeler:** Colleagues, this item is going to be held over until July 12th unless there's any objection. Seeing no objection that item is held over. With that please call 682.

**Item 682.**

**Wheeler:** Good morning.

**Jonna Papaefthimiou, Bureau of Emergency Management:** Good morning. For the record I'm Jonna Papaefthimiou and I work at the bureau of emergency management as planning policy and communications manager. I'm joined by Monique dugaw from the red cross. We're here to present a memorandum of understanding between the city and red cross that renews a previous agreement that states that the red cross and the city will work together to prepare, respond and recover from emergencies, to share information about the needs of Portlanders affected by disasters and to cooperate to meet those needs. It's not about the exchange of funds. I work on call as a duty officer for pbem and from time to time I get called to an incident where a fire or another event has left Portlanders in need of emergency shelter and I'm always so grateful for the very prompt, professional, free resources of the red cross. As a planning manager at pbem I also participate in a county wide process to plan mass shelters that might be needed in a widespread event such as earthquake and the red cross has also been invaluable in that work. The expertise they

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have built in our region over many years increases our collective capacity to respond to a major event. So with that I would like to turn it over to Monique.

**Monique Dugaw:** Thank you so much for that. Thank you for the opportunity to speak with you today. Like Jonna said I'm Monique Dugaw and I'm the regional director of communications for the red cross. When there's a need for disaster relief services to members of the armed forces international assistance, lifesaving blood and health and safety training the red cross is there to help. Each year the red cross helps more than 60,000 -- responds to help at more than 60,000 disasters across the nation. Our local volunteers board planes and travel to locations where they have never been to help people that they have never met. In 2016, our local red cross in Oregon and southwest Washington responded to approximately 650 local disasters. Many of which were home fires affecting ordinary families and we came to help our neighbors in need. We provide shelter, food and other assistance, sometimes something as simple as a toothbrush. Many of these disasters do not make headlines. It's a responder coming in the nights of the night to help a family who has just lost everything. A number of our responses do make headlines and I would like to share a couple of those that do make headlines where the red cross has provided help and hope. In October 2016 Portland fire and rescue heroically evacuated a densely populated area of northwest Portland. You're familiar with this story. The gas explosion in northwest. Very shortly after the explosion, the red cross was there to help with public information needs, to establish a reception center for information and to help people who have been affected to find a safe place to stay and get back on their feet. The red cross also help to provide assistance such as water and food to local first responders. In another incident over the winter a large fire destroyed the hotel alder. A low income residential property in downtown Portland. The red cross was there mobilizing rapidly to help the people affected with providing food, shelter, prescription medications, health and mental health assistance for two weeks. An example that did not make headlines, last year jimmy, a Portland resident, woke up from a nap to his home engulfed in flames. The red cross had installed smoke alarms in his home the year prior and helped his family to put together a family evacuation plan. Jimmy credits the red cross with helping him know what to do and alerting him to the fire. Everyone in the home made it out safely. We also responded to help jimmy immediately after the fire. He and his family were provided with a place to stay and other basic needs from the red cross. Every day on average three times a day the red cross responds to help a family who has lost their home in a fire, flood, wildfire or windstorm. In fact this past year the red cross has responded to more than 100 disasters within the city of Portland. Helping people in need with nowhere else to turn. I think you probably see a theme emerging when there's a need the red cross is there to help. I would like to encourage you and ask you to please adopt this ongoing memorandum of understanding with the red cross. We appreciate your time. Thank you.

**Wheeler:** Thank you. Colleagues, any further questions? Is there any public testimony on this matter?

**Moore-Love:** Yes, four people signed up. The first three are --

**Wheeler:** Just out of curiosity, we had a number of items pulled from the consent agenda. 670, 671 and 672. Are you able to testify on those matters as well?

\*\*\*\*\*: I am.

**Wheeler:** Thank you.

**Veronica Bernier:** Good morning. It's lovely to see you all this morning. I'm veronica, Portland state university graduate and school public health and safety. My field is pediatrics. Having been a former pediatric nurse, intensive care unit nurse for ten years I think just like Amanda who is a nurse herself I'm happy to be talking to you, mayor wheeler. I know you're busy and my email page is sometimes up and down. Of course we

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support you, continue to support your work as a nurse and has grateful to have one on the board. Mayor wheeler, we'll get to know one another further on, I know that. Commissioner Dan Saltzman of course we know our paths have crossed before and you have always done good work being a senior member of the board. I don't see nick Fish here but I know him from Sacramento area. Mrs. Fritz, you're an r.n., I'm an l.v.n., your background is unimpeachable. The mayor comes in with great color and credits from his background as a political servant and commissioner Saltzman is our hero of the day always wanted to pick up the ball when someone drops it. I think whenever there's a fire there's a questionable area about what started what and when and where. The red cross always comes through. Within 24 hours they are always there even though like under Rodney rogers within 24 hours they should be to your doorstep to help the families. I support this. I think the blood bank is a good idea. I also think we could use more snacks out there. I do have a food handler's license with the red cross. Kudos for continuing to support our administration even in these struggling political up and downtimes.

**Robert West:** Yes, I'm Robert west. I'm with from the police 911. I do support the red cross. The thing is, is sharing is not necessarily caring. What I mean by that is when you start putting nonprofit organizations like the red cross and the city together, there's issues of people's personal confidentiality like for instance if my house burnt down I wouldn't want the city council or city bureaus to know what assistance I'm getting from the red cross or that I received any assistance. That's my main concern. Is that, you know, all of a sudden my information becomes public because all your documents are public record. So my concern is the confidentiality with the assistance the red cross gives and what your guys records would indicate. So that's what I wanted to bring up is confidentiality of the people that are receiving this assistance from the red cross. Their assistance should be confidential and if you put it with city stuff or city information, then all sudden it's not confidential. You also have an issue with security where people could look up records of women, children, and stuff like that on public record. And that I think city should really look at. I don't think the city should be involved in the red cross stuff unless there can be a way of doing it where names and ages and stuff like that are not public.

**Wheeler:** Thank you.

**Star Stauffer:** Good afternoon. Star Stauffer. I have to concur with bob. I'm concerned about the safety aspect as far as the partnership or cooperation, however you want to call it with red cross. I understand that certain tragedies don't necessarily fall in resources don't necessarily fall under hipaa agreements however once again with the political climate that we're in, people who have nefarious intent will utilize these records to target certain individuals who are receiving public assistance whether it be from red cross or another public resource especially if the city is in cooperation like he said, those records become public. As we know, the people are often targeted in this city at this point by way of public records searches. Their names are pulled out, their houses are gone to, they receive hate mail, death threats for receiving services, for speaking out, for being plaque or brown, especially if the red cross is assisting anyone who happens to be a person of color. Where does their privacy start and where does it end? As far as the city's cooperation, exactly what does that entail? What amount of cooperation are we talking about here? That seems very vague. There is no real description of what cooperation means when the city is partnering with red cross. I can't feel comfortable with a partnership and neither should the rest of this community if we don't fully understand everything that that means and what comes with it including possible and potential privacy invasion.

**Wheeler:** Very good. Thank you.

\*\*\*\*\*: Keep up the good work.

**Wheeler:** Good afternoon.

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**Adam Millon:** Good afternoon. I want to thank city council members, commissioners and Mr. Mayor. I'm Adam Murray millon. I'm a full-time student. I am a service industry employee and also a recent member of the Portland human rights commission. Very proud to be here today. Thank you so much for hearing my testimony. I chose to speak on this issue because I feel very thankful for nonprofit organizations collaborating with the city to address issues of public health. What we heard today in regard to this specific issue is disaster response. I think that's really pertinent to right now because I review the current climate that we live in politically to be more of a public health issue than really anything else. I think that there's a lot of rhetoric, politicizing the issue, and as a person of color, the way that I experience the shift into people feeling embolden to engage in hate activities, I feel more empathy than anger. I see it as a conflict where we're struggling with the identity of the city, and when I look at city council I don't see folks to be bad people. I don't think that you set out to represent the side of evil. In fact, I'm struggling to humanize hate activities and people that feel initiated through those ambitions to kind of engage in ethnic cleansing and things like that. So what I want to encourage is maybe some preventive action in terms of you have heard about the threats on like the good in the hood parade. I want you to be there. I think that the red cross should be there. I think that we should really encourage folks to rather than focus on the victims receiving the violence maybe focus on the perpetrators of that violence first and engage them and address their mental health needs. This is a public health issue and a mental health issue. Thank you so much for your time. I'm done.

**Wheeler:** I appreciate that.

**Fritz:** I would note I have seen the red cross in the good in the hood parade on previous occasions and I'm looking forward to working it again this year.

**Wheeler:** Thank you. So is there any other comment on this? If not this is a nonemergency first reading. Moves to second reading. Could you please call together items 670, 671 and 672?

**Item 670.**

**Item 671.**

**Item 672.**

**Wheeler:** Good afternoon. These were pulled and my guess is people are going to ask what are the grants for, what kind of equipment and training will be provided through these grants. So if you get to that I think you'll answer some of the questions that people may have. Thank you.

**Jonna Papaefthimiou, Bureau of Emergency Management:** I'll start with 670, the emergency management performance grant. This is a pass-through grant from the federal department of homeland security to the Oregon state officer of emergency management to the city of Portland this is a noncompetitive grant awarded on a population basis and most Oregon counties and large cities received the grant. We use it to pay rent, salaries for two staff people and pay part of our phone bill. In the strings that we have to submit our annual work plan and then follow it and that work plan is exactly in accord with our strategic plan. As we develop plans we practice them and we do community outreach around preparedness.

**Wheeler:** Thank you.

**Amy Cole, Bureau of Emergency Management:** I'm Amy Cole. I'm grants program coordinator at the bureau of emergency management. I will start with the urban area security initiative, fy-16 grant. 670.

**Wheeler:** 671.

**Cole:** Yes. This grant also comes to us through the state from the Oregon emergency management. The city has received this grant since 2003. It's a regional grant for the

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Portland urban area which includes five counties, the port of Portland and trimet. The five counties serves are Multnomah, Washington, Clark, Washington, Columbia and Clackamas. Portland, the city of Portland is the fiscal agent for the regional funding. Last spring council approved the application for the funds and we are just now getting the grant agreement. So we're asking for acceptance. Approval to accept and expend the funds. The funding is focused on region wide emergency preparedness response, recovery and mitigation for natural and manmade events and disasters. Examples of the projects to be funded include regional neighborhood emergency readiness, including community responders, so that's training and planning and equipment for those responders. Medic training for firefighters around the region. Urban search and rescue training for firefighters. Equipment for the state medical examiner's mobile morgue unit. A fuel management exercise hiring of a consultant to develop a recovery framework for the region and it also funds 3.5 staff to run the grant.

**Wheeler:** Appreciate it. Thank you.

**Cole:** So i'll move on to 672, which is the application for the 2017 funds. A lot of information is the same. It serves the same region. We have had this funding since 2003. We're asking council to approve the application for approximately \$2.8 million. The application is due June 22, 2017. It's an extremely fast turn-around this year for that. So we're asking for approval to apply. We'll come back to council when we have the grant agreement like we do with 16 right now. So that will be probably in the winter or spring of 2018.

**Wheeler:** Very good. Great. Thank you. Colleagues, any questions before we call for public testimony? Is there any public testimony on 670, 671 or 672?

**Moore-Love:** These were pulled by Mr. Lightning. He's gone. Mr. West would like to speak.

**Wheeler:** Very good. If you would like to cool your heels for a couple of minutes. Thank you.

**Robert West:** Yes, I'm against us receiving any money for equipment or anything like that from homeland security or the military regardless what the situation is. I can see a lot of it going toward police and if you guys haven't noticed the police have been extremely rough on protesters. They have been extremely vigil on doing stuff against cop watchers my concern is if you start receiving federal money, what's the federal government going to ask for in return? The federal government doesn't just give money and say here you go. They a lot of times will come back and say we gave you money here. Now this is what we expect in return. That return might not be what people want. If you're receiving money from the federal -- from homeland security and the military for this emergency preparations, what are you telling -- in this community? What are you telling the people of the city of Portland? We're going to accept the money and sometime down the way our government is going to say we want this, this, this. You know, you're saying we're a sanctuary city. What happens down the way when the federal government goes, well, you're a sanctuary city so we're not going to give you these funds or what happens when the federal government turns around says, you're assisting illegal aliens, so we want all of these people you're assisting or you're helping, we want names and addresses. You know? I totally disagree with receiving anything from the federal government. If the city can't afford to do their own training then they need to come up with other ways of paying for it besides going to the federal government. All this stuff that they are talking about, the fire department's trained in that anyway. We have an urban search and rescue truck and stuff like that. I would greatly go against what this measure says.

**Wheeler:** Thank you. Good afternoon.

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**Star Stauffer:** Good afternoon, star Stauffer. I'm disturbed at the idea that we're going to be receiving money from homeland security or the federal government, the military, especially under this administration. I'm concerned under what stipulations we would be accepting those funds. Second of all, what outreach work? Where? What neighborhood? What people are you activating? How many people are attending these classes, these training, these services? Why are we -- if you're so concerned about public safety and emergency preparedness why are these training and services not open to the public? Why not train your own citizens to be emergency prepared? Third of all, why is any of this money being allocated to trimet? The department of homeland security already allocates money to trimet which is how come they have the money to hire Portland cops to be their personal security for their bus lines. So really what you're saying when you say that they are going to be allocating some of this to trimet is you're giving some of the money again to the Portland police. As we know, the Portland police are dangerous. They are criminals. They are killing people. They attacked over 900 people because one brick was allegedly thrown. We want to give these people more money. Are you crazy? This is insane. You don't reward thugs by paying them for being thugs. So I'm against this completely. I'm with bob. This is extremely disturbing and I think in a sanctuary city where protesting is an enormous part of the city because there are so many freaking problems to address every day it sets the wrong message. It sends the wrong message. It sets a bad example. You're telling the undocumented and black people in this community you're just putting a big fat middle finger in their face and saying your days are numbered. It was the department of homeland security that declared us terrorists.

**Wheeler:** Thank you. Mr. Walsh you're up.

**Joe Walsh:** Good morning. I'm joe Walsh. I represent individuals for justice. This is an emergency ordinance. You're all going to vote for it anyway. I'll just give you a warning. Keep it up. Doing this kind of stuff. Just keep it up. And commissioner Eudaly, you got my vote. I want it back. Ever since you've been on this council you've disappointed me.

**Eudaly:** The feeling is mutual.

**Walsh:** I have been dealing with you for years. Not a disappointment. Except the mayor, which it seems like I have been dealing with you for years. You're the same as Hales, you're the same as Sam. The only one you're not the same as is potter. I liked him. Even though we disagreed a lot but I liked him. He used to start his meetings every week with how are the kids doing? How are the children doing? His theory was if the children are doing well, then so is Portland. Since you have taken office, we are not doing so well. I grant you I am not a child. But I'm telling you, keep doing what you're doing, folks. Just keep doing what you're doing. And you guys are up for reelection. It's going to be really interesting what the people of Portland do with you. If I had my way, I would recall both of you and I hate recalls. I just hate them. But I would do it. This council is a shame. Absolute shame. Because you do not stop this guy. You do not stop the police department. You could. Parliamentary procedure allows you to do it. Study it. Figure it out. You could override this guy any time you want.

**Wheeler:** Thank you. Your time is now up. Is there any more testimony on this item? Mr. Walsh you're out of order. Mr. Walsh, you're out of order. [shouting] I don't want to have to ask you to leave. [shouting]

**Wheeler:** No. They are giving us money for emergency preparedness so we can prepare the community. [shouting] you didn't read before you came down here to testify. You should know what you're testifying on. [shouting]

**Wheeler:** You're going to have to leave. [shouting]

**Walsh:** you're trying to kill me, you idiot. You're trying to kill me. Why do you do that? [shouting]

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**Wheeler:** Why don't we take a three-minute recess.

**At 12:23 Council recessed.**

**At 12:23 Council reconvened.**

**Wheeler:** Security, get rid of them, please. [shouting]

**Wheeler:** Please have them removed asap. [shouting]

**Wheeler:** Please leave. Thank you. If you can't participate in a mature manner you have to leave. That's the rule. I'm sorry. So at any rate back to the order at hand. Now that we have completed public testimony can you please call the roll on item 670. [shouting]

**Eudaly:** Mayor, I'm sorry -- could we just address a couple of things very briefly? [shouting]

**Eudaly:** First for those of you watching at home we actually do train community members to perform emergency services through our nets program. If anyone is interested in that please look it up. We just did I believe the largest nets training in the u.s. several, four, 500. [shouting] secondly, I just want to clarify that these are grants that we are accepting for emergency preparedness and resiliency. They are not giving money to homeland security.

**Wheeler:** I'm sorry, we'll take a five-minute recess. Please, Mr. Walsh is not cooperating.

**At 12:26 council recessed.**

**At 12:37 council reconvened.**

**Wheeler:** Ok. We are reconvened as the Portland city council, a little disruption there, nothing we cannot handle, we were in the middle of a vote, Karla remind me which items.

**Moore-Love:** 670, 671, 672.

**Wheeler:** So 670, 671, 672. Those are all emergency ordinances. We do not have a quorum. So what I will do is close the public record on those items but we'll continue those to the time when we have commissioner Fish here back in about 15 minutes. Next what we will do is hear from the office of neighborhood involvement on two items that were pulled from the consent agenda, 665 and 676. If you could read the items, we'll hear from the staffs and take testimony and withhold the vote and continue those until we have a quorum.

**Moore-Love:** Did you want them read together?

**Wheeler:** 665 and 676 read them together.

**Item 665.**

**Item 676.**

**Wheeler:** All right we have people from the office of neighborhood involvement here, and patient.

**Wheeler:** How are you doing today?

**Paul Van Orden, Office of Neighborhood involvement:** Paul Van Orden the noise control officer, to speak to the first item. The city's noise office has been looking for ways to fund some of our staffing challenges and last year we examined some opportunities for pretty notable fee increases, and after examining the impact on many of our partner agencies like odot and the city agencies, we backed off from that idea. So currently with all of the change going on at oni we have moved forward just a basic 5% fee increase for the noise variance fees which have been doing very well for our program the last several years and then we will be reexamining what is our best mode to move forward to help fund the noise office to get more staffing so right now we're looking for a basic 5% fee increase, and then we will reexamine what tools we have at the table to helping to more staff in the noise office and just as a talking point, the city's noise office is one of the only entities that since 1976 has not increased in size. We are a little bit smaller than we were in 76, so we are definitely in a mode in surveying 600,000 plus people with 3.5 fte that we will try to find a way to find tools to fund the office. That's where we're at currently.

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**Wheeler:** I want to reflect that capacity short-fall you've been working with and I think you've been doing a fantastic job. We have had a lot of testimony about noise and other related issues because of the, the incredible amount of development and construction that's taking place, you guys have done a fantastic job and I just want to acknowledge that. I don't know the individual who pulled this is actually present? Do we have -- Mary.

**Eudaly:** Mayor I did have some introductory talking points, but I guess I'll save those until later.

**Mary Sipe:** Mary Sipe, I would like to ask for my full three minutes after sitting through 14 minutes of one individual testifying cutting into my time.

**Wheeler:** Go ahead because we are waiting for the commissioner anyway.

**Sipe:** I wish that everybody was here. I support this request for a 5% increase to this existing noise variance fee schedule only as an emergency measure. Simply increasing the fees by 5% does not adequately address the inequities of the structure of the fee schedule. In September of 2015 I was appointed to a noise task force convened by commissioner Fritz to consider changes to title 18 the noise code, and one of the issues commissioner Fritz asked the task force to consider was the cost recovery model to fund additional staff through increased noise variance fees. As a member of the task force I did extensive research and analysis of the fee schedule. I prepared a proposal to revise the structure of the fee schedule to provide more equitable assessment of fees for various types of noise and generate additional revenue. Unfortunately the noise task force got bogged down and never got around to addressing this issue before their final meeting in November of 2015. So in march of 2016 I decided to share my proposal with Teresa Marchetti. As it turned out Teresa was in the process of reviewing an increase in the fee schedule. She was supportive of my recommendations and told me that I had saved her a lot of time. In April of 2016 a revised noise variance fee schedule which Paul referred to was presented to the noise review board. It was projected that the revised schedule could generate as much as maybe \$90,000 or more in increased revenue for the noise control program. The proposal was almost exclusively everything that was in my proposal. And I was excited to see that. After outreach to stakeholders, a special public meeting, the proposed revised fee schedule seemed to be moving forward. Then in April of 2016 the noise control office advised the city council that they would simply be requesting a 15% across the board increase to the existing schedule. I believe that one of the concerns as Paul mentioned was the fees that would be imposed on other city agencies such as pbot and I believe that can be addressed much like the parks permits have been addressed, and so I hope that that does not go away for that reason. The noise control office did tell the city council that in the fall of 2016 they would be conducting a tracking study of staff time costs associated with the variance process to present to the city council in the spring. Was that study conducted? Is the noise control program still looking at revising the fee schedule? Is this just an in terms step with the 5%, it sounds like it is. And over the years, oversight of the noise control program has been passed from bds to oni to mayor hailes back to oni under commissioner Fritz and then to commissioner Eudaly and now under mayor wheeler with a new interim director and in the future a new director. All this bouncing around and change of leadership appears to me, has resulted in a lack of continuity and oversight with many false starts and stops and reorganizing and redesigning processes and no serious attention being given to the underfunding and understaffing of the noise control program. How is that for three minutes.

**Wheeler:** Perfection. Well done.

**Sipe:** Thank you.

**Wheeler:** You bet. And so that item, is there any other public testimony on that item 665? We will continue that, 665, Paul, until commissioner Fish is here so we can take the proper

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quorum vote and thank you for your testimony. And 676, is there somebody who wanted to speak briefly on that subject? Another patient team from the office of neighborhood involvement. Thank you.

**Wheeler:** Could I ask who pulled this item?

**Moore-Love:** Mr. Lightning.

**Wheeler:** So he's not here but since you are here and you've been patient I would love to hear a bit about it.

**Adam Lyons:** So I am Adam Lyons from northeast coalition of neighborhoods.

**Kate Merrill:** I am Kate Merrill from the Central east side industrial council.

**Jessica Rojas:** Jessica Rojas northeast coalition of neighborhoods. So this project kind of was born out of an idea that came from the Elliott neighborhood. They have been working for years with the moda center to hammer out a good neighborhood agreement and the center was generous enough to give them a start but not enough. They wanted to hire day laborers to do litter patrol, and personally I find that problematic to not pay people a living wage, not even a minimum wage to come and pick up litter in a neighborhood that they may never live in, so we supported looking further out and Adam is just innovative in his ability to reach out and create some pretty cutting edge relationships, so I am going to let Adam talk about the next piece.

**Lyons:** Yes so we reached out to central city concern about their clean safe program that goes on downtown, and I am sure that you are familiar with it, vocational rehabilitation, and so we kind of hybridized it and we are working with central east side industrial to bring a pilot project called clean start pdx which is one full-time, one fte to basically clean about a square mile of some of central east side industrial, the Lloyd district, and also Elliott, and this would be a year pilot program, and the idea of the long-term is to replicate it throughout the east side, especially areas that are getting -- that have kind of visible livability issues. Like central east side industrial is experienced and Elliott has expressed that they have been experiencing.

**Merrill:** We were very happy when Adam came to us because this is something that we had already been thinking about. We had been in conversation already with central city concern, and this really gives us some leverage as we try to find long-term sustainability solutions for a clean and safe district. One thing that's great about central city concern and this project is that we will have one point of contact, we will be going around these neighborhoods, and we will be with our eyes and ears for the neighborhood. We have seen a lot of increased drug use in the neighborhood, and a lot of trash dumping. We just had a solv event and picked up over 1,000 pounds of trash. 60 volunteers. Yeah.

**Wheeler:** That's impressive.

**Rojas:** So it's our hope that by bringing in a clean and safe worker to these neighborhoods, that they are going to be able to provide wrap-around services to people who directly need it so it's more than just litter patrol but about getting people connected with the resource that is they need, and also so that people vulnerable can see what might be on the other side.

**Wheeler:** This is great. I am sorry that the individual or individuals who pulled this program didn't stick around for the testimony, and again this is our third or fourth or maybe fifth ordinance today that speaks to the concerns that they have been levying towards this city council in fairly direct terms. So I just want to say how much I appreciate the innovation that went behind this and the fairness angle that you are putting on a this in terms of the family wage jobs. I think that that's great. I am super appreciative of this. I don't know colleagues if you have any more comments on this or if there is any public testimony on this item? One individual, Paul, to come up and speak a piece on this.

**Wheeler:** Thank you.

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**Paul Van Orden, Office of Neighborhood Involvement:** Paul Van Orden I am going to take the liberty. I am on my lunch break at the moment and wanted to say as the president of the board at northeast coalition, I am most excited at the innovative programs our staff are pulling together and just want to thank council for support as we move forward. I think you will be pleased with the ways that we're trying to build community and transform northeast coalition and neighbors into a new entity unlike we have seen in the past. So thank you very much for the support.

**Wheeler:** Great work.

**Eudaly:** I would like to thank everyone who sat out this lengthy session to give testimony and say how impressed I am with the northeast coalition of neighborhoods and all our neighborhood coalitions. They are all doing really innovative, vital work in our community. And I am pleased to see this moving forward.

**Wheeler:** Very good and these are emergency ordinances so we won't be able to take a vote just yet. I want to thank you for coming in and providing that clarification to the public record on these two items, 665 and 676 are closed and we will continue these until we have a quorum. Next up 683.

**Item 683.**

**Wheeler:** Very good. Thank you for your patience. Commissioner Saltzman.

**Saltzman:** Thank you mayor. This is, this has been a long time coming. We have before us the opportunity to complete an important act of transportation vision directly connecting northwest Portland with the central city along northwest Flanders street across the 405 freeway. This project has been on the books, and so in our act of transportation plan for over two decades, it's a pleasure to be a member of the council that will make it a reality. Here to tell us more about it is transportation planner zef Wagner, if you can walk us through it.

**Zef Wagner, Portland bureau of Transportation:** I am zef Wagner a planner at the Portland bureau of transportation. And I've been involved in developing and trying to get funding for this project for several years, so I am just delighted to be here as we present you with an ordinance to accept the iga with odot so we can get started on design and construction. I wanted to do a short presentation running through the project, we have new faces since the last time that we came to city council with this project. With the grant application. So like I said this is an iga with odot for construction of a new bicycle only bridge across the 405 connecting Flanders street across the freeway. The idea provides \$2.9 million in connect Oregon funds for the project. And then transportation system development charges would be funding the remainder of the approximately \$6 million project. So the need for this project has been in plans for a long time. The crossings at Everett and glisan are challenging. There is on-ramps and on-ramps and same at Burnside and couch and missing sidewalks. Very challenging for pedestrians and the bike connections are not really all ages and abilities friendly. It's a busy traffic. Really i405 has divided the neighborhoods ever since it was built you know, this trench cut through and it's arguably at its worst north of Burnside because of the those ramps. So this project would be building a new pedestrian and bicycle only bridge. We have started a tradition in Portland of doing this. We built a car-free bridge across the Tillicum crossing across the Willamette. This is similarly a car-free bridge across the concrete river. The project would build a bridge and also signalize the crossings at 16th and 14th to create a really all ages and ability friendly bike and pedestrian route.

**Wheeler:** Could I ask you a silly question while I have got this schematic up there? It appears that the bridge crosses in the middle of the street on Flanders. So it's offset to the crosswalks. Is that intentional?

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**Wagner:** We would be building a transition points. We felt like a 60-foot wide bridge would be to expensive so I will go through and show a cross-section of what it would look like. But we could have some transition points. Notably we would build this to be seismically safe to be a lifeline route in case of an earthquake. So it would be built to handle emergency vehicles. We went through an alternative analysis at pbob and looked at criteria trying to balance making a bridge that could be future proof, serve the demand that grows in the future, and but also be cost effective. So we looked at everything from sort of a 12-foot wide bridge to 60-foot wide bridge. We settled on this as our preferred concept, 24-foot wide tress bridge, with separation between bikes and pedestrians because that's something that's come up a lot is needing that adequate separation. It's also wide enough like I said that an emergency vehicle could drive down the center if it had too. And this is obviously subject to change based on the design engineering process, we'll be doing public outreach and letting the public inform the design of the bridge. I want to put this in context. This is just a piece of a long plan, neighborhood greenway route that would connect all the way from 24th avenue to the steel bridge. With crossings at major streets and sort of traffic calming to provide a really nice calm alternative for people walking and biking. And it's connecting, you know, an area of major growth to our biggest job center. There is high concentrations of affordable housing in these areas and we have also invested a huge amount in bike town stations in the northwest and the central city, so we want to make it -- what we heard is people don't have enough safe routes to get between there. Just wanted to highlight the huge public support that we got for this project during the grant application process. This is showing the logos of various neighborhood associations, business associations, and legacy medical center, and private employers. These kinds of things, and we just got a huge outpouring of support. People are very excited about this project. I just wanted to leave you with this. This just came into my inbox, the pedal palooza ride, I think it's just indicative of the excitement about this project. I don't think that I hear -- I think that this is a project that I hear most about from people, people are always asking when is it going to happen. I have heard about this. Please build it so people are very excited about this. So we would love to get the ball rolling.

**Saltzman:** Are we building a new bridge or reusing a bridge?

**Wagner:** This is a brand new bridge. You may recall 10 years ago.

**Wheeler:** Where is the Sauvie island bridge?

**Wagner:** I think it has been recycled and I am not sure where the pieces went but there was that attempt. We waited and looked at it again and decided the need is still there. It's more cost effective to build a new bridge.

**Wheeler:** Any questions before we call for public testimony? Any public testimony on this item?

**Moore-Love:** No one signed up

**Fish:** Dan how long has this been on the drawing board?

**Saltzman:** About 20 years.

**Wagner:** the previous central city plan before the one that we're looking at now has been in the transportation system plan since I think 2002, and in the bicycle plan for 2030, and so it's really been long recognized as a need.

**Fish:** Fantastic, commissioner Saltzman has had pbob for four months and got it done. Not surprised. No. Congratulations to everybody who had a hand in this. Aye.

**Saltzman:** It is good to see this finally come to fruition, and it will be a great Improvement for pedestrians and bicyclist in our city, aye.

**Eudaly:** Almost makes me wish that I still lived in northwest Portland because all of those crossings over the freeway are pretty nasty for pedestrians and cyclists. I do hope that we can bring the same kind of innovation to neighborhoods outside of the central city. Aye.

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**Wheeler:** It looks good, aye, the ordinance is adopted. So colleagues we have an individual who has been waiting patiently for 684, what I would propose before we break for lunch, complete 684, and since we have the quorum, take the quick votes on the items that we have carried over from previously without the quorum, and call it a morning if that works for everybody. So could you please call 684?

**Item 684.**

**Wheeler:** Just before we start the bureau of emergency communications, you are here, are you waiting for the vote or was there another item? You are not required to stay here for the vote unless you would like to, you are welcome to. But I didn't want you to think that you had to sit here and wait for the vote.

**Kurt Krueger, Bureau of Transportation:** Good afternoon mayor, city council Kurt Krueger with the Portland bureau of transportation, we had a short slide show, we had a presentation, and you guys had a long morning and we'll wrap this up quickly. Less exciting than a bridge, we're talking about dirt in south waterfront.

**Wheeler:** I am sorry I just committed a horrible faux Pas and I want to correct it before these guys leave and get the bureau of emergency management. I apologize.

**Krueger:** This is in conjunction with prosper Portland has been underway with the construction of the bond avenue and south waterfront, the first stage of that project is placing a lot of dirt to consolidate the challenging soils in south waterfront, and waiting for that to settle before we come back and finalize the construction of the street. We are looking at the next phase of southwest Meade avenue. They are facing the same challenges of soil that needs to consolidate for a number of months, so it doesn't settle when the new street is built. We hope to share contractors between each other and one of the hiccups that we ran into is the current city code requires design review and green review when we move more than five truckloads of dirt. So what the ordinance here is before you and I believe that had an amendment that was introduced in your package earlier this week, a code clarification referencing the right code that we are asking you to approve waiving. Remove that requirement for that design review and greenway review for the movement of dirt in south waterfront. We're not waving any sorry design review or greenway review for any buildings or trails or anything else in the future. This is more just to allow the construction of the placement of dirt on southwest Meade avenue. Michael Harrison and Mike Buckwald are here from ohsu to answer any questions that you have and the reason why this is an emergency is our contractor would like to move and start work for them.

**Fish:** Can you explain when you say that we're waiving the design review of moving dirt, what would design review actually review?

**Eudaly:** You don't want to know.

**Fish:** What's the action that they would take?

**Krueger:** I think you hit on why we're asking to waive this. We have gone back through the legislative history of the code and there is, there is not a good reason why there would be design review. There is no criteria that would align placing dirt up against a code review.

**Saltzman:** I think you made the case.

**Fish:** You made the case persuasively. Michael since you are here there is a lot of construction going on so we have got the night center. You have got the new building to the south of where I get my healthcare services. You have got a parking lot adjacent to that and a new building going up there.

**Michael Harrison:** Right the rude family pavilion which is six floors of parking but above it four floors of patient housing, half run by the Ronald McDonald house and the other half more for adult patients many cancer patients.

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**Fish:** It's really amazing, when I rode my bike the other day down there and you had the three construction projects, plus zidells last barge, my son Said riley, or my son said with a wry sense of humor, has that barge always been there? It's shocking to see that barge sitting there waiting to be launched. A lot of good stuff going, somehow you made the parking accessible.

**Harrison:** Michael Harrison, ohsu, we really appreciate all of the staff work from a variety of bureaus that came together to sort of iron out the wrinkle that would have required design review, a pile of dirt and we really appreciate the longer partnership with the city where we're always sort of leapfrogging. Someone will develop something that we need to work together to improve the transportation system to keep the flow of people in and out of the district whether it's by transit or bicycle or car, and again in one of those steps now where bond and Meade are sort of catching up with the development of the buildings but it's a partnership between many partners including us in the city that keeps the system moving forward and keeps, allows us to continue to serve our patients, so thank you.

**Wheeler:** Very good, thank you. Is there any public testimony on this item?

**Moore-Love:** No one signed up.

**Wheeler:** Please call the roll.

**Moore-Love:** The amendment?

**Saltzman:** Move the amendment?

**Eudaly:** Second.

**Wheeler:** Commissioner Saltzman moves the amendment and Commissioner Eudaly seconds, call the roll.

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

**Eudaly:** Pleased to give my blessing and save everyone some time and money by not doing the design review on a pile of dirt. Aye.

**Wheeler:** I sort of would have enjoyed seeing what that would look like, but that being said I am all for government efficiency. Aye. The amendment is accepted please call the main motion.

**Fish:** This is an emergency?

**Fish:** When the mayor says he would have enjoyed watching seeing that you know what he's actually just copped to, he would have looked forward to the appeal that came from the design review to the city council and we would be convening here a year from now, and Michael would be here eyeing his heart out and over the --

**Harrison:** I would have been replaced.

**Fish:** Michael would have been calling in from the retirement home outside the country. Aye.

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

**Wheeler:** All right, the ordinance is adopted as amended and thanks for your patience. So why don't we go through the votes in order that we took these. Could you start by calling the role on 670?

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

**Wheeler:** So before I cast my vote I am speaking to This in the next two items, we had a number of people come up and testify in opposition to these three items, and I want to say why I strongly support all three of them. As was illustrated by the situation in you New Orleans, emergency management, an emergency preparation or key obligations of a municipal government and core to fulfilling that obligation is making sure that communities, all communities are adequately prepared. That includes the first responders, in terms of having the tools and the training that they require, and it includes all of the government jurisdictional partners, that require training as collaborative partners, as well as having the communications equipment and training that they need to collaborate successfully in the

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event of a widespread disaster. And importantly it also includes preparing individuals, families, and neighborhoods. And I don't usually comment on public testimony, but I am going to in this case. I was surprised that the public testimony was so at odds with the fact of these grants. So I would simply say this again. I said it before I think that I was being shouted down at the time and being sworn at and whatnot. I am ok with that, but I want the public to hear this. You have every right to come to this microphone and to speak your mind in any way that you see fit. We don't edit people's commentary, but it would be helpful to, at least read the item before you comment because there is a lot of people who watch on tv, and they may be confused by what they are hearing, if the testimony doesn't dovetail at all with the items and finally we respect the right of citizens under the charter to be able to pull any consent agenda item off of the agenda, and we respect that right. There's a responsibility that comes with that right. When we call in staff members from all over the city to come here and testify on items that have been pulled in some cases just a few minutes prior, I would at least ask people to have the courtesy of being in the chamber and hearing the testimony that they are providing rather than running in at the last minute and then speaking just flat out falsehoods about what the agenda item is. I think that, you know, adults in a civic discourse, we can figure out how to make this work but I frankly thought what we saw today was disrespectful to the public employees of the city of Portland. I thought it was disrespectful to the other people who came to provide testimony and be heard in this chamber and as was duly noted this city council has established clear rules and clear codes of conduct that we enforce uniformly to everyone, so I strongly support this because I don't want to be the next New Orleans. When we have an emergency on our Hands. I want our community well prepared, the first responders, the city, our regional partners, our communities, and our families. And these grants from the federal government enable us to be ready when the time comes. So I vote aye, the ordinance is adopted. Next item 671 please. Call the roll.

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

**Wheeler:** Aye the ordinance is adopted. 672, the roll.

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

**Wheeler:** Aye. The ordinances is adopted. 665.

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

**Eudaly:** I want to thank Mary Sipe for coming today and giving her testimony. She told a story that I am hoping that we will hear a lot less of which citizens putting in their time and energy and expertise and not having their work valued or implemented. I would like to see the noise office getting closer to recovery, I believe that we have some kinks to work out. But in the meantime, I vote aye.

**Wheeler:** Aye. The ordinance is adopted. And last but not least 676 please.

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

**Wheeler:** Aye. The ordinance is adopted. So colleagues that left a rather lengthy to-do list. I will let staff sort it out and we will figure it out later.

**Eudaly:** We did not do the consent agenda did we?

**Wheeler:** We did.

**Eudaly:** I missed that.

**Wheeler:** With that we're adjourned until 2:00 p.m. this afternoon.

**At 1:10 p.m. Council recessed.**

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

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

**June 14, 2017 2pm**

**Wheeler:** Good afternoon everybody this is the afternoon session June 14th for the Portland city council. We're now in session. Karla, please call the roll.

**[roll call taken]**

**Wheeler:** So just quickly on code of conduct for meetings please everybody do your best to be respectful. Everybody here needs to feel safe, welcome and heard. We request that there not be any heckling of either residents or of staff making presentations. Any disruptions obviously are not tolerated. If there's a disruption, you'll be asked to leave. If you are asked to leave and you choose not to do so you're subject to arrest. Hopefully that is not even on anybody's mind on such a beautiful afternoon when we have so many great things we want to accomplish. There are a number of items we did not finish this morning. So Karla, I'm going to ask you to read the following four together. 687, 688, 689 and 690, please.

**Item 687.**

**Item 688.**

**Item 690.**

**Wheeler:** Just for the record, 690 is second reading so there will be no further testimony. The record is closed on that item. Perhaps you could briefly tell us about the others and we'll ask if there's any public testimony.

**Christine Moody, Procurement Services:** Good afternoon, mayor, commissioners. I understand you had a long morning and trying to get to the time certain, so I was just going to answer any questions if you had them on any of the procurement reports.

**Wheeler:** Any further questions, colleagues? Seeing none is there any public testimony on 687, 88 or 89?

**Moore-Love:** No one signed up.

**Wheeler:** Please call the roll on 687.

**Fish:** I move the report.

**Wheeler:** Thank you.

**Fritz:** Second.

**Wheeler:** Commissioner Fish moves, commissioner Fritz seconds the procurement report for 687. Any further discussion? Seeing none, please call the roll.

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

**Fritz:** As usual chief procurement officer Christine Moody your right of this is exemplary and I thank you. Aye.

**Wheeler:** Aye. Thank you. 688, please. Can I get a motion?

**Fish:** So moved.

**Eudaly:** Second.

**Wheeler:** Further discussion seeing none? Please call the roll.

**Fish:** I want to acknowledge that the mwesb participation on this one is terrific. Nicely done. Aye.

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

**Wheeler:** Aye. The report is accepted. Please call 689.

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**Eudaly:** I move to accept the report.

**Fish:** Second.

**Wheeler:** Motion from commissioner Eudaly, second from commissioner Fish. Further questions? Seeing none, please call the roll.

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

**Wheeler:** Aye. The report is accepted. And that leaves 690. That is a second reading. Please call the roll.

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

**Wheeler:** Aye. The intergovernmental agreement with metro is accepted. That takes us up to the time certain item 693.

**Item 693.**

**Wheeler:** The city attorney will start off by making some announcements about today's hearing.

**Jason Loos, Deputy City Attorney:** Thank you, your honor. The attorney will be down in one second.

**Wheeler:** Can you like fake it for two seconds?

**Loos:** I have no idea how to do that.

**Fish:** Well said. Well said.

**Wheeler:** Let me take a shot at it then the city attorney will come in and correct all of it. This is a land use hearing. The first thing we're going to do is publicly declare any conflict, actual conflicts of interest and any ex parte contacts we might have had with regard to the parties. We will then hear a staff report. The staff will have approximately ten minutes to provide their staff report. The appellant will then have ten minutes to clarify their appeal. I want to be very clear that both for the staff report and the appellant we will not deduct time if there are questions asked by the city council. Time spent asking questions, time spent answering questions does not count towards that ten-minute time frame. We will then hear from supporters of the appeal you'll have three minutes each to provide your support of the appeal. The principal opponent will then have 15 minutes to discuss, rebut, or provide answers to any issues related to the appeal. Then opponents of the appeal will have three minutes. The rebuttal by the appellant is five minutes. There will be council discussion and then either future scheduling or a decision. I want to be clear that the time frames that have been provided here are part of code. They are not arbitrary to city council so the time frames are actually standardized required time frames. Legal counsel I don't know how much of that you heard but hopefully I provided basically accurate information.

**Linly Rees, Chief Deputy City Attorney:** It sounds like you've gone through the entire schedule of order of presentation.

**Wheeler:** That's correct.

**Rees:** Then I will not talk about that, I will jump to the fact that this is an evidentiary hearing which means you may submit new evidence in support of your arguments. I'm going to announce several guidelines for those who will addressing council today. First, to submit evidence into the record if you have any letters or documents you wish to become part of the record you must give them to the council clerk after you testify. Similarly, originals or any copies of slides, photographs, drawings, maps, videos or other items you show to council during testimony including power point presentations should be given to council clerk to become part of the record. Second testimony must be directed to the criteria. Any testimony, arguments and evidence you present must be directed toward applicable approval criteria for the land use review or other criteria in the comprehensive plan or zoning code you believe apply to the decision. Staff will identify the applicable approval criteria as part of their report to council. Third you must raise an issue clearly enough to give council and the parties an opportunity to respond to the issues. If you don't

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you will be precluded from appealing based on that issue. Finally the applicant must identify constitutional challenges to conditions approval. If they fail to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow council to respond the applicant will be precluded from bringing an action for damages in circuit court. I think that covers what I need to cover.

**Wheeler:** Do any council members wish to declare a conflict of interest at this time? Seeing none, no council members have conflicts of interest to declare. Do any members of the city council have ex parte contacts to declare or information gathered outside of this hearing to disclose?

**Fish:** Because we have a large audience I will note for the record that we have a tradition in this building of shielding the elected the decision makers from meeting with parties to these quasi-judicial proceedings. That does not prevent people from meeting with staff people or communicating with staff and seeking guidance about how this process works as long as the elected is shielded. I have no ex parte to disclose.

**Fritz:** My staff has met with appellant.

**Eudaly:** My staff has met with both the applicant and appellant.

**Wheeler:** Does anyone present in council chambers wish to ask any of the commissioners about ex parte contacts or information he or she has disclosed? I don't see that. Have any members of the council made any visits to the site involved in this matter? No member of the council has made a visit. Commissioner Fritz.

**Fritz:** I'm sure I must have walked past it at one time or another but I did not make one specifically for this hearing.

**Wheeler:** I will adhere to the same standard as anybody wish to ask either commissioner Fritz or myself about our observations on the visit? Yes, sir. Come forward, state your name for the record, please.

**John Hollister:** John Hollister for the record. What you have is andina.

**Wheeler:** It's really hard to get a reservation. My schedule doesn't allow me to reserve that far out. I do love the place. I will confess. Thank you. Good question. Do any council members have any further issues that need to be discussed before we commence with the hearing? Seeing none, we'll start with the staff report. Approximately ten minutes. Good afternoon. Name for the record.

**Mike Gushard, Bureau of Development Services:** Good afternoon mayor, commissioners. I'm mike Gushard, city planner for the bureau of development services.

**Tim Heron, Bureau of Development Services:** Tim Heron, senior planner, bureau of development services.

**Wheeler:** There you go.

**Gushard:** So these presentation have a way of starting with mystery then we get to the point. I'm going to summarize why we're here then get into the details. This is about an appeal of an approval the Portland historic landmarks commission created for an application for an infill project in an historic district. I'll go through the context, both the regulatory context and sort of the urban context and neighborhood for a bit. We'll discuss the proposal very, very briefly. I'll go through the process of how we got here and the decision that was made. Then the appeal and sort of our bds's reaction to the appeal and at the end questions, of course. So it's at northwest 13th and glisan. I think john did the heavy lifting pointing out the location, catty-corner from andina, which is delicious. It's I think on the left there you can see the height map for this neighborhood. It's 100 feet. That hashing indicates that there is a bonus height potential of 40 feet for this section. 140 feet altogether. Limit on the floor area ratio is 6-1 with bonuses that can be up to 9-1. It's in the employment zone, one of our more forgiving zones, and is a noncontributing resource in an historic district. When we talk about historic resources and historic districts it's very

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easy to get lost in details and forget to talk about why they are significant and why they are important. In the case of the northwest 13th avenue historic district it's important for two reasons. The first reason is it tells the story of Portland becoming an important center of warehousing and distribution on the west coast. If you are going to have a proper city and people have things and make things and send them other places particularly in the 19th century when logistics were not as good as they are today they had to hang out in a place before they got to where they were going. You can see up in the top left that's an historic picture from the '30s looking into the district. It's one block out of the district, taller buildings down there are the historic district. The other reason it's important is because of its architecture. A lot of the most significant architects working in that time have buildings in that district. I think that's a testament to how important a place this was to the development of the city that you would have someone like the office of Doyle and Paterson build a warehouse for you. When we talk about historic districts, we use a term character defining features and those are the parks of the district or historic building that communicate to you why it's important. In the case of a 13th avenue historic district some of these features are the use of masonry and brick as you can see. Three-part design which in the turn of ninth century was a way of organizing taller buildings then loading docks which really hits home that this is a place where shipping and moving of materials is going on.

**Wheeler:** Could you elaborate on three-part design?

**Gushard:** Sure. If you look at the new photo, the contemporary photo under the historic photo, you can sort of see the building on the left has a pretty emphasized base, middle and top. The other contemporary photos I have illustrates that too. Tall buildings were sort of an American invention, at least commercial buildings. Architects that time were trying to think, well, what's a good way of organizing this system? So they created an entry base, a set of middle floors that are all the same, then a top that's distinct actually based on a column.

**Wheeler:** Thank you.

**Gushard:** There's a map of the district over on the right. So the approval criteria for this project and this location are the central city fundamental design guidelines and appropriately named northwest 13th avenue historic district design guidelines. The latter is in two parts, an exterior remodeling section which we didn't apply to this because this is a exterior remodel of a new building. There's a new construction section which is what we focused on. Site description, it's currently a parking lot. Like I said at northwest 13 in and glisan slopes east to west on a major transit treat and the lot area is around 10,000 square feet. I have a set of photos just context photos of the area looking north. You can see the lot there on the right. This is looking south, now it's on the left. You can see the loading docks. That three-part design looking east and looking west. So the proposal, the application was for an office building with retail at the bottom. It's six full floors with a penthouse. It's at 96 feet, so just under the allowed height limit without a bonus. And has an far of 8.16 to one. If you remember from a few slides before the maximum width bonus is 9-1. They got to their bonus height through a bike rim. Mixed exterior materials, brick aluminum windows and a sneak preview of a loading dock feature, added to make it compatible with the neighborhood.

**Wheeler:** Could you tell me about the parking? It's clear in the schematic there's parking. Could you talk about that?

**Gushard:** Yeah, there's three floors of parking with 45 spaces. Entry on northwest glisan. Normally glisan wouldn't be a street where we would want that. That actually required an adjustment. We moved it on to glisan to support the historic district, the character it had. That street wall and set of loading docks being interrupted by a large hole for parking would be suboptimal.

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**Wheeler:** I assume that's private parking for tenants of building as opposed to public parking?

**Gushard:** I think in the hearings the exact use wasn't completely laid out but --

**Wheeler:** Is that germane to the hearing?

**Gushard:** No. This is all height.

**Wheeler:** Thank you.

**Gushard:** On the top there's a rendering. You see a three-part design. The brick actually use of distressed brick to make it look older. Sort of feel right in the district. And a loading dock feature which also acts as an ada ramp. That's one of the interesting things about the docks along the street. Many of them have been altered to also function as ramps. So you can see the penthouse on the top and the axle rendering on the lower left. Six full floors with that three-part design then a penthouse on the top. Here's the process that this application went through, this is just the bds process. There was a pre-application conference in January 2016. At that conference one of the things staff suggested was design advice request hearing with landmarks commission often with a project this size particularly in an historic district it's good to have a first chance to talk to the commission to make sure a project is on the right path. That meeting was in march 2016. The compatibility came up. If the landmarks commission was worried that it was too compatible and asked that a date stamp be put on the building so it showed it wasn't part of the historic fabric of the neighborhood. The height also came up which is sort of the point of controversy here. They were fine with the height given all the other gestures that the building made to be compatible with the district but made a point that anything higher would have to have further discussion. At the first landmarks commission hearing on December 2016, it was not approved at that meeting. There was some fine tuning in the design that had to be done and some conditions that were out. The applicant responded to those and landmarks commission was ready to approve at the February 2017 meeting. The appellant asked that the record be held open so that moved things on to another hearing, march 2017, the landmarks commission unanimously approved the application. Then the appeal application was in April 2017 and now we're all here today hanging out together. The decision, this is right from the staff report, proposed building fits into northwest 13th and meets guidelines, demonstrates key character defining design. Red brick, a gesture toward the iconic loading docks. There were an adjustment, was an adjustment and modification. Those are not part of the kind of the source of the appeal so I didn't emphasize those in my report to you today. There were some conditions of approval which also were not part of the appeal. While we're talking about the appeal, this is right from the application. The appeal statement says the building does not meet northwest 13th avenue historic guidelines approval criteria for height and visual compatibility. That's directly from the application and the appellant will dig deeper into that. In considering this staff and landmarks commission we're familiar with the district enough I have a set of historic buildings in the district and their approximate floors and heights. Irving street lofts is the tallest building the district it's around 89 feet depending how you measure height. These are approximations of the sort of perceived height or parapet height. The king building is directly across the street, historic simon building, actually around five floors and 75 feet. The lofts seven floors and 85 feet. At the bottom is the proposal. The parapet is at 86 feet. The top of that penthouse is at 96 feet. Commission felt like that was acceptable in part because the visual height of the building would be the 86 feet.

**Fish:** That's because the penthouse is set back?

**Gushard:** You conjured up my next slide. Yes. The penthouse is in the red marked out there and it's set back 20 feet from northwest 13th avenue and 25 feet from northwest glisan, so there's a site line on the bottom. It's not sort of visible to passersby. You can see

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in the top left there sort of the parapet with a kind of human form to give you an idea how deep that is. They are using it as railings. It had to be pretty hefty. So there's one guideline in the northwest 13th historic district guidelines that deals with height. It's the height and bulk guideline. It says buildings in northwest 13th avenue historic district display consistent mass. Buildings are typically two to six stories in height. New construction should not exceed maximum allowed height and density requirements. So the building is six full stories with a penthouse above. Felt like it met that part of the guideline. The maximum height with bonuses is 140 feet maximum height on its own is 100 and it's 96. Maximum density 9-1 far and the proposed building is 8.16-1 with that bonus.

**Fish:** Before you get to the alternatives you addressed height but what was the nature of the visual compatibility argument?

**Gushard:** The visual compatibility I think it's -- was addressed all the way through the guidelines and there are so many details on the building that are pulled off from all of the historic buildings, I distilled those character defining features down to brick, three-part design and loading dock. Each has fine detailing within them, the punch of the windows, patterning in the windows, all that is reflected in both of this building and the historic buildings.

**Fish:** I understood there were two grounds for appeal, height and one was visual compatibility.

**Gushard:** The visual component wasn't explained in the application.

**Fish:** Okay.

**Gushard:** It's mostly focused on height. I'll let John speak for himself. I think it is height as a component of visual compatibility.

**Hollister:** Go ahead, Mike. You're doing good.

**Eudaly:** Can you remind me what the allowable far without the bonus is?

**Gushard:** 6-1.

**Eudaly:** How many stories would that roughly translate to?

**Gushard:** That would be about four could be six stories actually, yeah.

**Eudaly:** Thank you.

**Gushard:** The council alternatives today are to deny the appeal and uphold the landmarks commission's decision. Deny the appeal and uphold the decision but make modifications to either conditions or to approval or grant the appeal and overturn the landmarks commission's decision and effectively deny the project. Are there any other questions? I'm happy to answer.

**Wheeler:** Is the main source of concern as you understand it the penthouse? Is that what we're talking about?

**Gushard:** The main source of concern is generally the height. I don't think it is the aspect of the penthouse. I think it's the height in total. Mr. Hollister did testify at several of the hearings and it wasn't just the penthouse.

**Wheeler:** We'll have a chance to hear from him. Good. Thank you.

**Fish:** Just to give me some context, when we evaluate height in an historic district, are we supposed to give greatest weight to buildings that are proximate to this building or do we look at the context of the entire district? You gave us a slide that showed us quite a larger lens. Is there a rule of thumb there?

**Gushard:** There isn't a perfect rule of thumb. It depends on the resource. When I say resource I don't mean just buildings. District is a resource too. If this were residential historic district with completely uniform height and maybe one or two outliers I think that you would want to use that uniform height. That would kind of be a character defining feature. You would use that to say this is the height that's compatible with it. In the case of

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this district it's a district with varying heights so height isn't the kind of main determinant of compatibility.

**Wheeler:** Very good. Commissioner Fritz.

**Fritz:** Is this your first presentation to council?

**Gushard:** It is.

**Fritz:** Very nicely done.

**Gushard:** Thank you.

**Wheeler:** You know the drill. Name for the record, please.

**John Hollister:** Good afternoon. I'm John Hollister, I'm the appellant. I was hoping they could go overtime so I could have some extra time too. If I go over my time can I use some of my rebuttal time on this first part?

**Rees:** That's up to the council as to how they want to address that.

**Wheeler:** How much do you suspect you might need?

**Hollister:** Hopefully it will be quick. Hopefully you ask me a lot of questions so the clock stops. I think five minutes.

**Wheeler:** The way -- obviously this is a legal hearing. Therefore we have to be fairly strict in terms of how we run it. Unless legal counsel has a problem here's what I would recommend. Let's get to ten minutes and let's see where we are and how much additional time you think you need to make a solid case then what I would do is grant the same amount of time to go back to the staff report?

**Rees:** No, you would grant the same amount of time to the applicant who is opposing the appeal.

**Wheeler:** Very good. Why don't we consider that as an option, colleagues, let's see where you are after ten minutes. I want to be fair in terms of making you feel you've had an opportunity to fairly present your case but I don't want to disadvantage the other side in the process.

**Hollister:** Thank you.

**Wheeler:** In fact I can't legally.

**Rees:** Could we pause for just one second?

**Hollister:** Thank you, commissioners, mayor wheeler, for this opportunity. It's been an interesting road the last 18 months since we started on 11 of '15.

**Wheeler:** I need you to state your name.

**Hollister:** John Hollister. So this is a journey that I really had not intended on being a part of. But the people that I have met during this process had me appreciate all the wonderful people we have in Portland. I have met a lot of people that are -- there's a lot of people that support me and I would like to just take a minute to acknowledge them. With all the people that are supporting the appeal just raise their hand. So what we have now we have a situation where the historic district is in danger. The only reason I knew about this was because I was within 400 feet and I got a notice and this particular process was a flawed process. There were procedural mistakes, inaccurate facts, pdna bylaws there were some violations there and there's some potential conflict of interest things that I really can't talk about because they are currently under investigation.

**Fish:** Could you let us know when we stray from what's actually in the record? I have the sense we're getting way outside the record.

**Rees:** This is an evidentiary hearing so they can raise evidence issues.

**Fish:** New issues?

**Rees:** Yes.

**Hollister:** Thank you for the clarification on that. This is not so much about the building it's the entire integrity of the district. The consciously or unconsciously this building is what I termed a Trojan horse that will lead to demolish demolition of the smaller buildings in the

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future with putting economic pressure on those smaller buildings. The public voice was just not heard on this. I have spoken to over 500 people on this. I was standing outside of the -- on a first Thursday talking to people with my little sign that I came in my three minute thing a few months ago and was talking to people and not more than a handful new that a building was going up. So the appeal outcome what am I looking for? What I think the public is looking for is building height must be respectful of the historic district. What is respectful? 75 feet is what was stated at the beginning of the pre-application process maximum height allowed at the beginning. That's actually what landmarks commission testified originally for in the 2035 plan and I have several examples that mark around the 75 foot as being an historical district respectful height. I think that this would be a good time to review and enhance some of the processes. I know there's a number of things going on with some of the things that some of your offices are taking up. I'm going to take you through my view of the process. They are good people. I really enjoy working with mike. He was always very responsive and very willing to work with me and it was a real pleasure. The landmarks commission I think they do a tremendous work. I sat at many of the meetings and I think sometimes the volume of work is just excessive. Leadership, I think when talking to some of the people I would get the sense the city staffers are looking for some leadership as well as the public. To all those people I talked about there are too many that just felt that there's nothing they can do. Here's the project website. To identify myself that first picture is from my window. That window is at 21 feet high. I overlook the proposed site. When I bought my condominium three years ago I assumed a building would go up in that lot at some point. I just didn't know when, so from the standpoint I'm at 21 feet. Whether this is three stories, five or ten stories, my view to the south will be altered, so it's really not an issue where I am fighting a building going up there. I believe a building of the proper height should go there and to me whether it's 75, 100 or 200 feet doesn't have a negative effect on my view. The pre-application process was not really a public meeting but I was invited to attend. I just was sitting there learning the process. The applicant presented a project, one was 140 feet which mike said was the limit. The city told them quite emphatically that 75 feet would be the maximum and that's because it's in an historic district. The guidelines supersede and that gets to commissioner Fish talking about the visual compatibility as well as compatibility with the adjacent buildings around it. That was historical district respectful for me. I was asked to speak at the end of the meeting. I told them I was excited about the process and looking forward to working with the developer and being a good neighbor. Then we got to the April meeting and the first couple things concerned me with the landmark commission when they were unfamiliar with the district. They had never reviewed a project in the district and I was a little surprised that after I understood there's been no new construction in that area since 1945, no one was even alive, so no one was really familiar and weren't spending much time. The staff presented a 100 foot project. I said what's going on? It was 75. What happened between now and then? He said this is where you give your testimony. I said I'm not prepared. I haven't done any due diligence. I am not prepared. I was assured that I would be able to give testimony at a future meeting so I began my due diligence. You've seen this already as the site here. And here's Johnson over here, Davis here. Here's the site here at glisan. Let's see here. We were looking at the different heights of the buildings. Here were the four buildings, it was talked about being the fourth largest in the district, and I think that was a lot of why people were feeling comfortable about it being compatible but then one of the buildings, the Casey building used as a comp, that one is not even in the historic district. So we kind of take that one out of the picture. Then we have the -- I went in front of the Wyden Kennedy building and it was four stories tall and it had 122 feet and that didn't make sense so I looked that one up and it was more relevant in the 58 foot level. Then

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over here was listed at 120 for Irving street lofts. I went to a number of sources on this and one the city used was 89 feet, and so Karla is there a reason I have to hit the forward key on each of these? Let me see if I can do this another way. I can do it that way. What I found was I just went over to the building owner and said what's the doggone height of this thing? There's so many different things on the building, they said it depends on where you are. It's 92 feet on northwest 13th but there's penthouses on the back that's 120 feet so it's all over the board. Here is a chart that more effectively talked about the heights of the buildings of the whole historic district. The average height, this goes back to the compatibility the average height is 50 feet. This one is proposed at twice the height of the average district. These buildings whether this is 89 feet or 120, that was built in 1924. The other one was 1910. The only recent construction in the area or projects are right here. These are just outside the historic district and three of the commissioners voted on this. This is a project block 136 where I'll show you later it came in at 76 feet because they wanted to respect the historic district. This is another building outside the historic district also at 75 because they want to respect the historic district. So my first question if we are respecting the historic district outside of the historic district why aren't we respecting it inside the historic district? [applause] don't want to get anyone kicked out here. I have a couple of buildings that are historically respectful. This is the grant Belmont building. It's in the historic district on the other side of the river.

**Wheeler:** Sorry to interrupt. That's ten minutes. How much time do you think you need to get through your presentation?

**Hollister:** 4.5 minutes.

**Wheeler:** Perfect. Colleagues, does anyone have any objection assuming I provide the same balance to opposing points of view? Is this okay? Very good. Continue.

**Hollister:** Here we go. I'm going to talk faster here. Developer presented three properties, 14, 15 and 23 stories. This area is zoned 175 base with a 50 foot far. And the landmark commission said that's not compatible. What the developer presented a compatible building, seven stories, 81 feet high. That's what the building is there, six stories with a penthouse. The next one is block 136, and this was part of what I talked about in the judgment that was said about the step-downs and city council decision was 76 won for northwest 13th and 150 for 12th. Here are the two buildings.

**Fritz:** When was that decision made?

**Hollister:** I believe it was 2015 or maybe the beginning of 2016.

**Fritz:** Thank you.

**Hollister:** This is a building that is currently in design review. It's on the other side of the street from block 136 and that is being in at 75 feet. Still doing design work. So I was really proud of all my research I did. When I went to the next meeting the commission said that the height was already decided last meeting. Then Kurt's here he said the project is larger than we would like but not really setting a precedent because it's the last buildable lot. It moved to materials and I felt and I wrote in a subsequent letter I felt that my testimony was pretty much ignored. And I couldn't understand why the switch between date to date and then I found more information as I dug before the next meeting is in the 2035 plan the landmarks commission had recommended 75 feet and here's what the zoning is. Here is our existing zoning where mike went through it, 75 plus far and 100. Here's where the subject building is. What the landmark commission just to make it easier said 75 feet the entire way. That's what we want to have. Then with testimony from the masses it was switched from 75 to 100 and that's what is going to you in September, that height. So we'll look at the masses here. Five people spoke and I redacted the name, this is the property owner, but it's become fairly public who this person is. It's al solheim, who spoke, so really it was al solheim, Patty Gardner, dana and Tim that were speaking and poor Kurt down

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here was saying I want 75 feet and the property owners said no, we want it the way it was then Patty representing the pearl district neighborhood association said, no, I'm going to reject what landmark commission says but we're okay with it being 100 feet south of Hoyt. So they changed the decision. I'll make this bigger so people can see it. This is the staff rationale of why they wanted to change it. So basically they were saying because the buildings are 75 feet I'm going to go quick. Speed readers. All these 75 foot buildings that we're talking about that are affected there's two, they will never agree on being able to add additional height, and the other one over here is the only other 75 foot building. That one is owned by al solheim. All the other buildings are very, very low and they are going to face real seismic mandatory seismic upgrades, so if they say financial hardship they can possibly have their building demolished and rebuilt at a higher building. There we go. Both letters that were written by Patty Gardner are null and void because she didn't follow proper procedures. Then there's also personal conflict of interest. I'm done, I guess. Then I'll get to have a minute or so left in my rebuttal to read my last slide.

**Wheeler:** Commissioner Fritz.

**Fritz:** In your mind what would you think the height should be?

**Hollister:** 75 feet is what represents to me historic respectful.

**Fritz:** Are there any other buildings in the area higher than 75? I'm confused with which are accurate and which are not. Are there other buildings in the district above 75 feet?

**Hollister:** Yes.

**Fritz:** How big are they?

**Hollister:** Well, not really sure. One looks like it's 85 feet. Another one is anywhere from 89 to 120 depending on which measurements you want to look at.

**Fritz:** Thank you.

**Fish:** I have a couple of questions. You began your presentation by referring to this as a Trojan horse and would lead to demolition. I think I understood your argument but I want you to state it again.

**Hollister:** Thank you. This building going in at 100 feet all of these small buildings will have tremendous economic pressure. If I have a 25 foot building and I can build a 100 foot building that building has a lot more value. If I'm facing -- if I have a small building I'm facing a \$200,000 seismic upgrade it would be a lot simpler or more profitable for me to say, why don't we just tear this thing down and build a taller, more expensive building. So the further part of that argument is this is a very almost exactly what happened in Greenwich village in 1959, and in Greenwich village in 1959, to commissioner Fritz, your point as well there was zoning for diversity. Was proposed by civic groups, adopted by the city of New York in 1959. On certain streets the height limitations for buildings were drastically reduced. Most of the streets affected already contained numerous buildings in excess of the new height limitations. This is not evidence of illogic but why the new limitations were asked so that lower buildings remaining could not be further replaced by excessive duplication of more valuable tall buildings. Sameness was being zoned out or different zones in. So that was in Greenwich village. They had buildings over 100 feet too in that district. So it's new York. So I figured that the limitation probably wasn't that much but the height limitation in that area Greenwich village is 40 feet.

**Fish:** One other question if I could. I want to make sure I have the numbers right. The proposed building comes in at 96 feet. If you did not count the penthouse, it would be about 86 feet. You have suggested the height should be 75 feet. Does your 75 feet, is that inclusive of any penthouse base?

**Hollister:** Yeah, my 75 is 75. With nothing higher than 75.

**Fish:** I would be interested in your thoughts about the penthouse. The penthouse base seems to be set back and therefore it has -- to me from the sidewalk if I were looking up

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and I couldn't see it the building might actually look like an 86 foot building with a setback penthouse. What are the aesthetic concerns in terms of historic context of having a setback penthouse?

**Hollister:** Once again that's a great question. I'm a software salesman that's pretty good at research, so I don't know, I'm not an expert, I do have some experts that are testifying in my three minutes type things, so I'm just going off of the expert I would go to was the landmark commission and what they recommended to 2035 before five people came and had everything changed. So I go with their expertise. I hope that didn't sound flip.

**Fish:** It's helpful. Thank you.

**Wheeler:** Further questions for now? Very good. You can take a break.

**Hollister:** Thank you.

**Wheeler:** Thank you for your testimony. Next supporters of the appeal will have three minutes each to testify. Then the principal opponent originally was scheduled for 15 minutes but was that 4.5 additional, right?

**Moore-Love:** Yes.

**Wheeler:** We'll add 4.5 to the principal opponent should they wish to take that 4.5 minutes. Could you call the first three supporters of the appeal? State your name for the record. Three minutes.

**Wheeler:** You'll see the yellow light flash when you have 30 seconds. It will beep once then it goes crazy when you hit the three minutes.

**\*\*\*\*:** Very, very high maintenance.

**Wheeler:** Welcome.

**Gary Reddick:** Thank you. I'm Gary Reddick, I'm an architect in Portland. Mayor, commissioners, it's a great opportunity to be here and share a few of my remarks. I have haven't been here in some time. I've been out of the spotlight but I made a decision to come today to offer some observations and remarks to what I hope is a constructive conversation. We are here because opinions seem quite divided on the issue at hand. We are here because of senate bill 100 and passage of a requirement for putting boundaries around urban growth. We are here because of the expert hands that have designed our land use strategy, professional planners, politicians, citizen activists, and setting about to make Oregon and Portland a model of livability along the way the good work got discovered. The integrity of our strategies was on display. We received accolades and awards internationally and it seems now everyone wants to move to Portland. The construction of new buildings continues to amaze. To meet this unprecedented arrival we have had to revisit our planning strategies. And the capacity in our zoning to accommodate the migration. Inevitably we increase our height limits and enlarge the fars because we must. Let me pause for a minute to put my remarks in context. I'm an enthusiastic urbanist. For my 45 years as an architect here I have supported our land use planning. I have taught about its virtues at universities around the country. Along the way, I have pressed heights and fars to the max. Quite a few years ago my firm was on the front page of the tribune for five days in a row for trying to import far from the Lloyd district to a site in the goose hollow neighborhood for a high rise. We have seen many examples over the years where neighborhoods have risen up to offer protection of their precious place. We were quite appropriately defeated in goose hollow. We worked with the neighborhood, scaled the building back and passed design review on the first trip. I have come to have a great regard for the word precious. It seems to always lead to a good place. It was behind the making of the urban growth boundary and it should be in every conversation as we continue to shape our urban place. Protect your precious treasures. May I have more minutes?

**Wheeler:** Well --

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**Reddick:** I'm sorry.

**Fish:** What is the basis of your support? If you could just summarize why you're supporting it.

**Wheeler:** I hate to cut off testimony. I don't like doing it.

**Reddick:** Three minutes went just like that.

**Wheeler:** Ordinarily during normal council -- [speaking simultaneously]

**Reddick:** I would say 75 feet was the right decision in 2015 and it's the right decision now. I would end by saying we never know what is enough until we have seen what is more than enough. For my opinion 75 feet is enough.

**Wheeler:** Very good. You answered the question well. Thank you. We'll hold people to three minutes because this is a legal process. If we don't give everybody the same standard that's grounds for an appeal to our process. Thank you for your testimony. I appreciate it. Good afternoon.

**Jim Petennari:** My name is James Petennari. I'm a professor emeritus of architecture at the university of Oregon and a former director of our Portland program who worked with the city on many different issues concerning urban design. We are the ones back in 1983 who did the first real study of this area then called the last place in the downtown plan. It was called the last place because every other area had been studied and studied except below Burnside. So the American institute of architects sponsored a national study a ruda. That means regional urban design assistance teams was a service of the national aia to help cities work on various projects in their cities and was very influential for over a decade in directing places like Boise, Santa Fe, and ruda was held in this district in 1983. They contain teams of experts, architects, urban designers, economists, transportation experts, municipal finance and social studies people from all over the country came from mostly the east coast to study the district below Burnside called the last place in the downtown plan. We issued a study and report which was given to the city and is responsible for establishing the historic districts that exist now and made all kinds of recommendations that are responsible for what is now called the pearl district. I worked to defend the legacy of that work because it was very impartial done by very good people. Our Portland program offered students in Eugene and new students option to study and work and live in Portland oftentimes with the city planning commission on various urban issues. We worked a lot with neighborhoods on their light-rail station design on the east side freeway, removal possibilities.

**Fish:** The mayor is about to cut you off. I'm going to ask you the same question. What's the basis of your support.

**Petennari:** What I would like to do is outline the recommendations of our study at that time which is 1983, everybody pretty much agreed that the national economy was undergoing a major transformation and to do an approach that would reindustrialize this area would be a mistake. So at the same time it was really recognized that the outdated historical significant multi-use collection of buildings could really be reused with skillful planning and that my favorite statement is the value and attraction of the district lies in its differences. That it's different than any other place in the downtown, and not in the possibility that it can be made to look like every place else. So this study documented all the historic buildings. We defined the historic district which exists today. And we recommended preservation district be identified to help guide and protect the character of the area. It was the character of the area, its distinctive character as a collection of all kinds of different size buildings. We didn't really deal with any specific height limit but there are so many kinds of buildings here.

**Wheeler:** Thank you.

**Petennari:** Of all different kinds of materials, different heights.

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**Wheeler:** You made an excellent point and answered the commissioner's question very thoroughly. I'm really sorry, I'm going to have to move to the next person. Thank you. We have to keep the standard consistent. Good afternoon. I apologize. If for any reason the council decides to keep the record open obviously you can submit written testimony if that is the wish of the council. Continue.

**Danny Cohen:** Good afternoon, mayor, city council, I'm Danny Cohen. I just graduated from Lincoln high school. I would like to begin my testimony by thanking John Hollister for giving me the opportunity to speak on such a critical issue. I want to acknowledge Portland city council for listening. When John first approached me with the situation I wasn't convinced of its importance. My home is nearly six miles away from the proposed development and I had trouble imagining how it would affect my day-to-day activities. Once I finished speaking with John, however, I realized this is more than just about a building. As a 17-year-old recent high school graduate I represent the next wave of American voters. A generation that demands government transparency and encourages civic engagement. The actions taken to advance this development jeopardize the core of democratic participation and while the 13<sup>th</sup> avenue historic district may be small this precedent of back room proceedings and silencing of citizens will ripple across the city. Though I generally find myself on the pro-business side of discussions this concerns me for three reasons. First as an active member of the Portland community and supporter of dialogue between a government and citizens I reject that corporations and politicians can draw plans behind closed doors without acknowledging the impact to citizens by the decision. The decision was made before John had the opportunity to express his opinion the decision should not be considered valid. Second, I'm concerned by the misrepresentation of data that occurred during previous hearings. Due to the use of high uncertainty satellite approximations by the developers or at least appeared comparatively smaller than in reality. While 25 extra feet may seem insignificant it's telling that a manipulation of the facts was necessary to convince the commission. The purpose of government is to arbitrate conflict between its constituents and when blatant exaggerations become permissible the situation yields profoundly unfair results. Third I'm troubled by former PDNA president Patricia Gardner's unreported conflict of interest and lack of accountability when choosing not to seek mandatory retroactive board approval for her actions. A governmental decision cannot be considered valid if the public is unaware that its consequences may secretly and disproportionately benefit a given party. While we're here today to discuss the height of a building, what's at stake is far more than 25 vertical feet of concrete and rebar. To approve this development is to sideline future ethical business and reject the transparency and engagement that our citizens demand. Whether you're anti-development, pro-business or somewhere in between, it's evident that the proposed height increase for Pearl East has not been arrived at through legitimate means. Thank you.

**Wheeler:** Thank you for your testimony. [applause]

**Wheeler:** Good afternoon.

**Dr. Tracy Prince:** Hi I'm Dr. Tracy Prince. I'm a faculty member for Portland's center for public humanities and write books about race, gender and social equity. I'm vice president of the Goose Hollow Foot Hills League. Goose Hollow advocated for lowered heights in this area of the Pearl in the central city 2035 plan because of exactly what John Hollister has argued. If allowable heights are too high it will incentivize demolition of this historic district. I'm also on the board of the Architectural Heritage Center and member of the Portland Coalition for Historic Resources. Both organizations argue that the most affordable and most sustainable buildings are the ones already built. Research from the National Trust for Historic Preservation shows in city after city historic districts help achieve density without

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demolition. Yet Oregon has some of the most lacks laws for protecting historic buildings than anywhere in the country allowing excessive height on this project will artificially inflate the value of the underlying lots putting incredible development pressures on the 13th avenue historic district. I really appreciate john for spending \$5,000 on this appeal but I'm very disappointed that his pearl district neighborhood association didn't join him on the appeal. As I discovered through john's advocacy and the northwest examiner article the former pearl president sent land use letters on pearl letterhead which the pdna board was unaware of and did not vote to approve. I have read the pdna bylaws which were in place at the time the letters were written and this is not allowed. The bylaws explicitly state that any letter not approved by the board should be declared null and void. As john has stated these letters were important in shaping the landmarks decision. So it's necessary to reassess the decision number one because of misleading information on nearby heights that landmarks used to base their decision upon and because of landmarks based their decision on letters indicating pearl district support of increased height when in fact this appears to be the opinion of one person and was not endorsed by the board. Thank you.

**Wheeler:** Thank you. Good afternoon.

**Brent McCarter:** Hello. I'm Brent McCarter. I'm a resident of Portland for some time. I bought my home in the university park area neighborhood in 1976. In all those years I have watched as Portland has grown and expanded and at the same time held very precious its areas that would not change or at least would maintain their historical significance. Areas such as east Portland grand avenue, Irvington, ladd's addition, most recently Kenton, near me. These are areas where one can look at them and get a sense of what people looked at many, many years ago, and I value that. We use words recently at times I believe too lightly. Historic. Conservation. Planning. Sustainability. Specific to today's concern, we talk of compatibility in an area of 21 buildings where only two exceed the height of 75 feet. I would suggest that if a building now is going to be built and is compatible it's hard to understand how it can exceed 75 feet and be that. I drove up this historic district today on the way to this building. I had that sense of someone who went along the loading docks many, many years ago and although this new building will respect the facade of a loading dock, and the facade of the building, it will tower above some 18 other buildings and the two that exceed the 75 preferable height were built nearly 100 years ago. I submit this with great respect. Thank you.

**Wheeler:** Thank you, sir. Good afternoon.

**Matt Craven:** Hi. I'm Matt Craven here as a friend to support john Hollister. We have worked together about eight years and one thing I have always appreciated about having him on my team he has a unique ability to collect, correlate and present information in an unbiased way and non judgement way which allows decision makers to make the most informed decisions possible. As a longtime resident of northwest Portland I'm grateful he's used this unique ability to collect and present this inform to you today so you can make the most informed decision possible. My wife and I have both lived in northwest Portland almost 15 years, ten in the pearl district where we met. The pearl is such a unique neighborhood. As someone who travels throughout the country I see so many cities working to attempt to create the atmosphere that exists in the pearl district and it's hard. An historic district is the heart of this. When you walk through the historic district on a summer night you can't help but say this is like walking through a movie set. In the winter when it snows northwest 13th becomes this amazing village all lit up. It's a special place. I'm glad john had the opportunity to share this information with you today as you make your decision which could impact the historic district which is such a special place.

**Mary Sipe:** I'm Mary Sipe. Hello again. I just want to say a few things. I have been a pearl district resident since 2000. I have watched the neighborhood change and grow over the

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last 17 years. It's my home. When I first moved to this pearl district the pdnc restrictions were seven stories and then waiver to that height was granted to the park place building at 19 stories. Ever since then it's been nothing but 16, 17, 18, 19, 20, 26, 28 story buildings. I live in a building that's six stories tall flanked by a 28 story building, a 20-story building and 26-story building. Imagine that. I scribbled a bunch of notes. Well, originally the area was to be warehouse design and if you walk through the neighborhood now you see the high rise shiny buildings it's completely lost that except for pockets where the neighborhood was first developed. A couple things I just want to point out John is spot on about the danger and the live to existing buildings and the precedent this will set and I hope you keep that in mind. That's a really important issue. I also want to say the penthouse seems like that's not even being counted as part of the height and it needs to be included. Again it sets precedent. Again, we're already looking at if you look at it this way it's so tall, that way it's so tall. Let's keep it at 75 feet. I am concerned about I think if you look at the crowd of neighbors that are here today a letter on a neighborhood association letterhead supporting this project unfortunately I do not believe is representative of what the neighbors really want. I hope you won't give that a lot of credit because I think there would be more people here if it wasn't 3:00 on a weekday afternoon. I think this comes down to two words. One is, well, so increased height we hear equals density. Density is great for some reason but what does density do? It equals more units and more units equal more money to the developer. It's about money. Let's keep this also to one other word. Respect. I think this morning's city council session is a great example of lack of respect, so to me that word is really important. It should be the word of the day. Let's respect this neighborhood. Let's respect the work that went into establishing these guidelines and let's not just throw the baby out with the bath water. Thank you.

**Wheeler:** Very good. Just to clarify the lack of respect at this morning's session you do not mean this august body.

**Sipe:** The lack of respect shown not to this body but the people from the city who were participating.

**Wheeler:** I agree with you. Thank you for saying so. There were two other folks.

**Wheeler:** So we will now move to the principle opponent ordinarily they'd have 15 minute, but we've added four and half if you would like to take that it's at your discretion. And again name for the record.

**Steve Pfeiffer:** Mayor, members of the council, Stephen Pfeiffer. I'm joined by phil Kissling and Suzannah Stanley. We'll comprise our presentation. We won't take the 20 minutes I'm fairly confident because we're pretty organized for 15. At the outset I'm a land use attorney and I'm familiar with land use appeals. Many have a legalistic flavor, many address I'm sure you agree to the micro level criteria, credibility of evidence conflicted in both ways and a few other things. This appeal does not rise to that level just by the nature of the review, the criteria are highly discretionary, design guidelines be it central city or landmarks are just that. There's a lot of flexibility. They are ground in policy but we have afforded the commissions a lot of latitude. It doesn't turn on traffic counts or substantial evidence in any real way. What the evidence is what you see and what the landmarks saw. I will admit my remarks would be even shorter than they are going to be but I came to this hearing confused about what this appeal was about and it was difficult to prepare because the appeal statement didn't mention any of the guidelines specifically. Didn't identify any specific error that the commission made allegedly in applying those guidelines, it was rather kind of a blunder bus statement. Some of the questions from you of the appellant reflected that. I expected I would be educated with a much more focused testimony about where the error is allegedly in that landmarks commission review. I didn't get that. What I heard from the appellant and I heard less frankly as the criteria from the other speakers,

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he clearly doesn't appreciate or enjoy the procedural process that affords substantial amounts of participation in this commission and any other bds system in the city. I practice throughout the state. Transparency of our process, the opportunity for participation is unparalleled in Portland. Often to some of our collective chagrin but it's there and served us well. Secondly I didn't hear a single guideline or criterion mentioned at any point in the appellant process thus far. Not a one. There's no amplification or greater detail from what was written. I still don't know which guideline they think was violated. I hear a challenge to the policy set by your predecessors. I was on the planning commission in 1990 when we set that 100 foot height limit. It was thoughtful and deliberate based on a lot of testimony it took into account the character of this particular historic district. They clearly don't like the policy in place. They participated and maybe they will succeed with that height change. I have a very difficult time believing that in a dar proceeding for this one of your staff said the height limit was 75 feet. When as mike pointed out and maps have reflected since 1990 it's 100 with bonuses up to 140. That either reflects a misunderstanding or misrepresentation. I don't care which but it doesn't support this appeal in any way. With that I'm going to leave you with one thought. There's a place I do agree with the appellant. Your decision on this building, this landmarks decision of approval will set a precedent for the district but not the one they claim. The under-builds in this district of which there are many one and two stories some with more architectural character than the others will ultimately be replaced. There's little doubt in my mind. It's not a museum piece. The precedent will flow from what the next building, the new construction thereafter, like this building, looks like. There are two measures of protections that the city has put in place guarded by the bds staff and your commissions review at the ultimate stop with the council. The landmark guidelines will dictate the look, feel, massing and height of any subsequent buildings built in this district. This building I would argue and you'll decide sets the bar for those subsequent redevelopments. Those subsequent new buildings are going to be constructed in this district. So if you do think of this as a precedent I agree. You'll have to decide whether it's positive, a neutral or negative precedent but it is a precedent for the next new piece of construction that comes in that district. Measured by your commission and staff against those guidelines and it will happen. What you decide here will either set that bar or another bar. I'll leave you with that and turn it over to phil to talk about what's before us, the building following that Suzannah will talk about what otherwise should be before us which is the specific findings and criteria addressed by the landmarks commission and what their conclusions were and why.

**Paul Kissling:** I'm Paul Kissling I'm a principle in architect with McKenzie we were tasked with designing this project. First I would like to thank the city process. We have had great interaction with city staff, with Tim and Mike. Our meetings with starting with the pre-application through dar and two presentations at hearings then a final unanimous approval from landmarks commissions for this project. Couple of things we would like to point out before we go to the next slide, the 2035 guidelines are not at issue here. We are currently approved in this district at 100 feet and we certainly started this project with that knowledge as well as research of all the guidelines of both central city and the district. I have been in historic preservation for something over 40 years. I take that very seriously. Our client, who has invested in the city of Portland and in this site also takes that very seriously. One of his major marching orders to us was to deliver a delegate that looked like it had always been in the district. As planning staff has noted this is the infill of the missing tooth, significant building but very small and completely adjacent to us when we talk of under-building just to the east of us a building can be placed on that site at 175 feet and still be within the pearl district overlay. We are balancing our design within the district to without the district. That's the entire pearl neighborhood but specifically driven by central

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city and the historic neighborhood. We want to talk a little bit about the amount of outreach we put out with all of our projects. When we started this project in September of 2015 we worked through our planning staff of which we have a very robust planning staff which most of you probably encountered, researched all the standards, codify everything for us and start to build the vocabulary used to design the project. At appropriate point we outreach and set up our pre application with the city to make sure we clearly under the guidelines, restrictions. From there we applied for and had our first dar, which landmark gave us a very good review, almost an approval hearing. The design was a long but still obviously subject to different people's interpretations and desires. Prior to that dar, we did present to the aa historic committee and received their support by a vote of the whole committee. We were not able to present to the neighborhood for their schedule in front of the dar, but we met with them thereafter about a month, presented the project to them as it had been and the recommendations that we had received from the dar, their landmarks commission votes on whether to support a project. It's not one person's process. And they agreed with concerns that we tried to deal with that they endorsed the project as well. Height was obviously in bulk are very much discussed in all of these proceedings and on the next slide we kind of came away from our dar advice with five major areas we really wanted to address, specifically as well as all the projects criteria. Height in bulk being one of them and then also the commission also told us they can support as the guidelines require and two to six story building in the district they were uncomfortable if the building appeared to be over six stories. So that led us to it was an option as to whether it was an active roof which you guys probably realize around the city the roof top amenities have become a very desired amenity to offer tenants on commercial office buildings. So we did proceed with a "penthouse". We refer to it as an active roof, it's well setback from the street wall. The street wall is 86 feet still below the height criteria. At the highest level, we are below the 100 feet that is currently the standard. And we'd like to point out that height is only one issue of compatibility. You know, we would feel like we could have designed a building 140 feet that would be compatible with this district and still meet the guidelines. There was a discussion and landmark wasn't comfortable with that so we worked in that direction. This is just, you know, our study of massing the base height of the district is 100 feet. 6:1 f.a.r. You could have gone to 175 feet in residential. We're doing office only. Retail on the ground floor. The client has an obligation to replace the exist parking that is on that lot, that is empty right now. And we are compelled to go underneath the building to provide that parking, which is a relatively expensive endeavor. There's discussion about how that parking will be used, for tenants. And in the pearl, it is used by valet parking and monthly parking. Given the cost of each stall, we'll find a way to maximize their use for the district. As you notice from the site plan, on the east side, we're up against an exist building. On the north, we are tight against a 50 foot of our 100 feet against the building and then the confectionary loft sits back 20 feet from the face of our building. In our earlier discussions, we met with john personally and presented the project to all of the owners of the confectionary loft it's a seven-owner condominium both retail and residential. We offered to build a better facade with their help. We are compelled, as we are built to the property line, to have no openings on the exterior walls. We could potentially pursue a better design right on that street corner in that 20 feet. So far they've elected not to give us that cooperation but it is an approved part of our proposal so we can give it a blank wall or with cooperation, we can make it look better and that's part of the unanimous approval by landmark. As you can see, we've kind of set the penthouse back. We are neighboring most attributing building is the keen headquarters across the street from us at five stories. We appear to be six stories which is required by the district of two to six. We set our penthouse level back, or active level back substantially out of sight line so the appearance of the

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building is a six-story building, very compatible within the district and meeting all the heights. And then section-wise, as you've seen from staff reports the program has an active roof amenity to the building, creative office space, ground floor retail, highly-visible especially the 13th side with the loading dock and parking underground. Mid-summer when the sun does shine although we're a little late this year, we don't shadow the confectionary loft's building in the middle of summer and the buildings next to us are lower and have no openings toward us. Just from an overall above view, the building has an active roof on kind of the two street sides, the penthouse is pushed well back, all mechanical equipment is set on a well behind the penthouse that is at the same level as the actual penthouse deck. If you -- the outside area, it's back behind on that far corner and eco roof where we can provide one. We want to look down this district and see a building that doesn't look like it's ever been there -- or that's always been there, excuse me. What I would argue a little bit out of recent experience is historic buildings in the districts have such a high value, they're not necessarily torn down. We recently participated in the remodel of a building one block north of the district at Kearney and 13th. It is a fully-seismically updated a loading dock. The oldest warehouse in the district and it has been a national retailer that has taken that building and we participated in that building. We take the district seriously. There are some less significant buildings in the district that may or may not be taken down and I'll turn it over to planning issues to suzannah, who can address the actual findings of the commission, who we support.

**Wheeler:** Thank you. Good afternoon.

**Suzannah Stanley:** I'm suzannah Stanley, I'm a land use planner at McKenzie. We support the landmarks commission's decision and the staff report and the northwest 13th avenue historic district design guidelines that was set in the early 90's for this area and our project meets those goals as the landmarks commission found. Second, I want to talk about compatibility it's a multi-component thing. We'll talk about a few key criteria about the 13<sup>th</sup> avenue historic district and central city guidelines that speak to compatibility and to how this is compatible. So, one finding that mike pulled out in his detailed staff report was that item two in the historic district design guidelines is height and bulk. The first elements are general statements that buildings generally can display consistent mass and two to six stories in height. Those are background statements. Those are not guidelines or standards. The guideline is new construction should be at least equivalent to two stories in height, which we are. And should not exceed the maximum allowed height and density requirements in the zoning code this is a straight forward guideline, our project beats that guideline. These findings are from the commission findings and staff report and state while the building is six stories with a penthouse, it appears to be six stories and it meets the zoning code standards and it clearly states it's in keeping with guideline two of the 13<sup>th</sup> avenue historic district guidelines. Generally thinking about height guidelines and standards, the purpose of any height standard is to guide new development. It is not so that all new buildings match the height of existing buildings. The maximum height limit is to move new development in the direction that the district is headed and wants to be moving and so questions about whether the height standard should be 100 feet or not in the base zone are a completely separate conversation. Our proposal meets the zoning code standards and historic district guidelines at the time and the place of the proposal. We've had some questions about the heights of other buildings. So here's a few photos. The urban street lofts is seven stories, eight-story equivalent has a large ground floor with a penthouse on top. These buildings are all within the 13th avenue historic district. The Kennedy is five stories in one area and six stories in an area, plus a penthouse. And this one is up to seven stories. The gis data that we provided is from the metro regional gis

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system and the metadata indicate that it was provided by the city of Portland permitting services and it indicates the height, up to 127 --

**Saltzman:** What is gis?

**Stanley:** Geographic information systems. Mapping data specific to geocoded data for each building. We referred to permitting services data for the height here. A couple other findings -- those were the height-focused is guideline two. Other guidelines do speak to compatibility. Compatibility can include materials, the dock as Mike has emphasized, full lot line, which is also a requirement in the 13th avenue district quite a few components and height is one of them. These are just a few -- you don't have to read this. So I have pulled out here guideline four, scale and proportion, it is compatible with historic architectural pattern the findings clearly stating that it does. The loading dock and the three-part design were consistent. Five is materials, color and texture the findings stated that our materials, colors and textures were appropriate. Now to the central city fundamental design guidelines, which also apply speaking to several other character-defining features, unifying elements, identifying areas, finding stating that we've done that with the design and brick and dock. Seven and eight are urban enclosures.

**Wheeler:** Can I stop you and ask a question? So, you have 20 seconds left.

**Stanley:** I have one slide left and I can generalize.

**Wheeler:** I just wanted to give you that warning.

**Stanley:** This is stuff we deal with all the time, but you don't have to get into the details. These are design guidelines which guide the proposal they're not standards, they're guidelines. These generally speak to urban enclosure, streetscape, the findings created by mike after the commission's hearings speak to how the building meets all of these design guidelines. Here's a couple more context and coherency. So --

**Kissling:** I'd ask the commission to look to the left on this last slide. This is what we're meeting for our client's challenge and the district so that that building looks like it has always been in this district.

**Fish:** I have a couple questions. Thank you for your presentation. Let me start with Steve. What is the precedent we're setting here? The guidelines allow up to 100 feet. The appellant has expressed concern about setting a precedent for future redevelopment. Strictly-speaking, what is the precedential value of whatever decision we come to today?

**Pfieffer:** Commissioner, that's a fair point. I wouldn't have used the precedent if not to make the point it was made first by others because as I've argued to this body and others, in a land use context like this is applied to a specific building, it's difficult to set a precedent unless you're interpreting a code provision or something. These provisions are so flexible and nuanced and subjective that you're going to be hard-pressed to repeat that interpretation over and over again. The policy was made by the city in various settings. Essentially in 1990, when we adopted the plan update and the mapping of the 100-foot corridor on 13th. A design overlay or a landmarks historic district, as you all know, that is the maximum height and people are entitled as a right to get there if they don't need discretionary review. You superimposed the sub policies of design review and landmarks historic in this case be it our building or a district. There's some debate not in my mind those superimposed next set of sub criteria allow the commission and the bds staff to reduce an approved project below what's otherwise allowed in the base code. You can reduce the height from 100 feet if it's required to meet those guidelines in design or landmarks. That gets you down to the precedent question, the question would be, what if there's another new building that shows up either in another bucktooth open space, be it in development or casualty loss. The precedent will be what are the new elements we expect of a new building that should be replicated in the applicant's design to ensure that the guidelines are met? And it's what suzannah talked about here. Everybody's focused on

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height. Height is only one of many factors in compatibility in the existing district . What Mike talked about and Suzannah echoed, the loading docks are a paramount example unique to that district as something that should be replicated and the landmarks commission said that here. The distressed brick for lack of a better term some of the ornamental designs, the three tri-park construction that Mike referred to, those are all things I would expect the landmarks to go back and say, let's look at the last big new construction we did in this district and see what it wanted to be and we made sure it was and those are the elements you would then take off and staff in the dar would say, here's what that building offered up one, two, three, four, five if you can't meet this you might want to try again.

**Fish:** That's helpful. Thank you. My next question is, from time to time, even in a quasi-judicial proceeding, I think of our role as a referee, at least to the extent of making sure that the process was clean. There could come a time when there's enough evidence of irregularities that we might say, we want to send it back to make sure that what comes back to us is clean. You've heard some of the claims made in this hearing about whether people had authority to submit letters, whether there was enough public process. Without - without asking you to take -- you know, to give your judgment on all those claims, from your perspective, at what point would we reach a point that we would be well-served to send it back to the deciding body to make sure it's a clean decision before we rule on it?

**Pfieffer:** I'll answer it in reverse. In my experience, in this city and elsewhere, it is almost seldom, if ever, because there wasn't an opportunity for somebody to present their view or proposal below. That's not a reason for remand in the city of Portland. There were no procedural flaws here. There's no allegation of somebody not receiving mail notice in the 400 foot radius. There was the ability to attend dar. I do a lot of dar's and it's rare to find anybody there rather than bds and the applicant. Mr. Hollister attended that dar and even one, two or three public hearings and his direct request for a continuance to allow him more time to submit yet another round of input and testimony led to a third hearing or an opportunity to comment. This process took a year and a half in a state where the statute is 120 days absent a waiver. There were ample opportunities below and if that wasn't enough he had a full opportunity today with a de novo opportunity to present new evidence with time given him by the grace of this council for more opportunity. I see no legal flaw in the procedure and there's certainly no practical flaw. Anybody who testified today had notice. What would be the basis for a remands? It would delay the project. Interest rates picked up another one-quarter point it would jeopardize this project if it was delayed any further. You're not going to see a change in a unanimous design commission vote, I would suspect. So I don't see a basis for a remand, commissioner. What I see is a hard decision of the three decisions that you have which is to deny or approve because a remand back to a unanimous landmarks commission who spent a year and a half, and three hearings, is highly unlikely to change its mind.

**Eudaly:** I'm seeking clarity along the same lines of commissioner Fish. I believe there is this bone of contention over a letter issued by pda, indicating a general support by the neighborhood association of this project. It sounded like one of you -- I'm sorry, I'm jet lagged right now. Very tired. One of you said that perhaps it was a subcommittee that took the vote and then a letter was issued. I'm trying to clarify where that letter came from and what it really reflects.

**Pfieffer:** I'd offer two points. First of all, I wasn't there, commissioner. But Paul can speak to the process. Secondly, that is not a criterion for landmarks approval or your approval.

**Eudaly:** That was my second question.

**Pfieffer:** None other than an admonition of the general requirement that they didn't get it right to get it right next time. But it does not reflect on the process, nor does it provide a

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basis for council to do anything other than think about it. I -- you know, at the end of the day, they are only one participant in a very transparent, open process and as you know well, we have 86 neighborhood associations.

**Eudaly:** 95, I want to say.

**Pfieffer:** It's been awhile since I've had to think about that. They're one more layer of input the real implication of a neighborhood association is that it affects the appeal fee that a appellant has to file if in fact it's the neighborhood association for very good policy reason that files it. Now, we may have someone from the neighborhood association speaking after us, because there is still an opportunity. But I can't promise it.

**Wheeler:** Further questions, colleagues? Thank you. We appreciate it. Next up are opponents of the appeal who would like to speak for three minutes.

**Moore-Love:** The first three, please come on up.

**Wheeler:** Name for the record. We don't need your address. I don't believe we do. Legal counsel, we don't need addresses for the hearings? Thank you. Good afternoon.

**David Dysert:** Good afternoon. Thank you, my name's David Dysert. I'm on the pdna planning and neighborhood transportation committee. I live and work on 13<sup>th</sup> avenue a block from this site. I wanted to make the point, I think the defendants have made a solid case about the zoning. This site has been 100 feet. I have the guidelines here for the historic district written in 1996. That 100-foot zoning was there the whole time. And the guidelines specifically stating that height shouldn't should be appropriate to the zoning code is very clear. In terms of the neighborhood association, you know, the strange thing is, I see a lot of people in this room who are opposed to this project and I have yet to see them attend our members we're a very open committee we welcome new neighbors there's a clear process to participate and to provide input and become a member and a voting member. We do not write letters I've never seen patty write a letter on her own without the support of the committee. She's very clear to call a vote and we -- you know, we deliberate. We are independent and we form an opinion and we vote on it. So, I really resent the insinuation that there's something underhanded. The architects came before us twice. The first time, patty wasn't an active chair. The second time, she was. We voted on it. We deliberated on it. We found the project to be very compatible and we support it and we wrote a letter in support of that and it's as simple as that. Thank you.

**Patty Gardner:** Hi, patty gardener here. We actually wrote two letters. There was a first letter written by Kate Washington, who was the planning chair at the time. They are part of the record. I've repute them in again. That was written in May of 2016. I was not engaged at all in the committee at the time. I was not even at any of the meetings deliberating this. And then there was a second -- there was a second letter written because john Hollister came to the committee and presented to the committee, committee presented his side. We weren't even going to take a vote because we already had a vote and we took a vote at that time, after john presented, not before john presented, after john presented. We wrote another letter. So, there have been a lot of lies, slander, innuendo, personal attacks of me which I do not appreciate. It doesn't negate a couple of things. You have asked about some zoning stuff I want to talk about that let's talk about zoning. In the 2035 plan, we asked specifically -- and you can go to the planning commission hearing that was also slandered. We put in a letter that asked for all the bonuses to be taken off the historic district. If you think about it, the current building is 8:1 f.a.r. If the bonuses were gone, it would be 6:1. It would be a smaller building. So, we targeted the bonuses hard and so 2035, there will be no bonuses on the historic district. That's going to make a huge difference. You'll never get above the base height or add any f.a.r. off the base far which is 4:1. That's important. The other important thing that's also in code, where's that 75-foot number coming from? It's coming from a lot of work on my part in the north pearl plan

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where I got a 75-foot reduction of height from love joy all the way to the river it's 50-foot setback on 13th, both sides. We have a two-block gap between Johnson and love joy that will be part of the 2035 plan. There will be a 75-foot setback along 13th avenue for the first 50 feet and from Johnson all the way to the river if I'm victorious it will go from Johnson all the way to river. The reason we did that was to have feel like a special street we know it's special and we know that historic buildings are imperiled and we have been working hard through the process to make sure they're protected thank you.

**Fish:** I just have one question, because you were singled out, I think it's only fair that we give you a chance to respond to one of the allegations. I don't do this to embarrass you or highlight it but it's in the record. One of the claims you've addressed has to do with the process and transparency, the two letters you have before us fully respond to that. There's a claim that you had some kind of conflict of interest and conflict of interest, as a concept that we apply, usually means there's some undisclosed personal financial stake in something that's before us, that if it was disclosed, might result in a recusal of some kind so would you care to respond to that.

**Gardner:** I have no conflict of interest regarding this project. I have no -- I don't work for the developer, don't work for the architect. Have nothing to do with that. It was put in the paper that I was -- for some reason, that I was working with al solheim, I worked with Al Solheim it was until the beginning part of 2012 so I don't understand where the conflict of interest is coming from. Having a conflict of interest being a condo owner who wants to use a neighborhood association to protect your view right next door, that might be a conflict of interest and so just, you know, I have none and that's just reality.

**Fish:** Thank you.

**Fritz:** Thank you for your long-time service to the neighborhood association. I'm hoping your memory's better than mine. Because I know we did discuss this in the comprehensive plan and the west end plan. We had a talk about the historic district, didn't we?

**Gardner:** Yes.

**Fritz:** And what did we end up deciding?

**Gardner:** So in the historic district, we took off all the bonuses and so what was told at the time by staff that we tried to take all the bonuses off and re-reduce the height, it would be a taking and so we focused all our efforts in eliminating all bonuses. Like I said, no f.a.r., no height. You got -- what you get is what you get and when that code changes, that's -- so that's where we ended up and that's a big deal.

**Fritz:** Did we leave the height at 100 feet?

**Gardner:** We did. And the reason why it's 100 feet -- and it comes back to 1990. The conversation about that is we also have a number of historic buildings that are over 75 feet so all of the historic buildings inside the district would be out of compliance and so the -- again, staff and -- this is very wonky, the staff was not in favor of reducing it, one, for taking and two, because it made every taller historic building, you know, non-conforming.

**Fritz:** My last question. The current proposal does rely on that bonus, would this proposal be allowed under the new system?

**Gardner:** Under the new system, they would not get that 8:1 f.a.r. They would have gotten a 6:1 far. If the code existed today, there is no way it would be the size it is. Just from a square footage. It might be the height, but it wouldn't be the size, the bulk.

**Fritz:** We obviously had a lot of controversy we've got two new members of the council.

**Gardner:** Sure, sure, sure. Thank you very much.

**Reza Farhoodi:** Good afternoon, mayor, commissioners thank you for having me here, my name is Reza Farhoodi I'm co-chair of the pearl district planning and transportation committee. I want to walk you through the process. April 19 last year, the developer came to our committee. Patty was not involved in the committee at that time. Kate Washington

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was the chair, the planning chair on the transportation chair of the committee. We voted on it and voted on support. We like the fact that it fit the character of the neighborhood. We wanted to see a little bit more variation. We supported the garage entrance on glisan because we wanted to protect the integrity of northwest 13<sup>th</sup> and the historic district by not having the garage entrance on nw 13th. With the base height and the -- with the maximum height of 100 feet and the maximum f.a.r. of 6:1, this project met code and those guidelines -- those requirements were established in 1988 central city plan so we're going back 30 years here. I just want to make this point. You know, we play an advisory role as a neighborhood association. We play an advisory role in this process. We compare the proposed height and f.a.r. to what's in the code already and it is not our place to relitigate the code each time a new building comes to our committee. If we're telling a developer they can't build to the code, that is a land use taking. We are passionate observers, we serve as an advisory role. There is no substantiated proof of any conflict of interest. None, whatsoever. Thank you.

**Wheeler:** Thank you. Good afternoon.

\*\*\*\*\*: Good afternoon.

**Wheeler:** How many more people do we have?

**Moore-Love:** I have one more.

**Wheeler:** Great. Thank you.

**Kirk Ranzetta:** Good afternoon, mayor wheeler, I'm kirk Ranzetta and I'm the chair of the Portland historic landmark commission. I want to provide brief comments on our decision to approve the pearl east building. I want to pay my respect to Mr. Hollister out of everybody who's testifying today through all their efforts, raising awareness about the issues of neighborhood character in the city of Portland is facing, I wish we had more people like the folks here today, who take an interest in the places that make Portland matter. In our final analysis for this building under the northwest 13th avenue historical district guidelines and the central city fundamental guidelines after reviewing the staff report and also considering public testimony, it was believed that the height of the pearl building was compatible. When we considered the height in this particular case, I want to reinforce the fact that we do consider it on a case by case basis. We felt that the applicant had made significant strides in terms of the architectural detail and the setback of the penthouse, the integration of design features and overall window patterns and building materials to justify the additional height of the building. I think it was stated earlier that all those factors kind of play into mitigation for the height. If you're going to make a building taller in a historic district, that it often helps to have more compatible features so the building resonates or has a dialogue with those buildings adjacent to it. They took into account the physical context of the site, proximity to other buildings or similar to scale massing and height. Commission typically also considers height, on a case by case basis because we're constantly in this balance act between detail and other factors. So, that's basically it. Any questions?

**Fritz:** I just wanted to stress what you just said, that you do consider on a case by case basis. The landmarks commission has said you can't build to the maximum height in other cases? Right if there's not enough mitigation for that, if it doesn't fit in.

**Ranzetta:** Correct. Just as a point in matter. If there was another more modern building that was outside of the historic district shown as an example, if you were to include that in a historic district, we would probably want some other -- something else to kind of mitigate for the overall modern approach to the design and so you're constantly going back and forth between, you know, what the design guidelines say, what the entitlements are and trying to come up with a happy medium.

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

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**Ranzetta:** Sure, you're welcome.

**Caroline Dao:** I'm Caroline Dao, I'm a former landmarks commissioner. I was present at the dar. I've spent the last 10 years of my life in civic engagement, particularly around reducing demolition of -- reducing residential demolitions and that was my role at the landmarks commission. And, so I do remember this design revise request. It sounds to me like the system -- I know there's a lot of situations where you feel like the system isn't working, that the intent of the zoning code isn't being met. I don't think this is one of those cases. I've been part of new developments especially in north Mississippi and Williams where community design guidelines are used, infill is terrible, a low-quality materials and again, I don't think this -- I think this is an example of a process that has worked. So, the applicant attended neighborhood association meetings. I'm assuming those meetings were announced and I have had a couple grievances filed against me as the chair of the neighborhood association it's not fun when it happens. Usually it's around notification, a letter of support was written and then someone feels like they haven't been notified you have to dig into the bylaws and clarify what your notification procedures are. I've also rewritten by laws I'd be curious to know if a grievance has been filed in this situation with the parent coalition. If there it has not, there's a good indication that the bylaws -- you know -- they were acting pursuant to the bylaws of the neighborhood association so I would urge you guys to ask that question. Is a grievance open with the parent coalition and what is the status of that grievance? I think, you know, this is high-quality infill. One other thing I take issue with is the notion that is an altruistic effort to reduce demolition, I think that's misleading. We want to be careful when there are things --- there's developments incentivizing demolition. This is high-quality loading dock and the design overlay. In mine mind, they've done everything. I listened to the tapes and John Hollister says this is a gorgeous building, this is going to happen anyway. And I sympathize with him because of the height and where that penthouse is located and where he lives. I would say -- I would urge you guys to respect the process that's been undertaken the choices that were made by the neighborhood association. We should empower neighborhood associations to write these letters and have them upheld and the landmarks decisions, as well I think we should uphold those.

**Glen Traeger:** Good afternoon. My name is Glen Traeger. I'm part of the Pearl District neighborhood association board and I'm also a part of the transportation committee. I'm here to represent myself and not the board. I'd like to make two points. As far as issue about height, I think it's pretty simple and clear the existing height is 100 feet for the current code, it's been there for over 20 years. It seems like a lot of dialogue we're talking about is maybe changing heights. But the height is pretty specific. Is the building over 100 feet or is it under? I think it's pretty simple and clear for the commission here to make a decision on that. Also, you have to look at the building in context. Okay. One, is just the way the building looks and historical district and I don't think there is anyone here that would disagree that it's a beautiful building and a great framework for the neighborhood. Also, the building, as far as the land use -- the building is compatible with the existing neighborhood around it. One of the reasons that the Pearl is such a desirable neighborhood to live in -- you can ask my neighbors behind me. People want to be able to live and work and not use their cars. They'd like to be able to walk or bike to their places of employment. This building's an office building and it fits well in the context of the Pearl. There's quite a bit of residential development -- in fact, a lot of residential in the Pearl. This compliments the residential with commercial to allow people to live and work together. Thank you.

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**Iain MacKenzie:** Good afternoon. My name's Iain Mackenzie I'm an architect even though I have nothing to do with this project. I love the northwest 13th avenue historic district. It's one of the most beautiful historic districts in the city. I walk along the streets every day and if I thought this building placed in any jeopardy, I would be speaking to you on the other side of this appeal. There's two arguments I've heard about how it could harm the district. It would create pressure to demolish buildings, I don't believe that is the case. The demolition of a contributing resource in any district in the city requires a type four demolition review where city council makes the final vote and that's a really, really high bar to pass. There was a building in my district on 17th where they requested the demolition of the building a couple years ago and the council unanimously voted to deny their application to demolish all building and I certainly haven't heard anything to believe that city council would act differently now. So, if you know, city council doesn't believe that a historical building should be demolished, I don't think there would be any reason to believe you'd start doing the demolition of contributing historic buildings on 13<sup>th</sup> avenue. Secondly does the building does harm to the district by its height and design? I don't believe so, that's my own personal belief. I think it's a beautifully-designed building that fits the neighborhood really well. More importantly, that was the view of the historic landmarks commission as well two active and one former member you just heard from. That commission is comprised of very dedicated volunteers. All of them who are professionally involved in historic preservation and they take huge amount of time out of their professional lives to serve on the commission and if they had issues with the building, you know, you can guarantee you'd be hearing about it. But you aren't. And in fact, as you just heard, they were very complimentary about the building. I believe it is something that really does fit the district and will be an asset and a dramatic improvement on the condition that's there at the moment.

**Wheeler:** Thank you for your testimony. And, the last part of the process -- before council deliberations is rebuttal by the appellant. Five minutes. Good afternoon, again.

**Hollister:** My name is John Hollister, for the record. And, just a clarification. I am a voting member of the planning and development committee that were questioned. So, I have been involved. And, yes, I think it's a gorgeous building. I just think it's too tall. I feared the same things that Jane Jacobs did in Greenwich village. With other stuff there, there is -- that was done way back in 1959, so how would that really apply to today? Also in the -- also in New York -- I'll use them as a good model. West village had no height limited and a 100-foot building was proposed and went to meetings and they came to a council ruling that they had maximum 65 feet with a setback to go to 80 feet with a 20-foot setback. When they talk about the buildings being non-conforming. If 40% of the buildings in Manhattan could not be built today, 40% of the buildings are non-compliant in Manhattan and Manhattan has so many historic buildings that they are trying to protect. We have so few in comparison. So just even the hinting of moving toward doing something, well, you know what, they wouldn't do that. They'll never go that way. They'll do that. And that might be true for this particular developer. But if somebody buys it from New York or someone buys it from somewhere else it doesn't have the same attachment to this historic neighborhood, I don't think that still will apply. Just the parts that just -- I just don't like to do but they have to be brought up is that the -- we talked about the two letters from the Pearl district and one of them -- specifically the one for approval. You know, they didn't follow bylaws, there's nothing in the records -- this is a committee never went to the neighborhood association board. The context of the letter was wrong. I'm going to read to you from the minutes that were approved at the meeting to support the building. Moved to not write a letter. Seconded. They said, we have to take a position. Gardener discussed that a vote was not taken the last time. They made a motion to write a letter in support

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since the committee had embraced the project previously and acknowledge the concern for height.

**Fritz:** Excuse me, Mr. Hollister, I just want to interrupt because you have a couple minutes left. Whether or not the neighborhood association doesn't make the decision on this. It's not relevant to the appeal.

**Hollister:** Okay. My thought that it is, relevant to the appeal. The reason it's relevant appeal from a subjective stand point this is because this is all subjective. When the -- the pearl district planning committee, I think they're a valuable resource and they're organized to be able to be heard and to be considered strongly in decisions that go up and we use them as the -- as that tool and as a -- as someone in the district that had someone say that the -- it was approved, for them to have acknowledge of concern for height and in the letter that they said that we were happy with the height and love everything, in the letter, that is not representing the individuals in the districts and that goes to landmarks and that's part of landmarks, unanimous decision because they're saying if the district is in favor of it, the district's in favor of it. Another group they got presented to the aia. Aia did approve it I spoke to the aia and went and sat there and they loved the design. I loved the design. When I talked about height, two or three of them looked at me and said, oh, my god, we didn't think about height. Everything is subjective. Also with regards to the strength of the -- these guidelines for the historic district, the landmark commission has been trying since 2009 -- maybe I can make a little pitch for them -- to get funding and staffing to update the guidelines in the northwest 13th because what it says here is they're antiquated guidelines. The standards review are low, vague and often not currently reflective of the neighborhood interest. Please consider allocating resources for the 13th historic district. That was made in 2009 and again in 2011. So, this is all subjectivity. When they say, you're allowed up to the maximum height, it also says in documents that in a historic district, 100 feet maximum is not an entitlement. It's not an entitlement. 29 seconds? The height are allowances, not entitlements. Regardless of the numbers set in the zoning code. The overriding factor is compatibility with the historic district and the guidelines. So, 13 seconds. That's what I got.

**Wheeler:** Great. Could I ask one clarifying question?

**Hollister:** Yes.

**Wheeler:** Stipulating that height is not an absolute guideline, which of the other guidelines do you think is violated specifically with regard to disallowing the maximum height limit.

**Hollister:** The height is a guideline and it's -- it's a guideline both height compatibility is both in the state code and also in height compatibility is also in the historic district. So, it isn't -- the difficult part and the reason why Kurt went to get 75 feet because this is a very frustrating process for developers because what can I build? Well, we go do this type of thing. That's where they're trying to eliminate it and make it, you know, the same. So, when he does 75 the whole way and it gets changed to 100 on one end, that doesn't make sense because there's no vacant lots so why would it be changed to 100 if there's not going to be anything built? That would be the same thing if 75 across because there's no buildings going up. If they wanted to do something to those existing buildings and anything like that, that gets raised, has a potential of having a future conflict with that contributing asset. So this is my little 21-building. I want one spotted owl buildings allowed in the vast amount of Portland.

**Wheeler:** Thank you. Very good. All right, colleagues. Commissioner Fritz?

**Fritz:** Thank you. Thank you, everybody, for coming today. This has been an interesting and on the point hearing today. I appreciate everyone who's spoken and shown up. Commissioner Fish and Saltzman will remember was a big advocate for lowering height limits in this area. So I find myself of something of a quandary. I firmly agree with the landmarks commission in this case. That the building despite being taller is very

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compatible with the design guidelines and I think is going to be a really -- I'm not sure -- I'm not sure it sets a precedent because the landmarks commission does rule on each one at a time in this case if it does set a precedent I think it's a good precedent for the district.

**Wheeler:** I appreciate that. Could I ask legal counsel a clarifying question because there were many issues raised. And I'm sympathetic to many of the issues that were raised. But for the purposes of this evidentiary hearing, what are our options and what is the scope of our decision-making?

**Rees:** The scope of your decision is the approval criteria. So the design guidelines that are in place. You need to determine whether the facts that you've seen and that are in the record demonstrate whether the proposal meets or does not meet the historic design guidelines. I think there's been some discussion of the neighborhood association and whether their recommendation is relevant. There is no criterion that says you must get a letter from the neighborhood association. So it's up to you whether the information of those letters is relevant or not to the criteria. I have not read those letters, so I don't know. Just the fact there is or is not a neighborhood association letter is not relevant. Whether -- one of the other items I heard is the central city 2035 plan. Whatever is going to happen when that comes to council is not relevant to the decision based on the criteria. The state land use laws and our code require you do it on the criteria that are in place at the time. They apply and have a complete application. I don't know if there were other issues.

**Wheeler:** I'd like to ask staff a specific question in regard to the height guidelines. So, we heard testimony about the 100-foot height guideline. Could you offer some clarification? My understanding is that that is not an absolute. But could you explain in what circumstances that is the case?

**Gushard:** So, the guideline was the text about two to six floors and meeting a maximum. The 100 feet is in the zoning code. That's the maximum that is allowed. So, there's the base zone, which allows for 100 feet -- or the zoning code language. And then above that is the guideline, which makes no specific statement about an exact footage.

**Wheeler:** So reconcile the two for me. You have the base zoning, 100 feet by right. You have the 100-foot guideline, which is as the pirate movie says, is a guideline. Reconcile those two for me.

**Gushard:** Well -- Tim, do you -- the 100-foot isn't from the guideline. The two to six stories is from the guideline. So the 100 feet is the entitlement.

**Wheeler:** You are interpreting code as the 100-foot is an entitlement by right?

**Heron:** No. Tim heron, I wouldn't say that. It gives us a hard line to kind of look forward too. I was in some of those earlier conversations when the team was considering 140 feet and to be clear, there's bonus incentives up to 175 feet. Staff's direction early on was let's keep it under 100 and if we need a place to start, 75 could be one. I think the point mike's raising; relative to the guideline is two to 6 stories. Stories is definable. There are 100-foot-tall four-story buildings. This is a six-story building with a penthouse on top of it. And it reads about 86 feet so it's about feeling, scale, massing and that's a lot of where the landmarks commission made their decision for this case. Hopefully that's helpful in dispelling this idea that three to six stories doesn't mean it's 20 feet or 60 feet. Warehouse architecture has taller --

**Wheeler:** Just so I understand the -- so the 100 feet is the base, plus there's the opportunity for bonus. And it's my understanding, from the testimony, that this project includes a substantial number of bonus features. Is that correct?

**Gushard:** It has one bonus that allows for a little more f.a.r., it has a bike room bonus.

**Wheeler:** Were there others?

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**Gushard:** There's not another bonus used to extend the height. They stayed under the allowed height. The 100 feet is an allowance and in another section of the code that's where the discretionary guideline is.

**Fish:** Time why do we have to wait until 2035 about whether we have the right bonus scheme?

**Fritz:** It has to get acknowledged --

**Heron:** It's not implemented yet. It's in the future.

**Fish:** But we could -- if we wanted -- speed up the review of that issue. Couldn't we? [laughter]

**Heron:** That's better suited for a bureau of planning and sustainability and person. I'm just a bds planner.

**Fritz:** That doesn't change this issue because we have to use the guidelines in place today.

**Fish:** I understand. I understand. The issue was raised and I think frankly, I think that the bonus system should be tightened up I think we can have that as a separate conversation.

**Saltzman:** I think it is being reviewed as part of the central city 2035 process.

**Fritz:** Just coming very shortly.

**Fish:** Mayor, can I just make a comment? I'm -- I'm going to join with commissioner Fritz on this one. For a couple of reasons. We have a unanimous recommendation of the landmarks commission. We have -- Mr. Hollister, who I have to say, as a first-time appellant, has done a masterful job of representing his view in this proceeding and the appellant said "loves the design". I think in the nine years I've served on this body, I don't know that I've seen a more compatible -- take hide out for a second. I don't think I've seen a design that has more historic compatibility than this. There were a number of photographs we saw today -- I kept having to remind myself what building were we looking at because I forgot which side of the street it was on because it was -- it was so beautifully blended in. I actually think that if we do deny the appeal and uphold the commission's recommendation, I believe we're actually setting the bar very high in terms of future precedent because the question that will be asked is, in addition to height, have you gone the extra mile with materials, design, brick, all the elements that have all of us united in complimenting the design team in the design they've presented. The question of height, for me, comes down to 76 feet versus 86 feet. In adding the penthouse and setting it back, I think that actually should be an approach in the future that we encourage. Because it is not, in fact, visible from the sidewalk. It does activate the space in an interesting way and I would hate to see that against the overall height that is awarded to the developer to me 76 feet and 86 feet. Under the circumstances, because of extraordinary effort to make this compatible with historical fabric, I think the applicant has earned the extra 10 feet and 86 feet is still within the guidelines. I do want to revisit the bonus system, though. I'm not comfortable with very modest changes that could result in above 100 feet, which I think would be a mistake. So, I'm going to join with commissioner Fritz on this.

**Wheeler:** We have a couple of options. And I'd ask legal counsel -- and then I forgot because I was so engaged in your answer. We can close the record. We can make a decision. We could continue the hearing. We could continue the hearing and keep the record open. We could continue the record closed.

**Fritz:** I move deny the appeal and uphold the findings of the landmarks commission.

**Eudaly:** Second that.

**Wheeler:** We have a motion from commissioner Fritz, a second from commissioner Fish.

**Fish:** Commissioner Eudaly seconded it before me.

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**Wheeler:** I'll retract that. A motion from commissioner Fritz, a second from commissioner Eudaly and to be clear, the motion was to deny the appeal of John Hollister against the Portland historic landmarks commission historic resource condition with approval conditions in the river district sub district of central city plan district for construction of a six-story office building with a penthouse and three-story underground garage at northwest Glisan and northwest 13th Avenue. Did I get that approximately correct?

**Rees:** With one small modification. This would be a tentative vote today. We had an evidentiary hearing you would want to come back for additional findings. You would want to close the evidentiary record.

**Wheeler:** We have the option to close the evidentiary record. That would be my recommendation. Legal counsel, I'd like to ask for one slight modification. There were a number of people who testified today, but were not able to complete their testimony. They had written testimony. Can I collect the remainder of the written testimony from people who were here today?

**Rees:** Right now?

**Wheeler:** If they were so willing to submit it to the council clerk.

**Lees:** I would do that before you close the evidentiary hearing.

**Wheeler:** If there were people here today who did not get to complete their testimony who can submit written testimony to the clerk, I would be more than interested in reading those materials. And so --

**Fish:** Mayor, why don't we keep the record open until 5:00 p.m. And take a vote.

**Wheeler:** Legal counsel's squirming.

**Rees:** You're taking a tentative vote based on the evidence you have in front of you. If you're going to take more evidence, you shouldn't be taking a tentative vote and at this point there's a motion and a second.

**Wheeler:** Okay. I'm greatly complicating things.

**Fish:** Let's move to the vote, mayor.

**Wheeler:** Further conversation before I call the roll? Call the roll.

**Fish:** It was a reference earlier in this hearing to the conduct that occurred this morning at our morning session that was repeatedly disrupted by people that came, not to reason with the council, really to be heard in any meaningful way, but to just obstruct and we had to take a number of breaks and it was very disheartening to all of us. Profanity. Horrible things said. Really, for no particular purpose. By contrast, this afternoon, to me represents the best of Portland and I say that -- I've said that on a number of occasions on these kinds of appeals -- excuse me quasi-judicial. Because I believe they bring out the best in our community. This has been a very thoughtful hearing. In all the years I've served on this body, I can tell you without exception, my colleagues come to these proceedings with an open mind and work with what they've heard and apply the law. Reasonable people can disagree on these because there's a discretionary standard we're applying. I want to compliment the appellant for the case he made and the arguments he made and I want to compliment the -- the developer in this case, who I think has proposed a building that will be a tremendous addition to this historic district. And as I said earlier, because of the -- all the attention paid to making this building compatible with all the other standards, I think we're setting the bar very high for future development. Reasonable people can disagree between 76 feet and 86 feet. We will be vigilant in looking at height going forward because I think the point has been made that height is important to the overall feel of our city. Aye.

**Saltzman:** I do believe this building, as proposed, does blend in well with the neighborhood. The height is well below the guideline. And I do think that the 13th Avenue historical district is not going to see other properties redevelop because of this building itself. Somebody from the Pearl District testified, all the buildings on the 13th historic district

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are historic resources so to demolish them requires a type four review, which is the city council reviewing it. I believe I authored that with mayor Vera Katz we wouldn't take it lightly. So I'm not worried about the precedential value here. It seems to be a very well-designed high-quality building and the height seems well within the guideline and therefore I also support this and vote aye.

**Eudaly:** I think a lot of long-time Portlanders are experiences -- are shell-shocked right now with the rate of change in our city and I certainly am shocked by the number of new buildings that seem -- that I would consider a travesty of good taste and design that are utterly out of character and scale with their neighborhood but I believe the applicant has gone above and beyond to create a building that is compatible to the neighborhood. There may be issues around zoning and f.a.r. And whatnot that we need to revisit, but this is not the time or place for that. So, I vote aye.

**Fritz:** I think commissioner Fish is catching my enthusiasm for land use reviews, this is very encouraging. [laughter] thank you for being here and what happens with land use decisions are as commissioner Fish said they're discretionary decisions, reasonable people can disagree. You win some, you lose some. I appreciate Patricia gardener that commissioner Fish, Saltzman and I did recommend modifying the bonus provisions and that, I believe, is coming back next week. If you don't like the rules by which this got approved come back next week because there's several other decisions that are going to be coming up for the rest of this year about height in the downtown area. About height on the waterfront. Some of those decisions I won in the preliminary rounds and some of them I didn't. I have two new colleagues and we can have another bash at it. Please stay engaged go to the neighborhood associations, participate because this is really a place where this place, in particular, city hall was also the city of Portland, you can make a difference an individual can make a difference. Again, I thank the appellant for highlighting the issues which set up nicely next week for that discussion. Thank you very much, aye. I did want to say, mike gushard and Tim Heron in the development services bureau, thank you. Excellent work.

**Wheeler:** So, by the time these issues come to us, we're fairly narrowly constrained in terms of the way we frame the decision that we make. It's an evidentiary hearing and it's about the guidelines and the interpretation of the guidelines. I was actually very interested in some of the other questions that were raised, that frankly are not part of my decision-making process with regards to this evidentiary hearing. The policy questions that were raised are paramount, including the preservation of historic assets in this community. If we lose them, I think it is to the peril of this community. We don't want to be like every other city in America. We have our own history, our own traditions and our built environment and our architecture reflect those histories and traditions. I think that the process questions that we're raised are paramount, as well. It's always disappointing for me to come to this point in the conversation and have people feel that they were disrespected or their views weren't heard or the process didn't reflect the input in the considerations of the community. That's also really important. These policy issues, these process issues, they are paramount and important. With regard to the evidentiary hearing today, I think it is clear-cut that the appeal, in my opinion, based on the vast preponderance of the evidence, the appeal should be denied. John, I want to thank you. I think you have gone the nine yards, and then some, on your own and frankly I wonder why you were out there alone. I'm going to be thinking, okay, how did it come to be that there was one guy initially sort of going through this process, attending these meetings. It feels like it should be broader than that. So I look forward to that conversation with you. I want to thank staff. I think they did a great job of laying this out and answering my myriads of questions and helping me understand it. And I want to thank everybody who took two hours out of their busy day to be heard. I'm

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truly appreciative of that and I feel grateful to be the mayor of a city where this dialogue takes place. I will vote aye. The motion carries. The appeal is denied.

**Rees:** So, we need to set this for adoption of findings.

**Wheeler:** Can we set a date, please?

**Rees:** We believe July 5 is available and we have --

**Moore-Love:** Just the mayor's gone. Or, the 12th. Everybody's here.

**Fish:** Are we on the clock?

**Rees:** No, we're not on the clock. The parties have -- staff has said they could meet the 5th, but if you want to do the 12th that's ok with everybody as well.

**Fritz:** Is that in the morning? I'm not here in the afternoon of the 12th.

**Fish:** Does the applicant care, either way?

**Fish:** It sounds like we have a full house on the 12th.

**Wheeler:** So we've taken our tentative vote. We will then carry this over to the 12th of July. That is the consensus. Correct?

**Moore-Love:** Do you need time-certain? 10:20 a.m.

**Wheeler:** July 12, 10:20 a.m. Time certain for those of you who would like to come back and do this more. No testimony, the record is closed. Very good. Thank you, everybody. So, with that, we will move to item 691.

**Item 691.**

**Wheeler:** Giving the rate of rising rents, short-term housing and including hotels and motels, which are also increasing their prices, we're bringing forward this contract with impact northwest. The rising rents create a problem with households that need emergency housing and for households seeking low barrier options cause of credit health or past criminal histories. Due to the Portland housing bureau rehab policy and the uniform relocation and real property acquisitions act, or commonly known as ura, there will be an increased need for resources and partners to house or relocate households when the Portland housing bureau funds the rehabilitation of a building. It is very prescriptive in terms of how the process must take place from the timing of notices to the calculation of benefits, to insure no tenant experiences any financial burden or displacement as a result of a public entity's acquisition. Portland housing bureau benefits from having partners that can assist us in meeting these guidelines in ways that provide the most benefit to more affective renters. Good afternoon and thank you for your patience.

**Kim McCarty, Portland Housing Bureau:** Good afternoon, commissioners. Good afternoon, mayor wheeler.

**Fish:** What's the number of the item before us?

**Wheeler:** This is item 691.

**McCarty:** So, commissioners, the item before you is to increase the amount of compensation --

**Wheeler:** I'm sorry to interrupt. This is the final item that was brought over from --

**Fish:** Have we formally read this?

**Moore-Love:** I read the title.

**Fish:** You did?

**Moore-Love:** I did.

**Fritz:** Could you give your name for the record, please?

**McCarty:** Kim McCarty from the Portland housing bureau and I'm here to answer your questions about increasing the amount of compensation to our subrecipient contractor, impact northwest. For two purposes. One is to increase the amount of resources they have available to them when they help us with relocation of households that have experienced environmental hazards in the home and those would include fire, mold, led, issues of that nature and then the second purpose is to help us with a new scope of service and that is to

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relocate highly-vulnerable households that have the relocation assistance because they are renters in a building that we're in the process of rehabbing.

**Wheeler:** Very good. Thank you. Colleagues, any questions before I ask if there's any public testimony on this item?

**Eudaly:** Is this an emergency?

**Wheeler:** This is. Is there any public testimony on this item?

**Moore-Love:** She's no longer here.

**Wheeler:** Is anybody here who wants to testify on this item? Seeing none.

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

**Fritz:** Thank you very much for your patience today. Aye.

**Wheeler:** Aye. The ordinance is adopted. Thank you for your patience. And the item is 694.

**Item 694.**

**Wheeler:** So, colleagues, as you know, some number of weeks ago, commissioner Saltzman and I held a hearing about autonomous vehicles. When we talked about inviting autonomous vehicles into the city, we are talking about research. Self-driving cars are many years away. Just for the record, I'm told by experts that self-driving vehicles have never driven in excess of one mile on any city's streets so we're very much in the early stages of this. We see this as an opportunity, unlike other technologies that were developed, adapted and then brought into the community well ahead of a regulatory environment, we see an opportunity here with autonomous vehicles to get ahead of that curve and work with innovators and work with entrepreneurs in the autonomous vehicle space, to make sure that rather than having this technology happen to us, this technology works for us. And, I'm delighted that we have private sector partners and university and research partners who are willing to work with government, to help make the most of this opportunity. There is an opportunity for us to begin to meet vision zero goals. It also is an opportunity for us, as a city, to meet our very aggressive climate action goals. There's an opportunity to reduce congestion on our roadways and most importantly, there is an opportunity for us to learn through testing to ensure that we know enough to both avoid the pitfalls that could come with disruptive technology and also know enough to make good decisions to keep this on the path toward meeting all of our goals. This request for information will take advantage of the opportunities around the autonomous vehicles space and help us to identify issues so that Portland can be proactive rather than reactive in this new space. Commissioner Saltzman has been with us every step on the way, as the transportation commissioner and commissioner Saltzman?

**Saltzman:** As we've learned from the introduction of ride sharing services it is imperative to establish close -- clear and effective rules early in the process to ensure those technologies produce community-wide benefits and most importantly, public safety. Cities have a lot to gain and lose from wide-spread use of autonomous vehicles and while the federal and state governments focus on the vehicles, the cities have a critical role in determining how these vehicles will be used. We have the authority and responsibility to ensure that these new technologies protect the safety of the public and advance our goals and because of that, mayor wheeler and I have launched the smart autonomous vehicle initiative and we directed the bureau of transportation to bring forward the following set of actions. The first is to approve a request for information for autonomous vehicles pilot or test programs. Those will be drafted by the bureau of transportation and procurement to engage the private sector in a way that ensures our standards and values are met. Second, we are directing the bureau of transportation to develop an autonomous vehicle policy and an interim administrative rule that establishes a clear path for innovators to apply to test-pilot or deploy autonomous vehicles in the city of Portland. We are directing

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the bureau of transportation to develop a public engagement strategy and reporting and evaluation plans, transportation director Leah Treat will come back to council on these set of actions and I want to make clear that before we begin, that what we are not approving is for autonomous vehicles to operate in the city. We are not doing that at this time or by this city action. Pbot will return with a policy, rules and regulations for testing or piloting for the council to consider at a later date.

**Fish:** Mayor, I have a friendly amendment I'll offer now. It piggy backs nicely off of what commissioner Saltzman has just said. First, let's see if there's a second for my amendment.

**Fritz:** Second.

**Fish:** Commissioner Saltzman identified two issues that are important to me. One is making sure that the benefits are distributed fairly to our community and the second is safety. I would say there's a third issue that we, I think, have to address sooner rather than later and that is, what is the cost of making changes to our infrastructure in order to accommodate autonomous vehicles. I do not want any of our actions to be seen as simply assuming that we're going to spend money in a certain way to update our infrastructure so that autonomous vehicles can operate. I believe there is going to be a cost associated with that and an equity lens we're going to have to use. For the purposes of my amendment, it simply clarifies in what commissioner Saltzman just previously said, prior to issues any permits for autonomous vehicle use or before approval any pilot activities, the Portland bureau of transportation will bring a summary of the request for information, responses and recommended actions to city council.

**Wheeler:** Very good. I know commissioner, you have a prior engagement --

**Fish:** This amendment has been accepted as a friendly amendment but I'd be happy to have it put up for a vote.

**Wheeler:** Why don't we do that. Please call the roll.

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

**Wheeler:** Aye. The amendments adopted. Thanks, commissioner.

**Leah Treat, Director, Portland Bureau of Transportation:** Thank you, commissioner Saltzman and the rest of the city council. As we had a preview when we were talking about the initiative. We were learning that autonomous vehicles are likely to change how people and goods move throughout the city of Portland. To ensure that they are going to serve the people of Portland, pbot was directed to develop for actions by June 19<sup>th</sup> which has already been articulated by commissioner Saltzman. Today we are here to report back to you on our progress, we have collaborated with our partner city bureaus, odot, metro and other city leaders and nacto which is the national association of city transportation officials and also with staff in transportation for America. As a result of that we are delivering to council a draft policy, a request for information and a public engagement plan. If we want to achieve our vision zero goals, our equity goals, or economic goals and our climate goals we need to establish clear rules of the road for autonomous vehicles and we have to establish them early, which is what we're intending to do. We want new technologies to serve our goals. Everyone, Portlanders and autonomous vehicle companies win when we have clear rules that require safety, prioritize trips that carry more people, integrate with transit and improve all access to Portlanders with jobs and educational opportunities. Later this week, pbot is going to post for public comment a draft administrative rule to make sure we have clear process in place when a organization seeks to operate a autonomous vehicle on our streets. Our intent is to avoid the problems that we've seen in Pittsburgh that resulted from the lack of clear roles and reporting requirements. We believe clear rules will create strong partnerships. We support the resolution before you today that directs us pbot to manage the use of autonomous vehicles on the street. I'll invite art pearce policy,

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planning and projects groups manager and Kevin martin, bps's smart city's manager to provide more details on how we're ensuring av's deliver more benefits than impacts to the city of Portland.

**Art Pearce, Portland Bureau of Transportation:** Thank you for having me. So I'm going to give a quick, brief update on where we are with the initiative and a little bit of background. It sounds like there's been good conversation with the council around smart city's in general. We have been having conversations with cities around the country about how to really articulate this vision, very, very clearly and have as technology gets introduced to the city, have it steered by us. Really pleased we've made all the progress we've had here there's a number of cities watching our progress goes throughout the country so we'll see how that goes. One piece that I think is important for us to understand, what do we mean by autonomy? This is a useful graphic that shows various levels between zero to five in terms of levels of autonomy. The level zero, one and two are the levels of autonomy that we commonly see now which is no automation at all or very little partial automation in terms of cruise control. We're starting to see some providers auto makers heading into level three in terms of conditional automation, where there may be some instances where they're able to let the car or the vehicle take over. But the direction in terms of what we talk about with autonomous vehicles is really in level four or five, either high automation or full automation. That's the future that sparks the imagination of what might the world look like if we have vehicles with this level of self-governing capabilities. The first -- questions that come to mind -- in our conversation with commissioner Fritz yesterday, she said, what happens to us all if we're being transported everywhere? The movie, "wall-e," gives us one dystopian future of people being advertised to and entertained as their slurping big gulps and be transported around their cities. We know that's not what 10,000 steps look like we know the human body will not benefit from that level of being transported so that's one potential concern that we might want to consider. The other is around congestion. How can autonomous vehicles help impact congestion? One of the things we know to be true is a person driving themselves in a car, an uber driver driving one passenger in a car or and autonomous vehicle transporting one person makes no difference in efficient use of the roadway. Portland's goals have been very, very clear in trying to make efficient use of the roadways system that we have and the way to do that is to focus on making more efficient use so for instance, getting more people to be using transit and biking and walking, we know will be better for our streets and for our citizens. Understanding how we can govern autonomous vehicles to support this direction we established for the city and continue to move it, including using pricing as an incentive tool is going to be very important for our future. One of the other areas of crucial importance is around parking and parking's becoming contested space in our cities and we know that will only grow. There's a great benefit potentially of autonomous vehicles being able to head on to their next passenger, rather than needing to park themselves. But then there's also other implications. One of the concerns is around the cost of transportation and who bears higher cost transportation? And so we want autonomous vehicles to help not perpetuate this trend, another item is in terms of how can we create great places? The postcard on the left is a literal postcard from Portland that say's be careful crossing the streets in the Portland. We know that's not the future postcard we want in this city. How can autonomous vehicles fit into our strategy of creating really great places that emphasize equity and health and access and safety and climate outcomes?

**Eudaly:** I prefer the first postcard. [laughter]

**Pearce:** So, there's a number of ways in which there's a potential promise for autonomous vehicles. There's a belief they can improve safety, reduce congestion, help reduce climate pollution, improve freight benefits. But on the other side, there's a lot of potential concerns

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around what might be the inadvertent outcomes that we might see around -- either the mixed fleet of continued human driving. Also a concern about if it is no longer a delay in your day to be in traffic, maybe it won't matter as much to you that you're -- you're finishing your breakfast while you're being driven around and we'll see more and more congestion on our streets without the incentive to switch over to other modes definitely continued concern about health and climate. And then I think in particular, one of the real big concerns we want is we want to make sure we're addressing equity. If the benefits of autonomous vehicles is accrued to the wealthy, we haven't done our job well and we're not going to be supporting continued transit ridership. Last couple relate to funding. We have a transportation system primary funded through parking and fuel tax. Autonomous vehicles likely are to decrease that amount of funding. And lastly around jobs. We believe there -- a lot of concern around retraining of our population if we're going to have less people who have driving as their primary employment.

**Fritz:** I would like you to add social cohesion to that list because if people can do everything themselves and never have to talk to anybody, that is a threat to our sense of community which is why we love Portland.

**\*\*\*\*:** Good comment. Thank you.

**Pearce:** So, the -- one of the great things about Portland and certainly, what I've committed the last 20 years of my career towards is using policy to help drive the future that we want to create. Through the recent adoption of the comprehensive plan and the transportation system plan we have created really strong direction on where we want the city to go. We have the guidance of vision zero around equity, around climate. And a lot of it drives for us there's a new acronym that's floating around through cities which is faves or fleet autonomous vehicles that are electric and shared we think that is a good representation as a platform that can help tell us what does good look like in terms of when autonomous vehicles are coming into a new city. So, what we brought before you today, based on the directive of nearly 60 days ago, we thought we gave ourselves a lot of time but it turns out, 60 days goes by really quickly. We have the draft policy that has been delivered to the planning and sustainability commission. It will come back to the city council for formal adoption later this fall. The request for information posted last Friday. That is out for industry response. We'll get that response later on this summer, in August. The administrative rule is going to be posted later this week on our website for public comment. And then lastly, a public engagement plan, we started to lay out the steps of how we might engage the public to talk about where it might be beneficial to see pilots occur in the city. Just for the sake of time, I make keep us moving quickly here. One of the ways we can see exciting outcomes, first/last mile transit. In east Portland, connecting folks who don't have full infrastructure to our existing transit system, late night or early morning connections to the rest of the transportation system. We see a lot of benefit where autonomous vehicles might be able to fit in where the rest of our system is not yet able to fully-serve our citizens. So in terms of timeline, we're here with you today, in the middle of June. We expect that we would be back to city council coming in September once we have compiled the rfi responses we would be moving on through the adoption of the policy and consideration of potential pilots starting in late September, early October. We're happy to answer any questions and then we'll pass it on.

**Eudaly:** I'm sorry if you hit this already. But do you have an estimated timeline for when we might hit phases four and five?

**Pearce:** I do not. There are a lot of assertions from the industry around what might be possible. I don't think we even have a clear understanding of how ready different elements are. There are certain providers that believe they could come to that quite quickly so I think

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at this point, the key for us was making sure we were ready. We had clearly articulated the rules so if it took one year or 10 years, we were still ready.

**Eudaly:** These would be both privately owned and for hire?

**Pearce:** Potentially, I think, we believe the shared use model is probably better in terms of their function. But that's really the wild west in terms of understanding what the future might look like.

**Eudaly:** My primary concern besides safety is the equity piece. Some people are already shut out from our transportation for hire vehicles, if you don't have a credit card or bank account. Thank you for including that.

**Pearce:** I'll pass it on to Kevin who has supportive remarks.

**Kevin Martin, Bureau of Planning and Sustainability:** Thank you, mayor wheeler, rest of council, thank you director Treat for inviting us here today. I'm Kevin martin, I manage the smart city's team in the bureau of planning and sustainability and I want to express bps's strong support for the smart autonomous vehicle initiative in the resolution before you today. Bps commends pbot for their effort in raising policy issues early so that autonomous vehicles technologies are in service of city goals and aspirations. Transportation accounts for 40% of all local carbon emissions. Switching to low carbon fuels such as electricity is a key strategy in our climate action plan and our electric vehicle strategy. In the absence of policies to discourage single and zero occupancy trips, vehicle miles traveled may increase as avs become more available to the general public. Bps supports developing policies that encourage or require avs to be shared and electric. The potential impacts, positive and negative, of autonomous vehicles go beyond transportation with implications related to land use, climate, housing, emergency management, equity and other goals described in our cities plans. From a land use perspective, avs could impact our center corridors strategy and healthy connecting neighborhood concepts. Space used for parking could have other uses if demand for parking decreases as a result of avs. There may be less demand of retail store front as commerce is expected to increase as the ease of autonomous deliveries increases. Centers and corridors will need to be designed to be attractive so that people don't rely on home deliveries. Emergency av technology contribute or undermine. Bps looks forward to working with pbot and the mayor's office and other city agencies in constructively engaging these new industries in support of our shared vision of Portland's future. Last week, city council, as you may remember, adopted a resolution to establish a smart city steering committee to help coordinate our smart city's work including smart autonomous vehicle initiative across our city bureaus and commissioner's offices. Approaching this coming technology as a united city is critically important. We are excited to expand on the strong pbot, bps partnership to bring this conversation to the steering committee. We need to be coordinating our efforts to engage the community building on past outreach around our city's initiatives and plans to assess and address our residents mobility, livability and affordability needs and ensure all Portlanders benefit from this technology. Bps is leading the open data program that was adopted by city council back in May. There are important data implications to autonomous and connected vehicles. What data should be provided to the city as part of a pilot? Could Portland potentially inform a data standard around data coming from autonomous and connected vehicles? We've done this kind of thing before. Where will the data be stored and managed and how will it be made available to the public and city staff to evaluate this pilot to inform our decision-making? We look forward to continuing to support pbot in this work and strongly support this initiative. Thank you.

**Wheeler:** Thank you.

**Pearce:** We're happy to answer questions. If not, we have invited testimony. We have representatives from odot, metro, trimet, university of Oregon and aarp.

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**Wheeler:** Good afternoon. Do you have a particular order?

\*\*\*\*\*: Left to right. [laughter]

**Jenna Adams-Kelloch:** Good afternoon, I'm Jenna Adams-Kelloch, I'm here on behalf of odot. I wanted to thank our colleagues at pbot who have been incredibly helpful and collaborative as we tackle this complex policy issue. Odot shares many of the goals outlined in this resolution, most notably increasing safety. More than 400 people died in crashes on Oregon roads in 2015 which is unacceptable we must continue to be vigilant and think creativity on how we can reduce crashes including looking to technology. Odot recognizes the potential for increased mobility with deployment of automated vehicles from Portland residents connecting to transit to rural Oregonians with limited transportation choices and everyone in between. Until state regulatory authority, odot can neither sanction or prohibit av testing in the state while a licensed driver is operating the vehicle so we're grateful Portland's taking the lead. Currently we have a voluntary notification process where av companies can inform odot of their testing plans. And though it's not mandatory for companies to do this it's been helpful for our agency to understand the scope of testing and its currently taking place in Portland. We look forward to following the rfi and working closely with Portland as we develop regulations for full scale deployment. We're interested in a policy that maximizes safety and benefits for all Oregonians and does not create a restricted patch work of regulations hampering the ability for the av industry to thrive here in Oregon. Thank you, again, for your vision, to improve safety and mobility in Portland and we support the goals of this resolution and we urge the council to approve.

**Tyler Frisbee:** Good afternoon. My name is Tyler Frisbee, I'm the policy and innovation manager from metro. My team's job is to make sure our transportation and land use policies keep peace with our transportation and land use plans which giving the volume of planning that metro does is sometimes a challenge. I also want to applaud the city for moving forward today. There are a lot of questions around autonomous vehicles. What is going to be their impact on safety? What is their -- you know, how are they going to improve our quality of life? Maybe by helping us avoid many of us hate, driving in a car. Are they going to create more time for all of us? What are their impacts on the mode share? What does it mean for greenhouse gas emissions or congestion. As flagged by commissioner Eudaly, what does it mean by our underserved community or communities of color? It's not possible to answer these without data and without being able to monitor and understand the impact. When something comes from the private market as autonomous vehicles will it requires early government policy to help understand and protect the public interest. We believe the resolution begins that process. It's consistent with the best-practices across the country in terms of understanding autonomous vehicles and their impact on our communities and it provides the city with the ability to understand the impact and creates the backbone for a regulatory system so the city can respond, as necessary. My team is kicking off a program to develop a regional autonomous vehicle policy. I think it's critical in light of the work you're doing. The city can move forward, but if there's not regional support, you could be flooded with autonomous vehicles coming in from Hillsboro or Gresham. Creating a bottom line and a basic understanding that we can work together to implement is going to be really important. I can't promise exactly what's going to be in that policy framework, but I can promise that we're here to be a good partner and support the work that they're doing.

**Wheeler:** Thanks for being here. Good afternoon.

**Eric Hesse:** Good afternoon, mayor, members of council. I'm Eric Hesse, coordinator of strategic planning at trimet and policy liaison to pbot and bps from trimet. Trimet also applauds the city of Portland's recent launch of the smart autonomous vehicle initiative, savi. The initiatives four-pronged approach is a well-conceived strategy that will support

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the frame work needed to ensure the emerging transportation, innovation and technologies serve our livability goals and enhance the safety of our residents. We applaud the city's decision to define a preference for the faves model that you heard art describe because we believe that will be essential if they are supportive of the city's and regions land use, equity and climate goals. By setting terms of engagement through policy direction while also creating clear opportunities for learning through partnership, savi will play a key role in advancing the city's and the regions understanding of and strategy for how best to harness these emerging technologies to help achieve our desired outcomes. It is a compliment to the work that metro is undertaking as part of the itp you just heard about. Transit plays a critical role in mobility and community building helping managing congestion and keeping our air clean in an efficient way that supports our regional and city's land use policies and goals. Transit is affordable and provides access to jobs, school and community services, especially for those who are lower income and communities of color. Trimet sees the opportunity for these emerging opportunities including av to complement our transit system including options for first and last mile options and other trips that extend the reach and accessibility and to help make transit safer. As we partner locally and nationally to build av policy we need to make sure that the evolution and policy and the emergence of potential new service models support the essential role that transit plays in serving and shaping our communities. Space on a roadway is limited, as it the room for transportation infrastructure that connect and serve centers and corridors. Including the curb space, where people and/or goods are picked up and dropped off. Trimet looks forward to continuing to work with our partners, both public and private, to use all the tools to help the community meet their needs while easing congesting and reducing air pollution making our region a better place to live. Thank you for taking this action. And we look forward to working with you

**Wheeler:** We appreciate it.

**Nico Largo:** Good afternoon. My name is Nico Largo and I'm an associate professor at the university of Oregon working and living here in Portland and I'm the co-director of the sustainable cities initiative. Over the last two years sei has taken a nationwide initiative that we call Irvin's next that focus on technologies, such as autonomous vehicles are affected urban form, design and development. This initiative is bringing together experts from the public, private sector and academic sector to address these concerns. Most of the conversations around the country are on the topic of autonomous vehicles has been around how to accommodate the vehicles and not on their secondary effects in cities or how to leverage this technology to help obtain community goals. It's an important distinction that I'm heartened to see the city of Portland addressing as you put community goals first in your discussion and as reflected in the pbot policies you have before you today. I encourage the council to aggressively pursue a pilot and testing of these vehicles and do so in a way that is not only testing the technology but in testing their secondary impacts on cities and how this technology can be leveraged to achieve the outcomes we want. Autonomous vehicles are not a transportation issue. Avs will affect land use, land valuation, our labor force. There's four million driving jobs in this country and the organizations of our cities. Av's will cause shifts and may change transportation. Studies are showing dramatic increasing in traffic congestion if vehicles are not shared or managed in fleets the faves model is one that we favor absolutely. This will affect equity concerns, sustainability concerns and create challenges to quality of life. We're completing a study on the effects on municipal budgets that shows this technology having a disruptive, if not detrimental effects on municipal revenues and expenses. Avs have been projected to reduce parking needs by as much as 90%. As parking challenges dwindle this will change incoming municipal revenue but also the financial liability of many parking structures that are backed by municipal bonds. There's also the cost mentioned before, in terms of the

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changes that we need for infrastructure, and driving jobs are reduced, there will be a need for labor redistribution and training potential rises in unemployment could increase the city's need for workforce development and housing assistance. There's plus sides to this technology safety is the highest among them and the opportunity to reshape cities without the need for parking, which will increase the feasibility of housing and construction which is of great importance to our city right now. I'm convinced that there's no greater threat, but also opportunity within our lifetime to affect a range of issues such as equity, sustainability and quality of life. This could go in a positive and negative direction, only if we're prepared and have policies, address secondary affects and are proactive not reactive. We believe Portland has the opportunity to lead the country in this area, it's a really fantastic time. We support the goals of the pbob policy that's before you and urge you to approve it and we at sei university look forward to helping with work around this issue.

**Wheeler:** Thank you. We appreciate that.

\*\*\*\*\*: I'll reach over --

**Jerry Cohen:** I'm Jerry Cohen, state director for aarp Oregon. I appreciate being here and appreciate a very savvy approach we support. I'll be brief because the handout you have hits a lot of bullets. The disruption, as pointed out by commissioner Fish was good, bad and challenging. Opportunities, starting with equity. Clearly when it comes to individual's isolated, at-risk, low-income, those with limited mobility, this provides a great opportunity and window of choice. It does alter the landscape in many ways, but can promote livability in doing that. It gets to choice and so when we talk about shared use mobility, we are talking about choice, particularly for the one-third of folks who do not drive. Let me hit a couple of points, safety. Certainly, safety is paramount. One specific policy aarp wants to hit on is bar the use of partially-used vehicles, that's level four from what was presented by pbob before. Built environment. Some questions that are both challenges and opportunities. Starting with the fact that most of us like to be dropped off right at the front door. Think of pdx and getting dropped off at the departure spot, wish it could be right at the gate. Think of that when it comes to this opportunity. It does change our street design. Parking can be an issue, but what to do with useless parking garages. Continuous use of those vehicles, if they're a fleet. Where do they go between rides? Do we redesign streets and narrow lanes, for drop-off lanes and/or bike lanes? Speaking about bikes, and walking as well, how does that address public health? It can maybe free-up space for bikers and walkers. Or, it could create more of a challenge. Again, unintended consequences. Back to transit, is it mean that we really don't need as much public transit or the flip side or does it mean we need more? How does that affect where we live? Many millennials and boomers, if they can afford it, are moving into cities, Portland in particular. But what if I'm in the suburb or what if I'm finding it is less expensive to live in the suburb. Think about how it can affect back to land use. Back to money, which was raised in an amendment by commissioner Fish. How does this effect our revenues as well as expenditures fewer tickets, fewer traffic tickets, fewer traffic police officers, which may save money. Are there ways to track the need for repair on censor vehicles to let us better anticipate what road work to do. Auto repairs, maybe not as many. Trucking and hauling, how is that going to affect the flow of trucks and commerce and parking garages. Do we need more? Do we need to redesign? Last but not least is the reality that this needs to be transparent. It needs to engage us consumers and users, particularly in array of diverse consumers so on that not I thank you all for taking this leadership and we look forward to working with you.

**Wheeler:** Thank you. We appreciate all of your testimony. We appreciate your patience today. Some of you may have learned something new about land use and building appeals.

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**Fritz:** If I may compliment the aarp, this is a very comprehensive list of all of the things that we need to be thinking about. I have not spotted all of these things so thank you.

**Cohen:** Also, what this has done -- a couple weeks ago, I was able to be at a forum that the governor sponsored, which is how I connected with Art and why I'm here today. Aarp is beginning to dive down deeply in terms of this issue so anything I can get from our national team of volunteer leadership and staff, we'd be glad to share.

**Wheeler:** I want to second what you've all raised here. There's a lot of opportunity here. There's also a tremendous amount of risk. And so I want to be clear by taking a leading role and working with all of you and working with educators, non-profits, innovators, entrepreneurs, we're walking this walk together we don't want this to be part of a dystopian future we want as I said right up front we want the technology to work for us, not have it surprise us. And, as you know, there's a lot of discussion about in particular, what does this do for the environment, what does it do for congestion? What does this do for mobility? What does this do for the workforce? And employment? How do we take that walk together and not just treat this as yet another product where those selling the product can just walk away from the social consequences because they could be dramatic. So, I really appreciate everybody who's worked together to help make this a reality. It's a good first step and a good frame work so thank you for that. I don't know if we have any public testimony on this item?

**Moore-Love:** We have five people signed up.

**Wheeler:** Colleagues are we in any danger of losing our quorum anytime soon.

**Moore-Love:** That mics turned off. You can turn yours on. Press the gray button.

**Noah Siegel:** I'm Noah Siegel. I'm currently working with a coalition -- an interesting coalition on the issue of congestion pricing. It includes the colleague here at the Oregon environmental council, the port of Portland, metro regional government and the nature conservancy. I want to keep my comments very short because it's been a long day. We wanted you to know, first of all, how many organizations are following and supporting what you're doing on this autonomous vehicles study and the great work pbot's doing. We all care deeply about it so we wanted to let you know that. Specifically, we wanted to let you know how important this issue of linking to congestion pricing is. I'll leave you a full written testimony. Congestion pricing is important even leaving the side of autonomous vehicles, but you add that in the mix, so at peak hours, as much as 25% of the traffic is entirely discretionary so those trips don't have to be made at those times. By pricing those trips, you could encourage people to make different transportation choices and get better use out of your system less ghg emissions and lots of good things. If you add into that autonomous vehicles and lots more discretionary trips, possibly with nobody in the car, you're exacerbating that program. It is a very important precedent to set early. I would make the very specific point that the technology program currently exists through the state of Oregon. I would really encourage council to think about a future ordinance that requires autonomous vehicles to have that technology installed and used in their cars because it's an easier transition to make to get people accustomed to something that's brand new as opposed to changing when their already used to something. I just want to leave also the testimony of people who couldn't stay through the end. I really wanted you to know that they were here. One is William Henderson from business for a better Portland he wanted to come and lend his support to this effort point out that ride-share companies like uber and lyft do surge pricing, which is a form of congestion pricing. He wanted to make sure we understood this is a practice that's already done. Joe wanted to leave this written testimony in support of linking congestion pricing with autonomous vehicles thank you.

**Wheeler:** Thank you, we appreciate that testimony.

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**Chris Hagerbaumer:** Good evening, my name is Chris Hagerbaumer, I'm the deputy director at Oregon environmental council and we primary focus on state level transportation issues so I have testified many at the Oregon legislature, but I was thinking the last time I was here, it was a hearing on skateboarding and the streets so it was with mayor Katz and it was, like, the most exciting hearing, it was fantastic, but that was a long time ago. Nice to be here and thank you, all, so much for getting ahead of the curve. My testimony really reflects what folks on the earlier panel said. But one thing I thought about was way back when, when our great grandparents or great, great grandparents were thinking about the car, the car became the dominant, cities thought we have to accommodate cars, it was the shiny thing on the future. I wonder if our great grandparents said, there could be some unintended consequences. Commissioner Fritz, you mentioned the social cohesion. What are cities about? Cities are meant to bring people together for commerce, for socializing and all those types of things and cars actually drove people further apart, not closer together. So, when we think about autonomous vehicles, you actually heard a lot of the negatives and I will actually say that I think there are some real potential for positives, including the fact that more than 50% of the land in most cities -- I'm not sure what it is in Portland -- is devoted to the car, either the road or the parking. Wow, what if we could free-up that space for housing. The more housing we have, the lower housing -- we get more affordable housing. If we can take some of that space currently devoted to cars on the streets and make protected bikeways and walkways, so there's a ton of potential but people talk about the potential negative consequences. I'm going to send my testimony in that repeats those. The pricing piece that Noah mentioned is critical. It's not just congestion pricing, but parking pricing and other types of pricing that I think can really make it go in the right direction rather than the wrong direction.

**Wheeler:** If I could just comment on that -- I know it's been a long day so no one wants to hear me prod along. Where I feel, we've fallen short with these other new disruptive technologies is many of the companies that provide those technologies have cleverly figured out to cream the profits off the top and shove the externality on the broader society that's their profit model. And so our opportunity here is to actually figure out, in advance, how we push the externality costs on to the user or on to the provider, as opposed to on to the public at-large. So that's one of the great challenges here, is continuing to see there is a potential win-win here, provided we're willing to share those costs, as opposed to have the public bear all of those externality costs. That's the end of my commercial on economics.

**Siegel:** Could I just respond to that? I agree with that. One way of thinking of it, we had a virtuous circle with the gas tax. People wanted to drive, they loved their cars, they paid the gas tax and the gas tax built our roads. I think there's a way to create a similar virtuous circle where people are paying for their infrastructure at a more positive system if we structure it that way, with proper pricing ahead of time so I totally agree Mr. mayor.

**Lightning:** My name is lightning, I represent lightning super watchdog x. Again transportation department I'm really disappointed great speeches, but let's talk about all the people that become unemployed. The drivers. You really think these corporations, google, apple, tesla, are putting all these billions of dollars in there to continue to pay labor costs for the drivers? It's not going to happen. We're looking at maybe 2020 to go driverless and projection are, we're going to lose three to five million jobs national. If you look at just the commercial truckers alone at three and a half million, they're going to save \$168 billion per year by removing the drivers out of these trucks. You need to understand, it's going to happen. We're going to have mass unemployment and we're going to have to create a universal basic income and look at this very close. The same thing that happened to the manufacturing jobs in early 2000 and we lost three to five million jobs there. We're

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going to do the same thing right now. Mass unemployment. You're going to have truckers that are going to rebel, revolt get ready for it talk to these technology companies. What are we going to do about it before you enter with your autonomous vehicles? What are you going to do about it before you begin to chip away at our public transportation system, which uber and lyft have done by using uber pool, by dropping the cost down so low they can use uber or lyft. Guess what's going to happen with these autonomous vehicles? No labor cost, they can drop those prices so low, they will be buying the infrastructure of the transportation department, as a low cost. If you're going to sell these parking structures, like I suggested, sell them now when you can get the highest value and that's why I suggested that, to do it now. You have five parking structures, 3,800 parking spaces, sell now when you can get the highest market value because when they get set up, your values will plummet like the local taxi cab companies that the previous mayor did not protect their interest by thinking clear and implementing certain things in place to stop these technology companies from taking everything from locals and that's their jobs thank you.

**Wheeler:** Thank you.

**Lightning:** I really do like elon musk, keep up the good work.

**Wheeler:** And that concludes our public testimony on this item. We've voted to approve the amendment, colleagues do you have any more questions on this before we call the role? Very good. Karla, please call the roll.

**Saltzman:** Well, I want to thank bureau of transportation, bureau of planning and sustainability for doing the work that we -- the mayor and I called you to do and although you're not finished yet, it's moving along. Just to echo some of the sentiments that lightning said, I don't think we can underestimate the impacts on labor we need to be more intentional than we have been on other innovations in our economy and it's a little too cavalier to think we have such a dynamic economy that we can expect truck drivers to re-emerge as chip makers. It's not that easy and old traditions die hard and we have to be intentional about how we think about and how we mitigate the displacement of labor that could come from the autonomous vehicles becoming more widespread. With that, I'm pleased to vote aye.

**Fritz:** Thank you for bringing this resolution, colleagues. And thank you, staff, for doing it and giving me the briefing. Let's learn from the lessons of the tnc's the transportation network companies that has put people out of work the taxi drivers, the other drivers are suffering because of that. Insurance is going to need to be -- much tighter than what we're able to get done on the tnc regulations. We need to make sure that people who are injured by these vehicles, that it's seen as a commercial vehicle and that's what they are and a way that people can get compensated. Like the discussions, we had a year or two ago, providing services for people experiencing disabilities and making sure that these autonomous vehicles, who is going to help somebody who might need assistance getting into them, are they going to be wheelchair accessible? That's a big concern that needs to be addressed. And, similarly, if you're going to have shared vehicles, what about the safety of the occupants who haven't met each other before. When I get on a bus, there's a driver and if there's a problem, the driver will contact police and that will happen. Who takes care of people when people are in scrupulous? Finally, regarding the issue of whether garages are going to not be necessary anymore, either way, we've got a problem. If we don't have parked cars, that means they are circling around and that means congestion. If they're not circulating around, around, around, they need somewhere to stay until they're called to the next stop. It's very wise you're looking at this right now and figuring out how to get ahead of it. I certainly don't want to be in the reactive mode as we have to be with some of the other technologies. I think it can be a safety thing. I was on an airplane where after it

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landed, the pilot said the plane just landed itself, I was there in case anything went wrong and I was glad he didn't say that before we started down or I would have been a basket case. You know, we do have cruise control on cars, there's all kinds of technologies that didn't exist when I was learning to drive, for example. And I would very much like to have a car that would park itself. That would be fabulous. So thank you all for all your work aye.

**Wheeler:** So, I'll be brief and to the point. I think I've already spoken most of my peace on this. This testimony raises lots of questions. We have to be clear we don't know exactly where the autonomous vehicle movement is headed. We do know that it has the potential to impact the global economy and global social structures and we know that this technology is coming. There's no question about that. Nobody's disputes it, although there's lots of questions about how quickly the technology will be adapted, how quickly it will actually be able to function. I think for some applications, it's going to happen relatively quickly. For widespread, citywide or state-wide or society-wide applications, it's going to take a long time. I'll give you one example. When you're in a car and you're driving it and you're going down marine drive and a child runs out into the street and you have a split second to decide, do I run over the child or do I drive off the road? I'd like to think, I'm driving off the road. But if a car is programmed for a safety protocol, how does it make that decision, it is a moral choice as opposed to a technology or platform-driven solution so there's lots of questions around ethics and technology, there's questions around infrastructure. The gentlemen who testified raised the, I think, very we'll question about what does this do for economic structures not just locally, but globally and what are the social implications of the disruptive nature of this technology so these are heady issues, but if we accept the reality that its coming it makes sense for us to get ahead of the curve and be able to help drive the conversations and it won't just be the city of Portland. I'm proud we're taking a leadership role, but at the end of the day, as I say, this has global implications and ultimately, we're going to be wrestling with this technology question on a global scale. We would be irresponsible to stick our head in the sand and assume it's not coming. This resolution that we're passing captures opportunity on one hand, you heard people describing possible economic opportunities, possible mobility opportunities and opportunities around our climate action goals. We're balancing that with a very real sense that there are major unanswered questions that still provide a tremendous amount of risk to this community. So, I think it's entirely the appropriate thing to do. We have the right players at the table, we have government leaders, academics, our private sector entrepreneurs working with us this is exactly the right platform. Commissioner Saltzman, thank you. To our transportation team, thank you to everybody who came to testify. I'm very grateful. I vote aye. The resolution's adopted, as amended and we are adjourned.

**At 5:42 p.m. Council recessed.**

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

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

**June 15, 2017 2pm**

**Eudaly:** Let's call this Thursday, June 15, 2:00 p.m. meeting to order. We have one item on the agenda today. I do not have the script the mayor usually reads. Okay. Karla, please call the roll.

**[roll call taken]**

**Wheeler:** Please call the first item.

**Item 695.**

**Wheeler:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor and colleagues. Today we're here considering a series of code revisions to the private for hire code section. In 2015 the city council adopted new regulations to reflect the changing industry and incorporate transportation network companies into our code. At that time council made a commitment to come back with changes for other parts of the industry which are affected by the private for hire code and that's what we have before us today. Those changes focus on the following sections. Nonemergency medical transport, shuttles, executive town cars, seasonal permits, pedicabs and quadricycles, wheelchair accessible vehicles, and the civil penalty table. As you recall last month the council did issue a subpoena to uber for more information on the gray ball software so we think it makes sense to wait until that issue is fully played out before we come back with code changes to the tnc taxi section of our private for hire code to ensure any findings from the subpoena inform our regulations in a meaningful way. So as I said we'll be coming back to council in the fall with additional revisions focused on transportation network companies and taxis and I look forward to that dialogue when it comes. I'll turn it over to director Leah Treat, who is joined by her colleagues.

**Leah Treat, Director, Portland Bureau of Transportation:** Thank you, commissioner, mayor, members of the council. I'm going to do an intro and step back. There's too many members for our team to all sit here. I'll let them do the presentation. You all are very probably painfully aware that the regulation of private for hire vehicles has been in the headlines in Portland across the country and actually across the globe. Much of the attention understandably focused on taxis and tncs like uber and lyft but the industry is quite large. It encompasses much more than just taxis and tncs. It includes transportation options like pedicabs, limousine and medical transport. In our bureau being responsible for the safety of Portlanders who use our streets we have to make sure that our private for hire regulations are current with the best practice and responsive to current environment and are consistent across the industry. We also care about providing a level playing field for fair competition and most importantly we care about protecting consumers. The changes that we're bringing forward for you to consider today do help us achieve these fundamental goals. For example, if the changes that we are proposing are adopted pedicabs, quadricycles and non-emergency medical transport will be fully covered. In addition we have created seasonal permits that give private for hire more flexibility to serve in our market. These changes include a new wheelchair accessible service subsidy to help offset cost of providing wheelchair accessible vehicles. This is also about equity, consistently providing ready access is crucial to making our transportation system serve all

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Portlanders. We know from our experience recent experience that the private for hire industry is constantly evolving. Quadricycles are now familiar site in parts of Portland. We're seeing dramatic growth in the demand for nonemergency transport and we anticipate this dynamic environment to be the new norm. That means that rules have to evolve too and I believe changes my team are going to present to you today reflect that. It will help us govern effectively.

**Saltzman:** Thank you.

**Mark Williams, Portland Bureau of Transportation:** Good afternoon, mayor, commissioners. I'm mark Williams I'm the private for hire division manager.

**Matthew Erickson, Portland Bureau of Transportation:** My name is Matthew Erickson I'm the private for hire program manager.

**Williams:** The ordinance you have before you today if approved will replace recurrent chapter 1640 private for hire regulations. All the recommended changes have been approved by the advisory committee. For non-emergency medical transportation, this section was suspended in December of 2015. The previous code was referenced via an administrative rule. Council directed us to collaborate with the industry regarding this section of the code through a subcommittee and larger advisory committee we did what council requested and we're recommending the inclusion of section 16.40.700 non-emergency transportation into the existing code. Some of the changes I would like to highlight for the industry are non-emergency medical transportation can now certify their own drivers. Non-emergency medical transportation companies can certify their own vehicles. And the driver disqualifying factors are consistent with the rest of the industry. For pedicabs and quadricycles this sections was also suspended in 2015. We received clear direction from council to engage in the industry and we did so as requested. A few of the changes in our proposed language include addition of quadricycles. These are the four-wheel multi-passenger bikes such as brew cycle Portland. Companies can certify their own drivers and vehicles. Requirement for quadricycles to -- drivers to carry a valid driver's license, pedicab drivers that do not possess a valid driver's license can complete a bureau approved safety course prior to being permitted. For executive town car, we revised the definition for the executive town car. An administrative rule that display as list of approved vehicles will be -- that can be permitted as executive town cars is part of this recommendation. New vehicles can be added to this list through the advisory committee. Committee's recommendation to the bureau director. There are a couple of reasons we feel this is important. First we want to make sure we meet the consumer's expectations. When you reserve a luxury vehicle you should expect one to arrive. Second, the second reason is to maintain the integrity of what is considered to be an executive vehicle and the industry in which they operate. For shuttles, this section we are recommending a change in the definitions. Previous language to find a shuttle as a vehicle that operated solely along a fixed route. For example the shuttle may travel from the airport to three or four area hotels and back again. The industry made it very clear that this is not the way that the majority of the companies operate. As a result we have revised the definitions to include fixed route, reservation and on demand shuttle. A reservation shuttle is a service that can be picked up -- service that can be scheduled to pick up a passenger and take them to the airport, bus station or train station and on demand service is an option for passengers arriving at the Portland airport who are willing to share a ride with other passengers. Company operating responsibilities. This change simply enhances and clarifies the language that we already have in code. We currently have language that we have clear language as it relates to the driver's conduct but while they are driving in an automobile with the passenger. We wanted the companies to partner with us and set clear expectations for drivers even when they are not traveling with passengers. Vehicle age exemption. Previous code allowed vehicles to

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remain in service for a maximum of ten years. This addition to code will allow limited passenger transportation vehicles, executive town cars and qualified wave vehicles to apply for a two-year vehicle age exemption. Vehicles such as this amazing restoration by the vintage tour bus company could apply for a vehicle age exemption and be permitted for two years.

**Wheeler:** I just saw that one on Sunday. Is that the one that was in the rose festival that's it. Cool.

**Williams:** After two years they can reapply again for an additional two years and two years after that. Later I hope we have the pleasure to hear from the owner of the vehicle in this photo. The owner of vintage tour bus company. Seasonal permits. Allows vehicles that operate seasonally the ability to obtain a four month seasonal permit. If you own a limousine company that operates during prom season, this is a good option for you. This makes it more affordable for the companies that have a seasonal business model. This may also allow companies to save money by not having to insure a vehicle for a full year just to maintain their company permit. Accessible service. So in December 2015 council directed the bureau to work with the advisory committee to address some concerns around accessible service. A few challenges we identified include insufficient number of wheelchair accessible vehicles. We know larger companies are able to provide vehicles on the road but smaller companies may not have enough drivers or enough business to keep vehicles on president road at all times. Longer than expected wait times. Community members have reported excessive times for waw vehicles. Customer service. Customer service levels continue to be a challenge for the industry. Higher costs to operate. The companies made it very clear that these vehicles are more expensive to purchase and to maintain. Less desirable for drivers. Due to passenger load and unload times drivers may fulfill fewer rides while operating waw vehicles compared to other on demand services. Now that we understand what the challenges are we established a list of goals to address them. Increased accessibility. Let's ensure all available waw vehicles are on the road. Decrease wait times. Transportation should always arrive in 30 minutes or less. Elevate the standard of service through passenger assisted sensitivity and safety training which will be required for all wave drivers in this program. Offset vehicle operating and maintenance expenses. Cost and maintenance expenses. Provide a subsidy to companies for each fulfilled ride to offset maintenance costs and to provide a financial incentive to attract more drivers.

**Fritz:** Just to clarify, the operators, the companies supposed to pay that, not the city, correct?

**Williams:** Correct. We would provide the subsidy in the fires pilot period. We decided we would provide the subsidy to the company and allow the company to decide what portion to use for the vehicle maintenance and what portion would go to the driver as incentive.

**Fritz:** So we are proposing the city pays the subsidy.

**Williams:** Yes, I'm sorry. The city pays a subsidy.

**Fritz:** I'm a bit concerned about that.

**Nickole Cheron, Office of Equity and Human Rights:** The subsidy comes out of we put a 50 cent charge on every ride. So it comes out of that. It's money we bring in to fund both the accessible service and the private for hire --

**Fritz:** We act as the pass-through thanks for reminding me about the 50 cents and they are supposed allocate it fairly?

**Cheron:** Right. We allocate it back to them for incentivizing wheelchair accessible rides.

**Fritz:** But we've been doing that, right?

**Cheron:** We're just starting to.

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**Fritz:** How long will it be until we know if the actual drivers are satisfied with this system or not?

**Williams:** We plan to carefully monitor this process. We are working with the wav dispatcher to keep track of all these calls and dispatch the rides. We want to work closely with the companies and with the community members that will use this service. We're going to rely on their feedback to help make the adjustments where necessary so that this can be a successful program.

**Fritz:** Thank you.

**Williams:** As part of the transportation the accessibility transportation fund, the subsidy, we want to implement it and during the pilot period our intent is to establish a city-wide wav dispatch service. Calls will be dispatched to the approved companies by rotating calls to all participating companies equally. I think we can equally distribute the demand for this service and showing more vehicles are on the road more frequently however a caller can always request a provider of their choice. The dispatch provider will monitor all and track and monitor all wav calls. Participating companies would receive the subsidy we talked about. Companies can use the funds to offset the maintenance costs of the vehicles and to provide drivers a financial incentive. Our expectation for these companies is to use a very small portion of these funds for their vehicle maintenance and to use the other remaining balance towards the driver incentives. During the pilot period, we are proposing a subsidy of \$15 per wav ride. We currently average about 1200 rides a month. We estimate that we will increase this number to about 1600 rides per month. The estimated budget to fund the program is about \$600,000 for the first year. This includes the dispatch service contract. We currently have an rfp out that closes tomorrow. The program is entirely funded through the existing 50 cent surcharge and this surcharge can be adjusted accordingly to meet future program needs. We hope that by addressing some of the current challenges that the community members have reported to us that we will encourage them to use the service more frequently. Up on conclusion I would like to invite nickole to say more about the process and how we got here.

**Cheron:** Nickole Cheron, office of equity and human rights. For those of you who weren't on council two years ago when we started this process, we had this challenge of how are we going to have these companies that don't see themselves as transit providers be available to people who have disabilities and who have been historically under-served even by some of the transportation that was available. Back then I had this notion of what we need to incentive those rides and we need to mandate that everyone do it. So that was great but then the folks at pbot really had to take that idea and turn it into reality. So mark came up with this really amazing three tiered process that we're now in the second tier of which is the dispatch system. So with the dispatch we hope we do see a bigger bump in more satisfaction. We have definitely hit some hurdles along the way, and I still get a sense from the community that there is some dissatisfaction, so we're really hoping that the dispatch brings us into this new level of one, being able to track better, then two, being able to incentivize the companies and the drivers so there won't be that kind of stigma of oh, gosh, I have to take more time to do this wheelchair accessible ride when I could be doing a ride that's much quicker and gets me more money. So with the dispatch system I'm thinking your question, commissioner Fritz, was how long will we know. It's going to be a good six to eight months for us to really see what that looks like. But I do really want to ask all of you to really make it clear to our Portland community that this is available and that we are thinking about it. Because the people with disabilities have so historically been left out of this transportation system, there are still a lot of people saying there are no options so we're working hard to make these options, but we don't necessarily have the means to let everybody know. I think all of you have a very wide audience that with your

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help we can really get the word out not just the system that's available to them but to also give us that feedback, and complain. Without that we don't know what is happening on the street and we want to be able to fix it.

**Saltzman:** Thank you.

**Williams:** Next we made some changes to the civil penalty table. The previous tables shown here require the industry, the service providers to navigate through many rows and texts to locate the appropriate penalty. The new code every section or subsection ends with a violation statement and penalty class. This is similar to the way penalties are listed in the Oregon revised statute. The new table now only five rows offers a quick, effective way to easily locate the penalty class and associated fees. Finally as requested by council we have raised the penalties for code violations. The slide shows a simple illustration of what you can expect to see in the new code. That is the conclusion of my presentation. I would like to if I could, mayor, invite mike greenfield, who is the advisory chair, if he's here -- walking in the door.

**Fish:** Can we take a few questions first?

**Wheeler:** While we're waiting for mark.

**Fish:** Thank you for this presentation. I got a briefing previously and I think you've done you and your team have done a really good job.

**Williams:** Thank you.

**Fish:** Couple questions. The quadricycles, which we see particularly in northwest Portland sponsored by a brewpub or something. Under our law, can a quadricycle operator serve alcohol to the people that are pedaling?

**Williams:** No. That's the short answer.

**Fish:** So to quote Shakespeare that is more honored in the breach and in the observance which is why folks pedaling tend to be very rambunctious. I hope to do spot enforcement of that. Second I have anecdotally noticed a lot of uber, lyft, google prism and other operators in town with out of state plates. Washington and California primarily. The google prism are exclusively California with no markings on the vans. What is the state of our law in terms of when someone, if -- excuse me. Does an operator at some point have to obtain Oregon plates?

**Williams:** Well, yes and no. So the law allows students, if you go to school here, you don't have to change your license plate over. You don't have to get a new driver's license, but I believe the law says if you're here for 30 days after that you need to obtain an Oregon driver's license. You need to obtain obviously Oregon registration.

**Fish:** That's if you live here.

**Williams:** If you live here correct.

**Fish:** What if you're operating a commercial vehicle? Is there a rule that says at a certain point if you're operating exclusively here that you have to obtain Oregon license?

**Williams:** I haven't confirmed that, but we can definitely look into it. I would assume it's very similar to the residential rule. We can look into that.

**Fish:** I have raised with matt grumm recently because I noticed for example google prime runs their entire fleet off California plates in unmarked vehicles. I would like to know what the rules are and if the rules are you don't have to switch the Oregon plates, so be it, but it does seem like there are more and more full-time delivery vehicles in our city that have out of state plates. I would be interested in a primer on what is allowed and is there a requirement at some point that you switch.

**Erickson:** Commissioner, I can speak to that a bit. Because of the way the tncls are set up, they are set up regionally based so it's more the greater Portland area. You will see a lot of plates from, say, Washington, from someone who lives in Vancouver, Washougal, camas, coming across the river taking passengers.

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**Fish:** Thank you. The 50 cent surcharge that we put on the rides to cover -- to create this fund to be used as you have described, I'm curious, when we last were down in Salem defending the preemption bill that was proposed, that would have preempted our ability to regulate, would that bill have also preempted our authority to levy a 50 cent charge?

**Treat:** I'll have to get back to you on that.

**Fish:** Could you get back to us? The legislative session has not ended, mayor, and I think we have to be vigilant. I don't know the answer to that whether the preemption would have tied our hands on this. But if we could take a quick look at that because time is of the essence on that question.

**Williams:** We will do indeed.

**Fish:** The final question is for nickole. So one of the charts we saw showed 1200 rides, wavy rides a month then said that the goal is hopefully to get -- excuse me. 12,000. 1200?

**Saltzman:** 1200.

**Fish:** With the goal of getting to 1600. Right? So just doing the back of the envelope map here, that's a little under 200,000 rides a year. My understanding is that we anticipate this year across all our systems, tncs and cabs, approximately 7 million rides. I guess the question is, what do we estimate actually is the market for wavy rides and what's the benchmark that we should be trying to reach?

**Cheron:** Unfortunately, the data that we have for our disability members in our community is very poor. There's some data that comes out of the American community survey, but it really doesn't give us an idea. Because our past operations have historically left out folks they were providing the service but the service was being provided in a way that people could wait from 45 minutes to an hour to get their ride or the ride would be canceled. The community has become a little gun shy of actually using private for hire transportation. Not to mention that it is more costly than having public transportation, but I think what we're seeing across the nation is that the mandate for para transit and public transportation has gotten so high that transportation authorities can't afford it any more. I think we'll see more and more of a community shift to having to use private for hire transportation just to get to the grocery store or even a doctor's visit. I think when we invoke the dispatch system we will start to really get a handle of what the data is. Because we don't -- uber and lyft are great. It's an app so you can really get the data of who is riding and when they are riding and what areas of town. We don't know that for wavy because people can use wavy and taxi and everything else. We will have a better idea of having answered that question in the six to eight months when we start seeing data and with the dispatch system we'll have a little bit smoother of just the customer interface with it and we should see those numbers increase.

**Fish:** I actually applaud you for the system that you have worked on to try to address this challenge of providing this service when you have documented that it's more expensive and there's some disincentives in the marketplace. I do think as we monitor the progress over time, it would be good to have a rough sense of what's the benchmark we're heading for. Currently the optimistic projection is that we would still need one out of every 35 rides is for someone who has the need for a wavy vehicle. That sounds low given what we know about the percentage of Portlanders that have some kind of physical disability. I just don't know. Anecdotally it seems small. It will be interesting to see our projection as to full utilization based on the number of people that would use this service if it was accessible so thank you.

**Eudaly:** I have a couple of questions. Since I wasn't here when the first rules and regulations were established just for clarity, do we have relative parity between cab companies and tnts around like back ground checks, licensing and insurance?

**Williams:** We do. We do.

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**Fritz:** I would say that's debatable.

**Williams:** I think we do all the way down to the type of vehicles you obviously see some differences, taxis are still required to have a cab with a top light with a meter. Tncs are required to have a working app, certain items in their cars. Taxis are as well. As far as certifying their own drivers, their own vehicles they are both able to do that although many taxi companies choose to have us help with that certification process. That option is still available to them.

**Eudaly:** I'm thrilled to hear about increased or improved service for wheelchair users. I'm wondering about that \$15 subsidy. To me that seems high considering nominal extra amount of time it takes to load and unload a wheelchair. How was that number arrived at?

**Williams:** We reached out to some other cities and we're not the only city that is struggling with trying to solve some of these problems. Some cities have gone to providing a subsidy directly to the company to help purchase the vehicle. These vehicles can run between 45 to 60,000 by the time you equip them.

**Eudaly:** I know. I have one. I know.

**Williams:** And then there's maintenance. We hear the maintenance for these vehicles can be around \$250 a month just to maintain the vehicle. Some cities will offer an incentive or subsidy to pay for the cost of the vehicle. Some cities are offering some sort of subsidy to the drivers. I didn't find anything that was consistent throughout. I think everyone is trying a little bit of everything. I can't recall which city that went to a city-wide wav dispatch. They just said we're going to take over. Larger cities like New York have mandated changes by a certain year that 20% or 30% of the fleet must be wheelchair accessible. I think in time we'll hopefully see companies start building wheelchair accessible vehicles hopefully at a lower rate. Now the companies will tell you that \$15 is not enough compared to the cost. It takes to provide a service. But we thought it was a good place to start.

**Eudaly:** Nickole, as far as helping spread the word I'm interested in that conversation because of course after decades of being under-served and experiencing barriers I'm sure there's a lot of potential customers who just aren't even trying. So that's something that we need to work on. Then there's also the issue that people with disabilities are disproportionately low income and taking a cab is just not an option necessarily. I don't know if that's something that we can also look at. I know I have never wanted to call a cab for my son. I do not use tnts. I use radio cab. But I did experiment. I tried to call for a wheelchair cab downtown 9:00 a.m. And there wasn't one available. Thank you for addressing that issue.

**Wheeler:** Commissioner Saltzman.

**Saltzman:** So the dispatch, wheelchair accessible vehicle dispatch, is that going to be conducted by a private party?

**Williams:** We're not experts when it comes to dispatching vehicles and services, but we have access to a lot of them. That's what cab companies do. They dispatch services. We wanted to reach out to see if we can get a dispatch company to partner with us and really help us put together a successful, effective dispatch system. I believe we can get there.

**Saltzman:** Would there be a dedicated telephone number?

**Williams:** Correct. There will be a dedicated number, either 865 for wav or 823 for wav.

**Saltzman:** I was curious on the town cars. We actually specify makes and models of what are acceptable town cars?

**Williams:** Correct. We tried to follow the model of a few other cities out there that actually have a list of approved vehicles. I suspect that they were running into the same problems where you have had like economy vehicle that was being permitted as an executive sedan. So we tried to basically emulate what we saw some of the other cities doing. We put

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together a list of our own based on what we have seen from other cities and we ran that through the advisory committee.

**Saltzman:** Thank you.

**Fritz:** Will the 50 cents per ride cover all the cost of the dispatch system as well as the subsidy to the drivers?

**Williams:** Yes.

**Fritz:** Do we know how much we have in the fund at this point?

**Williams:** I can get those numbers for you.

**Fritz:** Are we confident that the tncs are paying appropriately, collecting that and giving the full amount?

**Williams:** I feel fairly confident that they are, yes.

**Fritz:** We talked about maybe periodic audits of the tnc's to make sure that's this -- that they are following the rules. Are we going to be doing one of those in the future?

**Williams:** We are. I think we need to look at the way that the information is printed on the receipt and the way we receive that to give us better auditing tools but we have had some conversations with them about that.

**Fritz:** I'd be interested in talking to the office of community technology about how do they do their audits of franchises that we work with. Even with that, we often have really large settlements with those companies. So given that there's a history of not necessarily following all the rules in the past, it would be I think important to do those audits regularly.

**Williams:** I would agree.

**Saltzman:** Mike greenfield isn't here. Was there anyone else you invited?

**Williams:** Andrea. Not here either. I think we can move on.

**Saltzman:** Public testimony?

**Williams:** Yes.

**Wheeler:** How many people are signed up?

**Moore-Love:** I have four people.

**Wheeler:** Very good. Three minutes each. Please state your name for the record. 30 seconds before the time runs out you'll see a yellow light. When the light turns red and you hear lots of beeping that means your time is up. If you're a lobbyist please state that for our record. If you are here representing an organization that's helpful as well. We don't need your full address, just name for the record.

**Wheeler:** Welcome. Gentlemen, I don't know if you have a preferred order. If not we'll start left to right.

**Mark Leutwiler:** Sure. Thank you, mayor, commissioners. I'm mark leutwiler. I work for the port of Portland I'm the commercial roadways systems manager. I came to you today to show my support for the recommended changes that city staff has presented you today. Since May of 2016, I have been an active member of the Portland for hire transportation advisory committee. I have attended all meetings and can say that I feel that the recommended changes coming to you in a fair and unbiased manner. I want to thank all of the Portland staff and all the members of the advisory group that went into the recommended changes we spent a lot of time out there. I thank mark and Dave for their support. Thank you.

**Wheeler:** Thank you. Appreciate your testimony. Good afternoon.

**Sean Kennedy:** I'm Sean Kennedy. I own the vintage tour bus company. I notice that you saw the bus at the rose festival parade. I notice the sub text hid the bus but that's what it looks like. I'm going to give you a little history on the bus. For many years I have wanted to kicked around the idea of doing tours. I loved history, geology and showing off what Oregon has to offer. To do that I thought it would be really cool to do it in something different than a shuttle bus. That's how I came up with the idea of the vintage bus. Seven

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years ago before this ordinance went into place about the ten-year age limit, I had researched both federal and state laws to find out what it would take to make a vehicle like this street legal and for me to have the ability to use it for taking people out on tours. I have met all the requirements. It's actually certified as such. It's maintained. When I originally found the bus, of course, needless to say it was in very sad condition. It was sitting out for many years rusting away. We have since torn the bus completely apart, have redone it, and actually it's now a 1992 Dodge Wonton pickup, it's just a very pretty Wonton pickup. But as I said, when I started the project before I wanted to spend the money on doing this and doing the conversion I wanted to make sure that once I was done with it that I could use it legally. And use it for that purpose of doing tours. I have met all the requirements, so when I brought the bus back last year to Portland because I did the restoration all over in Idaho, I was really shocked when I heard there was this ten-year age limit on a vehicle being allowed to use for the purpose that I wanted to use it for. I have had people actually come up to me and say that is a really, really cool bus. And I say, what do you like about it? It seems so Portland. It is. It adds another level of interest to the city and to tourism in this town. That's part of the reason why I went for this. It's sort of on the same vein as the double-decker bus, very similar to what San Francisco has with their vintage trolleys that they run up Market Street. They are these gorgeous trolleys from all over the world, different ages, but it's another element to that city that creates part of the excitement about that city. That's how I felt about this bus. I also felt it was something not just unique but something -- well once again I put it back as to it's another thing that made Portland a little more unique. Like the pedal bikes, like the paddle boats I see on the Willamette. It's just another one of those things that makes the city cool. Thank you.

**Fish:** Can I ask you a question?

**Kennedy:** Yes.

**Fish:** The way this is worded it's ten years after the vehicle manufacture date then a two-year vehicle age limit exemption. I want to understand, under the proposed rules before us would you only be able to operate for two years?

**Kennedy:** From what I understand, yes. Then I have to renew. Right now technically I cannot operate here. I am registered in Clackamas county and Lake Oswego.

**Fish:** Is it your understanding the two-year exemption is renewable?

**Kennedy:** Yes. That's the impression I'm under.

**Fish:** I see head nodding. That's helpful. The other question is because your example just got my attention, this ten-year rule is pegged off of the manufacture date, but as you kind of suggest you could buy a vehicle and replace every single part of the vehicle at which point the manufacture date is not that relevant.

**Kennedy:** I think how vehicles are registered is by the original manufacture date even after you alter it. I know if it were an antique vehicle it's registered the year that it was made even though they were alterations made.

**Fish:** Administratively the two-year exemption that's renewable would work for you.

**Kennedy:** Yes. The bus is 1945. Just a few years old.

**Fish:** Looks like Ken Kesey's old bus.

**Wheeler:** Excuse me? [laughter]

**Fish:** I meant that as a compliment.

**Kennedy:** It's very comfortable inside. I'm done with my time, but

**Fish:** What's your niche?

**Kennedy:** Wine tours, gorge tours. I include history and geology and history. I do a lot of Oregon pioneer history, I talk about the Missoula floods. I talk about the Columbia River Gorge Highway, the history, the what brought that about. So depending on what area I go to, I'll go as far as the coast and up to the Dalles, down to the wineries in the Willamette

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valley. I'll talk about the soils and how the Missoula flood affected your grape growing in those areas. Stuff like that.

**Saltzman:** What's the name of your company?

**Kennedy:** The vintage tour bus company. I have a brochure right here if you would like one. [laughter]

**Wheeler:** I was in a parade with about 25 mayors from around the state and I guess the bus was just going by us. You were starting a couple of slots ahead of us. It was an instant favorite. People thought it was great. Thanks for the hard work. There's a lot of elbow grease put into that.

**Kennedy:** I spent over six years restoring it. I worked on the tv show grim for 5.5, so I spent every penny I made sinking into that bus so I could do something fun with it.

**Wheeler:** That's great. Good for you. Thank you for that.

**Kennedy:** Okay. I hope you will approve allowing me to move my business to Portland.

**Wheeler:** Thank you. We would love to see. That good afternoon, sir.

**Steve Hext:** Thank you, Steve hext, gm of Broadway cab. I have been with Broadway about 28 years. A quick word of support for mark, everything he's brought before you. I want to say thank you to the council for approving me to be a part of the committee and I did participate in that. Also everybody on the first two rows not only did I get to consult with the committee but each of them I have spent all the time I felt I needed with each of them, and so they have been available. I can just say I support what's coming forward the way the nemt code applies to companies that limit themselves to nemt service, and the way the new wav program is limited to the taxi companies. I can see it all being good. Just a word of support.

**Wheeler:** Thank you, sir. We appreciate that.

**Wheeler:** Good afternoon.

**Patricia Montgomery:** Good afternoon. I guess I'll go first. I had not planned on testifying. I came down to actually listen but I'm from one of the smaller companies and I would like to say that the tncs into the market is a big improvement for the industry. I remember people complaining in the taxi cab about waiting for hours for a taxi and they get one in two minutes. What I wanted to address after listening to Chloe he asked was it on a level playing field now and I don't think we have gotten there on checking on insurance, people being on the street, about the cameras. Someone being killed in one of the uber cars may not have been Portland but do we wait until it happens in Portland? I think the taxi industry has been devastated. Drivers are struggling. Businesses are going under. Have we looked at the impact of 6,000 vehicles placed on the streets with the taxi cabs? And how it's going to make survival for everybody, the taxis take low income people. Cash paying customers. Customers they take risk on picking up. A study on what is this real impact on the industry. I spent 30 years in it because I love it. I love the people in this city and I hate to see the drivers that we have leaving the city because they can't make a living. There's room for everybody. But let's look at that level playing field. I don't think we're there. Thank you.

**Wheeler:** Thank you. We appreciate your testimony.

**Fritz:** What is your name again?

**Montgomery:** Patricia Montgomery. New rule city cab company.

**Kirk Foster:** I'm Kirk foster. Nemt transportation and a rep on the advisory board. I wanted to echo what Steve said that I really appreciated the time that we got with mark and everyone to work through getting everything, getting the codes sorted out, getting all the hiccups corrected that were in from the last revision. I appreciated the time to be involved in that. I do support all the changes going through but I did want to revisit and give my opinion on the wav subsidy program and emphasize how important I think that is. A lot of what people don't understand is that it's the way the ada works nationally is that

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companies are essentially required by law to subsidize the service whether it be putting in an elevator, a ramp. In Oregon transportation has had a serious problem in that given that our cab companies are structured only as independent contractors the companies can't legally actually subsidize the cab rides by paying the additional fees, additional cost of the vehicles, additional cost of fuel and additional time costs because basically the way Portland has always done this is to basically penalize the cab companies for not providing a parity in service but the cab companies really can't do anything about it because all the drivers are technically independent contractors under Oregon law and they are all basically an independent business to the only way the system before would basically be a cab driver would have to basically take a significant cut in their individual pay and what they could take home to their families in order to provide accessible transportation because again the wheelchair vans are significantly more expensive to buy, significantly more expensive to maintain and to fuel, and then there's the time that the added time and added attention that a driver needs to provide to the passenger to make sure their wheelchair is safely secured, especially if anyone around wheelchairs a lot getting them safely secured is a challenge when you're dealing with universal equipment because so many wheelchairs are just difficult to attach to so it takes time to look at every new chair and make sure you're securing it safely. My company, for example, we use pre-uses for ambulatory customers and in our company internally whether we are using a small wheelchair ramp van or one of the big lift vans ranging in our company we pay from 200 to 300% is what our cost is on a wheelchair ride depending on which vehicle we're using. When you're looking at the cost of the subsidy that's for my own internal numbers that's what you have to look at. If the city is going to provide that subsidy that companies themselves can't because independent contractor setup, that's the baseline that I think should be used to determine the fee. Whether 15 is appropriate I'm not sure what the average cab fee is or the average fare for a cab ride is, but the subsidy should be something like the cost is 200 to 300% depending on the size of the wheelchair involved. When you're looking at \$15 based on my numbers internally that's a little low to what the cost has to be. You're looking at two to three times the fuel cost and two to three times the equipment costs. Then you have the added maintenance costs. I just want to stress if the city really wants to encourage small business owners to bring wheelchair vans to the public that is the kind of numbers the subsidy has to look at is two to 300% subsidy. My idea was originally that perhaps we do it and however the accounting department thinks it's appropriate we would use something on the order if the fare was \$20 the city would kick in another \$20 or \$25 and basically do a percentage on the fare but that might be too complicated on the bookkeeping end. That's out of my purview. I wanted to make sure everyone understands you're looking at two to 300% of the cost to the driver or owner of the vehicle or whoever is bearing the cost for an equivalent ride.

**Wheeler:** Thank you for your testimony. We appreciate it.

**Eudaly:** Thanks for that clarity Kirk I think I'm acclimated to much to how much more expensive it is to operate because insurance too since your van is worth twice as much. Insurance is higher.

**Foster:** Yes.

**Eudaly:** Patricia, I share your concerns as well how we are diluting and undermining jobs and adding who knows how many cars to the roads. Totally valid concerns.

**Montgomery:** Thank you.

**Wheeler:** Great. Thank you. Anyone else want to testify? Colleagues, any further questions before we send this along? Very good. This is a first reading of a non-emergency ordinance. It moves to second reading. And we are adjourned. Thank you for being here.

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**At 2:53 p.m. Council adjourned**