



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST 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 9:35 a.m.

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

Item Nos. 706, 708, 711, 714 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
696	Request of Douglas Peterson to address Council regarding being told by the Portland Development Commission to vacate Peterson's on Morrison business location of 32 1/2 years (Communication)	PLACED ON FILE
697	Request of Claudia Brubaker to address Council regarding being told by the Portland Development Commission to vacate Peterson's on Morrison business location of 32 1/2 years (Communication)	PLACED ON FILE
698	Request of Sean Eidlin to address Council regarding save Peterson's on Morrison from closure (Communication)	PLACED ON FILE
699	Request of Geno Heleen to address Council regarding remodel of the SW 10th and Morrison Parking Garage, request of Portland Development Commission that businesses vacate for one year and no guarantee to return (Communication)	PLACED ON FILE
700	Request of Charles Willcoxon to address Council regarding remodel of Peterson's Convenience Store will cause irreparable financial damage if they cannot remain open (Communication)	PLACED ON FILE
TIMES CERTAIN		

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*701	TIME CERTAIN: 9:45 AM – Adopt the Supplemental Budget for the FY 2016-17 Over-Expenditure Process and make budget adjustments in various funds (Ordinance introduced by Mayor Wheeler) 15 minutes requested for 701 and 702 (Y-5)	188473
702	Authorize temporary operating loans between various funds to provide interim funding to cover lags in federal, state, and other grant reimbursements and other negative cash and fund balances (Resolution introduced by Mayor Wheeler) (Y-5)	37298
703	TIME CERTAIN: 10:00 AM – Accept the Bond Phase 2 Project List for the \$68,000,000 Parks 2014 General Obligation Bond (Report introduced by Mayor Wheeler and Commissioner Fritz) 35 minutes requested for 703 and 704. Motion to accept report: Moved by Fish and seconded by Fritz. (Y-5)	ACCEPTED
*704	Authorize \$39,576,793 of general obligation bonds for parks projects and refunding bonds (Ordinance introduced by Mayor Wheeler) (Y-5)	188474
CONSENT AGENDA – NO DISCUSSION		
705	Authorize a Site Access Agreement with the Metropolitan Exposition Recreation Commission for the Force Ave Pump Station Remodel Project No. E10611 (Ordinance introduced by Mayor Wheeler and Commissioner Fish)	PASSED TO SECOND READING JUNE 28, 2017 AT 9:30 AM
706	Appoint Michelle A. Dedeo, Joseph A. O'Leary and Paul D. Agrimis and reappoint Kendall Clawson, Patricia Frobes, Jim Owens and Gladys Ruiz to the Portland Parks Board (Report introduced by Mayor Wheeler and Commissioner Fritz) Motion to accept report: Moved by Fish and seconded by Fritz. (Y-5)	CONFIRMED
*707	Authorize a competitive solicitation for repaving the South Paddock and extension roads at Portland International Raceway (Ordinance introduced by Mayor Wheeler and Commissioner Fritz) (Y-5)	188467
*708	Authorize the acquisition of .26 acres of real property located at 6732 SW 42nd Ave, adjacent to Gabriel Park for \$375,000 to be used for park purposes (Ordinance introduced by Mayor Wheeler and Commissioner Fritz) Motion to amend directive b to correct funding source: Moved by Fritz and seconded by Fish. (Y-5) (Y-5)	188482 AS AMENDED
Mayor Ted Wheeler Bureau of Development Services		

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*709	Authorize an Intergovernmental Agreement with the State of Oregon on behalf of Portland State University, for the use of parking permits and access cards at the 4th Avenue Garage and provide for payment (Ordinance) (Y-5)	188468
Bureau of Emergency Management		
710	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 (Second Reading Agenda 673) (Y-5)	188469
Bureau of Planning & Sustainability		
*711	Authorize grant agreement with the Community Alliance of Tenants for \$45,000 to fund community engagement activities that support the Portland and Tigard SW Corridor Equitable Housing Strategy (Ordinance) (Y-5)	188475
*712	Authorize application to METRO Regional Government for grants in the amount of \$1,000,000 for a package of seven projects as part of the Cycle 5, 2040 Planning and Development Grant Program (Ordinance) (Y-5)	188470
Office of Management and Finance		
*713	Pay claim of Debra Nestlen in the sum of \$11,678 involving the Bureau of Environmental Services (Ordinance) (Y-5)	188471
Portland Housing Bureau		
*714	Increase contract with Income Property Management Company for operational expenses of the Joyce Hotel by \$120,000 for a total value of \$310,000 (Ordinance; amend Contract No. 30005526) (Y-4; Saltzman absent)	188487
Commissioner Dan Saltzman		
715	Amend grant agreements for navigator services at the Gateway Center for Domestic Violence Services for a combined annual amount of \$267,000 (Second Reading Agenda 679; amend Contract Nos. 32000375; 32000391; 32000976; 32000977; and 32000998) (Y-5)	188472
REGULAR AGENDA - Wednesday AM		
*716	Authorize the Bureau of Parks and Recreation to execute agreements that allow the Bureau to provide funding to Multnomah County for the administration of the SUN Community School Initiative in any fiscal year where those payments have previously been authorized by Council in the normal budgeting process (Ordinance introduced by Mayor Wheeler and Commissioner Fritz) 15 minutes requested (Y-5)	188476

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717	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 (Second Reading Agenda 661; Ordinance introduced by Mayor Wheeler and Commissioner Fish; amend Code Section 17.32.070) (Y-5)	188477
718	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 (Second Reading Agenda 664; Ordinance introduced by Mayor Wheeler and Commissioner Fish) (Y-5)	188478
Mayor Ted Wheeler		
719	Proclaim June 19, 2017 to be Juneteenth Day in Portland (Proclamation introduced by Mayor Wheeler) 15 minutes requested	PLACED ON FILE
Bureau of Emergency Management		
720	Authorize Memorandum of Understanding with the American Red Cross for Cooperation in Emergency Preparedness, Response and Recovery (Second Reading Agenda 682) (Y-5)	188479
Bureau of Transportation		
*721	Amend contract with TriMet related to operations and maintenance of the Portland Streetcar system and increase funding to \$7,675,379 (Ordinance; amend Contract No. 30002872) 15 minutes requested (Y-5)	188480
*722	Authorize Temporary Commercial Surface Parking on Oregon Department of Transportation Blocks in the Central Eastside (Ordinance; waive Title 33 and Stormwater Management Manual) 20 minutes requested (Y-5)	188481
723	Replace Code pertaining to Private For-Hire Transportation in the City (Second Reading Agenda 695; replace Code Chapter 16.40) (Y-5)	188483
City Attorney		
724	Accept report on Gender Neutral Documents and Policies (Report) 15 minutes requested Motion to accept report: Moved by Saltzman and seconded by Fritz. (Y-5)	ACCEPTED
Office of Management and Finance		
725	Accept bid of TEK Construction, Inc., for the Greenleaf Pump Station project for \$1,286,550 (Procurement Report - Bid No. 00000581) 15 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-5)	ACCEPTED PREPARE CONTRACT

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726	Accept bid of Duke Construction & Excavation, LLC for the Ventura Park Play Area Improvements Loo Project for \$764,991 (Procurement Report – Bid No. 00000603) 15 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-5)	ACCEPTED PREPARE CONTRACT
*727	Provide for up to 36 months of City paid monthly COBRA continuation coverage for the eligible dependents of Rick Best (Ordinance) 15 minutes requested (Y-5)	188484
FOUR-FIFTHS AGENDA		
727-1	Proclaim June 25, 2017 to be Portland Sunday Parkways Day in Portland (Proclamation introduced by Mayor Wheeler and Commissioners Eudaly, Fish, Fritz and Saltzman) 15 minutes requested	PLACED ON FILE
Mayor Ted Wheeler		
727-2	Appoint Jenny Kim to the Home Forward Board of Commissioners (Resolution) (Y-5)	37297

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

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **21ST DAY OF JUNE, 2017** AT 2:00 P.M.

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

Commissioner Fritz arrived at 2:03 p.m.

Commissioner Saltzman arrived at 3:47 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Senior Deputy City Attorney; and Mike Cohen and Roger Hediger, Sergeants at Arms.

<p>728</p>	<p>TIME CERTAIN: 2:00 PM – Appeal of Landon Crowell against Design Commission’s decision of denial for design review of a new 5 to 6 story, approximately 70’ tall, 17 unit apartment building in the Central Eastside Subdistrict of the Central City Plan District, at 1122 SE Ankeny St (Previous Agenda 654; Hearing introduced by Mayor Wheeler; LU 16-184524 DZM) 1.5 hours requested</p>	<p>Disposition:</p> <p>CONTINUED TO AUGUST 9, 2017 AT 2:00 PM TIME CERTAIN</p>
<p>729</p>	<p>TIME CERTAIN: 3:30 PM – Authorize a non-binding term sheet with Peregrine Sports LLC for a proposed expansion of Providence Park (Resolution introduced by Mayor Wheeler) 30 minutes requested (Y-5)</p>	<p>37299</p>
<p>REGULAR AGENDA - Wednesday PM</p>		
<p>Mayor Ted Wheeler</p>		
<p>Office of Management and Finance</p>		
<p>*730</p>	<p>Authorize a five year Use and Occupancy Agreement with Atlantic Aviation for Hangar space at Portland International Airport through January 31, 2021 for Police Air Support Unit (Ordinance) 15 minutes requested (Y-4; Saltzman absent)</p>	<p>188486</p>
<p>*731</p>	<p>Authorize contracts for Information Technology on-call services not-to-exceed \$5,500,000 (Ordinance) 15 minutes requested (Y-4; Saltzman absent)</p>	<p>188485</p>
<p>Portland Housing Bureau</p>		
<p>*732</p>	<p>Authorize Intergovernmental Agreement with Prosper Portland in support of the ongoing implementation of housing functions at the Portland Housing Bureau and economic opportunity functions at Prosper Portland (Ordinance) 15 minutes requested (Y-5)</p>	<p>188488</p>

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*733	Amend Joint Office of Homeless Services Intergovernmental Agreement with Multnomah County to authorize FY 17-18 budget allocation to the Joint Office of Homeless Services (Ordinance; amend Contract No. 30005335) 15 minutes requested (Y-5)	188489
*734	Authorize ten subrecipient contracts totaling \$3,386,865 for services in support of providing affordable housing (Ordinance) 25 minutes requested (Y-4; Saltzman absent)	188490
*735	Authorize funding in an amount not-to-exceed \$9,700,00 to Stark Street Apartments Limited Partnership for the construction of a new 153-unit affordable housing development (Ordinance) 15 minutes requested (Y-5)	188491
*736	Adopt and authorize the submission of the Action Plan fiscal year 2017-2018, for the Community Development Block Grant, HOME Investment Partnership, Emergency Solutions Grant, and Housing Opportunities for Person with AIDS Program to the U.S. Department of Housing and Urban Development (Ordinance) 30 minutes requested Motion to accept substitute Exhibit A: Moved by Fritz and seconded by Fish. (Y-5) (Y-5)	188492 AS AMENDED

At 4:57 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22ND DAY OF JUNE, 2017** AT 2:00 P.M.

THOSE PRESENT WERE: Commissioner Eudaly, Presiding; Commissioners Fish, Fritz and Saltzman, 4.

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

<p>737 TIME CERTAIN: 2:00 PM – Appeal of the Hayhurst Neighborhood Association against the Hearings Officer’s decision to approve the application with conditions of Vic Remmers, Everett Custom Homes, for an 11-lot subdivision at 5920 SW 48th Ave (Hearing introduced by Mayor Wheeler; LU 16-159330 LDS EN) 2 hours requested</p>	<p>Disposition:</p> <p>CONTINUED TO AUGUST 9, 2017 AT 3:30 PM TIME CERTAIN</p>
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At 4:31 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Key: *** means unidentified speaker.**

June 21, 2017 9:30am

Wheeler: Good morning, everybody, this is the Wednesday June 21st morning session of the Portland city council. Karla, could you please call the roll.

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

Wheeler: the purpose of council meetings is to do the city's business, including hearing from the community on issues of concern in order for us to hear from everyone and give due consideration to matters before the council, we must all endeavor to preserve the order and decorum of the meetings to make sure that the process is clear. I want to review the basic guidelines which I hope makes everybody feel comfortable, safe, welcome, and respected. There are two opportunities for public participation. The first is an opportunity for people to sign up for communications, to briefly speak about any subjects they wish to address. These items are schedule in advance with the clerk's office. Second people can sign up for public testimony on first readings of reports, resolutions and ordinances. If you sign up your testimony must address the matter being considered at the time. Please state your name for the record. We don't need anybody's full address. If you are a lobbyist we need to know that. If you are here representing an organization please identify the organization. Individuals have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light goes on, when your time is up the red light goes on. Conduct that disrupts the meeting for example shouting and interrupting other's testimony or interrupting during council deliberations will not be allowed. People who disrupt the meeting face ejection from the meeting, and if there is a disruption I'll issue a warning if any further disruption occurs anyone disrupting the meeting will be subject to ejection from the meeting. Anyone who fails to leave the meeting after being rejected will be subject to arrest for trespass. Personal attacks and insults levied against the city and council staff, many of whom are required to be here as a condition of their employment will not be tolerated. If you would like to show your support for something, a simple thumbs up is good, if you don't like it thumb's down to good. We encourage people not a to act out. Thank you. With that long preamble please call the first communications item.

Item 696.

Douglas Peterson: My employees are all signed up to appear, can they appear first and I will appear last?

Wheeler: So we have One, two, three, four, five individuals signed up to speak on this same subject. Looks like we have Douglas Peterson, Claudia brubaker, Sean eidlin, and Geno heleen.

Claudia Brubaker: I will go first. Good morning mayor and city council members. Thank you for having us this morning. I am Claudia Brubaker, and I work at peterson's convenience store at 922 southwest morrison. In the three years I worked at peterson's convenience store I have talked to a lot of people, people that use public transportation like max. It stops in front of our store, and the streetcar. It stops around the corner. At Peterson's store there is a sense of community and camaraderie that I have never seen anywhere else. The amount of appreciation for our store from local Oregonians is incredible. They love how we're always there when they need us. We provide coffee and

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other essentials at reasonable prices. People from out of town come in for direction, souvenirs or just to chat. One of those local customers is Delores. Delores is an Oregonian who lives at the admiral apartments on park and Taylor. Delores has had numerous surgeries on her hips and cannot walk without a walker. Delores has been coming to Peterson's store at Morrison since 1985. That's 32 years, about as long as we have been open. For Delores to attempt to travel to another store it would be a great hardship for her. Delores is just one of the many elderly and disabled downtown residents affected by the closure of Peterson's convenience store. The closure of Peterson's store would not only affect elderly and disabled downtown residents, but would cause a loss of many jobs for people like myself. I heard that there is going to be some stalls put in that area where our convenience store is, and you are going to have women and minorities, and there are a lot of women and minorities working with us now, and I would hate to see them lose their jobs. I don't want to lose my job, so we rely on Peterson's to survive. I am asking you to consider keeping Peterson's convenience store at 922 southwest Morrison open for business during the upcoming construction and after construction. Thank you.

Wheeler: Thank you.

Sean Eidlin: I am Sean eidlin. I am the morning manager at Petersons on 922 southwest Morrison. So I work there in the morning, 5:30 to 2:30 Monday through Friday. In those hours I deal with a lot of locals. I have police officers, tri-met, construction workers, you name it. They come through there, and they get their soda, you know, their candy bar, their snacks, whatever it is, you know and they rely on it. We sell a lot of lottery, and we are also about to sell the new tri-met pass once they begin not selling tickets any more. Basically, to give you an idea, last week there was a power outage, and we lost power for about 24 hours where we had absolutely no power. The next day when people came back they said I couldn't believe that you guys were closed. I didn't know what to do. Literally these people, the next day told me that they were banging on the windows when it was pitch black. They wanted to get in, and I said well I couldn't sell you anything without any power. They really like -- they come to us. We're open, you know, until 2:30 in the morning. People stand there and wait for the max, you know, when it gets dark and it's a seedier area at night. It's a place, a safe place to stay. Half the time I am playing tour guide, you know. I am born and raised in Portland. I have seen the max be developed. I used to ride the 20 bus downtown you know, until the max was developed, and I remember going to Peterson's when I would go down to the waterfront and watch the fireworks and stuff, you know, when I was just a kid. I feel like the development commission is so out of touch with what they are trying to do, that they are forcing out a local business that's been there 32 years to put into a new business that I get what they are trying to do but it does not seem right to push out a local business in order to achieve what they want. There is plenty of other open vacancies in downtown Portland along with the new max line, orange and green line that will be, you know, developing that we could put in those businesses there, and instead of taking away from a business, you know, we have 20, 30 employees that rely, you know, I live downtown and my income all comes from work there, so a lot of people would be affected, not only that, but it's our -- we have the latest beverage and other local companies. It's a trickle-down effect, you know, the store at 922 southwest Morrison makes the majority of the money for the company. Taking away that one store and not letting us return not only are they taking away eight months, but if they don't let us return, you know, it seems like it does not make sense. Why would they take away a local business to put new businesses in when we have established roots there? It is like telling the silver guy to stop being in downtown any more, you know, it's a Portland icon, people know Peterson's and we hope that you would consider that when you make the decision, or at least the development committee.

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Wheeler: Thank you. Appreciate it. And I won't interrupt the testimony because it's good testimony but have you been informed why you are asked to leave?

Charles Willcoxon: We understand that it's a remodeling of the building, the parking garage. We understand that we may have to get out for a while but the concern is not being able to come back in once it has been set back up.

Wheeler: Just to be very clear that decision has not been made. The Portland development commission will be restacking and determining who comes back in. The renovation itself is a major overhaul of the parking garage and the retail level. The interior and exterior utilities, seismic upgrades, so there is no way to keep the store or any of the other businesses operational. So a year ago all of the businesses were notified that they would have to --

Eidlin: That's fine. But not giving us a right to return.

Wheeler: If you are making the pitch to come back -- very good, excellent. I wanted to make that clear because it sounds like the city is ganging up on Peterson's and asking you to -- we want -- I want to be clear personally that I am a huge fan of Peterson's. I think it is a great institution, and it's all you are saying in terms of the community. I just want to make sure that you understood why you were asked to leave.

Fritz: Mayor can I just clarify who makes the decision about who comes back? Is it the development commission? Or us?

Wheeler: The asset is managed and maintained by pbob but it's the Portland development commission that will be authorized to do the restack, and certainly they would be interested in everybody's participation in that, I am sure.

Fritz: Thank you.

Willcoxon: I am trying to find friends in high places and try to make our point that we've been there for a long time since the building was being built before.

Wheeler: The downtown institution, no question about it.

Willcoxon: I am Charles willcoxon, and I work the night shift, not at the 922 store. We call that the mother ship because it's -- it feeds everybody. It's often kind of crazy around the edges. That's part of the charm of Peterson's in a way. Personally like back in 1977 I was kind of a wandering youth trying to figure out what I wanted to do. We pulled up in front of a plaid pantry and it said now hiring. There was a girl in a bikini at the counter and the guy was on the counter smoking a cigarette talking to her and I thought I could do that. That got me off hook but I never stopped doing that, and I like the job, and there is probably nothing better for people watching than Peterson's because you see absolutely everybody and everything. Sean mentioned being a tour guide. That's what we do most of the time. We don't sell a lot of things people are looking for but we know where everything is, and we usually, it's like rite aid is up two blocks and down around the corner. And one of our stores used to be next to the Greek cuisine, and we could say look for the purple octopus and next to that. That's us. That store is 24 hours, and we have people that just migrate to it. And there is all kinds of people. I have had everyone from Shaquille O'Neal or the secret service down to crazy carol who stands and shouts obscenities at the world all night long. She does not come in anymore because of her behavior but she understands and she's part of our weird little family, too. As far as people counting on the store, I can vouch for that. If we lock up to go to the bathroom we come back and there is five people looking lost, what am I going to do? Some of them, it's because they cannot go anywhere else. I mentioned carol for what, for example, and there are people who have seven people living inside of their heads and they get off their medications and they don't know where to go or what to do. Most of us who work there if they are not too new have scabs on the soul as we call it, and we can deal with just about anybody. If you cannot come in we might be able to walk a cup of coffee over to the door. We do a lot of help for the marginal, and we

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kind of are the marginal, and I live in southeast, and it takes four of us, we're buying a house in Lents. We've been there 15 years and Fannie mae didn't count on us but we did it, and I will be 78 by the time that the house is paid off. And I have got 15 more years before I can retire, and I've been there 12, and I would like to stick it out. 70.5 is in the horizon, and it's an easy enough job that I could do it, and I would really like to continue doing it at Peterson's and the way to do that is to keep the one that feeds everybody open and that's the 922 store, so we're just asking that you let us come back, and Mr. Peterson will be very good about taking over the place. If he has some assurances that he will be there for more than month to month. I think I have said about what I could say. Thank you for your consideration.

Wheeler: Thank you all. Next three. Good morning.

Geno Heleen: Good morning mayor and councilpersons, I am Geno heleen I'm representing Peterson's convenience store. I am the i.t. Department there. So even with the ever increasing challenges, business owners face with the economy and watching businesses come and go, Peterson's has always weathered the storm. I am sure that many would assume that once the target store moved in directly across the street it would put Peterson's out of business because they, too, carry food and beverages. Peterson's continues to thrive, why? Peterson's has been on southwest 10th and Morrison for over 32 Years and has built and continues to build on a loyal customer base that has fostered many friendships over the years. Because our customers, the office workers, construction workers and local residents, and people heading home on the max know that they can come in and grab a snack and a sandwich and a beverage and a couple of lotto tickets and be in and out in a few minutes. The guys working construction on the parking garage will be very happy if Peterson's stayed open during the remodel, which I know you just mentioned. These guys burn calories like nobody's business and they often don't have 15 minutes to spare to hunt down snacks or bottled water to stay hydrated. Like many have said before, Peterson's is a recognized local icon and much the same way as say voodoo doughnuts or Powell's books. 32 years ago Mr. Peterson with true entrepreneur spirit used his grocery skills from his time at Fred Meyers and coupled that with his vision of seeing the tremendous potential of the southwest 10th and Morrison location offer, and he was right. Now prosper Portland has a similar vision and wants to take away his. By closing down the southwest 10th and Morrison location prosper Portland is going to cause a lot of hardships to the Peterson employees. These employees from all backgrounds, race, religions, and sexual orientations. In light of recent world events and justified call to harmony it's important not to discards the businesses and the sense of community that it fosters, personal relationships that local small merchants build is part of the life blood that creates the unique personalities that define a city, and in turn, that sense of community creates an atmosphere of harmony, itself. I will finish with one final thought. An artist maimed Lucy sparrow has been in the news. She created an art installation of a convenience store out bodega out of felt titled eight till late Everything in the store was made of felt. Years in the making. Over 9,000 items, what would drive an artist to take on such a task? She said the convenience store in bodega is where you would go and see your neighbors and have a chat and see if everything was ok. The point that she said was to generate conversation about what is lost when small mom and pop stores fade away. A sense of community is being lost when these places disappear. That's what's going on with Peterson's on Morrison. Thank you very much.

Peterson: I am Doug Peterson, the owner of Peterson's. We've been there 32.5 years. It's an icon downtown. It's as Powell's books and voodoo doughnuts and everyone knows and shops at Peterson's. Prosper Portland has identified us as not the correct type of business. Apparently they don't think our customers are the right kind. These customers are

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everyday people, business people. They are men and women, office workers and construction workers, service people, students, tourists, everybody. Yet they think that that's not the right type of business. They want something gentrified. They have taken the spaces -- we have approximately 2,000 square feet. This is about what we need, and they are changing all the spaces to 1,000 square feet and they have been very firm that is what it's going to be. We would require 2,000 square feet to operate well. We have 900 customers a day. And I think we do serve the right kind of people. And I want to mention, we want to be there when the remodel is completed and assurances that we can be there; I was with Fred Meyer for 24 years and part of that time I was the merchandise manager for the store setup and such during the remodels and construction and we always worked with the work, with the construction people, who were able to operate. And Starbucks down at pioneer square, they are operating in the entire square is being totally remodeled. We are in the middle of the block. It's not where the major construction will be. The major construction is on each corner, two of the corners will have new elevators and stairwells and the other two, the retail will be built out to the street corner. And it seems to me that it is not going to be that much construction in the middle of the block. Sure they are going to change the ceilings and new everything. We would like there, it's a light rail stop that will be there through the construction, a major transfer station for the streetcar and the library. Tri-met is starting July 5, is going to be using the new ihop. I keep calling it that, it's the hop fast pass, not to be confused with pancakes. This will eliminate the ticket machines. People will have to buy a \$3 card, which we are selling at the store, electronic card, which we upload the value that they want, and when they want more value they can come back. Now the person with the iPhone can do it over the phone. Various ways you can do it. But tourists that are staying in the hotels, there we are. I think I will just add one thing. Kptv did a story yesterday, and Facebook, their site on Facebook talks about there is 149 people that have left comments on that site. A couple of comments, they cannot get rid of Portland -- it's like a Portland landmark on the max line. Convenient for the commuters and rare grocery store in that part of town. Somebody else said somebody needs to be -- something needs to be grandfathered in this store is one of them. And another one said it's a landmark, part of downtown Portland. And I want to finish by saying we want to stay, but the vibes I have from Portland's development commission, and we appeared two Weeks ago before the Portland development commission, and not anybody from them will be back at all. It is not the Portland development commission any more. I am dating myself. I thank you for your time.

Wheeler: And thank you. I mislabel it, too, so I will have to put a dollar into the jar. It's prosper Portland now. So I will certainly have my team follow up with you on some of these because the materials that I am reading are not necessarily squaring with what I am hearing here in testimony. I would like to sort that out and we are happy to work with you.

Peterson: Thank you very much.

Wheeler: Thank you for being here. Thanks to your team. The consent agenda. You tell me which items were pulled.

Moore-Love: 708. 706. 711. 714.

Wheeler: And 714?

Moore-Love: Yes.

Wheeler: So we can do 708. It's my understanding commissioner Fritz would like to amend that, so the request has been made to move that to the end of the regular agenda, and I will remind you on that. We can do six and 11 this morning. 714 we won't have staff until the afternoon session, so I would like to read that this afternoon with the other Portland housing bureau items so that we can accommodate the staffing requirements for that particular item. Can you call the roll? Commissioner Fish.

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Fish: We have some prospective appointees to the home forward board. Where is that on the agenda?

Wheeler: We are going to put 727-2 prior to the time certain. 727-1, we have had a request to move that as close to 10:45 as possible. We are going to take care of 727-2 early in the agenda. Does that answer your question, very good so please call the roll?

Fish: Aye.

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

Wheeler: Aye. The consent agenda is adopted. Let's move to why don't we go ahead and do 727-2 now here while we have got people here.

Item 727-2.

Wheeler: From high-tech companies to nonprofit organizations and healthcare institutions, Jenny has proven herself to be a dedicated leader in our community for many years. She has a proven track record of helping organizations grow and meet new challenges she's excited to have the opportunity to impact our city's housing and affordability crisis and provide appropriate housing services to the community. It is my understanding, is Jenny actually here this morning? Did you want to come up and say a few words about yourself and why you are excited about this home forward appointment? Good morning. And there are members of the Home forward team here if you want to come up, too. Don't be shy.

Jenny Kim: Good morning commissioners and mayor.

Wheeler: Good morning. Tell us a bit about yourself and what you hope to accomplish on the board please.

Kim: I don't know where to start. I guess as a Portlander I feel very passionate about trying to do the right thing to serve the community. That's probably required the most support, and advocacy. I have a lot of experience working with immigrant and refugee populations as well as just any marginalized community. I feel that this issue is anybody who comes to visit Portland or people who commute can see, you know, we have a lot of housing issues and homelessness and housing affordability. I get a little emotional. I think it's critical for people to have a safe place to live. And it was heart-breaking for me to hear, when there are people who passed away in the last winter storm. I was hesitant to join this board because it's a big role, but at the same time I wanted to do what it takes to help out and make a difference. I hope that I will do right by other commissioners and all the homeward staff. I am very excited about this opportunity because I think it's the right time, and one of the most critical issues that our city is facing.

Wheeler: Yeah, it absolutely is, and we're always happy -- you are right. It is a significant time commitment, and I can see that dilemma, but we're thrilled to have somebody with your experience and certainly your passion and commitment. Commissioner Fish.

Fish: Thank you for doing this. I had the honor of serving on the board when it was called the housing authority Portland. As you know our work has never been harder, but I want to issue you a friendly challenge. You referred to people who died over the winter. There was a particular woman who died that captured our attention. She died in a parking lot, parking structure. She died in the shadow of a -- within a block of a women's shelter that had a bed for her. So the shelter was not going to work for her. As you see she falls into the category of the 72% of the folks living on the streets who have reported in the most recent point in time analysis that they have a disabling condition. That means that they have -- they are struggling with a mental health issue, an addiction issue, hiv-aids, a physical or mental disability. 72%. That number has gone from what used to be around 40% where we assumed that was the benchmark to 72%. Here's my friendly challenge. We will not be successful in moving the most vulnerable people off the streets if we don't put them in a place that has a roof and services. That is expensive. It's called permanent supportive housing. The city and the county are going to have to come up with the resources to

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handle the service side, and we're going to have to continue to build the units. But without both we're not going to have successful tenants. These are people with multiple barriers. I want to challenge you as the opportunities come up with the bond money that we passed, that we'll be spending, and all the other collaboration that is we have with home forward is that you have a critical role to play in helping us with section 8 vouchers, and in doing projects where we bring home forward's expertise with the nonprofit community. We're not going to get people off the street unless we invest heavily in supportive housing units and home forward is critical to our success, so I wish you well.

Kim: Thank you.

Wheeler: Michael I don't know if you had anything else to add?

Michael Bounacore: It might be worth adding. Michael Bounacore the executive director of home forward. It might be worth noting for the record that Jenny is one of our two appointments through Multnomah county, so she will be representing that jurisdictions, and we always like to work with our jurisdictional partners to identify folks who are known to those bodies and Jenny comes referred both from the chair and commissioner Lori Stegmann. She's proven herself to other public officials as a good representative.

Wheeler: Great. We appointment the solid appointment. Any further comments or public testimony on this item?

Moore-Love: Two people signed up.

Wheeler: You can take a seat Jenny and Michael. Thank you.

Mimi German: I am Mimi German, and I wanted to say that I feel positive after seeing and listening to, is it Jenny? What Jenny had to say. We don't know each other, but I would like to know you. We were working really hard this winter at preventing any deaths on the streets, those of us who are activists, so I would like to say that my main concern is always that there is only maybe one Jenny, and what happens with everybody else who is supposed to be doing their jobs? It's so critical that everybody gets rid of the bureaucracy to create what it is that you are talking about, Nick, about creating more houses, and not allowing bureaucracy to get in the way of all of that. That seems to be what happens all the time. Then Karen Bantz dies in a parking lot. I want to put strength into the reality that this work has to get done. Jenny, if there is anything that I can do and the community can do to support what it is that you are doing, we're here for you. The other piece of it is with section 8 housing that's a concern to me is we have so many people coming in, builders coming in and getting permits to gentrify the city, what is happening with creating more housing that our section 8 qualified? What is happening in creating spaces in these buildings, making builders do more than 20% of the building for poor people? Why not 50% of the building? Why can't we do that? If people can afford to pay what builders are doing to gentrify our city, let's up the affordability for poor people, and let the people who can afford stuff find their way? They are not going to be on the street. Again, I am here to help. This has to get done. If we have one more death, if we have a death this summer due to heat, man, there is a lot of us who are not going to tolerate that I don't know, is anybody looking into more shelters for the summertime? It's a real concern of mine. We are going to have temperatures this summer that are really freaking hot. People who, again, like the wintertime are not going to know where they can go to get cooling shelters. I get that there are cooling shelters, and I am grateful that there are cooling shelters but how will the people know where to go?

Wheeler: Good question. Thank you. Good morning.

Star Stauffer: Good morning, Star Stauffer. My concern is number one home forward on the surface and through the conversation that we have heard today, it's a great program. However I have spoken to many residents in a home forward building or space, that have said that once you get in, accessing those services that you are talking about Nick are

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extremely difficult to -- it's extremely difficult to do once they get in, and it often, because of the difficulty because of the bureaucracy, these people get in and they are then they lose it. They are unable to access many of the resources and services that home forward apparently has for them. My other concern in regards to the section 8 is yes, we need more vouchers, and we also need a more efficient system to get people into homes. It takes a long time to get approved for section 8. It is a long, painful road, and many people while on that road fall prey to addiction because they lose their housing and they become homeless, to domestic violence because they are in the process of losing everything, and then by the time that they get out on the street they are completely messed up, way behind as far as where they need to be, and they still have to wait and go down this long journey of getting into section 8 so some of the money needs to be invested in making that process more efficient, so that people are not waiting endlessly on this list to get into housing because during that time they are in danger. They need housing now, not a year from now but today. It will be really hot this summer. We do not have enough cooling shelters. The same thing in the winter only opposite. We have not heard anything about what plans are. The employees of that convenience store, that's what we are talking about, that's the gentrification, when you give developers the free, a free license to come run amok in the city, good people like that lose their jobs, can't pay their rent, and end up on the street, and then a list for section 8 housing. These are good people begging you not to have them lose their jobs so they end up in this situation. There is a whole a lot of things that take place that that lands somebody in this type of position where they are extremely vulnerable. The other thing that needs to be considered is more security for women and children who are victims of domestic violence and sexual assault. We are not hearing a lot of specialty work in regards to resources for them. They can't just go to any regular shelter, and there are not enough houses that are safe houses for these women and children while they are waiting for permanent housing. These are all things that need to be taken into account. Not only that, trying to find housing for children to keep them in their school district so they are not traumatized, that's something else that we're, where resources need to be opened up. All these things need to be discussed. It is a lot of work to do.

Wheeler: Thank you. Good morning.

Mary Sipe: Good morning. I am Mary stipe. I feel validated by jenny. I am not the only person who was brought to tears by public testimony and I feel better about that. Mental illness runs deep in my family. In fact, when my son was 40 years old, five years ago, he went back to school. He became a psychiatric nurse, and I am sure commissioner Fritz knows the kind of pride that I have in that. But what star and Mimi are talking about is a really valid issue, but there is something that we often overlook, and that is no matter how close to a shelter that someone with mental illness is, we can't force them to go into that shelter unless they are an imminent danger to themselves or others. That is the most ludicrous, arbitrary thing that we have ever done in this country is to -- we used to throw them in institutions. Now we either -- then we threw them on the streets, and now we throw them into jails. We have to figure out a way to, I hate the word force, but we have to find a way to recognize that people with serious mental illness do not have the capacity to make decisions. They have barriers. I have a brother who is 75 years old who has battled schizophrenia for 50 years. Ten years ago when he was in a crisis, I tried to get him into housing, into treatment, to get him food stamps and he fought me every step of the way. I became his enemy. In fact, the last words that he ever said to me is, if it's the last thing I do, I will f'ing kill you. So this is what we're dealing with. These people, here I go again. We have to -- it does not matter how many permanent support housing facilities we have. We have to figure out a way to channel them into health in spite of resistance. We have to figure that, and we cannot sit up here and scream and yell and point our fingers at

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individual people and calling them murderers because someone who we could not help died on our streets. We have got to all come together and we have got to figure this out. Thank you.

German: Mayor can I say one thing to you, which is there is a system in Philadelphia called "code blue," and it addresses -- it's run by the police and run by the city, and it addresses that very thing, and no one is allowed to stay out in the weather, in inclement weather in Philadelphia. And it has been working really well.

Wheeler: Thank you. Excellent. Thank you. Is there any further public testimony? One more individual? Great. Thank you.

Lightning: Yes, I am lightning. I represent lightning super watchdog x. One of the concerns I still have throughout the city is that when we were talking about people with drug addictions or mental health conditions, we need to start understanding that they need to be in housing first. They need to be the ones being offered the unit to move into. Again with more services provided. We have to understand unfortunately a lot of times what we see is that somebody, let's say with the serious drug addiction, heroin, meth, opiates, they are the ones that are out on the sidewalks. The reason is, it's not the addiction, it's being excluded from certain shelters, certain places to go because of the addiction, itself, it's the mentality of saying you need to stop your drug use immediately, when they have been doing drugs for 10 plus years. This is a reality in our society that we have to understand. There must be places that they can still go and move into, provided from the city, so that they are not on the sidewalk says, and we can visibly see there is a tremendous amount of people that are heroin users, meth users, opiates. You can visually see that. They should be the first ones into housing. The first ones getting services. The first ones for their addictions. Not the ones being excluded from the public's subsidies that the city seems to do and think that somehow that's part of a treatment plan to have people scattered out on the sidewalks. That's going to help them with their addictions, with their mental health conditions. It's torture. The city needs to understand it's torture. They need to step up and understand, get them into housing, get the services provided. Quit torturing and excluding the mentally ill, people with drug addictions, people that need to have housing first. Thank you.

Wheeler: Thank you. Commissioner Fish did you have a comment?

Fish: No, mayor.

Wheeler: Very good. Last one. We are closing the record.

Shedrick Wilkins: As a former homeless person I think that homeless people sometimes are trying to commit suicide. A person should be forced to go to a shelter and be dropped off there and be fed and get help. If they want a walk-out, that's ok. But there should be an attempt like Mimi German says some sort of Philadelphia code blue, you take them there and because they are trying to kill themselves. And it's against the law to kill yourself.

Wheeler: Very good. Please call the roll.

Fish: Miss Kim, thank you for stepping up and agreeing to serve. I hope you find your tenure at home forward, now at home forward as rewarding as I did. There could not be a more important time for you to serve so thank you. Aye.

Saltzman: Thank you miss Kim for your prospective service. Aye.

Eudaly: Thank you, aye.

Fritz: Thank you very much for your willingness to spend a lot of time and obviously putting a lot of passion into this commitment, aye.

Wheeler: Excellent nominee. I appreciate it. I look forward to your continued results on behalf of the community. Thank you. The resolution is adopted. Thank you. Next item let's go to time certain 701.

Item 701.

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Wheeler: All right. The over-expenditure ordinance known as oeo is the last of three supplemental budget processes. The oeo is used to make certain that each bureau and fund ends the year without a negative balance in the major objective categories. This year's oeo is straightforward. There are no requests for additional funding from contingency or compensation set asides. There are a limited number of carryovers into the fiscal 2017-2018. There is \$750,000 in the housing bureau to further support the joint office of homeless services. \$689,252 to complete the third and final phase of the Columbia river levy project. \$27,000 at the gateway center for domestic violence that will expand support for elderly and disabled adults. There is \$100,000 at the bureau of human resources for records management project in preparation for the Portland building move, and there is \$20,000 in commissioner eudaly's office to finish some of the maintenance that has been started there. There is \$32,000 in underspending on campsite cleanup on the spring water corridor, which is being reprogrammed towards similar efforts next year. And lastly a number of technical adjustments to align resources with the expenditures within the bureaus and the funds. Director Scott, good morning.

Andrew Scott, Director, City Budget Office: Good morning mayor. Andrew Scott, city budget director. And you have capably covered everything in the over-expenditure ordinance. I am happy to answer any questions. The other thing that I will note, there is a companion resolution that goes along with this for inter-fund loans and as we have done for a number of years now based on accounting rules and principles, we need to make sure the funds don't end the year with any negative balances. And because of the nature of the grants fund they are getting reimbursed later so we do this at the end of the year. There will be a temporary loan from transportation operating fund to the grants fund of \$9.7 million. It will be paid back early next fiscal year so we end the year with the books. The same with the recreational marijuana tax fund. They incurred very small administrative fees of \$10,000, so the arts and education fund will make a temporary loan of \$10,000 to the marijuana fund. I am happy to answer any questions about the inter-fund Loans or in general.

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

Moore-Love: Robert west signed up.

Wheeler: Good morning.

Robert West: Good morning. My concern is that you know everyone, everyone that's living now has a budget. You know I can't just decide I get 700 a month, and I am going to spend 850 a month and come back to the city and say hey, I spent too much money. I need more money.

Wheeler: This is the opposite of that, not an under-expenditure -- these are actually resources that have not been expended in this year being carried over to continue the work.

West: Ok. The other issue that I have is that money shouldn't be going from one place to another, especially private organizations to the city. The book should be covered so that there is -- you don't have to go to someone else to get money just for a short period of time. That's what I have got to say.

Wheeler: Thank you. Appreciate it. Please call the roll.

Fish: Andrew is this the last public appearance that you are making before us on the budget until the fall bump? Thank you. And mayor there is a lot of detail to this report, one thing that I want to call out, there is about \$7 million of resources that the bureau of environmental services, additional user charges, and debt service reserve savings, and delayed vehicle replacement costs, so \$7 million will be transferred to the construction fund, and will allow us to delay the next bond sale. That's good news for the rate payers and I'm pleased to support this ordinance. Aye.

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Saltzman: Thank you for this, and I do want to highlight the inter-fund -- no, the carry-over of the \$37,000 for the gateway center for the domestic violence services that will enable us to begin to serve elderly residents who are in need of often find themselves this is need of restraining orders. Which the gateway center does right now for survivors of domestic violence, and this will allow us to expand our services to serve elders who need restraining orders as well. Aye.

Eudaly: Aye.

Fritz: I need to call out the transfer from a savings from the general fund in the Portland parks bureau to the gulf fund. And the gulf fund has been in the past completely self-sustaining, and enterprise function that we call it. This is the first time that general fund resources have been used for the gulf program, and it will be the last. So the director Mike Abbate and staff and I will be taking an in-detail look at how we don't use general funds for this in the future and all options will be the table including suspension of the gulf program if necessary. We are exploring options, and obviously there will need to be a public process to discuss this issue, which we will be starting shortly. Because we are recognized that while the weather has been bad with climate disruption it's not liking to get any better, and nationally there is a downward trend in golf participation. So thank you to the staff and to the city budget office if all of the adjustment says here. This is the one that will be my most urgent priority. Aye.

Wheeler: Aye. The ordinance is adopted. Please read 702.

Item 702.

Wheeler: Director Scott do you have anything else to add? This is the companion, any further public testimony?

Moore-Love: I had one signup sheet for that.

Fish: I thought that we read them together.

Wheeler: We did not. Who signed up for this?

Moore-Love: Mr. West.

Wheeler: Did you want to testify on the inter-fund loan? Please call the roll.

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

Wheeler: Aye. The resolution is adopted. Let's move to 703, please.

Item 703.

Wheeler: And read 704 with that.

Item 704.

Wheeler: Commissioner Fritz.

Fritz: Thank you mayor. First thank you to the voters who approved the fix our park bond measure in November of 2014. Thank you to commissioner Fish for participating in that campaign. I will always remember your diligence and kindness. This measure passed because 74% of voters said yes, authorizing \$68 million in bonds to fund the most crucial safety and repair needs in our park system. This is not for shiny new stuff but for basic services in our parks, and under my direction parks and recreation worked with the community to establish the criteria about what the project should be selected on our first phase one bond measure list, and that by necessity was a short process. The things that were done in the first part of the bond measure were the most urgent needs like to fix things like the 100-year-old heating system at the grant pool and things like that. We now have had a much more thorough public process to gather feedback on the proposed phase 2 project list, and we heard that again, 73% said that the proposed project list does successfully meet the needs of the original critical repair needs and the criteria that we put before the voters. We have heard many other concerns and reports of repair needs throughout the community. We know that all of these are important, and not all these can be met with the bond funding, and in fact, there is still going to be a \$258 million funding

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gap for majority maintenance over the next ten years. And as parks commissioner during this process, thank you to everybody who took the time to participate. I hope that people will as we continue to look at how are we going to keep the park system one of the best in the country if not the best. I may be biased. And thank you again to the staff, the director mike abbate is going to kick off our team.

Mike Abbaté, Director, Portland Parks and Recreation: Thank you commissioner and mayors. Mike abbate, director of parks and recreation. We are thrilled to report that all 34 bond projects that were in the phase 1 list are completed or are well underway, includes projections that repaired and replaced playgrounds, trails, bridges, and restrooms and ada, people with the disabilities act improvements at various sites in the city. When council voted in July of 2014 to refer this we submitted a list of those projects, that was the bond phase 1 list. That accounted for \$48 million of the total, and we said at that time that there would be a public process to address the remaining \$20 million, and that's what the process is that the commissioner just referred to. This has been a wonderful opportunity to do an extensive asset management assessment of all of our facilities. That and also applying the new equity tools has provided us with this as a project list with great support. The public was deeply engaged in this as the commissioner mentioned, and they helped us to make those choices. Commissioner Fritz mentioned \$258 million of additional work even after this bond is done to repair and replace various things in parks, and you also know that our community is growing, and that there are still parts of our community that don't have access to parks. Even that is estimated at -- the need is \$400 or more million. Since this bond is for repair and replacement it does not address that \$500 million funding gap in what we call growth, but new things in places that don't have them, so we will continue to work with the community to further prioritize the many maintenance and the grossed projects that we fund under other processes like the system development charges, and also talk with you about other opportunities for funding to help meet those growing needs. I am joined by Lauren McGuire, our parks development program manager for the bond, and also Eric Johansen from omf, the debt management division, and at this point I will turn it over to Lauren.

Lauren McGuire, Portland Parks and Recreation: Hello mayor wheeler and council. I am Lauren McGuire. I am the development program manager for Portland parks. We are here today for two reasons. We have two council agenda items. The 703 is the report. We will ask you to accept the bond phase 2 project list, and also 704, which was the ordinance to authorize the \$38,576,793 of the general obligation bond for the parks project. As mike said we have the \$68 million bond, and we are repairing and replacing failing playgrounds, trails and bridges and our pools and our facilities to protect workers and pioneer courthouse square is underway and we do accessibility repairs and restrooms repairs as well as other safety repairs. This shows a map that shows that the projects all over the city that we're working on. We have 34 projects in phase 1. As mike said, we have eight of them complete by the end of June. In order for us to identify the project on the original bond phase 1 list, Portland parks and recreation worked with the public to establish a set of criteria to help establish priority projects, so those original criteria focused on urgent repair or replacement needs, and as we begin to look at how we should identify phase 2 projects, we used that original criteria. We went to the public and said is this valid, and they substantiated that. And we said okay, using the criteria then which focuses primarily on urgent safety concerns and repairs we said what are the commitments that we made to the public in the bond language? So the original bond language called out the specific projects and also called out for example in the playground-themed category said we will do 10 to 20 playgrounds, so we looked at those items and said ok what have we done for phase one? We have done seven projects in the playground category. That means that we

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have to do at least three more to meet the obligations. We went through the entire list and decided what our obligations were. Then as Mike said our asset management staff did a pretty thorough analysis of the assets that we have in our system, particularly the playgrounds, bridges, and the pools and the roofs. And we identified what was most likely to fail? What would have the greatest consequence if it did fail? So there is many more replacements and repair needs than we have money for in this bond so we had this giant list. In order to shorten that list a little bit we looked at different factors. We added rankings, and they were based on diversity, so populations with diverse communities and populations with a high percentage of youth that were under 18. And also incomes less than \$25,000. And that helped us to develop a shorter list, and that list was vetted with the public. This particular document is included in your packet. It's the proposed phase 2 project list. We are going to be going through that in some detail but not in great detail, so if you have additional questions at the end be happy to answer those. This is a brief overview of our intensive public engagement process. We initiated together the input on the proposed project list. And we had numerous community outreach meetings, and, with neighborhood coalitions. We also did town hall meetings and community meetings, web postings and informational publications. The efforts helped to ensure that the improvements proposed for the list meet the needs and expectations of the community. This is a map that's also in your packet, and it identifies the 47 bond phase 2 projects that are proposed, and the relative locations. You can see that they are spread out all over the city. The criteria, our commitments to the public our remaining obligations and our analysis resulted in our list. And so in each of the categories, we identified projects, and we have done some scoping on those projects, and to give us an additional cost estimate of what knows will cost. We have three projects that are playground renovations, total renovations, and Gabriel park is one. Gilbert primary park is another one on southeast 134th and Foster, and Glen Haven park, which is in northeast Portland. In this category we are calling play piece replacements, we are going into playgrounds where we have removed the playground equipment for lead-based paint issues and we're going back and replacing them all over the city. We have 20 different sites here, and doing ten sites that are drainage issues and other issues in the playgrounds. So we'll be touching 30 different playground locations there. In the trails and bridges category we have three bridges. The Foley Balmer bridge, which this is a picture of where it used to be. It is gone now, the Marshal Park bridge, which is closed, and the Springwater trail Bridge which needs redecking. And our pools, we promised the public that we would do Peninsula pool and we have done a report on that for phase one. Now we know what the costs are going to be so we'll be repairing that pool. We have three specific accessibility projects that we are including. Multnomah arts center is one of them. Mount Labor handrails is another and East Portland community center there's several ADA issues, we're addressing there, and please note that in all of our projects whenever we are touching a particular area we are repairing any issues that we have in the particular project scope areas. In the other categories we are doing three roofs, and four other urgent repairs including a Fern Hill, Matt Dishman we are going to be replacing the roof and doing electrical upgrades and replacing the roof at Montavilla, and also replacing the tin shed restroom at Pier Park. We are also replacing the Sellwood Park kitchen roof, and at Fern Hill park we'll be addressing the lead in the water supply. The bond oversight committee oversees and reviews the operations of the bond spend seizures, and they recommended a contingency in order for us to ensure that we deliver the projects that we're promising to the community. We do have a \$2 million contingency that we are also including within the project. Looking forward parks is excited to move forward with all these additional projects for bond phase 2. We are grateful to the voters for placing their trust in our work and we're looking forward to celebrating the many

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reopenings at the playgrounds, the pools and other bond improvements with the community. The map and the screen shows not only phase 1 and 2 but also the ftc and other funded parks projects that we've been working on. You can see parks is busy at this time. So with that we will ask that you accept the bond phase 2 project list for the \$58 million parks 2014 general obligation bond, and after that, we will answer questions now and we will move into the 704 item.

Wheeler: Could you provide the testimony to 704 because if we have any public testimony I would like to combine 703 and 704 since they are on the same subject area.

McGuire: Sure.

Eric Johnasen, Office of Management and Finance: Thank you, Mr. Mayor, commissioners, Eric johansen, city debt manager. This ordinance today does authorize the remaining \$39.5 million of the 2014 general obligation parks bond measure. In 2015 the first \$28.5 million to fund the initial phase one project. Proceeds of that 2015 bond issue are in the process of being drawn down and we expect parks will need additional money to continue the program in the next six months or so. This authorization will provide the authority to go out and sell bonds for those projects. Based on the project cash flows, we expect that there will be either one or more likely two bond issues. One again, sometime in the next six months, and another one following perhaps the six to eight months after that. It's all being done to comply with the tax exempt bond spending regulations so that's the financing plan going forward from this point. Happy to answer any questions.

Wheeler: Very good, colleagues?

Fish: I have one question on the general category of restrooms, I am pleased that pier park is getting a replacement restroom. Given the parks bureau leadership on converting single stall restrooms to all user restrooms, and given the experience that we have had learning about the design issues and other things on the Portland building and also through our stakeholder group, I would ask that on the replacement projects, that we have some way of consulting just at the outset on opportunities for getting it right because it's -- we are learning a lot about how to, to really design all user restrooms that are fully accessible welcoming and address some ada issues that the city has been slow on, so I would ask that we have some informal consultation process, Jamie Dunphy from my office is leading the one part of this, and I think that we can share a lot of information and continue to set a standard.

Abbaté: Thank you commissioner, I will mention, too, one of the things that we learned is that the Portland loo is a terrific facility. We are replicating that, and as you know in parks like park lane in the first phase, a loo was put in, and specifically for peninsula park, excuse me pier park, that's the replacement model, so, but there is other places like we willing opening the gateway discovery park at the end of the summer and it has a multiple stall, a built restroom that is more traditional.

Fish: I just put a plug in, the water bureau recently opened the Hannah mason pump station, and commissioner Fritz spoke at the dedication, and one of the things I am proud of is we have state of the art all user restrooms in that building, so we are getting it right and we want to have a chance to continue to collaborate with you.

Abbaté: Thanks commissioner.

Wheeler: Very good. Is there any public testimony on these items?

Moore-Love: We have one person signed up.

Star Stauffer: This is in regards to the loo problem. My question is with all money coming into the parks, they are getting enough funding to build endless parking lots and manicure and endless amounts of grass, and we have spoken on that before. My issue is why do I not see loo's in the parks in southeast Portland going out towards Gresham anywhere? Sometimes there are bathrooms in these parks, and the bathrooms are often closed. Or

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they are on the complete other side of the park, meaning that any child or person that wants to use it has to walk completely away to the other side of the park to the parking lots, such as like Columbia park and north Portland. So I am curious why we're not putting them in areas where people, where there is less money in these neighborhoods. Less affluent neighborhoods, st. John's is a very affluent neighborhood. When I grew up it was a poor community, and it's been gentrified into this monster that it is today, which is not the same st. John's. We are putting a loo in there. Well people of color need to use the bathroom, too, and to do so safely. And in their neighborhoods that they have been pushed out to I am not seeing public access to bathrooms, and stores, business owners, and they are not offering that access either. So if we are talking about these loo's I would like to see more on the northeast and southeast side of this city so we are catering to all of our citizens and giving them safe access to what everybody needs. A place to safely squat and pee for goodness sakes. Let's get some of the loo's out there so those people have access as well and not just in these affluent neighborhoods. Chances are they have a safe place to pee. They are white and affluent.

Wheeler: Thank you. Commissioner Fritz.

Fritz: I would be happy to give you a list of the ones that we have put in and others and if you would like to know the facts you are welcome to talk with my parks staff, director abbate mentioned park lane, which is beyond 148th and southeast main. Venture park is getting one. That's coming in shortly, and in both of the new parks in far east Portland, and gateway discovery park, those will have restroom facilities. I think it's a loo at Luuwit View and as the director mentioned multiple single stalls at gateway discovery park. And by the way there is also one at colonel summers park. So I will trump in my role as the provider, in every new park, and we have a policy now that new parks need them. I share your concern and need and we have acted on it.

Fish: If I could add commissioner the loo for those who are new to this was something that former commissioner randy Leonard championed, actually got a patented, and a number of years ago we spun it off and actually it is now being manufactured by madden, a local company, and the city gets a commission on every sale. So we are very pleased when we read it and hear about the cities across the country that purchase loo's because the city gets a commission for that fee, and we are also pleased that commissioner Fritz has integrated loo's into the east Portland equity plan bringing unprecedented level of park access to east Portland.

Wheeler: Very good. Commissioner Eudaly.

Eudaly: I was wondering what the unique elements were that warranted a patent?

Fritz: I would be happy to go into that.

Fish: We don't want -- we are not sure that we want our competitors to hear this conversation.

Fritz: I am sure that either of us would be happy to brief you on that.

Eudaly: I need a loo briefing Jamie.

Wheeler: There we have it, folks. Could I get a motion?

Fish: I move to accept the report.

Fritz: Second.

Wheeler: So we have a motion from commissioner Fish, seconds from commissioner Fritz on item 703 to accept the report. Please call the roll.

Fish: I think that we should thank commissioner Fritz for championing this effort, which got 72% of the vote.

Fritz: It was 74.

Fish: 74, I am sorry which is extraordinary, it's clear that the money is being spent wisely, and I am pleased to support this report. Aye.

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Saltzman: Thank you commissioner Fritz and the parks bureau. This looks like an outstanding list of investments that are long needed and had many more to come. Aye.

Eudaly: Thank you commissioner Fritz and thank you commissioner Fish. Every week with you is a history lesson. Aye.

Fritz: I am delighted to see the commissioner in seat number four is also a champion for loo's and interested, so you are following in some giant footsteps and doing so very well. Thank you very much to everybody who has been associated with this project from the pioneer courthouse square board members who helped to fundraise to pass the bond measure, and also I mentioned some of the other folks but now after Marryann Cassin did a good job on phase one, we have got Laura McGuire doing a similar wonderful job on phase 2 and ably partnering with Mya Spencer, Josie Costello and Jennifer Yokum in parks, the bond oversight committee which you heard we should have a \$2 million contingency, if we don't have to spend all that we will do more projects in the areas that are specified in the bond. It's really important when you pass a bond measure to make sure -- or any ballot measure you do what you promised, and I am committed to continuing to do so. It will be exciting because a lot of the projects in phase one are ready for the grand opening, so I hope to see many people in our parks and renovated spaces over the summer. And thanks to Cristine Nieves in my office and the director mike abbate. Aye.

Wheeler: It always brings happy tears to my eyes to talk about bonds. Thank you. This is great commissioner Fritz. Thanks for your great leadership on this. I want to thank your team for the diligent issuance of bonds, and I think that having read into the details the strategies in terms of flexibility and pricing make a ton. Sense so I am really Appreciative of your pragmatic approach. Aye. The ordinances is adopted. Let's move to this.

Fritz: Could you call 704.

Wheeler: I am sorry, call that.

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

Fritz: Thanks very much to Eric johansen who has been doing a great job of making sure the bond measure money is attained and then spent. Even fewer people are quite so interested in that aspect of it, then my colleagues are about the loo's, so thank you very much, aye.

Wheeler: Thank you commissioner Fritz. I had moved on and forgotten 704. We had a great conversation about loo's and bonding structure but we would not have authorized anything so that would have been a waste of a day. Aye. The ordinance is adopted. And let's do item 727-1 next.

Item 727-1.

Wheeler: Colleagues today we're celebrating ten years of bringing the Portland Sunday parkways to the community averaging 10,000 to 31,000 participants each month may through September. Portland Sunday parkways has been a vehicle so to show off parts of Portland that are hidden gems of our Portland landscape, including new parks, biking and walking infrastructure, and community gardens, and beautiful residential neighborhoods. Over this first decade Sunday Parkways has catalyzed new open streets events across the region, the state, and the nation, and even has served as a model for the world. Cities come to visit Portland to learn about how they can open their streets to bicycling, walking, rolling and strolling. Sunday parkways has a strong partnership and support across the community that make us Portland with volunteerism, participation, and community organization and business support and attendance. From the parks, for, from the parks for new Portlanders, and community cycling center, and aarp of Oregon, and [inaudible] in our collaboration with northwest tribes on the salmon celebration, Sunday parkways connect our communities. I will go ahead and read the proclamation, and then we're going to hear from some invited testimony. Whereas the city of Portland Sunday parkways presented by

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Kaiser Permanente has promoted healthy active living through a series of free events opening the city's largest public space, the streets, to walk, bike, roll, and discover active transportation, fostering civic pride, stimulating economic development and representing the community, business, and government investments in Portland's vitality, livability, and diversity. And whereas Sunday parkways is about opening streets, connecting neighborhoods, and people, people on bikes, walking, running, rolling, and strolling to enjoy Portland's neighborhoods and family friendly bicycle walking routes called neighborhood greenways. And whereas Sundays parkway showcases Portland's wonderful park system and encourages people to play and gather in parks. Whereas the first Sunday parkways held on June 22, 2008 saw 15,000 participants launching one of the first successful and enduring open streets programs across the nation, and whereas the community has embraced Sundays parkways, including 691,815 participants over 39 events, hundreds of community organizations, places of worship, agencies, local, regional, and national businesses and vendors, more than 734 individual donors, and dozens of sponsors through the ten-year history. Now therefore I, ted wheeler, mayor of the city of Portland, Oregon, the city of roses do hereby proclaim June 25, 2017 to be Portland Sunday parkways day in Portland, and encourage all residents to observe this day. Good morning.

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

Wheeler: I love reading that. It's a lot of fun.

Margi Bradway, Portland Bureau of Transportation: My name is Margi Bradway the active transportation and safety division manager for pbot. To my left, I have the honor of introducing Linda Ginenthal who is the program's manager and active transportation and safety, and to my right rich Cassidy, the senior planner, and you might have seen me insisting that rich comes up to the table with me, and I just want to note that rich has been an employee for the city of Portland for 33 years. I think that that's incredible. And Linda for 23 years. So I want to thank them on the record for their service to this city, not only have they served the city both over 20 years, but they have been key in moving Sunday parkways forward since the beginning, in the ten-year celebration so I will keep it short. I think that the proclamation covered a lot of things. Obviously I think that Sunday parkways has become synonymous with a lot of things that we treasure here in Portland, our parks, bike-way system, food, small businesses who provide that food, our bike network, and the people who come out. The magic of Sunday parkways doesn't happen without a lot of effort, so there is a list of people that I want to thank first and foremost our primary sponsor, Kaiser Permanente, who has been with us since the beginning, and for ten years they have been provided stable funding, and molly Haynes is here from Kaiser Permanente going to speak in a minute, and we also have countless other sponsors, everyone from ikea to new relic to individual donations. Secondly I wanted to thank all the volunteers, it's a massive volunteer effort. Hundreds of volunteers come out, it's a sophisticated system on the volunteers, and I want to thank phil barber, Neal Armstrong and Alexis Gabriel, if you want to wave here In the forum, managing the amazing staff that makes again the Sunday parkways seem seamless when you are a participant managing the volunteers and the flaggers and everyone involved. Third I want to thank the vendors. We have 100 for each event. Most of them small businesses. Rich manages those vendors, has gotten to know them and many of them have been with us for ten years, and many of them have come to rely on the income that Sunday parkways provides, and has provided a stable source of income. And last but not least the hard working staff. As I mentioned Linda Ginenthal have championed the parkways from the beginning, when mayor Adams was here, and it was her vision, her stubbornness if you know Linda, and her resolve to make it happen, and to get people in the streets, out being active and

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enjoying the Sunday parkways, and again rich has been with us from the beginning. He's never missed a Sunday parkways, there has been 40, and that's a lot of summer Sundays, and you should see how hard this team works during the weekend and leading up to those weekends, it's incredible. So I am very, very fortunate to work with both Linda and rich, and I want to thank them again for their service to the city and their hard work over the past ten years and from here I will hand it off to Linda.

Linda Ginenthal, Portland Bureau of Transportation: That's lovely. Thank you. So my name is Linda Ginenthal I live in southeast Portland. And I wanted to thank you mayor wheeler, commissioner Saltzman, and commissioners Eudaly, Fish, and Fritz. I can hardly believe it's been ten years since we first launched the Sunday parkways. I am so proud to have the lead and the architect along with my colleague rich Cassidy on this amazing program. To go our team from pbot and parks staff, volunteers, group, community groups, and businesses, we really have built something special. So I wanted to take a moment to read a bit of the Oregonian editorial that came out, the Tuesday after the very first Sunday parkways. It's sort of touches on the transformative nature of Sunday parkways. We were sort of astonished then and are in reading it again we're astonished again. So I will read only parts of it. So many thousands of citizens had a north Portland date with a different impression. The event called Sunday parkways was way more than a bicycle ride along six miles of traffic-free streets. It was an astonishing demonstration of just how well the connective tissue of the civic infrastructure can function when cut free from car-centric thinking. As for anyone who has ever been to a block party knows streets serve as a terrific village green. By noon it looked to us that much of north Portland had turned into brika-dune, and that was before we went into the choir, yoga class, the hula hoopers, the Thai food and the all female synchronized mini bike dance troupe with fish nets and tattoos. The city's role now is to provide food and watered and let the parkways grow organically. Sending out the joyous tentacles as demand mounts and the parade gets longer, stronger, and sweeter. The idea after all is that one day everyone recognizes that the parkways in Portland are not a big deal. Parkway is just the way we live here. So that was from the Oregonian, which was pretty fun, so we started the notion that we would, we needed to get more people cycling to give it a try in the safest and most fun ways, and they came out in droves. We had 15,000 strong at the first event, and we really have never looked back. Sunday parkways has become demanded across the city with an average of 100,000 people every year, and our friends and partners with us since the beginning have been Kaiser Permanente. Our regional government metro has helped out since the beginning, the community cycling center, and the parks bureau has been a tremendous help, and it's a heavy lift for the parks department, and cliff bar and bike gallery have been businesses with us since the beginning and they recognize the jewel of Sunday parkways. So with this list of sponsors and community partners has really grown to represent the full depth and breadth of what it means to live and thrive in the city of Portland. I would like to also acknowledge former commissioner and mayor Sam Adams who sort of jumped in with both feet in the beginning. It was exciting, and subsequently mayor Charlie Hales who put Sunday parkway support as a regular budget item that catalyzes our broad corporate, nonprofit community and individual support for Sunday parkways. We really couldn't do it without a bit of city skin in the game, and lastly to thank you, our mayor wheeler and city council, for letting Sunday parkways grow and become stronger and sweeter. This Sunday I hope that you will join me, and the thousands of other Portlanders, sweat it go out there in the hot Sunday day, as we begin our next decade with the Sunday parkways. I would like to also bring up molly Haynes from Kaiser Permanente. I don't know if she was an actual community benefit lead, not necessarily the lead but was there since the very

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beginning of Sunday parkways, and she is our, has been our community benefits leader since the beginning. Since the 2009. I am happy to introduce molly to say a few words.

Molly Haynes: Great, thank you Linda. I am Molly Haynes. The director of community health for Kaiser Permanente. I want to thank you mayor wheeler and the commission for allowing me to speak today. The city had the vision and Kaiser Permanente joined the ride ten years ago to make Sunday parkways is a reality. As we proclaimed June 25 Sunday parkways day, I want to thank the city for your leadership and commitment to opening our streets and connecting our neighborhoods and especially thank the pbot staff Rich and Linda most notably as they have been amazing to work with the past 10 years I consider them colleagues and dear friends as well. One of the reasons Kaiser Permanente has been along for this 10 year ride is because we know health is more than health care so we know we need to invest in prevention in our communities, neighborhoods and in our parks in order for our residents to be happy. Our partnership started with the city as an effort around Sunday parkways as an effort to increase physical activity among our residents to prevent and treat obesity and other chronic diseases. Sunday parkway offers a fun way to be active with friends and family very different from telling your patients to go to a gym which they may not enjoy. People with all backgrounds, ages and abilities enjoy moving their bodies in this safe and welcoming environment and we also know that the health benefits of Sunday parkways stem beyond physical activity and this is the part that has really grown on me a lot is noticing the social connections and what happens in neighborhoods when neighbors come out and friends come out and meet one another and enjoy the parkways and the parks together. We see more smiles on Sunday parkways than any other place in Portland on those days, and I think that's incredibly notable and obviously good for our health as well. Friends and neighbors interact in ways that may not happen otherwise and that hopefully leads to stronger neighborhood connections and improved safety. Addressing individual and community health in this holistic way is more critical now than ever So this partnership is critically important and we see it into the future. I have had the privilege of being involved in this since the beginning both through work and also enjoying the routes with my own family who lives in southeast Portland. My own two kids have grown up on the Sunday parkways routes. They started with bike trailers, graduated to tag-alongs, rode their little boy bikes and now their big boy bikes. It's a fun activity we enjoy every year as well. We have a special thing going on here and we look forward to continued partnership with the city and other partners on Sunday parkways and want to invite everyone here to come join us for Sunday parkways day.

Wheeler: I would like to ask commissioner Saltzman, who has been very active on this, and my colleagues to chime in as well since they have all been far more active in the planning and the development of this amazing event than I have.

Saltzman: I want to underscore how appreciative we the city are of Kaiser Permanente's commitment from day one. I want to recognize Dan field who's not here today. He was on the phone to all of us in city council at the time voicing Kaiser's support. It was a cornerstone. The event is a cornerstone of the community. It's fun. So thank you for doing that. Sorry I won't be there this Sunday. I'll be at the Seattle mariners game in Seattle. Appreciate all the work. Also Linda, rich and Margi for all their outstanding work and everyone in the bureau of transportation, parks bureau who makes this magical event occur every year.

Fritz: Thank you, mayor, thank you to all of you. The program has grown and grown and grown and I'd like to mention you don't have to bicycle. If you're like me and would rather walk it's also very walk friendly event too going between parks. On that note, although it's titled Sunday parkways as the mayor accurately identified commissioner Saltzman is the lead on this being in charge of transportation, so I appreciate that, commissioner

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Saltzman. You're also pbot is managing the naked bike ride again, so commissioner Saltzman is in charge of that. [laughter] any questions or concerns or kudos would be directed to his office.

*****: No comment.

Fritz: I really appreciate that you read the editorial and talked about the energy and organic nature, the editorial did. Reminded me of last Thursday in its style except it's far more equitable. It's in different neighborhoods, everybody has an opportunity to be in it. It's not late at night, whatever. On that note too, from one of the pieces we can't possibly say all of the great things that happen at Sunday parkways but one I was particularly involved in was with the new Portlanders program making sure the employment opportunities for immigrant youth directing traffic, they are getting their first experiences. Some of the wonders of Portland and also having a job they felt good about. Thank you for incorporating that into your program.

Fish: Linda let me add one word to you and to Margi that we have watched you grow this program over the years, and actually I would glad you read the Oregonian editorial. I don't remember them always being so supportive of these initiatives. It took a lot of work to get it to where we are today. I really appreciate the community building aspect, being able to stop at a tent and talk to someone from elders in action or a bureau or learn about salmon or whatever. I appreciate the emphasis on healthy food. There's some healthy food that you can have. I love the active things that parks does where you can go join a long line of people doing wild dancing. And the thing that for us I think is also special is so much of our lives as commissioners and as bureau leaders is programmed. We're in council, we're in formal events. I love the fact that we're on our bikes mingling with residents and folks, and when you're stopped at a light, talking to folks, getting to know them. It's a wonderful community building exercise, a healthy exercise, and it's really fun. So we appreciate the work you've done to build this brand.

Wheeler: Great. I have one question. That is what's next? How do you top this? How do you continue to grow the brand? What sort of visions do you have for the future?

Saltzman: Linda wants to talk.

*****: Yes.

Wheeler: I might have made a mistake here.

Ginenthal: No, no. There's a couple of things. We have been working with Oregon walks, which is an advocacy walking organization, and they had sort of taken the brand of Sunday parkways and moved it into Oregon walkways, which are focused on walking routes. So this august -- last year we had our first Oregon walkways event in cully, called cully walks. This year they are doing Lents ring walk. So looking at expanding these open streets programs and looking at how Portland can be in the streets is where we're going for our next decade. It's really looking at how are we using this amazing infrastructure that we have and bringing it to the people, both in terms of community engagement, volunteerism, then expanding the active transportation in the city.

Bradway: I think you hit on it. Where I have seen the growth, there's always a demand for more Sunday parkways in terms of events, but I think where we have grown is the quality and the type of people that we reach, so we have tried new routes in east Portland. Last year we did the first route with the city of Milwaukie was the first time we did a bi-city partnership. It was fabulous. Incredible partners. Because we could do -- we could have Sunday parkways every weekend and certainly advocates would want that, but I think the quality of the routes the quality of the engagement would decrease. So it's about where and who we engage and continue to up our game in that way. I'm curious, mayor, for your thoughts and ideas on how you think we could grow Sunday parkways.

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Wheeler: I will send you a certified letter. [laughter] I don't have a particular vision for it right now but I think it's one of the greatest things we do. I had nothing obviously to do with the vision or the development of this program except that it's really important to my daughter and I to participate. We love it, we have gone many times. You had heard the ice cream truck. Once she realized we were away from mom and I would let her do whatever she wanted she was completely sold on the concept. But it's as commissioner Fish said a really fun opportunity to get out, let loose, and have a ball. I like your idea of the walking program. There's so many even as I'm out and about I see more groups of people walking together appeared taking that as a recreational opportunity. I think there's a real -- the crystal of a great vision there. I'll look forward to adding to the good work of my predecessors to help you realize the next steps of the vision and I'll put thought to the question you just posed to me. Commissioner Eudaly.

Eudaly: I'm a fan of any opportunity we have to kind of reclaim the streets even temporarily for people rather than cars. I have had a long-held dream about shutting down a certain section of downtown Portland on a routine basis in the evenings. Who would I talk to about that? Commissioner Saltzman?

Bradway: I'm really glad you asked that question because we're working tangentially right now with a division of permitting on a livable street strategy to streamline our permitting process and how we address our policies, how we balance need for people in the streets with the need for cars and parking in the streets, and we'll be bringing that to you this fall so I'm happy to give you a briefing. We have a stakeholder advisory committee weighing in on development of that policy.

Eudaly: I would love that.

Bradway: We'll set that up. Thank you.

Wheeler: Do we have public testimony on this proclamation? Thank you for being here. Thanks for your excellent leadership. Let's make sure we adopt it. Please call the roll. Oh, it is a proclamation. What's wrong with me today? Karla, what is wrong with me today?

Fish: We'll send you a certified letter.

Wheeler: You know what it is? I ran out of coffee like an hour ago. I think that's the problem. Let's sign it. Do we have a big pen?

******:** We have Sunday parkway tee shirts and maps for you guys. I even have a big pen.

Wheeler: Great. Is there anyone here who can testify on 706, the appointments to the Portland parks board? Is there anyone here to testify? That was pulled.

Moore-Love: I don't have a signup sheet for that one, I'm sorry it was pulled Mr. Lightning pulled it.

Wheeler: So why don't you read 706. We'll have Mr. Lightning come up and hear him out.

Item 706.

Fritz: Go ahead.

Lightning: My name is lightning. I represent lightning super watchdog x. One of the reasons I pulled this item on the Portland parks board is that you have three attorneys that you're putting on the board, two policy makers and an emergency nurse. It was interesting when we saw that presentation from the Peterson store over by the target location. You saw just a bunch of people that came in that were just what I call your everyday people in Portland fighting for their jobs and to remain there, the locals. But on these boards you don't put people like that on the boards, and you talk about equity and diversity and having various people on these boards, you have very well educated people, professionals, overlooking the parks, and let me use one example of an individual from the disability rights of Oregon. She was out in the park, she stayed out there late they arrested her for trespassing. Took her in to Multnomah county jail, put her in a restraint chair, tortured her, three days after she left Multnomah county jail she was never, ever in jail for any crime,

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her past history, three days later they found her committing suicide under the Hawthorne bridge. Imagine that. In a park written up for trespassing, taken to Multnomah county jail and committing suicide three days later. What's going on here in a public park to where someone ends up committing suicide? Where someone is put in to Multnomah county jail and tortured in a restraint chair. What is this city about that allows that happen in a park? Who is responsible for that? Who is responsible to say do not take them to jail for being in a park past the time limit, the time frame. Who is responsible for that? We have a lot of professionals on this board, again, attorneys, emergency nurses, people in the justice department, division, juvenile case on if you read their past, this is what happens when they are the only ones on the board. Put some people on there so this never happens again. You know the case I'm talking about, commissioner Fritz. Disability rights of Oregon, read the report. It should never happen to people in these parks.

Wheeler: Thank you. Good morning.

Star Stauffer: Good morning. Star Stauffer. I share a lot of the concerns that lightning just brought about. One of the concerns that I have are police and their presence in the parks any time of day at this point. So the people on this board, he's right, it's disturbing because what we don't see is representation from the community here on this board. Why not? Because the community is -- they are the ones using the park. You have representation from justice department. You have attorneys, policy makers, but where is the input from the community or the communities of color? The vulnerable communities, marginalized communities?

Fish: Star you really with all due respect you should read the backgrounds of these people. Kendall Lawson is a founder of the q center, one of the great african-american champions for equality in our community. Why don't we get you the bios and have that conversation?

Stauffer: I would love that but --

Fritz: We could also get you a matrix because we do look at where people live, what kinds of interests they represent.

Stauffer: I'm open to that. Absolutely. I would like that information. But seriously, in all seriousness when it comes to these parks people on this board need to be selected with the understanding that part of the consideration for safety in these parks and what lightning is talking about is law enforcement in these parks. These people are not law enforcement. They are thugs. I worry about the safety of any citizen especially a citizen from a vulnerable background being in the parks and able to utilize them without something like that happening again or without them being killed by a Portland police officer or a Multnomah county sheriff. So the people on this board have a huge responsibility on their hands because it what this year that a young man was killed, shot to death in holiday park. We're still not really sure what's going on with that. So the parks are not safe. So if there's somebody on this board that you're so excited about that is somebody from a community of color that's great. But we're still not having a real conversation about the safety of people in these parks here in Portland.

Wheeler: Thank you. Good morning.

Robert West: Yes, I'm Robert west I'm with film the police. One concern that I have with the parks is that the community centers are not free for low income and disabled people. A lot of them will cut their prices in half, which is like 400 something dollars for a year. The other thing that I wanted to bring up to you guys is I have seen people come in, offer books and stuff. You say can't have gifts but I have seen an organization give all of you guys gifts. So I do want to bring that up too.

Wheeler: To be clear, when I receive gifts like whatever is in this bag, I don't keep them personally. They go up to the office. If we get gifts from delegations that come to visit, I

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don't even touch them. They go to government affairs and to the international division and they are cataloged and stored. We do not accept gifts. Is there any further public testimony?

Fish: Mayor I move the report.

Fritz: Second.

Wheeler: We have a motion from Fish and second Fritz.

Fish: I have had the pleasure to work closely with a number of the people we're appointing or reappointing. Portland parks board is one of the higher functioning oversight bodies and they are true partners in guiding the work of the parks bureau. I'm grateful that all of these individuals have agreed to take time out of their busy lives to serve our community. Aye.

Saltzman: Well, I welcome these members the reappointments and the new ones. I particularly want to commend parks for the summaries of the individuals that were prepared here. We have time and again tried to get consistent resume attached to all appointees to all bureaus and we fail because we're inconsistent across the board but I think this is the template that every appointee should have accompanying their form. A brief paragraph summary. We don't need the whole resume, a paragraph and a personal statement about why they are serving on the board. I would like to see that with all people we appoint to all committees and boards in the city. Parks is doing a great job on. That.

Fish: Dan, is that a motion?

Saltzman: I think I made that before and it's passed.

Eudaly: Aye.

Fritz: Thank you commissioner Saltzman I appreciate the kudos for the selection parks process. I will stand it up against any other appointment processes it is very thorough and I'm very pleased that these volunteers are willing to serve on the parks board. Also want to thank tice walkerman who has served one term and asked to not do it again. One current board member, Sue van brocklin, who is term limited out. This is a long process to get to this point and I appreciate the service of folks who are continuing and those now willing to serve. Aye.

Wheeler: Aye. The report is accepted. This is an excellent board. I appreciate it very much. Thank you. Item 711. Do we have somebody here to testify?

Moore-Love: Mr. Lightning.

Wheeler: Very good. We're going to move public testimony to two minutes due to the number of items. We're not even on the regular agenda yet.

Wheeler: He pulled it so can we just go to a straight vote then.

Item 711.

Wheeler: Please call the roll.

Fish: I'm so pleased that we're supporting Kat, and the work of Katrina Holland who is really one of the more outstanding leaders in our community. Aye.

Saltzman: Well, this is about making sure that we have affordable housing in the southwest corridor light-rail line, which we're all hopeful will be built one day. The key is to make sure affordable housing opportunities are there at the outset and not an afterthought. This is an effort in that direction. Aye.

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

Wheeler: Aye. The ordinance is adopted. So that moves us into the regular agenda. 716, please. **Item 716.**

Fritz: Thank you mayor in the interest of time the parks staff is here and happy to answer any questions regarding the schools uniting neighborhoods program. Arlene Argentina and Jerrell Singleton are here and can answer questions. Basically this ordinance allows the city to pass through \$635,628 to Multnomah county as budgeted in the current fiscal year and enable future payments to the county without an ordinance as long as these payments

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are implementing councils direction and resource allocation through the budget process. Schools uniting neighborhoods community schools are the school based delivery sites for the sun service system a broader system of care the involves the city of Portland, Multnomah county, six school districts, the state department of human services, nonprofits and community members. Portland parks and recreation operates 11 out of 85 sun schools in the county and it's operation lies in a intergovernmental agreement between the city and the county and we're very proud of the program thank you for the support.

Wheeler: Is there any public testimony?

Moore-Love: No one signed up.

Fritz: No questions from council for staff? Thank you.

Wheeler: Call the roll.

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

Fritz: A lot of work goes into this program and it's so necessary in our neighborhood. Aye.

Wheeler: I love the sun program I think its a tremendous program. It varies from site to site in terms of the services actually provided. It's the classic definition of a community-based partnership. It often includes government partners, school districts partners, parks personnel, nonprofit partners and at the end of the day one of the things I like most about it is it engages families and kids where they are and meets the needs of those families and kids depending upon their own circumstances. So it's a hugely effective, hugely uplifting program. I was proud to support it a long time ago as Multnomah county chair. I'm proud to support it now as a member of the city's coalition of sun schools, and just think it's great and commissioner Fritz, I appreciate your leadership for continued support on what is a really important program. Aye. The ordinance is adopted. Could you read 717, please.

Item 717.

Wheeler: This is a second reading. Please call the roll.

Fish: I'm pleased to support this. I want to thank my team at bes for their excellent presentation last week. Colleagues, we have hundreds of these bio swales throughout our city that take runoff from the streets and treat it using mother nature not our pipes and as a result it saves us money over the long term. This change will allow citizen volunteers to even be more effective in helping us maintain bio swales by removal of sediment and with permission planting of vegetation. We had some testimony last week from some businesses and residents along division street who had some heartburn about the way the bio swales are being maintained. I got a report this week and there have in fact been glitches, part of it has to do with the contract for the work this was a collaboration between pbot and bes. We think we have identified the problem that we can avoid in the future. And I'm pleased to report that as we speak we're going to be doing some plantings this summer to remedy the problem and I'll be providing a full report to the people who testified about what our future plans are. I appreciated their testimony. Aye.

Saltzman: This is great to have a strategy to actually use volunteers to keep our bio swales functioning. Aye.

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

Wheeler: Aye. The ordinance is adopted thank you.

Item 718.

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

Fish: In over a year we have some program that touches each of our hearts. Dan gets particularly engaged when we do heritage trees that's always been one of his favorites. Commissioner Fritz has been a strong supporter of the community watershed stewardship program which has faced its unfair share of criticism in the past, but for a very small amount of money leverages an enormous amount of community resources again which help us divert storm water from our sewer system ultimately long term saving ratepayer

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money and making our environment the city we live in more friendly and warm and health. So I'm very pleased to support this and all the good partners we're going to be awarding grants to. Aye.

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

Fritz: Thank you for your leadership on this commissioner Fish and to Jennifer Devlin for continuing to manage the program. Aye.

Wheeler: I want to second commissioner Fritz's thanks to commissioner Fish. I have learned a lot about this program from you and your team and I'm greatly appreciative. Aye. The ordinance is adopted. Please read 719.

Item 719.

Wheeler: Colleagues before I read this proclamation I want to give a special thanks to the city african-american network known as caan and the diverse and empowered employees of Portland known as deep for putting together this proclamation on behalf of the city of Portland. I will read the proclamation. Whereas Juneteenth is the oldest known celebration for commemorating the end of slavery in the united states. Whereas the day brings into national memory historical events that occurred June 19, 1865, leading to the abolition of slavery in Texas and more generally the emancipation of african-american slaves in the south. Whereas more significantly, it's a day for celebrating african-american freedom, education, resiliency and agency. And whereas on Juneteenth day we remember the stories and teachings of black leaders who gave and still give a voice to the daily struggles for freedom, equality, diversity, equity, and inclusion both past and present. And whereas we celebrate the many achievements and contributions made by African-Americans specifically Oregon's economic, cultural, spiritual and political development, and whereas the city of Portland continues to work towards becoming an inclusive community in which all citizens are recognized for their contributions to our community. Now therefore I, ted wheeler, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim June 19, 2017, to be Juneteenth day in Portland and encourage all residents to observe this day. I understand we have Tolson and Kim here today. Possibly. To say a few words.

Saltzman: Kim is here.

Wheeler: Kim McCarty. Come on up.

Kim McCarty, Portland Housing Bureau: I'm Kim McCarty. I work for the city of Portland housing bureau. I'm a member of deep and caan. Tolson and Sonny from OMF were the lead on this proclamation so thank you for reading it. We appreciate you taking this time.

Wheeler: It's our pleasure. Thank you. Can I give you this proclamation?

*****: Black lives matter.

Wheeler: Colleagues, any further comments?

Fritz: We're also going to be celebrating good in the hood this coming weekend. I welcome anyone who wants to join in my parade group. It's also another event that celebrates our african-american history.

Fish: I didn't know you had a group. I would be honored to join you.

Wheeler: Very good.

Eudaly: We will also be there and we'll be happy to join your group as well.

Wheeler: I will be at the U.S. conference of mayors, but Katrina, who has no official role whatsoever with my administration, she will be attending in my stead. We have reached out to the organizers and have encouraged all people in the community to participate in good in the hood. We will hopefully have the largest turnout in the history of the city for that event. It's an important event. Thank you. The next item is commissioner Fritz, if I remember correctly, 708. I believe you wanted to put in an amendment as well.

Fritz: I thought we were going to do that at the end of the session. I don't believe I have staff here at this point. What number did you say?

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Eudaly: 708.

Fritz: I can do it.

Wheeler: Did we get through all of the consent? I think we did. We moved 714 to the afternoon session.

Fritz: I think I can manage to read my notes and probably answer any questions you might have. Shall we just go ahead and do it?

Wheeler: I'm sorry, I skipped, I'm jumping ahead. You're correct and I'm wrong. I have missed something. We'll hold off.

Fritz: I can do it.

Wheeler: We'll do it at the end. 720.

Item 720.

Wheeler: This is second reading. Please call the roll.

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

Wheeler: Aye. The memorandum of understanding is approved. Next item, please. 721.

Item 721.

Wheeler: Commissioner Saltzman.

Saltzman: I don't have my talking points. Kathryn Levine is here who can cover for me.

Wheeler: Good morning.

Kathryn Levine, Portland Bureau of Transportation: Good morning. I'll make a few brief statements. In 2012 council authorized an intergovernmental agreement with trimet relating to operation and maintenance of the streetcar system. The iga provides funding from trimet to streetcar as an integral part of Portland's regional transit system. Each year there is an iga amendment in which trimet and the city identify specific amount of funding for the upcoming fiscal year. In 17-18 trimet will be providing \$7.675 million for funding of operations. In comparison in fiscal year 16-17 that amount was \$7.524 million. If you have any additional questions, let me know.

Wheeler: Colleagues, any further questions? Any public testimony on this item?

Moore-Love: Three people signed up.

Wheeler: Two minutes each, please.

Shedrick Wilkins: I'll try to talk faster. I compliment the streetcar system that will someday enable Portland, Oregon, to have a county general hospital like all major cities do in the southwest. Mixed with psu. You've got it. I was there at omsi when Amanda Fritz and Sam Adams dedicated the circular path and actually then I started to think this goes to omsi where kids learn science to be a doctor. This is all great. So it's going to work. Just history classes to me there was always a war. Trolleys were first made in northwest Portland, which is kind of the center of Portland, then they got into a war this real estate scandal so there's been this war going on for a long time between -- actually good sam wanted to have a university good Samaritan hospital. They made the streetcars. Then what happened was ohsu and then what happened is people went out in the suburbs and they drive and in the future you'll hear me bash the wells fargo bank because they bank rolled suburban houses so people could drive into Portland. Finally we got this answer. It's not relevant. In fact African-Americans in north Portland at the Lloyd center can get on -- if the kids are sick go down to -- they said not to make it a county general hospital. People don't know this in Oregon. You do not have surgical residency in this state. Dr. John Kitzhaber had to go to Colorado. All we do here at ohsu is basically dentistry and pharmacy. We should have a main medical school here and it should be right on the waterfront and you got it and you got omsi right across the bridge. Everything is set up. So for us to have a major county medical hospital where everybody has access where they don't have to take a tram, right, on a hilltop. That was all part of a railroad scandal in 1907.

Wheeler: Thank you. Perfectly timed. Good morning.

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Mary Sipe: That testimony just really took me by surprise. I worked at ohsu. We do have a medical school and we do have residency programs at the medical school for surgeons and neurosurgeons and all kinds of things. Maybe it's not a county hospital any more, but anybody who is low income, does not have funds can apply for financial assistance and receive their care free there, and in fact after I worked there, this isn't about the streetcar, I had some extensive surgery and my bills were over \$100,000 and I was uninsured at the time. Like any other citizen of Portland I received my care at ohsu. They accepted what the insurance paid and wrote off the rest of it. So just to counteract that. Quickly about the streetcar, I support anything that supports funding the streetcar and keeping it going. There was so much controversy about the benefits of streetcar and I want to say I live right on the streetcar line while it was being built. Watched it until I retired I rode it downtown every day to work. I do not own a vehicle. Many of my neighbors don't own vehicles we can't afford them I ride here on Wednesdays on the streetcar. That streetcar takes me almost every place I need to go on this side and on the other side of the river and I just cannot believe what an incredible public service it provides to people like myself and many of my neighbors and I just want to say keep it up. Thank you.

Wheeler: Thank you.

Robert West: I'm Robert west with film the police 911. I find it interesting that we're always finding ways of getting money for all these organizations and stuff which sounds really good like the streetcar. The problem is you still got people that are low income, people that just got out of jail, people that can't afford to ride the transit system, and you got these tactical ticket checkers that make sure the they write tickets and sends people to jail for not paying their fare. I don't -- if you're going to pay the fares then the city really shouldn't be putting that money in, they should be spending more on people that, you know, allowing people that don't have the money, people that have emergencies and stuff like that, people that just get out of jail to be able to ride for free. It just baffles me about how nice the city of Portland is but if you got some low income lady that doesn't have any money and her daughter is sick and she wants to catch a bus to the hospital, she could risk a huge fine taking her daughter to the hospital if she doesn't have the money. To me that's heartless and that's cowardliness. The city needs to bring that stuff up too when they start considering all this extra money for trimet. Trimet is spending an awful lot of money on transit police. Transit police really are not making anything safer. I'm talking to people that actually are more scared seeing people on board the buses and trains with guns, and the little package that was left. My understanding there was officers already on that train. You know, listening to the scanner. Apparently they didn't scare the person off the train. They had to go couple more stops.

Wheeler: Thank you. Good morning.

Star Stauffer: I'm star Stauffer. Where is this funding coming from? This \$7 million being spoken about? Where is it coming from?

Saltzman: Trimet.

Stauffer: Trimet is providing that money? How much of that money is going to reinforce this line with transit police?

Saltzman: Don't know.

Stauffer: We don't know. Which means some money. Which means that this is another back doorway for the importantly police to get yet more money out of the city because they are all ridiculous and don't know how to spend \$10 million that was given to them and they are out of money now. Every time we come here, there's another thing with trimet, another budget discussion with trimet I know and you know that's a back doorway method that the Portland police use so that they can get more money for them to increase law enforcement

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on the transit lines which in turn puts vulnerable communities especially and specifically people of color at extreme risk. Terrell Johnson. I mean for real. [shouting]

Wheeler: Please, that is a disruption.

Stauffer: He's right. \$2.50. If you don't have that in your pocket, \$2.50 could get you killed. He's right. [shouting]

Wheeler: Continue, star. [shouting]

Stauffer: I understand you don't like the interruptions but he's right and he's a person of color extremely concerned about his safety on these transit lines because of the increasing. [shouting]

Wheeler: Sorry. This is your time.

Stauffer: That's what I'm talking about. You can say he's one voice but really he represents pretty much the majority of people of color in the city who are just absolutely terrorized by the Portland police. We have to -- I'm just going to go a couple seconds over. We're having to rearrange our schedules and arrange for rides and crowd source the funds to drive people of color from one area to another because they are too scared to take transit systems, too scared to let their children even wait at the bus stop because of the police. Because of the police and their relationship with these alt-right hate groups and their relationship in turn with trimet.

Mimi German: My names Mimi German. I wasn't going to come up to speak and I can't not because one of the things that we have to do, those of us who are white and privileged with our voices knowing that we're not going to get killed on trimet by trimet cops have to speak up for people who are getting killed. Not people who might get killed, but people who are getting killed. Things didn't start here going downhill with the murders a month ago. This has been going on. The terrorizing of community of color in Portland has been going on for decades. I just wonder when we're going to stand up as a city, the city that works, and say we're going to remove cops from terrorizing positions of people of color. We're not going to add cops to trimet because we white people think that that's what's necessary to prevent murders. That's a white perspective. The reality is that black people are getting killed or thrown off or jailed from trimet rides because they are black and because the policies are coming from white people. [shouting] so we need to reinstate free rides for poor people. That was awesome. I can't believe we got rid of that. One of the worst moves we ever made, adding more trimet cops and other cops to trimet rides. It's a terror campaign. Just because we white people who make white policies for white cities think that it's going to prevent something doesn't make the thought process correct because it's an incorrect thought process. What these cops do is terrorize the black community. We are a part of that community. As white people in that community we get calls to help people get from here to there because like star said, they won't ride on the buses any more.

Wheeler: Thank you. [shouting]

Wheeler: Is there any other public testimony?

Moore-Love: That's all.

Wheeler: Please call the roll.

Fish: Mayor, this ordinance also contains an increase for streetcar operators reflecting the cola for this year. Aye.

Saltzman: Aye.

Eudaly: I just like to address a couple of the issues that were raised, although I don't -- they are not extremely pertinent to this particular ordinance. I agree we need to have sliding scale fares. I am concerned about the impact of petty municipal violations like not paying a fare. The disparate impact on low income and communities of color. I would like some clarity on transit police. I think there's a lot of confusion in the community and frankly

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I'm also confused as far as who is policing trimet and where the officers who were involved in the Terrell Johnson shooting were employed. My understanding is they are transit division but they are not transit police. Does anyone have --

Wheeler: I would be happy to get you or any other city commissioner a briefing on the trimet security arrangement. It's a multi-jurisdictional arrangement. I would be happy to get you that information. It's not pertinent to this ordinance.

Eudaly: Aye.

Wheeler: It's a separate issue. I would be happy to get you whatever information you want. If you leave an email address, I'll get more information than you can stand.

Fritz: I believe that contract does come to council separately.

Wheeler: It's a separate publicly -- a contract that is voted on publicly. It's been voted on publicly. It's fully disclosed like all the other contracts we pass.

Fritz: Aye.

Wheeler: Aye. The ordinance is adopted.

Item 722.

Wheeler: Commissioner Saltzman.

Saltzman: I found my talking points. Thank you, mayor. At the request of the Oregon department of transportation and prosper Portland, formerly the Portland development commission, this ordinance will grant a waiver of title 33 zoning and the storm water management manual for three properties in the central east side district which are currently owned by odot. These are located just east of i-5 between the Morrison and Hawthorne bridges along water avenue. Prosper Portland is in the process of purchasing these sites and the intent of the ordinance is to allow the site to be operated temporarily as surface parking lots to address high demands for parking in the central east side district. In 2015 the council took action to address this issue via an ordinance that waived title 33 and storm water requirements for one of these three sites but it is scheduled to expire June 30th. So this emergency ordinance extends the waiver before it expires and includes two other sites and extends it until June 30, 2020 providing sufficient time for prosper Portland to acquire the sites and prepare them for redevelopment while allowing some temporary surface parking to serve the district. Staff is here if council has any questions.

Fish: I support, this mayor. Can I make a comment?

Wheeler: Please.

Fish: I just want to make the following comment. I have attended two forums in the last week that are relevant to this matter before us. One was a maker's forum that commissioner Eudaly and I attended. A second one was a forum with local business owners. Two themes emerged from those conversations. One is that if there isn't sufficient parking in that district, so this, the opportunity to have interim parking on the odot blocks before they are developed makes sense. That's why I strongly support this. The second issue that came up is the growing unaffordability of creative space in the central east side. It's particularly acute for people who make things. Small entrepreneurs who make things like bikes or furniture or whatever chasing a dream. Mayor, paragraph 5 of this ordinance lays out the next steps, which is prosper Portland reports to you will establish a proper disposition strategy which will include high density industrial office. I would like to put a marker down and get a commitment, mayor, that as part of the disposition strategy, we have the makers and the creative community at the table and I will volunteer commissioner Eudaly and me since we said we would be involved, to see how we can leverage through this acquisition an opportunity to preserve long term affordable creative space. There's a lot of models that pdc has been playing with which may work. Other cities have tried. But this is a legacy development in the heart of a district where because of the success of the

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district people are being displaced in big numbers. Can we get a commitment to put the creative affordable space into this space?

Wheeler: Absolutely. Great idea. Thank you. Any further public comment? Do we have public testimony?

Moore-Love: One person. Peter stark.

Wheeler: Mr. Stark, good afternoon. Good morning.

Peter Stark: Good morning or could be afternoon. Commissioners, mayor Wheeler, thank you very much. I'm here representing the central eastside industrial district council board. We had a discussion about this request at the board meeting yesterday. I'm also here representing the transportation and parking advisory committee. We support pdc's effort to both develop the blocks and we also support extension of this ordinance to allow them to have temporary parking on the site. As you're aware the district has grown exponentially and we have quite a bit of growth in old warehouse buildings that do not have parking. We go from density of maybe 30 employees to 500. It's substantial growth. So this temporary parking is to fill an infrastructure need we lack in the district for parking structures and we're hoping that this temporary relief will help us as we go through the growth pain of the district. So I'm here to say that the ceic and our transportation parking advisory committee support the effort. We hope to work with prosper Portland to make sure this parking is primarily dedicated to the benefit of the employees in the district and it doesn't become a parking that is used by let's say downtown or other areas. We're that desperate for using the site.

Wheeler: Thank you.

Stark: Commissioner Fish, thank you for your comments on the maker space. That's great.

Wheeler: Please call the roll.

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

Eudaly: Well, I want to thank commissioner Fish for volunteering me for further discussion on this issue. You know, the changes in that area are not just due to the success of the neighborhood. It's due to zoning changes and our failure to do much to mitigate displacement or preserve or create affordable commercial spaces for makers, artists, nonprofits, et cetera, who are all being displaced from that neighborhood. So I'm looking forward to that conversation and seeing whether we can do anything about that. Aye.

Fritz: Thank you, peter stark, for your long time leadership with the central east side industrial council. Also want to thank brad Malsin the current president of that organization, for bringing a delegation to my office yesterday to give me a much more in depth briefing on the parking future in central east side. Happy to support this now. Aye.

Wheeler: Aye. The ordinance is adopted. At the request of commissioner Fritz she has staff here now for 708.

Item 708.

Wheeler: Commissioner Fritz.

Fritz: This ordinance will allow parks to close on purchase of a 2.6 acre property which includes a house adjacent to the maintenance yard of Gabriel park. This purchase will add area and allow for reconfiguration of the maintenance yard to be better used. It will also provide staff with room for offices, meeting rooms, breaks and storage. I circulated the amendments in Tuesday's memo. That makes a correction to the funding source. The funds to pay for this will come from the portion of the fund from the mt. Tabor annex sale from Portland parks and recreation to the Portland housing bureau. I move that amendment.

Fish: Second.

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Wheeler: We have a motion from commissioner Fritz and a second from commissioner Fish. Please call the roll on the amendment unless there's further discussion.

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

Wheeler: Aye. The amendment is adopted.

Fritz: And Zalane Nunn from Portland parks and recreation department is here if you have any questions.

Wheeler: Any further questions? Any public testimony?

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

Wheeler: Please call the roll.

Moore-Love: Someone wants to testify on this?

Wheeler: Two minutes, please.

Robert West: We're still stuck back in the same situation where we have you guys spending money and low income people that don't have the money that can't afford to go to community services, you would be better off offering free scholarships to low income people than you would be to buy a house. I wanted to bring that up. Like I said, you guys can provide free scholarships for low income people.

Fritz: We do that in a different section of the budget. This is from the parks budget. We do provide scholarships in another section of the budget.

West: I know I'm just saying you're using all this money to buy a house when you could use this money to help lower income people. That's what I wanted to bring up.

Wheeler: Thank you. Is there any further public testimony? Seeing none please call the roll.

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

Fritz: It's been a long time coming. Thanks to Pooja Bhatt and Cristine Nieves in my office as well as Zalane Nunn, James Allison and others in Portland parks and recreation. Aye.

Wheeler: Aye. The ordinance is adopted as amended. 723, please.

Item 723.

Wheeler: Second reading, please call the roll.

Fish: This is good work. I'm pleased to support it. Aye.

Saltzman: I want to thank Mark Williams and others in pbob who helped put together this code and our private for hire advisory committee. This does a lot of good things it establishes the wheelchair accessible vehicle subsidy program to incentivize more drivers to participate to serve those with disabilities. A lot of other good things as well. Good work. Aye.

Eudaly: Aye.

Fritz: Thanks to Claire Adamsick in my office who continues to follow this process closely. Aye.

Wheeler: Aye. The code replacement is adopted. Next item, please, 724.

Item 724.

Wheeler: Good morning.

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

Linh Vu, Deputy City Attorney: Good morning. I'm Linh Vu. I'm a deputy city attorney. This is Linda law, a senior deputy city attorney, and this is David Rhys, assistant director of human resources. We wanted to give you an update on the gender-neutral policies. By way of background this was a resolution passed in December of 2015. The first part of the resolution dealt with conversion of single-user restrooms to all user restrooms. That part of the resolution has been accomplished and is still ongoing with different building plans. What we wanted to report to you on today is the second portion, which is the portion that has tasked the city attorney's office and bureau of human resources with assisting all city bureaus with reviewing their policies and documents for any gender-specific language and

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then revising and replacing them with gender-neutral language where practical. As part of that process, our offices developed some guidelines which is attached to our report as exhibit a. The guidelines provide non-exhaustive list of the documents that should be reviewed along with some methodology for reviewing and replacing any gender specific language. We also asked each bureau to appoint a lead person then to provide a game plan as to when each bureau would accomplish this. The city or the bureaus' responses are attached to our report as exhibits b and c, so you can look to those for the game plan for each bureau. Based on those responses from the bureaus and then also from a couple of meetings that we had, our offices came up with some recommendations which I'll have Linda talk about.

Linda Law, Deputy City Attorney: I'm Linda law, deputy city attorney for the city attorney's office. So on behalf of the city attorney's office and the bureau of human resources we compiled the information and are making these particular recommendations to council. We would ask council to direct staff to develop some recommendations for city-wide training plan so that whatever is the way to carry out this particular policy we have education to support that, so folks can understand why they are doing whatever we're directed to do. In addition we would ask for direction to direct staff to develop a city-wide style guide for gender-neutral language so that we are consistent in the use as a city as a whole versus bureau to bureau to bureau. That's important because we want to have the same respect for people across the board. Finally, we want to get clarification and further instruction to direct us to come back with the resolution, a binding resolution so that we are all on the same page as to what to do and when in terms of the education and the style guide.

David Rhys, Bureau of Human Resources: David Rhys, assistant director. We want to add our support to the work and particularly thank the supporters. We'll continue to participate in this project as well.

Vu: We're happy to take any questions.

Wheeler: Colleagues, any questions?

Fish: As the author of the underlying legislation I appreciate the work you've done to bring it forward with the full support of Portland parks and recreation. We have converted over 600 single stall restrooms to all user restrooms. Now we're engaged in a community-wide challenge to engage folks outside of the city. The one question I would have is in light of the work we're doing on boards and commissions, which is going to be requiring some band width and thank goodness Judy prosper is coming back soon, but in light of that and other work we're doing at some point there's band width question and how much we can do within a certain time frame. I would turn around one of the questions and say that yes, I think we need uniform standards. We need a style guide that everyone can follow so we have consistency but we should set realistic dates and goals because ultimately there's a lot of work to be done on top of a lot of other related work, and I just don't want to keep adding things to city attorney's office and expecting that you can do that on top of everything else you're doing. I think we want to be guided a little bit by what you think is realistic and setting time limits to give people a chance to appoint staff folks to go through all the documents, make changes in a reasonable basis and at some point be able to declare across all bureaus and platforms we have a consistent way of addressing gender. So we may not actually get to that question today, and I know you've made some progress, but I want to be respectful of the band width of the city attorney's office and if it turns out we need a dedicated person to do this like what we've done with some other council priorities like our ada implementation plan and the like, I think we should have a serious conversation about whether an additional staff person is needed to get this done. It's extremely important, I'm proud of the work, but I want a realistic plan for getting it done.

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Law: We appreciate that. That's why part of the conversation that we need to have would be with the respective bureau liaisons tasked to be the lead for their bureaus on this particular subject and we want to also engage other important people such as the equity managers for the bureaus or equity persons or people who have those interests such as the folks in deep. Also with their help to identify the right members across the city who want to participate and who have the bandwidth to participate.

Fish: Mayor could I make a suggestion in this ultimately the city attorney's office reports to you. We run into the same challenge here of lots of different folks coming together. Because Tom Rinehart has an important role as CAO, and because of the interests that I have in our office, what I would suggest is that we pull together a meeting of the people who have been designated by offices and bureaus as the persons working on this, with the equity managers that we have, and omf, led by Tom, I would like to participate and I think we should have a meeting this summer to go through the questions and come back with recommendations to council. I think that will give us a more realistic sense of what we can commit to and also whether we need additional resources to meet the goals.

Wheeler: Very good. Did you want to volunteer, Commissioner Eudaly, for this? [laughter] I think it's a great idea.

Fish: If it's possible I would suggest we pull together a meeting in July or early August and just do it over a lunch hour and have that conversation.

Wheeler: That's a good idea. Makes good, common sense, Nick. I'll make sure we take care of that. Any further questions? Is there any public testimony?

Moore-Love: We have two people. Mimi German and Star Stauffer.

Mimi German: I'm Mimi German. I was reading the entire agenda item the other day and was really surprised that in like 41 pages people still couldn't quite figure out how just to be human. This to me it's like the city's looking for these -- some of the bureaus, specifically the cops bureau, are looking for -- I'll just read it. The bureau will need support to include added personnel, training, guidance from experts, are you serious following staff development and guidance provided by the city. We would begin the internal policy development process to create equality for people who work in the PPB. What this says to me is first they are completely incompetent as human beings to even function because they need a whole support team to figure out how to be okay with a trans or queer person on the police force. Secondly, this is leeway here, this is the path to coming so in to say we want more money in order to consider if we're going to do this at all. Amanda, I mean -- with you in the bathroom thing, you know, from this past year you did it. You can shake your head but you did that. You created inequality in this building by your comments. You know what? This is my response. Especially to the PPB regarding inequality and the absolute insanity of not knowing how to be humane as if we would expect anything else from the PPB. No one is equal until all are equal and racism in PDX by dismantling the slave catchers, the PPB. This agenda is propaganda of the state. Fuck the police. That is why we say that.

Wheeler: Thank you. You guys, remember, we're not in any way trying to edit what people say but we have an FCC license. Keep that in mind. This is broadcast.

Red Hamilton: I'm Red Hamilton. I identify as a nonbinary person. I would like to know if anyone on this panel is from the LGBTQ+ community to that for the people that can benefit from these bathrooms. No? I would want somebody to come talk to me about, you know, the bathrooms. Because I'm directly affected when I go into a bathroom that is -- doesn't match my gender. Just sayin' you should probably talk to people that would probably benefit from that. If you want to talk to me you can.

Wheeler: Thank you. I appreciate that offer. Good afternoon.

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Star Stauffer: Star Stauffer. This issue concerns me personally. My partner is transgender. As well as red, I'm disturbed by the fact that it doesn't seem to be that there's any representation of the lgbtq-plus community behind this in regards to this issue. I also like the idea of and I know she's busy but I like the idea of Chloe taking this over. God forbid Amanda takes it over. She will be peeking over every bathroom stall in the city. Shame on you. This rings very much like Jim crow laws against black people, whites only, colored only, only now we have men only, women only, and trans, you better hope you choose right and you better hope you do so in an area where you might be safe to make a wrong choice because otherwise it could get you killed or a politician could peek over the stall and violate you in a sexually exploitive way or, or, or. We need to be talking about this in the sense of humanity. We're talking about this in the sense of policy and how we're going to write this up and expert training. You don't need expert training to treat people like human beings. Why are we spending all this money? Why does the ppb need money to treat people like human beings? That's very telling about the ppb I believe we have been making that complaint about them for a long time now and they just admitted it in what she read. They have no idea how to treat people who are different genders, who do not identify as what you see immediately or who are not white like human beings. They need expert training on that? I think they need expert training on how to pull their heads out of their butts. It's ridiculous. I'm disturbed. I don't trust this council to do the right thing. She is sitting on this council and she peeks over stalls and violates people's privacy. She's trans phobic.

Wheeler: Is there any other public testimony? Hearing none I'll take a motion.

Saltzman: Move adoption of the report.

Fritz: Second.

Wheeler: The record is closed. Please call the roll.

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

Fritz: I learned a lot by the mistake that I made earlier this year.

Wheeler: Excuse me. The record is closed. You didn't sign up. Please continue.

Fritz: I learned a lot earlier this year by the mistake that I made and while I regret the harm that I caused I don't regret the learning I was able to do. I appreciate the people who gently and graciously brought the issue to my attention so that I was able to learn and understand better. I appreciate the way the recognition that some are at different stages and there does need to be education and training and inclusivity. I know commissioner Fish has included many people from many different communities in the planning and the work that he's doing and I appreciate that very much. Aye.

Fish: Thanks to our city attorneys and the team working on this, I appreciate the progress we have made and as I said I have committed to participating in a meeting this summer with the various stakeholders and to be convened by tom Rinehart to address a couple of the questions you posed about band width and timelines and consistency, and then I would be happy to bring those recommendations back to council after I brief the mayor. Thank you. Aye.

Wheeler: Aye. The report is accepted. Please read 725 and 26 of together.

Item 725.

Item 726.

Wheeler: Come on up. You all right?

*****: Yes.

Wheeler: Good afternoon.

*****: Good afternoon.

Wheeler: You're doing these in order I assume green leaf then Ventura park.

*****: They are going to end up backwards then.

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Wheeler: Any way you want them.

Larry Pelatt, Procurement Services: Good afternoon, mayor wheeler, members of the council. Item 725 is the procurement report recommending contract award to tek construction for the alder pump station upgrade for \$1,286,550. The engineer's estimate was \$1,275,000 and the bureau's confidence level was moderate. The project was advertised through the city's electronic procurement system. Five bids were received and in response tek is the lowest responsible bidder. 1% under the engineer's estimate. Portland water bureau with procurement services identified an aspirational goal for dmwesb for subcontractor supply utilization at 20% as per our standard policy there's a total of \$303,380 or 23.6% certified firm participation in this project. Portioned as followed Dbe, \$260,120 doing electrical work, mbe, \$1,000 with project supplies, and emerging small business \$41,260 supplying cmu walls. Tek construction is located in Bellingham Washington they are not a state certified dmwesb contractor they do have a current city of Portland business tax registration and are in compliance with the city's contracting requirements. The council has any questions I can answer anything about the bid itself or Teresa Elliott is here if you have questions about the project.

Wheeler: What are the implications for not having the mwesb certification? What does that mean in a practical sense?

Pelatt: They are not -- they are a Washington firm, they are not certified Oregon firm. They are not certified in the state of Washington meaning they are not minority owned, women owned or disadvantaged owned.

Wheeler: That in no way precludes them they still have to meet our minimum requirements though.

Pelatt: Yes, sir. They are fully compliant with all Portland contracting requirements.

Wheeler: You're just saying the firm itself.

Pelatt: The certification.

Wheeler: Thank you. That's helpful. On to duke.

McGuire: Hello, mayor wheeler, commissioners, I'm parks development program manager here today to accept a bid from duke construction and excavation for the Ventura park play area improvements and loo project for \$764,991. Ventura park is at southeast 113th and southeast stark. It's again part of the 2014 bond measure program. This particular project falls into two theme areas playgrounds and restrooms that we'll be repairing. This map shows Ventura park as 7.25 acre park in southeast Portland. You can see the Hazelwood neighborhood around it. It's supported mainly by single family and multi-family housing and on the northeastern edge you see Ventura park elementary school. The yellow is the school. The park is an active park with two play areas, and pump track decommissioned wading pool and we're going to be making renovations to the play area. This shows existing play area the project will replace old equipment and surfacing and increase overall playable area in the park. Goals are to increase overall safety and fun, to access play for all children and to address many of the ada deficiencies. We're also installing a Portland loo here, and installing public art. This shows some of the play equipment that we're providing with emphasis on children from two to five and five to 12-year-olds. This particular slide shows that we'll be doing new play equipment, surfacing, water play but also we're addressing ada issues in the parking lot with two compliant ada stalls and equipment to get to the playground as well as the loo and drinking fountain. We had a public process with this project through the bond program. You can see the community involvement that's up on the screen as noted. This is bond funded but also fsdc funded so the timeline for the project is we're here for acceptance of the bud and the project should be completed by early winter. On the screen are some of the construction projects under way with the bond and upcoming construction as well.

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Pelatt: Thank you. It's an excellent description of the project. Skipping down there is a total of 192,574 or 25.1% of dmwesb subcontractor participation. Dbe, \$73,688, concrete paving work wbe \$33,900 doing landscaping and emerging small business \$84,986 doing plumbing and protective surface work. Duke construction and excavation is in Damascus, Oregon, they are an Oregon state certified dmwesb contractor in compliance with all city of Portland contracting requirements. It's just a sideline note there's a total participation of certified firms for this project including general contractor at 66.1%, \$698,192, which is 91.2% total participation. It's another thought process about it's the intent of the certified firms to spread the work around and subcontract to other certified firms even for work they could do on their own. If there's any other questions pertinent to the project --

Wheeler: Any public testimony on these items.

Moore-Love: No one signed up on either.

Fish: On 725 I move the report.

Fritz: Second.

Wheeler: We have a motion from commissioner Fish and a second from commissioner Fritz. Please call the roll on 725.

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

Wheeler: Aye. The report is accepted.

Fish: So moved.

Fritz: Second.

Wheeler: We have a motion from commissioner Fish, a second from commissioner Fritz. Please call the roll.

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

Fritz: Just to emphasize 66.1% engagement in underserved communities well done. Aye.

Wheeler: Aye. The report is accepted. Thank you for your hard work. Item 727.

Item 727.

Wheeler: Colleagues, this is obviously something we're doing on behalf of the family of Rick Best. As you are aware he was a Portland city employee. I just want to speak personally for a minute. It was uplifting to me to have had the privilege of spending time with his family and with his coworkers over the course of the last month. For those who had the privilege of attending celebration of life it was very uplifting. Boy, he had just so many admirers, meant so much to so many people in this community, it was beautiful to see what his colleagues had done for him here in the city of Portland and the tribute that they were paying to him at his desk. I know there's lots of conversations on going about how to continue to remember him best and how to continue to support his family, and obviously this is one of the perfunctory thing we need to do to ensure that health benefits continue to flow. I'll turn this over to human resources.

Cathy Bless, Bureau of Human Resources: Good morning, mayor, council. I'm Cathy Bless with the benefits office and I know Rebecca is on her way. She's interim director of bds and I know she has some words to share with you today as well. The cobra is a federal requirement that allows participants of the healthcare plan to continue coverage beyond their employment or for a number of various reasons, family status changes. So even though it's a federal requirement, it's important to acknowledge that this is an incredible opportunity to provide support to the family of Rick Best. This ordinance grants the authority for bds to pay for medical, dental, vision and employee assistance program for the wife and children of Rick Best. The 36 month cobra period is the longest available under cobra that what allow bds to pay for that. The best family could then continue coverage with the city beyond that if they so choose so we would ensure they still had access to coverage. The other thing that I wanted to acknowledge today too is pte local 17 has been very generous in providing assistance as well to the family and paying for

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coverage for June and I know that they had an interest in also paying for July, so we made sure to write the language that allowed for that additional assistance. That's why the language is up to the 36 months so we could ensure that pte local 17 had the opportunity to contribute as well. As you have stated, mayor, the ordinance is sponsored certainly by council as a whole and it's incredibly important. I ask that you approve it then I'll turn it over to Rebecca.

Fish: Before you turn it over two questions on this. I just want to be sure I'm reading the ordinance. This would guarantee that there will be no diminution of existing health care coverage so whatever Mr. Best established as an employee the family would continue to get exactly the same benefits?

Bless: Yes. Medical, dental, vision and eap coverage.

Fish: The other question I have, you costed it out at 77,500. Knowing what the healthcare costs are, that seems high. Is our family coverage now -- we allocate 25,000 a year for family coverage?

Bless: Well --

Fish: Or does cobra require you pay more than 100%.

Bless: There's a 2% administrative fee added on to cobra, but the coverage is about 1800 for a family. Without having the numbers in front of me --

Fish: 1800 a month?

Bless: Yes. I can't remember if that includes dental. But we wanted to ensure that the number that we asked for today covered any increases.

Fish: That's what I was getting at.

Bless: The Best family had Kaiser coverage and since we don't have the additional information on what increases would be we wanted to ensure that they had available coverage.

Fish: That's a good answer. You built in additional funds. If for some reason this falls short you'll come back to council.

Bless: Yes.

Fish: Thank you.

Rebecca Esau, Interim Director, Bureau of Development Services: Rebecca Esau interim director at bds, I apologize for being late. I just wanted to say a few things Rick Best began work with us in January 2015 he was a technician with the permitting services section and a member of pte 17. He was a army veteran his wife and four children meant the world to him and he was an exceptional person and I think this is a fabulous way for the city of Portland to honor Rick and what he did on May 26th as well as how he conducted his self in his life. By providing this health insurance to his family for three years so thank you for doing this ordinance.

Wheeler: Thank you, colleagues is there anything else before I ask for public testimony? Is there public testimony on this item?

Star Stauffer: Star Stauffer, personally I don't think that the amount of coverage that they are receiving is going to quite cover everything that they are going to need, especially as far as the mental health counseling goes. I have experienced personal experience at the eap programs, both federally and locally. Those programs are limited in what they will cover, and for how long they will cover it. I am wondering there needs to be some way for the city to supplement, and perhaps we can tap into tri-met since they have got so many funds to also allocate money to the families to help them get through an extremely difficult and probably very trying mourning process for his wife and children. Also I mean -- is Terrell Johnson's family going to be receiving any of this coverage, this type of coverage? Eap coverage, counseling, medical, and anything like that? What about Quanice Hayes family? They are struggling as well, and the city has -- needs to accept some responsibility

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for their demise as well considering it was city employees that killed them. So those things need to be considered.

Robert West: I am Robert west, with film the police 9-1-1. I am totally against this, and I will tell you why. I don't think that the city should be covering ex employees benefits. People do stuff all the time that, who are -- which saves lives and property and stuff like that, and goes out of their way. You guys kicked guy out, that chased down the armed suspect and ended up getting stabbed, and then the very next night the police brutally grabbed him by the stab wound and he's not getting medical care from the city. You guys - - you have got people that have been hurt in fires, they are not, you know, getting other people out they are not getting medical care. But you see a white guy that works for the city, and all of a sudden hey, let's provide him medical care because he got killed. And I think that that's -- I think that that's a shame. You got all these other people that.

Fish: It does not go to him but his widow and four minor children who otherwise would not have healthcare. I think on this one we can just agree to disagree.

West: But the thing is, is that the city should not be paying for that unless the city wants to cover other people that did similar things. It's not right to give it to one person and not other people that do the same thing. And that's my opinion on it. If you want to provide it to people that go out there and save lives and people that do the right thing, then you should provide it a -- it to all of them. What about the other two people injured and killed.

Eudaly: They were not city employees and don't have health insurance to extend through cobra.

Wheeler: Your time is up, good morning.

Mary Sipe: Hi. I would like to give context to -- sorry, frustrating. Almost 30 years of my working career I worked in health insurance in a number of capacities, and I am very familiar with the cobra and how health insurance works. And what star said about eap, eap is a whole separate thing from your medical insurance benefits. They have mental health coverage through their medical program. They will have benefits for any kind of counseling or mental health care through the medical insurance plan on this program. I also find it -- I just think that last week mayor you made an incredible statement at the end of yesterday afternoon's meeting about -- I almost wish that you would go and take a look, and transcribe it and repeat it about when people come up here and they give testimony, that they do their homework, and that they know what they are talking about. It's just very frustrating to sit through meetings, there have been so many misstatements made this morning, and in this particular instance I think that some of these statements are so disrespectful to someone who gave their life, and the remaining surviving family of that person. Any employer, now granted the city as an employer has some restrictions on how they spend their money, but through cobra, any employer can opt to pay those premiums for a deceased employee or someone being laid off so I commend the city for stepping up and doing this. And don't forget that, you know, there is a lot of money in some gofundme accounts that were set up to help all the victims.

Wheeler: Thank you. Appreciate it. All right that completes the public testimony on this item. I take it?

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

Wheeler: Please call the roll.

Fish: Cathy thank you for bringing this forward and explaining it. Mayor thank you for your leadership on this. It was a singular honor to join the mayor and my colleagues at the funeral for Mr. Best and have a chance to meet his family. This is a terrible tragedy, and I would say that what we are proposing today is the least that we should be contemplating as they try to move beyond this tragedy. I will say ted that one thing that stood out for me at the celebration for Mr. Best's life was the strength of his children most of whom spoke

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and spoke at an event where I think for those of us as adults it would be unimaginable to be asked to get up and speak. You saw the great character of That family, evidenced through the kids who got up and spoke previous to their dad, and I was proud to be there with an extended city family and friends and admirers to pay my respects and if the best family is watching I would say that you continue to have our heartfelt sympathies and we hope that this is some small measure of solace that you won't have to worry about the healthcare costs as you grieve. Aye.

Saltzman: Well as we laid rick best to rest I think most people view that as the point that we begin to move on. But for rick best's family moving on isn't so easy. It's going to be years before they move on. This is one small gesture that we can make to help ease that transition to life without their father. It is by no means, it's a small, but significant gesture that we can make, and I know this family knows that all of us on the city council and all of us in city government are so grateful for his heroism. Aye.

Eudaly: Well I certainly hope the best family wasn't watching during public testimony because I for one am disappointed and disgusted by the comments made and the way this tragedy was exploited by some of the people in this room to advance their ill-fought out ideas and opinions. I want to thank Rebecca Esau, the interim director of bds for guiding our bureau through this incredibly difficult experience and thank you to pte17, to the bureau of Human resources, to the city council for all of your support, and to the city of Portland. Our city is still recovering from this devastating attack. The event impacted hundreds directly, hundreds of lives from the two teenage girls who were the original targets to the three men who stood up to defend them to every person who witnessed really an unthinkable act on that train and to their friends, their family, and really our entire community, and as we found out the following day, directly, directly impacted our city employees because rick was a very valued and beloved employee of bds. Our thoughts quickly turn to how we could support his family, his wife, who has been a stay-at-home mom for most of their children's lives and their four children, and I am that I feel and grateful that we are able to extend their health benefits. More help is needed for all of the directly impacted individuals and our community has come together in an amazing way, this is one thing that the city could do for one of the victims because he happened to be a city of Portland employee. Aye.

Fritz: Well said commissioner Eudaly you said many of the things that I was thinking, and I appreciate your gracious framing of them. I want to thank Rebecca and all of the family at the bureau of development services for the event held a week later in Portland state university ballroom, packed with city employees, joining together to recognize the family, because as much as we may have disagreements at times, and we are people who care about the public, who care about the public service, and we will stick together in times like this. A time when what we need now is more love. We need more people, acting out, and I read that the last, that, as rick had been, had been stabbed he said tell everybody on this train, that I love them, so from what I know of Mr. Best, I think that he would most want his family to be taken care of, and I am so proud that we are doing this. It is a small gesture in comparison with the challenges that his widow and children will go through, and you do what you can do. And we can do this and we are doing this, thank you to Cathy Bless and Rebecca Esau and the mayor for allowing us all to cosponsor this. Aye.

Wheeler: I just want to reiterate this was a joint effort on behalf of all members of the city council. I want to thank my colleagues for their words. I can't possibly do justice. I think that they have said exactly the right tone and said exactly the right things. This is the beginning of a long process for the best family, and we will be there as much as they need us there. I vote aye, the ordinance is adopted examined we are adjourned.

Moore-Love: I still have 714.

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714 we moved to, moving that to the afternoon session, so the housing bureau can actually be here to testify on that one.

Moore-Love: Ok.

Wheeler: They are not available this morning. So we'll move 714 right after 731 this afternoon. Take it up as the first housing bureau.

At 12:45 p.m. Council recessed.

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Key: *** means unidentified speaker.**

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Wheeler: Good afternoon everybody this is the June 21, 2017 afternoon session of the Portland city council. Karla, please call the roll.

[roll call]

Wheeler: the statement I usually read, I think most people have heard it multiple times. The bottom line is this, when it's your turn to testify, state your name for the record we don't need your address. You typically get three minutes to testify the lights will sort you out on that front. If you're a lobbyist, you must say so. If you're here representing an organization, we'd like to know that, as well. Disruptions are not tolerated any disruptions to people trying to provide their testimony or the council trying to provide deliberation, we'll call it out and if you don't stop, you'll be asked to leave. If you're asked to leave and you don't leave, you're subject to arrest for trespassing. We prefer not to have applause and certainly we prefer not to have people booing, just a simple thumbs up, thumbs down. Bottom line, we want everybody to feel safe, welcome, respected and heard in this chamber. With that, we are going to call item -- thank you. I almost forgot. We have some very distinguished guests here today. We have the Oregon summer fellows here from the Hatfield school of government. Could you raise your hands? Summer fellows from the Hatfield school of government. [applause] Phil Keisling is here. He's hiding behind the large novelty clock. [laughter] thank you, and welcome. We hope we'll provide you a highly-informative and entertaining session this afternoon. Karla, could you please call item 731?

Item 731.

Wheeler: good afternoon, Christine.

Christine Moody, Procurement Services: Good afternoon, mayor. Commissioners. Christine moody, procurement services. You have before you an ordinance recommending the authorization of a cost services contract for the bureau of technology services in the categories of project management, quality assurance and information technologies planning, business analysis professional development and process facilitation. On January 10, 2017, a request for proposal was issued and on February 7 a total of 48 proposals were received. There were 19 firms submitting proposals of which nine were certified disadvantaged minority, women or emerging small businesses. Each proposal was reviewed, evaluated and scored by an evaluation committee each committee included one minority evaluator. Eight contracts are being awarded to certified dmwesb firms for a combined value of \$3.2 million, which is 58.2% of the total portioned as follows minority businesses, \$2,650,000. Women-owned, \$550,000. I'll turn this back over to council.

Wheeler: You have these broken down by different service categories and not to exceed values. Is there anything you can tell us with regard to the mwesb participation in those categories? Are there some categories where it is harder for us to find qualified mwesb contractors or subcontractors?

Moody: Mayor, the three categories for project management, three of the five contracts are being awarded to certified firms. For quality three of the five contracts are being awarded to certified firms and in information technologies, two out of the four contracts are being awarded to certified firms.

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Wheeler: Colleagues, any further questions?

Fritz: Ms. Moody is this your last appearance before us as chief procurement officer?

Moody: Yes, the last one.

Fritz: I'm sure you'll do great for the port of Portland just wanted to thank you for all your service to the city.

Wheeler: We will miss you.

Moody: Thank you.

Wheeler: Is there any public testimony on this item?

Moore-Love: No one's signed up.

Wheeler: Please call the roll.

Fish: Let me add my voice to my colleagues, Christine, thank you for your service. We had a chance to visit yesterday and went over some work that's still in progress and it's been an absolute pleasure to work with you over these many years and I don't think people fully appreciate what a challenging job you have. In some ways, I think the way you present reminds me of Andrew Aebi which is you do your job so well that the public often doesn't understand how much time and work goes on behind the scenes. We're very grateful for your service. We will never forgive the port for this action. [laughter] thank you very much. Aye.

Eudaly: Thank you. And, good luck on your new adventure. Aye.

Fritz: You're always clear, concise and have answers to my questions whether I asked them a head of time or not and I appreciate your work and you have moved the ball on engagement on women and minorities in getting the money that the city puts out in contracts like this one and I'm confident when you bring something to us, it's been scoped out and done properly. Aye.

Wheeler: Well, I certainly want to thank you, Christine, for your very dedicated service to the city and I did not get to work with you for long, but in the short time period that we've had together, I feel that you've always been extremely detailed in your answers, well-prepared for the council sessions. Forthright and effective and so the ports gain is most certainly our loss and we wish you the very best of luck. And I'm with commissioner Fish, we'll find all means of revenge. [laughter]

Moody: Thank you, mayors and commissions. It's been a real pleasure working here. I have learned a lot and this is just a good opportunity for me.

Wheeler: It is a great opportunity. We all wish you the best of luck. Aye.

Item 730.

Wheeler: All right. Come on up and -- legal counsel, I had an open question from my team this morning as to whether or not we need to use the script or given we've already had a session on this, we just have a presentation update us on any changes?

Lauren King, Deputy City Attorney: So, I believe the item Karla just read is 730 which is not the --

Wheeler: I'm sorry, that is correct. You're right. This is what happens when I don't sleep four days in a row. And, who do we have here to present this?

Moore-Love: Are we on 730? Is that what we're doing?

Wheeler: 730.

King: The item you called was 730. We can do that or we can --

Wheeler: Let's do 730 and get it done.

King: And then move on to the land use hearing.

Wheeler: Is there someone here to make a presentation on 730.

Moore-Love: They may think these are coming up after the time certain, the way the agenda's set up.

Wheeler: Ah, very good. We'll go to 728, then.

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King: And then, to -- I'll let Karla call it.

Item 728.

Wheeler: Okay. Now back to my original question.

King: So, we do not need to run through the whole script. We can start with just a reminder of where we're at.

Wheeler: Okay. So, this is an open record. We --

King: So, we should reopen the record. Continue the hearing.

Wheeler: We're continuing the hearing. We're opening the record and there was some discussion at the end of the last session about the appellant meeting with the neighborhood and my understanding was that commissioner Fish had been engaged in brokering a resolutions northwest discussion and so I believe we were going to hear about the results of that discussion, if that is the wish of my colleagues?

Fish: I think it's going to go to commissioner Eudaly?

Wheeler: No? All right. Is there anybody who would like to tell the city council with where we are with the appeal. Come on up. Very good. I'm happy to take my vote.

King: Council, if I could suggestion suggest, it might be good to allow bds staff to provide a brief update and a status update and they can put some information in the record.

Wheeler: Isn't that just what I asked for?

King: Yeah, the attorney -- I'd like to start with that.

Wheeler: Great. Come on up.

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

Wheeler: Good afternoon.

Grace Jeffreys, Bureau of Development Services: Grace jeffreys, bureau of development services as well good afternoon mayor.

Wheeler: Thank you. You're going to walk us through this afternoon's hearing?

Jeffreys: I'm going to give you a brief update of what has happened since the first and second hearing and a very brief kind of a review of the case.

Wheeler: Excellent. Thank you.

Jeffreys: So, quick overview, this is -- I'm going to show you a quick recap of the context, show a quick recap of the proposal, the process, the decision and the appeal. So, if you remember, the sites located in central city plan district and the central eastside sub district and it's shown there in pink on the diagram its located at the far eastern edge of the sub district. Because the site lies within these district boundaries the approval criteria for the design review and the central city guidelines and the special design guideline of the central eastside sub district. This aerial image shows the change in texture and density from the dense commercial industrial central eastside area shown on the left and the commercial area along sandy above to the less densely-built residential neighborhoods shown to the right, which design guidelines C3-2 respect adjacent neighborhoods specifically refers to. Here's the site its compromised of two mid-block lots with abutting rear lot lines western lot on the left front southeast Ankeny to the north contains a one ½ -story house that's proposed to be demolished shown in red. The eastern lot on the right front southeast 12th currently sits vacant shown in orange are the adjacent existing houses site wraps two lots to the north not owned by the applicant. Both contains houses constructed in 1924 and the remaining three lots south of the site contain houses constructed in 1894 and 1895 in the queen anne style all have been identified as having potential historic and architectural experience and the three to the south are listed on the city of Portland's historic resource inventory, the hri. Here's the image of the entire southeast 12th frontage, the three queen anne houses to the left the site in the middle outlined in red and two early 20th century houses to the right. So in terms of zoning context, the site zoned exd, which is central

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employment with design overlay showed in red above maximum allowance in the exd zone as follows, the far base allowance is 3:1 with additional 3:1 residential bonus allowance available. Height base allowance is 50 feet max with a bonus allowance of 45 feet maximum. Across the street are the cs and cg zones, shown in yellow maximum far allowances are 3:1. There's not a design overlay on that side of the street. The program's a six-story mixed-use building with 17 market rate units ground floor retail unit on Ankeny with no parking or loading. The proposed height is 78 feet and the far was 4.93:1. These are the two street elevations of the proposal southeast Ankeny elevation is at the top with adjacent one and a half stories shown on the house on the left, and adjacent one story commercial structure to the right. The southeast 12th avenue elevation is below with structures shown either side. So, with regard to the process, there was a pre-application conference held April 7, 2016. The type iii design review was submitted on June 2016. It was deemed complete on August 5, 2016 the first through fifth design review hearings were October 6, 2016 through February 2, 2017. The decision was rendered and an appeal of the decision was received March 2, 2017. At the first city council hearing was held on April 12 the council asked the applicant to two meetings, one with the neighborhood association and one with the adjacent neighbors. The neighborhood association meeting was held on April 20, 2017 the majority of the attendees encouraged the applicant to reduce the height and massing in the proposal. Second city council hearing was held May 11, 2017. The hearing was continued to allow the second meeting that had been requested. So, the meeting with the adjacent neighbors was then held on May 11, 2017. Neighbors on both sides of the proposal attended. All encouraged the applicant to consider reducing the height and adding setbacks of at least four feet from the property lines. So, here we are at the third city council hearing on June 21st. This is just a quick diagram showing the evolution of the design from the first, second and third design review hearings. No new images were provided from the fourth and fifth hearing as the applicant did not submit further revisions after the third hearing. And the design commission found that the approval criteria were not yet met and the request was denied. As directed in the city of Portland's planning and zoning code, a design review application will be approved if the review body finds the applicant shows that the proposal complies with the design guidelines for the area. The following guidelines related to contextual response, coherency, and permanence in quality were found not to be met. A4, a5, c2, c31, c32, c4 and c5. So, the decision of denial is being appealed, that's why we're here. So, today, the city council has alternatives. The first would be to deny the appeal and uphold the design commission's decision to deny the proposal. This needs a minimum of three votes and return date to take the final vote and adopt findings. Second option is to grant the appeal today and overturn the design commission's decision to deny the proposal thereby approving the proposal. This needs a minimum of three votes as well, and means a return date to take final vote and adopt the findings. This requires that the applicants needs to submit a full set of drawings that illustrate how the proposal meets the design guidelines so that written findings can be made and the building permit submissions can be fully evaluated for compliance with a design review approval. Third option would be to continue the hearing and request design revisions to be reviewed at a return council hearing this needs one return date to review drawings and another return date to take the final vote and adopt findings. This option may require a waiver of the 120-day clock as the 120-day review period for this case expires on August 5, 2017.

Fritz: I would like to thank you.

Fish: So, my understanding is that the applicant, in conversations with the neighbors, has agreed to make some changes but we don't have a set of plans in front of us that reflect those changes.

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Jeffreys: That is correct. So, the case record was closed on June 8. On June 9, the applicant submitted revised findings with a sketch diagram, showing what they were thinking of doing, which was some setbacks and a height reduction. However, the record was closed at that time. We've opened the record back up --

Wheeler: We're opening the record back up which means you can provide new information?

Jeffreys: Yes.

Wheeler: But to be clear, if we receive new materials, then we have to hear from staff and the parties who want to respond to the new materials and that is my understanding, in terms of what you are now doing?

Fish: That may explain why we've set aside an hour and a half for this hearing.

Wheeler: Correct.

Fish: Now that we've reopened the record, can you walk us through what changes the applicants has proposed to make to address the neighbors concerns? Or do we have to ask the applicant that?

Jeffreys: It was sent after the record was closed. As I understand it, it's a four-foot setback on the south side and a 1.5 setback on the north side and a couple feet reduction in the parapet height of the building. No drawings have been submitted to bds so bds can't comment.

Fish: I'm not asking you to comment, I'm just asking you to walk us through it. Have they proposed to change the materials?

Jeffreys: That's correct. I heard -- but I have not seen anything -- that they proposed changes to the metal cladding on the side walls to some type of wood cladding.

Fish: Therefore, let me ask you a procedural question. You gave us three options. Can we go back to that slide for a second? Do you mind?

Heron: Not at all. It should be up.

Fish: That one. Okay, we can deny the appeal. I understand that. We can grant the appeal, contingent on the applicant submitting a full set of drawings and those drawings being reviewed by staff?

Jeffreys: And council and findings being made that show that they meet the guidelines.

Fish: Okay. So, I guess what would be helpful for me is, what is the difference between options two and three on this chart? What's the practical difference between granting the appeal with these conditions or continuing the hearing for the purpose of a further review of the revised proposal. What's the difference?

Jeffreys: Actually, when you point them out. They're kind of one in the same because we don't have a set of drawings so we'd have to return to look at drawings anyway because no drawings were submitted.

Fish: One difference from your chart is we may bump up against a 120-day clock so that require an agreement to extend that.

Jeffreys: As you pointed out, they are actually one in the same. Either way, we're going to bump up against that clock because there are no --

Fish: So under either circumstance, staff would have to be -- plans would be submitted, reviewed by staff and a subsequent date to discuss whether they were sufficient to reach findings we can adopt?

Jeffreys: Absolutely. Thank you, you summed that up well.

Fritz: Thank you, commissioner Fish, you made that very clear. If the applicant doesn't agree to extend the clock, then our choices are fairly stark. If we don't make a decision by August 5 then it's deemed approved? Is that correct?

King: Yeah, they could go and obtain approval by going to circuit court if we don't make a decision consistent with the timelines required by statute.

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Fritz: I'd like to hear from the applicant and neighbors about what's being proposed. What do people think about what's being proposed? What was the result of the neighborhood meeting because I can't really make a decision based on the options right now with what I know based on the proposal, at this point.

Wheeler: Okay. Very good. So, we've now heard from the bds staff. Do we want to hear from the appellant, next? And, legal counsel, question for you. During the first iteration of this hearing, we have supporters -- we have a time certain for the appellant. We had time certain for the rebuttal to the appellant. We then had a group of individuals supporting the appellant and a group of individuals not supporting the appellant. Tell me about this second phase? What's required?

King: So, that pattern is not required in the second phase. I would recommend that you maintain a time frame then everybody has the same time frame that testifies and that they speak to new evidence to the extent possible so that the time frame is consistent for anybody that testifies I don't think you need to require them in any specific order.

Wheeler: Is that true of the appellant and the rebuttal or just for public testimony in support or opposition?

King: I think the -- there's nothing that's specified in code in terms of this practice.

Wheeler: I was afraid you'd say that. They say they need 10 minutes.

King: And I would give 10 minutes to the appellant as well.

Fish: We are making progress.

Wheeler: We are making progress and we are going to get more of these at the city council so at some point we need to codify a process here.

Fish: We'll be breaking for dinner and getting all your orders.

Wheeler: That's right, it's taco Tuesday.

Tim Ramis: For the record, representing the applicant Tim Ramis my office is two center point drive, lake Oswego. I'm here with bob Zimmerman from our architectural side of our team and I am happy to report that we are here to present to you a compromise amended design. And that design is the product of a continuing conversation that took place after your last hearing, as proceeded for some weeks. The product of that has been some changes to the design while I'm sure we'll find at the hearing, whether we all agree to this or not, it is supported by the applicant and it's supported by the property owners to the south, Mary Roberts and Michael Beglan, who you will recall were opponents to this application in the earlier proceeding. We have, with them, entered into a formal settlement agreement, which refers to the design you're going to hear as well as some other issues. We recognize that the agreement is dependent wholly on whether or not the city council agrees with the design we're going to present today. We very much appreciate the additional time that the council granted all of us to continue the conversation and in particular, I also want to thank you for the encouragement that you gave to all the parties, to work towards some sort of resolution of the issues, rather than to all face the risks of what the consequences of continuing disagreement might be. I think that was very helpful to all of us. I'd like to express thanks to grace jeffreys for organizing the mediation to Clark worth who was very professional in conducting the mediation and also to our neighbors who gave very willingly a great deal of their time, both in the mediation and in the many conversations and exchanges of documents and ideas that followed it. So, a great deal of time spent on that and we very much appreciate it. Our plan is to first identify the issues as they were discussed at the first hearing, talk about the responses of the design of those and let our architect present those to you in more detail. The key issues were the massing of the building along 12th, which includes questions of height and setback. The preservation of a residential streetscape which has historically existed along 12th. And then the question of materials where it was vividly pointed out that the homes are made of

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wood and not metal and stucco. Our key responses have been to reduce the building width from 30 feet to 24.5 feet to accommodate some setbacks. We -- our goal here was to recognize the historic spacing between structures on the street, which was roughly from six to eight feet. And we've accomplished that.

Fritz: Do you have a diagram of this?

Ramis: We have submitted that. We will show some additional drawings today, yes.

Fritz: It would be easier for me to have it in front of me. It's quite small on our monitor.

Ramis: We have some handouts so you can see it.

Fritz: Thank you, that would be very helpful. It's just easier to reference when your saying what you're saying if we can have a look.

Ramis: I also work in the same way.

Eudaly: Thank you.

Fritz: That's much better, thank you. In terms of the size, I can see it.

Ramis: So, you will see a redesign of the first floor that we'll talk about in more detail. But the building also includes setbacks, a reduced height along 12th and in addition, we've shifted the lobby to Ankeny so that the 12th street frontage is simply a single door accessing an apartment. So, it's quite similar to all the other frontages of buildings along that street. The cladding has been changed to wood to reflect the -- the prevalence of wood in the structures along the street there. The net effect is we're able to preserve this as a net zero building, although we're losing two units of housing in making these changes because the building is slightly smaller.

Wheeler: I'm sorry to interrupt On the diagram on page 2, the 12th avenue perspective, June 21st, is everything that's depicted in brown, that is wood clad, is that correct?

Bob Zimmerman: That is correct.

Wheeler: Okay. Very good. That is helpful.

Ramis: And with that, Mr. Zimmerman.

Zimmerman: Grace has actually given a pretty good overview of the basic changes that we initially looked at trying to shift some of the mass from the 12th avenue side to the Ankeny side and after a couple of studies realized that with the cost and where we were up against the fire code, it was impractical to do this so this is a reductive exercise that we've gone through. So, on the south side, coming out of the meetings, both with the neighborhood, as well as meetings with the neighbors, the south face has been pushed up four feet. And you know one of those cases where you get lemons and you try to make lemonade? We are now using this as a fire exit, which enabled us to push the lobby around to the other side, so it's street level. This acts like a single-family resident where there's a single door and it goes into a single unit. So, at the street level, it will operate similarly to the adjacent residences. On the north side, the building's been pushed back a foot and a half, so there is a little over seven feet between that and the adjacent building and so we've essentially maintained the rhythm that there is across, quite frankly, most of Portland for the vintage of Portland of that minimum shared setback that each residence gives to one another.

Fritz: Can you give me on each side, what's the setback?

Zimmerman: The setback on the south side is four feet. On the north side it is 1.5 feet.

Fritz: What about the east and the west?

Zimmerman: There is no setback on the east or the west. There's no change from design review three. Nor, were there any concerns with those setbacks that were raised.

Fritz: Thank you.

Zimmerman: So, at the facilitated meeting, one of the issues that was identified that we were unaware of was to the south that grace mentioned that was built in the late 1800s, the concrete wasn't as good back at that time so there was more concern about our

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construction practices so we jointly agreed to get recommendations from a structure engineer and agreed to change the foundation system from a vibrated ground improvement system to something that would be auger cast and much friendlier to the adjacent buildings. So, then going to the second page. It shows the perspective from the 12th street side, on the left was the submission for design review three and on the right are the changes. So, the space between existing house to the south and the building is increased from four feet to eight feet, which has enabled us to put windows into that elevation. We were able to go over with the neighbor and document the location of their windows and coordinate because everybody has the same common interest. You want natural light into your spaces, but you also like to maintain privacy. So that's actually worked out well for everyone.

Wheeler: Is that space consistent, then, between the other houses? You've got eight feet of space now. What's on the other side of that?

Zimmerman: I believe it's seven feet. Our surveyors didn't get onto that property.

Wheeler: You want to be consistent in terms of the spacing?

Zimmerman: Correct.

Wheeler: And it looks like you -- okay. I got it. Good. Thank you.

Ramis: What we're trying to do there is recognize that historically, it was six to eight feet of separation and so we're trying to fall within that. Seven or eight feet.

Fish: You know, I realize the design is a very subject thing and design by committee is probably a challenging thing, but for what it's worth, looking at page 2 of your thing, I think the reimagined building on the right is an improvement from my perspective and the fact that it does seem more contextual, I love the fact you're using wood and frankly, it's a little less garish from the left it seems more integrated in the way you've done the design. Frankly, I love the windows on the side. Creating a more uniform look in terms of the building. So, I congratulate you on this one. It seems like a real improvement. It does seem much better.

Zimmerman: Okay. And then going to the Ankeny side, here, the massing itself has changed very little. But you can see at the street level, there's more glass which reflects the switch of the lobby to that side. And then the wood wraps around and we've essentially removed all of the stucco from the building. So, as Tim mentioned, the -- we've reduced it from -- by two units and about 1,000-square-feet of rentable area and we've gone down about 20pv panels, which is kind of right at the practical edge of being able to meet the net zero.

Fritz: How many feet are there in the planter strip shown with trees in it going back towards the stairs?

Zimmerman: Can you repeat that? I'm looking at the plan now.

Fritz: I don't know which way is north, south, east, west.

Zimmerman: North is up.

Fritz: So on the west side the planter strip shown with trees in it, how wide is that? On the right side of the red car.

Zimmerman: Okay, I was looking at the floor plan and you're looking at a perspective. Sorry.

Wheeler: She's looking at the elevation with the red Suzuki.

Zimmerman: So there was a discussion with the neighbor on their property. Now, let's go to the floor plan on the first page. So, we have shown three-foot wide or four feet wide, which works well. If you look, there's an existing curb cut that goes into a parking area. Along that, not practical to use it anyway so it was quite easy to add a planter strip that would provide visual screening to mass that building that would be visible as you come down Ankeny street.

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Fritz: So my question is how wide is that planter strip, please?

Zimmerman: It's drawn as four feet.

Fritz: So that is going to be quite challenging to put trees in it?

Zimmerman: Actually, I think with the columnar beech, we wouldn't have that much trouble.

Fritz: Okay.

Wheeler: And you said you'd reached an agreement with two parties?

Ramis: Yes.

Wheeler: And which two parties are they on this?

Ramis: They are occupants of the home immediately to the south, there, Roberts and Beglan. And they're representatives is here to testify here today.

Fish: Do you have a legally-binding settlement with them?

Ramis: We do.

Fish: Mr. Ramis let me ask you, what practically is the difference -- we have three options before us, I think we understand what option one means, for purposes of this proceeding. What is the practical difference between options two and three? Granting the appeal, subject to getting plans and those being reviewed and continuing the hearing?

Ramis: It seems to me that what we've attempted to do is get us into the ability to take option two, which is to get a decision and get your direction to draft findings that support that decision. To that end, we have submitted drawings to the staff, yesterday. A more complete set than you see here. And second, we've submitted a complete set of findings on each and every one of the criteria. So, we're in good shape, I think, to develop a set of findings to support a decision, should you favor this particular design option. We don't think a continuance is necessary from our point of view, other than for the adoption of findings.

Fritz: One of the concerns from design commission was the open stairwells with no privacy for the neighbors in the backyard. I'm curious to the no change in that element?

Zimmerman: So, we explored in closing the stairs, which was something that needed to be done when we shifted some of the area from the 12th avenue side to the Ankeny side. It triggers an additional fire requirement that the stairs be enclosed. So, the enclosure of the stairs, though, creates additional mass and reducing floor area. So, that was actually part of why that exercise ultimately came to be not financial reasonable to do or impractical. So, the stairs are still open.

Fritz: They don't seem to be changed at all, but it was called out by the design commission as one of the reasons on why that didn't meet the approval criteria.

Zimmerman: For some of the commissioners, that was true

Fritz: They unanimously denied the application.

Zimmerman: All for different reasons.

Fish: So, this case is unique, at least during my service, because the design review process apparently left no one satisfied. And, it comes to us for a decision. And, we -- it was our judgment that there should be a further process with the community. Knowing that that might result in a deal that still doesn't go back to design review. And so, help me with the policy question. Because assuming council supported some deal here, assuming -- and I have no way of knowing one way or another -- are we -- through this process in effect creating a process where someone can refuse to work with design review -- you know, with the design commission, come to us, opt out in affect, create a separate process through a community negotiation and then have the council make the findings and is that good policy?

Ramis: Well, I wouldn't think it was good policy if somebody actually did that.

Fish: I should have said, I offer this as a hypothetical.

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Ramis: I think the chances of someone making that work are limited because it would be obvious if someone did that. The record shows an applicant that made continuous changes in the application. And finally, received a staff recommendation that was favorable, based on a set of -- based on a report that found that each and every one of the criteria were satisfied. And then decided to stand on that design. And appeal that design here. So it's a different case than someone who simply fails to cooperate. It seems to me what you're -- what you're raising is a possibility, in any land use case in Oregon, we have a system that's in two steps where we have hearings officers or planning commissioners decide the first step with an appeal to the electeds. In any case, applicants could choose to be uncooperative. In my experience with representing clients which goes back close to 40 years now most people that i've talked to don't want to take that risk.

Fish: So, i'm going to try to put it in plain English for me. So, the insurance policy that the public interest is being met here, ultimately lies with us? If we have said -- if we have sanctioned a community mediation process to see if a deal has been worked out, we have to be satisfied that that deal is in the public interest. But the fact is, as the reviewing body, we have the discretion to call this however we want?

Ramis: I would agree with that and add to it that whether the uncooperative party at the first hearing is an opponent or an applicant, they can't change the criteria. So the case is decided by the appellate body, in this case, the council, under criteria which are exactly the same so those can't get manipulated.

Fish: Thank you.

Fritz: With the 1.5 setback to the north? Are you confident you can develop the building without going into the neighbor's property?

Ramis: We've discussed that with our contractor and we think we can make that work.

Fritz: Is the neighbor to the north part of the settlement agreement?

Ramis: Not at this point we have certainly made clear that we would be happy to enter into an agreement with them but at this point, we don't have that.

Wheeler: Okay. All right.

Ramis: So, in our view, the options are one, to deny the appeal, which has the consequences we talked about previously of probably creating a new application next year under more intense criteria. Second, you could -- I suppose -- approve the original design that we came with, based upon the findings of the staff previously. Or, third, approve this design, based upon the findings we have submitted and the drawings we've submitted already. Thank you.

Fish: Thank you.

Wheeler: Very good. Thank you. So, that was -- that was about eight minutes. And so, who would like to speak as the primary opponent? Name for the record and they took a little less than eight minutes.

William Phillips: Well, if nobody else will oppose it, I will. My name is William Phillips. I live -- if you'll put that deal back up -- i'm the house directly to the north of the building and directly to the east of the building. In other words, i'm in the middle. Right here. The plans they said, okay, he wants to give us a foot and a half setback. We have not agreed to any of that. There is no setback on the other section of building for our -- to our backyard. How are they going to propose to build that without damaging our yard? We've also heard nothing about compensations for any damages possible to our properties. And, as far as talking to us about permissions or anything like that, Mr. Crowell has not done any of this, neither has his people. Even though they say they have. We haven't been contacted. We didn't even know about these windows on the south side, all we knew is they were planning to give the south side a four-foot setback and 1.5 foot for our side. We don't agree with this and I don't see how they're going to build that building without disturbing

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our properties and making damages and they think they don't have to make any compensations for this. I don't agree with this it is not right for us.

Fish: Sir, were you given an opportunity to participate in the mediation?

Williams: Yes, we did and we tried to talk to them.

Fish: In the mediation?

Williams: In the mediation, yes, we did, sir.

Fish: Did you attend any of those?

Williams: Yes, we were there for that.

Fish: You were a participant?

Williams: Yes, sir.

Fish: Did you not feel your voice was heard through that process?

Williams: No, we did not feel our voices were heard it seemed like the only voices they wanted to hear were the ones represented by a lawyer I'm sorry we can't afford a lawyer, we don't have one we tried to tell them ourselves how we're feeling. But the main thing is, they're saying they approached us and talked to us about doing some of these things the most we got from Mr. Crowell is when he came over to our front gate and dropped us off this re-proposal. As far as talking to us about if we agree to this setback and not putting anything in -- if they're making changes, why aren't we included in any of the conversation about changes. We weren't.

Fish: And I -- I'm sorry if you did not feel heard in that process and we have to sort through a lot of things this afternoon. Are you aware that understand the comprehensive plan, if this was turned down, a future design could be, as the lawyer said, more intense, a bigger, more dense development?

Williams: Yes, I do. I still say that the building, as-is, does not meet the requirements as your team of building commissioners here, have been saying. It doesn't meet the requirements anyway, even in this new proposal, it does not meet the requirements. It's got too much bulk. It's not giving the right setbacks. There's all kinds of things that are wrong with it and how they go past your commission, when your commission is supposed to be weeding this out and showing that no it doesn't fit the criteria. Like the gentleman here said, no one can change the criteria. It's supposed to meet the criteria because that's the way the law of building was set up. Why are they getting around it?

Fish: I think one answer is the code allows them to come to council and we have a right to make a de no vote decision. So, let me ask you this, sir you've raised concerns about the possibility of damage to your property. There's a lot of cranes all over the city right now and a lot of stuff going on and, you know, we have a legal system that says if there's damage, the wrongdoer has to compensate you. Do you have a different view of how to anticipate a potential damage to your property?

Williams: They're going to have to cut in and they're going to cut back, you know, to get the walls set up how far in are they going to cut? Are they going to knock down our fence when they cut in? You know, they want to come right up to the property line, our fence is right close to that. If they damage that and knock it over, we're not going to have our fence, all we're going to have is a wall. Do you want to look at a blank wall when you get out in your backyard for a barbecue or something? We like having the sunlight we just ate raspberries out of our backyard with this proposal we won't have the sunlight to grow raspberries in our backyard our strawberries will die. Most of our roses will probably wither away because they won't have the sunlight. I mean, we've been working with the last years just to give ourselves a little space so that we could live reasonably. This proposal will destroy what we have.

Fish: Thank you.

Williams: That's about all I have to say.

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Fritz: I have another question.

Wheeler: Sir?

Fritz: I know that you've been through all of the design hearings and such. Can you tell me more about what the concerns of the design commission were, particularly with respect to your property?

Williams: Can you say that again?

Fritz: I'm sorry, can you tell me anymore about what the design commission focused on in respect to your property? What were the things they were most worried about?

Williams: What were they most worried about it? It's mostly the bulk and coming right into the property and the possibility of damages to our property and the existing -- they are very old homes, yes. So, you know, they've been there a long time. The vibration, even from the buildings they've put up across the street, are shaking our house. So, the damages -- the setbacks -- just having to look at a blank wall. We look out our windows, okay, the neighbors to the south, they worked with them for the new windows on the south side. Right? They didn't talk to us about windows on the north side or getting a setback right or doing something more. That was never -- we were never even involved in any kind of discussion for this and I don't think that that's right and I know they still had a while to talk to the planning commission and to get -- before this hearing and everything else. But, why were we left out of the loop on that? Why weren't we being considered a little bit more for the -- for -- we're going to be more invaded than the south side. I mean, look at it. It's wrapping around our house.

Fritz: Uh-huh.

Williams: It's not just next to it. So, there's -- and not giving a setback on the -- on the inside of the other building so that it can be done in a way to where it'll look nicer inside, that wasn't discussed.

Fritz: So what I'm hearing is you would have liked to see something similar to what was worked out with the other neighbor, setbacks and windows and more consideration for your house?

Williams: Yes. Not only our house, but the house to our north, which is owned by a doctor. I don't know why he hasn't come to the meetings. I guess it doesn't bother him that much.

Fritz: Either that or he has to work. Thank you very much. I appreciate you being here.

Wheeler: Thank you, sir. Appreciate your time. So, why don't we have -- we'll give you your two minutes. Why don't we have supporters of the appellant come up, first -- how many people want to testify? Let's see how many people are there first.

Moore-Love: I show two people signed up.

Wheeler: So, we'll give people a full three minutes this afternoon. Let's do that.

Garrett Stephenson: Good afternoon, my name's Garrett Stephenson I'm here with my colleague K.C. Safley. You might remember us, we previously had been some of the primary opponents of the old iteration of this project. I'm here to testify in favor of the new iteration Mr. Crowell's design. Again, we represent Mrs. Roberts. You know, as you know, we've vigorously challenged the past design for a variety of reasons and to the extent that -- that that design never comes to the floor again, of course, we would reserve all of the arguments in opposition to it we've submitted to it, so far, in writing. Mrs. Roberts, as well as her partner, Mr. Beglan, feel that this revised design is a huge improvement. Particularly for three reasons. The first -- and probably the biggest reason -- is they have an additional four-foot setback between their property line and the revised south building wall. Second reason is there's been a reduction in height. That's going to add a lot of light and air increasing their long-term quality of life. The third, I think, sounds like we all agree that the addition of wood paneling to the exterior makes it a much more -- makes it a building that's a bit more consistent with the surrounding neighborhood. This was the result

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of the process that I believe commissioner Fish spearheaded for us and thought up and I believe in this case, it was successful and I want to thank the council for allowing us this time to work with the applicant. But I also want to thank, in particular, the applicant for being willing to compromise with us, as well as grace jeffreys, who handled a very difficult case. At this point, I believe you have either in the record or about to be in the record, a narrative from Mr. Ramis explaining how this design meets the applicable criteria. I hope that you will review that, consider it carefully and ultimately approve this new revised design, which again, we support. I'm happy to answer any questions you have.

Wheeler: Thank you. Colleagues, any questions? Very good. Thank you, sir.

Moore-Love: Those that oppose the appeal now?

Wheeler: Anybody wanting to speak in favor of the appellant? Very good those opposed?

Moore-Love: Four people are signed up.

Wheeler: Thank you for your patience.

Moore-Love: We'll go with mary sipe.

Wheeler: Could you slide it toward you? Mary, is her green light on?

*****: It is.

Wheeler: Very good.

Priscilla Sturges: Priscilla sturges. Joy Lewis has laryngitis now so she may be skipping this. You might not be able to hear her. This apartment building -- and, by the way, I own the place at 113 southeast 12th, where bill and joy live. Joy is my daughter. This apartment building still does not fit the neighborhood. We still have -- we still have a 78-foot wall without an adequate setback. We're talking about 78 feet, about that long, including -- that's not sufficient. We still have no privacy or adequate light for our house and yard. We have no enforceable assurances in writing, that we will not have damage to our house and the local water system from heavy equipment. We are not granting access to our property because of Mr. Crowell's vandalism in the past. I never gave him permission to tear down my legal fence in reality, I have never spoken to him in person or on the telephone. He has been very vacant. Please remember, net zero buildings in a wet climate are a liability to future taxpayers. We have a pcc building that is molding nicely or not so nicely, in Newberg because of that. Also, that de-stabilizing neighborhoods is a blight on Portland's future. Please give credence to your own pdc's committee recommendation to deny, otherwise your undercutting their knowledge and authority. Thank you.

Mary Sipe: Mary sipe. Last week, I was here and I gave some public testimony on an appeal about a building in my neighborhood, in regards to height. And, when I gave that testimony, I said that this -- there were two key words that popped into my mind and one of them was, money. You know, the bottom line, often that we end up talking about is money. And when we talk about height, increased height, we keep hearing about density. Density, so increased height equals density. Density equals more units and more units equals more money. I think we need to keep that in mind when we're looking at the motives behind some of these buildings. The other word that I used was, respect. And I think that's one of the things that we need to remember is -- and from what i'm hearing here today, it sounds like there's not any demonstration of respect for the people that are going to be living in this neighborhood, next to this building and I find that really sad to see that. When we speak about things like this, we think, ah, yeah, you're against development. Development and more housing is all good if it's managed property and I think the design review commission is managing this properly and I hope you'll uphold their decision.

Commissioner Fish, you mentioned when the gentleman expressed concerns about property damage during this construction phase, you know, there's -- there's noise issues, livability issues, as i've talked about here numerous times, the noise queen. [laughter] you know, there is a legal process, but they shouldn't have to go through it and it brought up

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something for me, again pile driving. When they did what they call the crossover out at Dundee, when they did the pile driving, some of those homeowners experienced over \$40,000 of damage and they filed a claim with odot. They were denied it wasn't caused by our work they sued them, it was denied. So, there's a legal process but that doesn't give you any guarantees at all unless you have some kind of agreement upfront. I just want to throw that out there also as a consideration. And, so, again --

Fish: I used -- before I moved, I used to live in a house in grant park and my next door neighbor had a little bungalow and she sold it. It was torn down and replaced by kind of a monster house and it took about a year of that process, we lived across from it. It had a big set of changes, how our house interacted with that house and there was a lot of noise and other associated impacts. So, i'm sensitive to those questions. I'm also, though, you know, at the same time, we have an official policy to encourage greater density and more development to accommodate more people and I think we have to be careful about not necessarily imposing on an ad hoc basis requirements on one developer that doesn't go to another. You're raising broader questions about how we deal with sound, for example, pile driving and the council's taken up some of those bigger questions. I think it's harder when we look at it as an individual by individual case, for us to craft mitigation measures, particularly anticipating damage. That's not the typical way our legal system works, even though I agree with your sentiment.

Sipe: I totally appreciate that I think there are things, you know, for the developer to think about, as they're trying to be, hopefully, a good neighbor through this process. And I understand, you know, the criteria is the bottom line, but in any event, there's always two sides to every situation. Thank you.

Wheeler: Thank you. Appreciate it.

Moore-Love: Bill Phillips is here. That's all I have signed up.

Fritz: May we invite commissioner Malone from the design commission to give her opinion?

Wheeler: Come on up.

Fish: She's from the crc, I think.

Kristin Malone: I'm here as a friend --

Wheeler: She did stay at a quality inn last night. [laughter]

Fish: You have a very successful track record of persuading this council on hard issues so I welcome your perspective.

Malone: Okay. [laughter] I would say that my perspective is in line with commissioner Fish, which is, you know, you change the policy for how a neighborhood is going to look and you do it with this kind of removed, you know, 30,000-foot perspective about, this is what subjectively good for the plan of the city and it's always going to be difficult when the rubber meets the road and the policy is changing and the policies are going into effect and it's affecting individual people. So, I guess I would just say that the tough thing here is kind of separating sympathy for the difficulty of change and separating that from kind of moving forward with a policy that's been adopted and kind of sticking -- sticking to your guns even when it's tough, in my limited experience with city committee, that's something i've learned.

Fritz: Thank you.

Wheeler: Thank you.

Fish: Before we have a discussion, could we have staff come back up?

Wheeler: Yeah, I'd appreciate that, too. Commissioner Fish, did you have specific questions?

Fish: We've reopened the record. Tim, this is now before us, right?

Heron: I'm glad you had a chance to look at it, yes

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Fish: So we have that, the mayor reopened the records and we have these plans. In mediation, that we required, there has been progress. Apparently not everybody is onboard, but there's been progress with some of the landowners and we have the fruits of this before us in terms of changes and I think these are substantial changes to the plan. So, do you have any further guidance for us, based on now what has been placed in the record?

Heron: Sure. This kind of feels like a design commission hearing. This is what I would say when one commissioner asks me, what should we do next? I would say, I would like to hear how all the commissioners feel about the proposal before I give my thoughts. I have several concerns starting with staff has not had a chance to review these materials. I understand it was a technical glitch on getting it to us and the size of the file. Tim ramis let us know that they tried to email us yesterday, but we haven't reviewed any material. I would be very concerned about commissioners, council members, with all due respect, having led by the nose, page-turning conversation about the some of the detailing that's critical to long-term viability of this project.

Fish: So options two and three on the list that you gave us contemplate that you would, in fact, get the plans, review them and be able to provide some feedback to us if you felt there was a problem, correct?

Heron: My intent was this was kind of a discovery hearing. We typically require 15 days to review information. So, I think that's where i'm at a little bit at a loss on how to comment how we feel about it.

Fish: It's one thing to say, we're going to -- we're going to close the door on design review commission review. It's another thing to say, we're going to close the door on staff having a chance to tell us whether this is kosher. So, does -- procedurally, if the council's desire is to have you review the plans and be able to weigh in on it -- if that becomes the council's desire, does option two or three -- is there a difference now, between options two and three in terms of a review you would do at the staff level?

Heron: I think it entirely depends on the majority opinion on the council and how we move forward. Some of the things grace and I were discussing is making sure the revisions don't trigger other zoning code standards like a plan check I mean there's some moving and massing and setbacks. My first purview in looking -- just watching it online -- excuse me, on the screen above, as it's essentially gotten smaller on one portion of the I so I don't necessarily see zoning code issues. It's more a matter of evaluating what's been proposed.

Fish: Since you've asked, I'll oblige. Based on what I've heard today and this hearing, I'm prepared to accept options two or three, depending on which gives us the clearest path forward with conditions to make sure that what has been proposed satisfies our code and I would want to know from you, how we structure that to make sure it is all worked out. That's where I seek your advice if my view is shared by my colleagues if it isn't then this is a shorter conversation.

Wheeler: Commissioner Fish, let me help to further focus it. So, I will not make a decision without staff having thoroughly reviewed this. So, that also gets me at least to option three. In addition and I don't know if we have the ability to encourage this and I'm looking to legal counsel stop me right away if i'm getting out of the lane. But, I heard a couple of the opponents say they don't feel comfortable with -- given that this is a large construction project in immediate proximity to existing housing, all of which are antique houses, and given that there is a likelihood or at least, in my opinion, a reasonable expectation that there could be some damage to the property and the property owners have said that they don't feel like they're protected, could I encourage the appellant to meet with them and try

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to work out an agreement in advanced if there is damage or is that too far from field for this particular hearing.

King: That cannot be a basis of the decision. The decision needs to be made based on the criteria. So, as policymakers, as you previously did in terms of encouraging them to work together, you can offer that, but you can't use that as.

Wheeler: Good then I will simply offer that as a decent thing to. And second of all, I will say to staff that my preference, commissioner Fish, would be that the staff thoroughly review this and give us clear indications of whether they feel the criteria are or are not being met by this new design that the hearing is narrowly focused on. And, third, I would add that if we go down that road, that constitutes a continuance of the hearing which then starts triggering the 120-day problem which means we'd have to resolve that issue as well should the majority think that is the right thing to do as well. Am I correct in that assumption about issue number three the 120-day clock. We would have to extend that 120 days?

King: You would have to request an extension.

Wheeler: Request. To be clear, we're requesting that from the appellant?

King: Yes.

Fish: Under these circumstances, on my nine years in council maybe commissioner Fritz will correct me. I don't remember an appellant declining an invitation to extend the clock if they felt it was moving in the right direction.

Wheeler: Although I could see -- just to argue the point cause it's fun, I can see financing becoming problematic in some circumstances and timing is at risk.

Heron: Can I counterpoint the mayor?

Wheeler: Please.

Heron: Just to be a little more clear --

Wheeler: Your name again? [laughter]

Heron: Tim heron. I want to comment about some of the changes you've seen today, visa vie the setbacks the wood cladding moving in the right direction.

Wheeler: Definitely an improvement over the original dr3 plan. Definitely an improvement in terms of particularly the 12th avenue, the setbacks, the use of the wood, it is a shorter building that I think bodes better for light. The stairwell still confuses me, to be honest. I thought I heard -- maybe you could clarify this since i've got you. I thought I heard through the first presentation, that there was an opaque enclosure or did I just make that up?

Heron: It was a screened enclosure. And this emphasizes the point that this is not design review staff, it's the opportunity to review the changes against the building code and some of the concerns that's been raised relative to setbacks. Some setbacks will allow windows and some won't allow windows so it's a distinct appearance. Also, to be frank, i'm a little adverse to renderings representing reality lately. That's where the details really matter on some of these projects. It's moving in the right direction, and it's helpful for us in walking back and re-evaluating the proposal that was resubmitted.

Wheeler: Very good. Clear as mud. Commissioner Fritz?

Fritz: Thank you. The burden of proof is on the applicant to show that all the approval criteria are met and if that's not so, we must deny the appeal so that to me is clearly an option because I don't think there's clear demonstration that the burden of proof has been met. We've just received this today staff has not received it at all. We are supposed to be able to have 15 days to look at it carefully and we've been in this process for a long time so it's not clear to me why this wasn't given to us ahead of time. I think it will set a very bad precedent for us to do number two and granting the appeal under this circumstance as it has not been property vetted by staff and it only takes care of one of the three property owners who are most concerned and the ones who are most impacted are the two who are

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still getting no relief on the setbacks the wall issue and they're going to be surrounded on two sides by this. So, it's good that there's been movement that helps out one property owner to be able to support it. But, it doesn't -- it doesn't go far enough, I don't think and in terms of the 120-day clock, I hope that the applicant -- the appellant would grant another extension. As I said upfront, they could, if we don't make a decision by August 5, they could go to court and demand that this be approved so that would be a gamble they would have to take and more time into that. Unfortunately, I'd like to continue the hearing again because I don't -- I'm not comfortable that the approval criteria are met on the two sides of the L the inner two sides. I do believe we could put some conditions of approval on it. For instance, I've seen conditions of approval requiring a bond so if there's any damage to adjacent properties, the property owners don't have to go through the legal system as was said they can't afford a lawyer. So there could be a safeguard through the conditions of approval that would make them seem -- know that they would get compensated.

Commissioner Fish will remember the discussion we had on the accessory dwelling unit and how I was opposed allowing them at zero setbacks and I was doing such an unPortland-like thing and I was the only one that voted against it. I was watching a thorns game at Bazi Pub, minding my own business watching the game and a woman comes up to me and says, I'm a developer of ADUs and you're right, we can't do it up to the property line it's not possible to not touch the adjacent properties and we want to allow people to maintain the other side of the property. She said "unfortunately council did them a disservice because all the property the ones who are wanting to build the ADU and say, it's allowed by right, of course we should do that". In commercial zones, and in areas where everything is built right to the property line that is different, but this isn't. One of the approval criteria with design guidelines is about the relationship to adjacent residential properties. So, I do agree that there's been some good movement I believe there needs to be more and I do also believe -- as I did last time -- it would be in everybody's best interest to get to yes on this proposal. If you get to no, what will be allowed by right later is going to be bigger and not -- definitely not much better. We have to meet the design guidelines, but it would be difficult. The property developer's loans and other things are in jeopardy the longer -- if it were to be denied and start again, that would be problematic for them, too. It would be better for all sides if all sides of this development were considered and not just the two that have had adjustments to them.

Wheeler: Commissioner Eudaly, if you have a comment?

Eudaly: I need some clarity on this because this is the furthest in this process that I've personally gone. So, none of these options mean having these plans go back to design review, that would require a new application?

Jeffreys: That's correct.

Eudaly: So it would be up to staff to determine whether or not the approval criteria that was flagged by design review has not been resolved?

Jeffreys: Right so just as we do with the design commission for a type III, staff does a recommendation of approval. We could make a recommendation, but the decision-makers are yourselves.

Eudaly: And if we go with alternative number two, we can add a contingency, is that right? Contingent upon approval or recommendation by staff?

Jeffreys: Part of what makes this seem unclear between two and three is this was written before staff had anything. We didn't know what was going to happen today if the record was open, if drawings would show up. We didn't know. This was just written to say, look, we would advise you that a full set of drawings is needed to have findings against it so this was a heads-up, need a full set of drawings to write findings and those full set of drawings are compared against for the building permit drawings. That being the case, as Nick was

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pointing out, both of these options probably require a waiver of the 120-day clock because August 5th is imminent.

Fritz: May I just take a crack at that question cause to me telling staff how we approve this because its granting the approval give us findings that validate that we should approve this. Number three is tell us whether to approve it and what else might need to be done before it's approvable.

Eudaly: Is that a fair characterization.

Heron: I think it was excellent.

Eudaly: These all appear to me to be relatively subjective. There's nothing that I can comfortably say, right now, on no point can I say, yes, you have met this criteria or, no, you haven't. I do think a lot of progress has been made. I do think that the appellants -- is that what we're calling the developer? The appellant has made a good faith effort. My main concern is that while, you know, a property owner can develop a building they want to develop on their property, given our constraints, you know, I think some of the neighbors may wish that the whole thing would just go away, which is not going to happen. That developer doesn't have the right to infringe on the other properties so i'm not satisfied that this 1.5-foot setback on -- where are we? The north side? Is that -- is going to allow them to construct the building, as-is, without entering and possibly damaging the neighbor's property and that was a question I brought up in the first hearing, it wasn't satisfactorily addressed. So that's my main remaining concern I guess I would lean to three because I would want these plans adequately reviewed by staff and get your findings.

Wheeler: Commissioner Fish?

Fish: So, mayor, can we ask staff to stay here and invite Mr. Ramis and the architect to come forward? I'd like to put a proposal on the table for consideration.

Wheeler: Happy to hear it.

Fish: So, I would like to propose -- and, to staff, if I get this wrong, you'll help me dress it up. That we continue the hearing. That we ask the applicant to extend the 120-day clock by 30 days. That we close the record. Mr. Ramis, how long would you and the architect and your client need to present a full set of plans to the bureau?

Ramis: We'll need about two weeks. We'll take three.

Fish: Let's say it takes you three weeks. Mr. Heron, how long -- understanding it's the summertime and we don't want you to rush this, how much time would you like to review the plans submitted under option three which gives you the option of reviewing them and then giving us your feedback?

Heron: Can I answer that question after I ask the appellant? We haven't had a chance to even look at the drawings, that maybe got caught in a digital logjam. How different are those from what you would present in the next three weeks, anyway?

Ramis: Yeah, there would be no substantive change. What you have -- what we tried to get to are essentially elevations so you'll want more detailed drawings.

Heron: So that's what you need to generate.

Ramis: Yes.

Heron: to be clear, I don't think we could close the record right now because we want to leave it open for the applicant the opportunity to submit the additional information. So you want to set a date for that, I would say the sooner they got that to us the better and set that as a deadline.

Wheeler: One clarifying question for legal counsel. Can we keep the record open narrowly? In other words can we keep the record open for the purpose of receiving these plans from the appellant?

King: Yes.

Wheeler: But close the record too.

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King: Yes, but that would be considered new evidence and so people would have the opportunity to respond to it.

Wheeler: Thank you for answering that question.

Fish: Let me go back cause this very helpful for me, so mayor this is my proposal. Continue the hearing we seek from the appellant a 30 day extension of the 130 day clock I assume they will grant.

King: Can I make one suggestion to that, so my understanding is that the applicant has initially waived the 120 days and so where we're at right now is we would ask for is a waiver of ors 227 just so we can accomplish this in all the statutory timelines that are set out and Mr. Ramis and I could discuss the details I think he's familiar with what we ask for.

Ramis: We'd be happy to work that out with council.

Wheeler: Ok good, ors 227.

Fish: So we would continue the hearing, we would structure a mutually aggregable waiver as council had just alluded too. We would continue this hearing mayor to a date certain and I would suggest since I think we are all in the same mindset we would like to do one last hearing. Find a date at the end of July early August where there's enough time has elapsed that we can have a final substantive hearing. That we encourage the applicant to continue to consult with the neighbors we can't compel that, but we encourage that and you've had the benefit of hearing from my colleagues today about the remaining concerns and you've heard the testimony from the opponents so you have an sense of what's still in play and then mayor the intent would be to come back on a date on a time certain to resolve this case which includes all three options and assuming and if the consensus was options two or three we may also choose to craft conditions and at that point it would be our intention to resolve the matter at the final hearing.

Fritz: So commissioner Eudaly and I both said that we were not satisfied with the design changes with respect to properties within the L so I agree with the gist of the process, but in terms of getting the exact specifications of what you just gave us now to the staff for evaluation. Am I correct commissioner Eudaly that you and I are wanting to see some more changes.

Eudaly: I wouldn't say necessarily wanting to see more changes just wanting to hear from staff first as to the feasibility of what their saying they can do which is not infringe on the neighboring property.

Jeffreys: Can I speak to that shortly? I would say that the drawings you were shown today only looked at this proposal from the south so I would caution a couple things, one is which that there were no images shown from the north, there will be no windows on that elevation, a one and a half foot setback is also only proposed there so they can't put windows on that elevation do to code. I think its hard to say that its meeting the guidelines on that side without some substantive change beyond what's there based on what we've seen so there's a staff first go at what we're looking at here.

Fish: I think the beauty of the proposal I put on the table is that everyone understands what the implications are. Maybe it argues for having a slightly later date so staff can review and have a real process with the applicants. Does that make sense, Mr. Heron?

Heron: It does. Could I counterpoint? I have been through a lot of design commission hearings and this feels like a design commission hearing I'm still amazed coming away from a room where we thought we were clear in the message and everyone hears it differently even when its recorded. What's important about two of the four voting members on this commission right now is clarity that north setback may not be adequate vis-a-vie windows or other means. I know for a fact that this team has struggled to do any setback because there hasn't been one for five design commission hearings so I'm wondering if

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that is a fatal flaw and we hear now from them at least two of the four voting members, which is enough to cause a problem if that's not adequate enough.

Fish: I don't think Dan has recused himself. He could be back for the final hearing.

Heron: He would have a lot of tapes to listen to. That's what I'm operating with the four in front of me it needs a majority vote to pass. It would be helpful to hear perhaps from you all is it critical that this facade be fenestrated relative to any windows or additional massing breaks and/or setbacks beyond 18 inches on the north side of the frontage of the L that lands on 12th. That's very important for this appellant to hear as I think they're are extremely squeezed.

Fish: Mr. Ramis? You heard two colleagues.

Ramis: In reaction to your proposal, certainly that's a direction that we would be wanting to work with, so we would work with council on the continuance and whatever is necessary in terms of waivers. With respect to the setback on the north side, the difference between the north and the south is that the building on the south side is built close to the property line, within about two feet. Whereas the building on the north is set back quite a bit further. So if the objective we were trying to work with was keeping the separation rhythm about the same, which implies a lesser setback on the north side. The constraint we're working with is trying not to lose -- trying to keep the livability and workability of that first floor unit so we would obviously look at anything but that's the constraint we're working with.

Wheeler: It's a very real constraint. I will tell you my predisposition based on what I have heard so far. First I appreciate the appellant coming back with what I think is a greatly improved design over what we saw last time. I'm appreciative of the fact that at least with some people who previously opposed the project you've solicited and secured their support. I think that's a huge step in the right direction. I want to get to yes on this I really do. I understand we have this massive conflict in our city between growth and the unique character of our neighborhoods. That is the struggle, and that is the burden of this council having gone through the other iterations in this process it's landed here and frankly we're going to see a lot more of this and that's why it's important to me to figure out how to codify this and standardized process because eventually we will be challenged in terms of this process because in effect we are becoming the design review commission, which is not a good thing, I'll say that point blank. These things should be resolved long before they come to Portland city council but it didn't, so I'm trying to get to yes. I have said very clearly that I support the need for additional housing in our community and that there's appropriate density and there is inappropriate density. I'm trying to get this into the box of being appropriate if we can. But what I have also heard staff say is they are not convinced that what you have provided meets the criteria. That's a real concern to me. In essence commissioner Fish is giving everybody a golden opportunity, and I support him in this effort and I will support this effort to continue the hearing to hear what's being said. If commissioner Saltzman doesn't come back you're hearing potentially two of the four commissioners who are present and will potentially be here for the next hearing saying it's a nonstarter. So take that as you may in terms of where that leaves this process. So I don't know if we need a formal motion or if we just need a head nod or what's appropriate in this situation.

Ramis: There is a clarification to the proposal I would like to pursue. You mentioned at one point closing the record which doesn't work for us --

Wheeler: We agree. [speaking simultaneously]

Fish: Tim has admonished every member of council except the one he actually reports to. Very strategic. [laughter] continue the hearing work out a waiver then I think the only thing left for us to do is to see if there's a date that the four of us are available. I would look to early august so there's enough time for this process to play out. I share the mayor's

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sentiment, there's a path to getting to yes for me and I ultimately know we need to decide this case. So I would like to have your best shot in front of me when we come back for a time certain in august. There's a clear path to yes for me. Mayor, should we ask Karla to see if there's a date?

Wheeler: Yes, why don't you do that. I'm looking at the calendar now.

Moore-Love: We're looking at early august when everyone is back in. I have august 3rd, Thursday, at 3:10 p.m.

Fish: That works for me.

Wheeler: I show that I need to be in Hermiston but I'm not clear why at 5:00 p.m., so that is tight unless we could do it on Wednesday, the 2nd.

Moore-Love: The noise review is holding two hours at 2:00 p.m.

Wheeler: Very good.

Moore-Love: The 9th at 2:00 p.m. Is available. Everyone is in.

Fish: I'm here. Colleagues? Commissioner Fritz, is this framework okay?

Fritz: Yes, and I hope that by agreeing to extend the clock and go back to the table there's a willingness to move that setback, which staff has said has been stuck on the property line for now six, seven hearings.

Ramis: I want to mention for the record here that this issue of how you build and how you build without unduly impacting people was the first topic I recall that we talked about in detail at the mediation. We made clear that we would avoid techniques like driving pilings into the ground and we said we would be willing to develop a process to do an evaluation of the foundations and the construction of our homes nearby so that we would have a baseline for addressing that and that's worked into the agreement we have with Ms. Roberts. We're sensitive to that and would be happy to work and build on that.

Fritz: You didn't answer the question that I asked. Is it clear that the setback needs to be increased so there isn't a 75 foot blank wall right on the property line?

Ramis: I understand your argument. Thank you.

Fritz: Otherwise you could just say no and we deny the application and start over but like my colleagues I don't think that's in anyone's best interests.

Wheeler: The 9th, Wednesday, is on the table. Did we have a time certain Karla?

Moore-Love: 2:00 p.m.

Wheeler: For the appellant does that work?

Ramis: Yes.

Wheeler: Very good.

Ramis: We're good with that.

Wheeler: I appreciate your flexibility on that. Sorry, commissioner Fritz?

Fritz: Thanks mayor I just want to say commissioner Fish, thank you for guiding the mediation process. I'm assuming should additional help from resolutions northwest be needed for this final piece you would be willing to help with that?

Fish: Certainly. Let me just close by saying we have an imperfect process, and I share the mayor's concern about having this be a regular feature on our agenda. We don't have the band width to do this. We generally like to play referee to make sure the process below was handled fairly. We're getting more and more into making substantive decisions where there's a conflict or where there's a big disagreement about a recommendation from the design review commission. I don't see that as sustainable and I don't think that's our best use, however, I will say that we are closer to yes than I ever would have thought on this project. So I want to tip my hat to everybody who has been working on this because I think my reading of the tea leaves is it might have been going the other way. So please don't snatch defeat from the jaws of victory. Let's work hard to get to a place where council has an opportunity to say yes. That's my view.

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Wheeler: Very good. So we are continuing the hearing to Wednesday, August 9th, 2:00 p.m., Portland city hall chamber. That is where we are currently. Thank you. Appreciate it.

Wheeler: 729.

Item 729.

Wheeler: Colleagues, I'm pleased to be introducing this next item when takes a big step forward towards implementing peregrine sports proposed expansion of the city's historic stadium. This privately funded \$50 million expansion will make a positive contribution to our local economy, provide greater access to the timbers and thorns games and hopefully bring some exciting new events to the stadium. This deal I believe is a great example of private business stepping up and funding improvements they need that will also benefit the community. We are in partnership with them in making co-investments to help provide those services and infrastructure that the city would ordinarily provide with such a project. Tom Rinehart, the city chief administrative officer, will provide an overview of the deal terms then Mike Golub with peregrine sports will provide additional information. Hello, gentlemen. Tom?

Tom Rinehart, Office of Management and Finance: Good afternoon, mayor. Council members. I'm Tom Rinehart for the record city chief administrative officer. Proud to be here with my colleague Susan Hartnett, who is here in case detailed questions come up. After a short presentation I'm going to turn it over to Mike as the mayor said. I'm going to do two things in my time, I'm going to provide an overview and context of how we got here today so we're all clear then I'm going to do a brief overview of the term sheet and elements within. As you know, discussions about a possible expansion of the city owned stadium currently called Providence Park have been happening for about a year. Over the last couple of months you have taken several actions to bring this proposal to fruition. You approved a resolution which pressing support for peregrine's proposal check kicked things off in May and two weeks ago council approved an exemption to the competitive bid requirements which continuing the process. Omf and peregrine have negotiated on the terms and the resolution will authorize a nonbinding term sheet that captures the essential elements of the agreement. After today we will collaboratively develop formal agreements that lock in the business terms that you authorize which we expect to bring back for council action before construction begins. So that's the background. Welcome, commissioner. The term sheet covers a range of items. I'm going to touch on key elements and I'm sure Mike will speak about it as well. Peregrine will be fully responsible for the design and construction of the expansion which will consist of 3,000 to 4,000 additional seats in a new three to four floor building that will extend into the right of way on 18th Avenue creating an arcaded sidewalk with a cantilever roof covering the new and existing east side seating area. Peregrine will pay all project costs currently estimated at \$50 million including any cost overruns and the city will pay the cost of legal and professional fees needed to oversee the city's interests in the development. Peregrine sports will be exempted from their ticket tax obligations under the stadium operating agreement through 2021 or 2022 on the existing stadium seats and on the new seats through calendar year 2025. The length of the exemption on the existing seat tax obligation depends on when the expansion area opens. The existing seat exemption will end in 2021 if the new seats open in 2019. In 2022 if the new seats open in 2020. You may recall that the initial request from peregrine is for a full ten-year exemption. On only the new seats beginning in the year that the expansion opens. The overall value of the revised proposal is similar but the city's foregone revenue occurs sooner and ends in 2025. This arrangement meets peregrine's needs and helps provide greater protection to the spectator fund and the city's general fund as revenue begins flowing back to the city sooner particularly addressing concerns

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raised by commissioners Eudaly and Fritz previously. Keeping in mind projections are just that and that further out into the future we go the more likely we are to be wrong I wanted to provide a few estimates of the overall financial impact of the deal terms to the spectator venues and activities fund so we're clear. As a reminder I'm sure long time council members already know this omf uses a conservative approach to our projections for both the fund and the general fund in general to provide a higher level of protection. This means we underestimate revenues and overestimate expenses. Historically except for years when the unexpected happens such as strikes or major economic downturns the outperforms our projections. The overall value the tax exemptions included in this term sheet is approximately \$3.7 to \$5.1 million depending on performance. The overall net increase to the spectator fund is estimated between \$2 million and \$5 million between now and 2038, which is the end of the extended term of the operating agreement. Peregrine still hopes to start construction this fall and expects the majority of the work to occur between mls and wsl off seasons. With that I invite mike golub, president of business for peregrine sports, to provide additional information about the project unless any of you have questions at this time.

Eudaly: I have a question. When was the change made to the agreement around foregoing commission on all seats? My understanding was it was just commission on the new seats.

Rinehart: The change was made after council passed the initial resolution when we heard very clearly that protecting the general fund in the future particularly past 2025 was a priority for at least two members of council. Our team went back to the table with peregrine and we worked hard to figure out an arrangement that could both provide what they said they needed and also protect the spectator venues fund in that critical period after 2025 when we have to be assured we can make all debt service payments. The basics of this is the exemption is basically similar value. The way the revenue flows is different. There's more money exempted up front for peregrine in the initial few years then the out years more money flows back to the city.

Eudaly: Seems like a pretty major detail that I somehow did not know about.

Rinehart: We feel comfortable in that same value exemption in terms of it changed the dollar -- didn't change the dollar figure much. It presents more protection for us. Apologies if we didn't give you more notice.

Eudaly: It's helpful we will eventually see a net increase in revenues. I felt that was a detail that people were missing. We have a stadium that is suitable for a wider range of event and we're booking it more nights then we're going to bring in more money but I think it's really important to lay those things out for the public who might see this as not a gain.

Rinehart: Any other questions before I turn it over to mike? I will stay and Susan will stay if there are other questions.

Mike Golub: Good afternoon. Mike golub, president of business for the Portland thorns and the Portland Timbers thanks for having us today. As I said many times we believe much of our success we have had with the thorns and timbers have been predicated on partnership we've had with the city at every level and we greatly appreciate it and we believe this new chapter in our partnership, potential new chapter, positions all of us, the city, our club and also the fans, to flourish long into the future. As mayor wheeler said in his introductory remarks, this is a win for our fans, it's good for the club and we believe it's good for the city both near term and long term and we appreciate greatly the cooperation we have had from some, Tom, Susan, Karl, ken, the city and from all of you.

Wheeler: Any further questions for mike or tom? Public testimony on this item?

Moore-Love: No one signed up.

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Wheeler: I'm sorry, mike. I did have -- I wanted to take a few moments to show you a couple of the images generated on the expansion-to-be that you might be interested in. Hopefully they are queued up here.

Wheeler: That looks familiar: [speaking simultaneously] Thanks for the memories, mike. [laughter]

Golub: Woops this is a rendering looking west, an aerial view from the west of what the expansion, new roof and connectivity to the existing stadium will look like. This is interception of southwest Morrison and 18th street, max station is to the left. Our main entrance on 18th is to the right. You see the new section and how it's being imagined and brought to life.

Fritz: I really appreciate that you have thunder clouds and looks like it's been raining. So it's much more realistic. [laughter]

Golub: This is from Taylor street looking west, and it gives you a sense of the openness and transparency that our architecture team is seeking between the city and the stadium. This is a view from the southwest corner of the field looking up to the expansion area so you notice the roof now covers the entire sideline and the seats are very close to the field and gives us we hope this really takes the energy we already have and amplifies it. Lastly I wanted to show you an image recently sent to us by someone who actually had a physical copy this is the Oregonian from January 31st, 1926. It shows an image of what was then referred to as pacific stadium of a multi-level east side much like we're contemplating now and the headline if you can read it at the top, 100,000 fans someday to be seated at Multnomah field but 35,000 fans to be seated this fall. So we enjoyed uncovering this and it's nice that we're in a sense picking up the baton of the original image 90 years ago.

Fritz: Wasn't the original 35,000 what happened to all those seats?

Golub: I don't know what transpired between this and the ultimate construction.

Fritz: 35,000 we would be all set.

Golub: Next time maybe we'll be asking for another 75,000 seats but we thought this was interesting.

Fish: Just because it's late in the day and we're all a little groggy, can I summarize what you told us and have you tell us whether it's accurate or not?

Golub: Yes.

Fish: We have retooled the deal in three respects. One we're front loading a little bit more of the deferred revenue. Two is we're changing the timeline with a couple of contingencies. Three is the cost to our funds is roughly the same in the aggregate.

Rinehart: I think that's accurate unless Susan --

Fish: Susan is nodding. She hasn't fainted. Susan? Is that fair enough?

Susan Hartnett, Office of Management and Finance: Yes it is.

Fish: Those changes meet our needs and are acceptable to peregrine.

Rinehart: Yes. We wouldn't be here today promoting this if we didn't think it was acceptable. Yes, absolutely.

Fish: Thank you.

Wheeler: Very good. That completes your presentation?

Golub: Yes. Thank you.

Wheeler: Very good. Any further comments, colleagues?

Fish: Mayor, I did go to a thorn game the other night. I ordered three sodas and a slice of pizza, it was around \$29. I feel like I have made my personal contribution to this project. I want that known.

Eudaly: Tom, because I was asked a question about this yesterday by a journalist the estimated three to \$5 million in administrative costs, where does that money come out of?

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Rinehart: I'm not familiar with that number. What I'm familiar with is the \$800,000 that we're estimating on the legal costs -- [speaking simultaneously] we estimate in terms of our costs. Susan --

Eudaly: I know who said it to me. I don't know where --

Hartnett: Our estimate for -- Susan Hartnett, office of management and finance. Our estimate for the cost of both legal representation outside council and an owner's rep team which includes an architect and an engineer, cost estimator, as well as a construction project manager, is based on our past expenses. I think \$800,000 may actually end up being a little bit more than we will spend, but going into this as Tom said earlier we tend to over estimate expenses and underestimate revenue so I would rather tell you it's \$800,000 and come in less than that. We're currently committed through contracts for \$600,000.

Eudaly: So the number I was given was actually \$3.2 million in hard costs, which was legal counsel, representative for project oversight and property insurance. Is that number false?

Hartnett: I think that number would also include our increased costs for property insurance, which is about \$1 million, plus our increased costs for repair and replacement expenses, which is close to \$2 million. If you add that up that's probably a correct number, but again, when you look at the overall impact to the fund it's a net positive so when you take the new revenue, take out those expenses, we still end up in the net positive.

Eudaly: I did point that out to them and hopefully that made it into the paper as well.

Hartnett: Believe I just spoke with the same journalist with that clarification. That comes out of the spectator venue.

Eudaly: Not general funds, not special appropriations.

Rinehart: I want to thank Susan and Carlisle and Dina and all the great people that have worked on this. It's been a lot of work. I pulled them off a lot of other assignments. I'm not angry at Mike but I did pull him on which a lot of other assignments.

Wheeler: Thanks for the recognition. Well deserved. Thank you. Anything else, colleagues? Please call the roll.

Fish: Mayor I'm going to support this resolution. I believe it's a good deal for the city of Portland. It's a good deal for taxpayers, and it's great news for fans of soccer. We own the stadium and we have a partner willing to invest \$50 million to make an addition which will make this an even greater stadium. I'm particularly appreciative that they have hired a local architect with an international reputation to do so, Brad Klofel. The presentation has been made to us as this is a fiscally responsible deal and when you look at the private contribution versus public contribution in the nature of foregone revenue I think it's a terrific deal. So I'm pleased to support it and I thank Peregrine and our revenue -- our team for negotiating this deal. Aye.

Saltzman: Well, our relationship with the Portland Timbers and Thorns has always been a partnership from day one when they first arrived in town and when we undertook some basic renovations in order to accommodate major league soccer in our city and it's something that we have not had to look back on and regret since. This partnership today moving forward is only further evidence of both the popularity of the Timbers and Thorns to Portlanders but also the firm commitment that both the Timbers and the Thorns have to the city of Portland and certainly the city of Portland has to the Timbers and Thorns and to its many, many fans. I'm pleased to support this deal. Aye.

Eudaly: Well, spectator venues are one of many things I just didn't anticipate having to devote time to with my new job, so I want to thank Susan and Tom for their patience and explaining the inner workings of this part of the city, and I agree that in the long run it's a good deal for the city. Aye.

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Fritz: Thank you very much for your work its certainly a better deal than the original changeover. This one does have a balance sheet that when you add everything up in 2035 the city should come out with two to \$5 million more than we were expecting before. So that's a long payback period. I appreciate the changes made since the last discussion we had because it does protect the general fund better and in 2025 and thereafter when we don't know whether the blazers will still be able to continue to subsidize soccer for the blazer tickets and parking revenue in the rose quarter. So thank you for your hard work on this. Thank you to the timbers and thorns and the Peregrine organization. Certainly you can't put a price on joy and there's a lot of joy and there is a lot that happens at these games and lots of frustrations that get vented shall we say. I think that's a positive thing. Aye.

Wheeler: So I'm going to save my thanks for tom Rinehart today. Tom, when we first met with mike and with Merrick paulson many, many months ago we came in with more questions than answers and you flipped that. I have enjoyed working with you on a whole host of issues from college savings to retirement savings to bonding projects and now of all things soccer stadiums. So here we are coming full circle. But thank you and your team for hearing this city council addressing our concerns, going back and negotiating in good faith and thanks of course to the folks at peregrine for hearing those concerns and being responsive to those concerns and putting together what we think is ultimately going to be a blockbuster deal for the city of Portland. It's a win-win. That's how all such transactions should end. So obviously I support this and the resolution is passed. Thank you for your help. Next item, 730.

Item 730.

Wheeler: Good afternoon. Thank you for your patience.

Pauline Goble, Bureau of Internal Business Services: I'm Pauline Goble property manager in the bureau of internal business services and with me is officer Sweeney from the Portland police bureau. We are here today to request council authorize a five-year use and occupancy agreement with Atlantic aviation for hanger space at Portland international airport that is related to the police bureau's air support unit they respond mission requests on a call-out basis. The asu averages over 200 mission requests each year nearly a quarter requiring immediate response. The asu moved to the Portland international airport in July of 2007. Previous to that they were at the Pierson airport in Vancouver, Washington, but they moved for several reasons, one was security, Pierson airport is not a secure airport and they needed a space with secure perimeter fencing and pedestrian access to be restricted. The possibility of some tampering with their aircraft was a real concern. Also access to access Pierson crew members had to cross one of two interstate bridges. These bridges in combination with increased driving distance from Portland created serious traffic choke points that increased their response times to call up by 30 minutes or more or even more during commute times. Regarding lease renewal prior to beginning the renewal process the chief pilot looked at three other nearby airports to find comparable facilities none of the other airports had any secure office spaces available. Secure airports pose problems with refueling the aircraft after business hours. Some cannot guarantee they would even have access to the aircraft after business hours. So why Atlantic aviation? Atlantic aviation is the only fixed base operator at the airport. The chief pilot explored the possibility of other facilities at the airport with port of Portland but none were available, so the budget the police have budgeted for five-year term with payments funded by existing bureau general fund appropriation. This agreement is automatically renewed each year but has a termination clause of 60 days prior to end of the termination so they are budgeting for five years so this is automatic renewal agreement. Do you have any questions?

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Wheeler: Colleagues, any questions? Commissioner Fritz

Fritz: I remember last time we did it. Could you tell folks at home and here why do we have aircraft and what do they do?

Officer Sweeny: I'm assigned to the traffic division I do the air support unit on a part-time basis when this pager goes off I respond to there. I have a pretty good understanding of what the air support unit does, I'm filling in for the chief pilot who couldn't make it here today. Can you repeat your question? I'm sorry.

Fritz: What does it do? Why do we need it? How is it helpful?

Sweeny: Provides a layer of safety for the community members and for the officers. We have technology that's in the airplane that allows us to see particular things on the ground that the ground officers can't see if it's a serious crime we're typically called out all hours of date to respond and try to locate an individual that needs to be taken into custody. General answer for it, I guess.

Fritz: The airplane is not a helicopter, it's an actual airplane right.

Sweeny: Two aircraft.

Fritz: They would be dispatched to fly around and see if they could see the person hiding on the ground or something?

Sweeny: Correct typically if our response times on scene are about two minutes so it's much quicker than a patrol officer responding in a car or an SUV or something like that. We can get eyes on the location when, say, a community member is called in say a burglar, they saw him run out the back of the yard and they go into a wooded area, that could take a long time for an officer in a car to respond to depending where they are at, if they are on another call, if they are even clear. If we're up and can get there in a quick period of time we can locate the person usually set up a perimeter and then call on resources to take them into custody so we're fairly efficient.

Fritz: What elevation do they fly at?

Sweeny: It depends on the weather. Our goal is to be higher rather than lower. We're cognizant of noise complaints. We don't like to hover over certain areas for long periods of time because some of the members of the community don't like it, makes them nervous and it's understandable. Our goal is to be as high as possible there's limitations on the equipment that's in the plane. The higher you go the image deteriorates. 4,000 feet would be the goal. The other factor in that is if there was an engine failure, some sort of emergency we want to be able to get to a safe place and land it preferably not on city streets, back at the airport.

Fritz: Do they have heat sensors so they can see who is hiding in the bushes or whatever?

Sweeny: Essentially what we're looking at is heat signature with a flare that's located on the left side of both aircraft that we fly. So yeah.

Fritz: It's entirely so you can then tell people on the ground what you can see from up there.

Sweeny: That's the goal. Yeah. When we're called out we're looking for someone who has committed a crime, usually a serious crime, to find them hiding somewhere quickly.

Fritz: Are they ever used before there's a crime? Basically flying around watching stuff?

Sweeny: We'll be up for patrol support for instance, say there's a call at a crash on 205 at Glisan. They dispatch a car to it usually within a minute or two we can have our eyes on it and provide information to the officer that's responding if they even need to go. It may free them up not to go if we can tell they are exchanging, they are moved on. We try to be up for that, yes.

Fritz: You don't just fly around looking for things that might be happening.

Sweeny: Yes and no.

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Fritz: Explain that.

Sweeny: Patrol support flight, we might go out for four hours. It's typically the length of the time of the flight because of crew fatigue, fuel exhaustion, about four hours, five and a half we start running out of fuel so we don't like to go that long. Where we can cover on calls our response time is about two minutes anywhere in the city and relieve the officers that are driving the patrol cars around from actually having to go if we can, that keeps them in their district responding to higher level calls. If I can fly the airplane to a crash to look for a burglar, you name it, whatever the emergency call is, that's the goal on one of those particular flights. On other times we're up for certain specific reasons.

Fritz: You are there so you can get to the next place you're going quicker, you're not just flying around spying on people I guess is my question.

Sweeny: Correct.

Fish: Just one other question I know we have already funded this service and you're just asking us to approve a lease agreement with a hangar so it's a narrow question. Given what you have described as the mission, why is a fixed wing cessna preferable to a helicopter that can hover?

Sweeny: I certainly wouldn't be the one to answer that question. There's a lot of expenses with a helicopter. Costs might be prohibitive. Don't quote me on this. I don't know for sure. I haven't looked into it myself.

Fish: I'm not a big fan of helicopters hovering in residential areas I mean when they do it in my neighborhood I don't love it. It seems you have more flexibility with a helicopter if you're in a cessna you have to do a lot of traversing.

Sweeny: I fly the plane, it's very efficient. Certainly fly with us sometime, be happy to take anyone up and show them what we do. It works out really well.

Fish: Thank you for the invitation. I have had a ride-along but this would take it to a new level. Thank you, sir.

Wheeler: Thank you. Any further questions? Public testimony?

Moore-Love: One person, star Stauffer.

Wheeler: Very good. Could you keep public testimony to two minutes, please.

Star Stauffer: Two minutes? Star Stauffer. I have a couple concerns about the claims he made in regards to hovering. They don't hover in lake Oswego but I know they hover in the northeast and outer southeast areas. The one thing that he also didn't cover was these planes' use in protest and targeting protesters and mapping them and reconnaissance in regards to the protesters and also neighborhoods where there's vulnerable communities because these planes are also used to map and recon with gang violence or suspected areas of gang violence. Why they then don't hover their own police station is beyond me because that's a gang in itself. My problem with this is it makes me wonder if one of these planes is one of the planes that chased Quance Hayes. When you say you're following people around that have committed a crime you're not qualified to make that statement because they have not been convicted in take court of law so they are innocent until proven guilty which unfortunately most of the cops in this city fail to remember that when operating under the authority the city gives them. I also have questions in regards to the cost. How much is it costing each time one of these planes go out and are on a four-hour patrol flights. What is the cost to the community? What is the cost to the Portland police bureau? Whatever it costs them it's costing us. We're paying that in marijuana tax and other forms of taxes. So that is what costing the community and why is that more efficient than a patrol car? Even if he has to respond to a scene and then turn around it seems to me that's still a more cost effective way to be operating in a city that struggles with trying to find finances for things like houseless services. I know this is not about approving a budget, this is about approving a lease with this hangar but I'm thinking that at this rate

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with the way the Portland police have been operating and the mistrust in the community and the targeting of people of color you might want to consider not approving this and tabling it for more discussion.

Wheeler: Thank you. Any further public testimony? Please call the roll.

Fish: Well, thank you for the presentation and the invitation. Mayor, listening to the presentation about this previously being located in Pierson airport, which by the way was the airport strip that caused the most havoc in getting to the crc design because there were some limitations on height for any new span because of the Pierson. It does seem to me this is a great improvement to go to the Portland airport rather than to Vancouver for people that have to access this plane. This makes sense and the presentation was thorough. Thank you. Aye.

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

Wheeler: Aye. The ordinance is adopted. Next item, we're now to the housing bureau. The next item was 714, which was pulled from this morning's agenda. I don't know who pulled it.

Moore-Love: Mr. Lightning pulled it.

Wheeler: Mr. Lightning is not here. Is there any public testimony on 714? Call the roll.

Moore-Love: Shall we read it?

Wheeler: Yes, please.

Item 714.

Wheeler: Call the roll, please.

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

Wheeler: Aye. Ordinance is adopted.

Fish: Are we up to 732?

Wheeler: Yes we are now at 732.

Item 732.

Wheeler: Kurt, before you start, I will ask you to say your name again for the record, we have five more items. It's now 4:20. I will ask you to be precise and thorough but not lengthy.

Kurt Creager, Director, Portland Housing Bureau: I'll be very precise. Kurt Creager, housing director. This is an annual renewal, an omnibus agreement if you will that contains all the activities between prosper Portland and the housing bureau. So it describes rules and responsibilities, it also embodies the funds that go from php to prosper and back from prosper to php. There are three new elements to this agreement that I want to call to your attention however. Over and above the 45% of the amount of tax increment financing in each open renewal area that is currently allocated to the bureau over and above that amount prosper has offered \$5 million of the corpus of money they administer for additional housing programs and resources. They are specifically for households that the housing bureau would otherwise be unable to assist. In the exhibit a, they are in three categories. One is to provide down payment assistance for households between 80 and 120% of median income to the tune of \$1.6 million. It's about 20 households. The housing bureau by itself is not currently authorized to loan at that income level. We are capitated at 80% of median income so this is work force housing for people otherwise priced out of in this instance the north, northeast area. In addition they are providing \$1.6 million to expand the home repair program for the same income group, 80 to 120% of median income and we're starting a pilot for accessory dwelling units where the housing bureau would underwrite the cost of providing accessory dwelling units for long time owners within the neighborhood who could then benefit from the earned income from those accessory dwelling units. Those would be secured by a deed of trust in favor of the city.

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Fritz: Would there be a requirement that they be for affordable housing rather than Airbnb?

Creager: Correct. As you all know from the evidence, the disparity between white house hold income and black household income is in large part real estate owned. That most of the assets that white households enjoy are the properties that they own, not other stocks or bonds or securities. This is an attempt to try to correct that and meliorate that problem. Other than that, I would say that we are transmitting from the housing bureau to prosper Portland some \$2 million for work systems, inc, to provide services for chronically unemployed people. That's been going on for the entire six-year history of the housing bureau under the migration of housing responsibilities to the bureau. That amount is slightly down from last year because the federal funds have been slightly reduced but it's still \$2 million.

Fish: I think it's clear from the document at page 3 but the \$5 million and the different components you just put into the record, that's \$5 million to be spent in north, northeast --

Creager: The interstate corridor urban renewal area specifically.

Fish: So it's homeownership related initiatives within that ura.

Creager: That's correct. It's over and above the 45% of tiff the housing bureau already administers for that urban renewal area.

Fish: Why is it so circumscribed?

Creager: It went to the north, northeast oversight committee and prosper Portland wanted to clearly establish that they were reaching out to the neighborhood to correct some of the historic inequities. They challenged the housing bureau to come up with some creative ideas how those funds might be used and these were the three areas that passed muster with the oversight committee.

Fish: Thank you.

Creager: That concludes my remarks.

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

Moore-Love: No one signed up.

Wheeler: Please call the roll.

Fish: I'm pleased to support this. The notes I was given indicates this is the last step in a rather lengthy process we initiated I think in 2009 to officially separate the housing functions take them from pdc, place them in the new Portland housing bureau and consolidate them. As I look back on that action and the subsequent fruits of that action I think it was a beneficial move for both agencies, for pdc, focused on economic development and the Portland housing bureau which focused on the needs of people shut out from the housing market. Thank you for your explanation on the \$5 million. Aye.

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

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

Item 733.

Wheeler: Very good. Come on back. You actually don't have to go back to your seat unless you want the exercise. You make a grand entry.

Kurt Creager, Director, Portland Housing Bureau: Kurt Creager, housing director. This implements the budget you adopted on June 8. There are no further changes. This merely rolls into the iga the adopted budget.

Fish: Director Creager do we have a date for a work session yet?

Creager: I don't believe it's been calendared although we met with burke nelson and everyone wants it to happen before labor day, preferably the month of July or august. I know you have a tight calendar.

Fish: July has a lot of people on vacation but they will be held this summer.

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Creager: That's correct. We had a policy budget alignment committee last week we talked about a range of options. Home forward will be part of that presentation as well as the housing bureau and the joint office.

Wheeler: Kristin and Margaret are you here for this item? Did you want to say a few words since you're here? Any advice on design review that you want to in part? [laughter] I appreciate it. Colleagues, any further questions? Any public testimony?

Moore-Love: No one signed up.

Wheeler: Please call the roll.

Fish: I'm very pleased we're increasing our case to the joint office. I look forward to the work session this summer where we can focus on sustainable funding for the long term. Thank you. Aye.

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

Fritz: This is adding over \$26 million from the city general fund to the work joint office. Thank you for your work. It includes \$1.8 million in federal funds and long may that last. Aye.

Wheeler: So I want to extend my thanks to my colleagues who worked very, very hard alongside me to find additional resources for the joint office. I want to thank mark jolin for his excellent leadership of that joint office and Christian, you and your team at the county you've done an outstanding job and certainly director Creager you continue to do fine work with regard to our efforts on these igas. I will put out the cautionary note that has been put out there several times with regard to the sustainability of this budget it's not sustainable I want to be very clear and on the record. The work that the joint office does is critically important as the point in time count showed on Monday we're actually making good progress. We have not solved the problem but it is at least encouraging that here in Portland and Multnomah county we have been able to reduce the number of unsheltered homeless on the streets. That counters the narrative being seen in alameda county, l.a. county, king county, the greater Seattle area, so there is some good news here. There was certainly some bad news as well. We saw people with self-identified disabilities going up markedly. While we will get the disaggregated data later, we are all supposing there are increased self-reporting of both addiction and mental health issues related to those who find themselves in the situation of homelessness, and in addition the number of chronically homeless also went up. So lots of work to do but we need to redouble our efforts working with the county and the other partners in the joint office at the home for everyone coalition to find a path to sustainable funding going forward because as everybody knows and as our budget office has repeatedly admonished us the funds we put in this year hang a lot of hope on the continued growth cycle in the economy and a heavy reliance on one time only funding. That is not sustainable. But this year that's not the problem. Aye. Ordinance is adopted. Next item, please. Don't go far.

Item 734.

Kurt Creager, Director, Portland Housing Bureau: Kurt Creager, housing director. These are legacy relationships that we have with a variety of nonprofit providers they're extended for an additional year. Kim McCarty is here to answer any questions you might have about any specific vendors or service providers.

Wheeler: If I could just for the record I would like to read in the organizations that are partners. From time to time people wonder do we actually work with or reach out to communities of color under-served populations. The contract here are related to naya, Portland community reinvestment initiative (pcri), the community energy product, the unlimited choices, inc., which works on disability access issues. Reach, community development corporation which focuses on low income elderly and disabled homeowners, the latino network, community alliance of tenants, legal aid services of Oregon, impact

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northwest, so these are all very good, strong partners for us and they work predominantly in communities that are traditionally viewed as under-served in these areas. I'm proud of the fact that the city continues to take a leadership role working with these community partners. Any further questions, colleagues? Any public testimony?

Moore-Love: No one signed up.

Wheeler: Please call the roll.

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

Fritz: Thank you for taking the time to read that mayor it's important for people to know the good things being done with tax payers money. Aye.

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

Item 735.

Wheeler: Good afternoon, director Creager. You can take more time on this. We have caught up --

Kurt Creager, Director, Portland Water Bureau: I think we may have -- Stephanie Kondor may be here by now too.

Wheeler: Here she is. Come on up.

Creager: Christian is here as well from the chair's office. This is a happy day we as you know undertake annual notice of fund availability, what we call nofas. Those nofas materialize into real projects after all the real estate due diligence, all the design work, all the necessary funding has been accomplished. So Stephanie is director of development for central city concern and the county is a major funder in this project. I would underscore the fact that in the 2016 nofa, the county co-joined the city so that they were provided a site and working capital for multiple projects. The site itself was a county owned property in northeast Portland and as we originated the projects we jointly under wrote them with the county. They are a strong financial partner in this effort. I'll let Stephanie speak for central city concern and describe the detail of this project.

Stephanie Kondor: Thank you. Stark street apartments is an apartment complex that we're proposing its going to consist of 153 units. The affordability will range between 30 and 60% mfi, that would mean incomes would range from about \$15,690 annually to around \$44,820. 91 one bedrooms and 62 two bedrooms. This project is delivering low cost housing. It seeks to maximize units. We have successfully been working on this low cost construction model. At present we anticipate the hard costs coming in at \$134,000 per door, which is really competitive. The investment from the city and county will total \$9.7 million but on a per unit basis that's \$63,000 per unit. This housing will provide low barrier housing for people graduating out of transitional housing as well we have worked with the David Douglas school district. We have had several meetings there. We met with the Hazelwood neighborhood association, was invited to meet with the superintendent out there at David Douglas school district. Was invited to meet with their title 10 representative as well as attend board meetings all of which have been well received. Title 10, chapter 10 representative is somebody that works with the families and the school district that are homeless or at poverty. They are very excited for this project they have I think they said about 3% of their children are currently homeless out there this is much needed housing. We also are working with nara, as well. Ccc has over 40 years of experience working with at risk populations and homelessness and we have come to realize that a roof is only part of what needs to occur in approving long term resiliency from homelessness and this requires a collection of services. At stark our resident services will focus on housing stability, income advancement, connection to wellness services and long term life goals. The combination of these things increase long term stability and resiliency from homelessness. As a note we are also in pre-development for our east side campus project which will be located kind of around the corner on 122nd and Burnside. Having this

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proximity will give them further adjacency to services connecting to wellness, employment, access center and other services that we provide so we think this is well located for them. I also want to thank Portland housing bureau and the city for investing in this kind of needed housing. It's been excellent to work with them they've have helped us along the way in so many ways so thank you all.

Wheeler: Thank you. Christian?

Christian Gaston: Thank you. Mayor wheeler, city councilors, Christian Gaston from Multnomah county chair's office. Mayor Wheeler I want to honor your earlier suggestion to be succinct I think it's worth taking a moment to celebrate the strong partnership between the city of Portland and Multnomah county and our commitment to end homelessness and ensure everyone in our city has a roof over their heads. It's projects like these that make that possible along with all the work you do every day around tenant protections and making sure there's building supply in the pipeline, so thank you for partnering we're happy to be here.

Wheeler: I want to reiterate chair kafoury's strong engagement and involvement in this process and you have been leading the efforts on behalf of the chair's office. Please don't take my desire for us to be quick for any less enthusiasm. This council has been in session for the better part of the last nine hours, and so we're not done yet. We're just being efficient I want to thank you. There were some things I should have said up front that I neglected to do. In addition to the obvious I want to thank you for the \$9.73 million of Multnomah county funding that's going into this project. I want to acknowledge commissioner Saltzman, the ball really started rolling under his leadership as housing commissioner during the early stages of this working in tandem with chair kafoury and others to make sure this would come to fruition. It's 153 units as Kurt said, eight units serving households earning up to 30% of median family income. Obviously at high risk of becoming homeless particularly this this market. 40% of the units are family friendly. I know that's something commissioner Saltzman has certainly been talking about here on this council. 61 of the units are two bedrooms, 92 are one bedrooms. As you mentioned this is a model partnership. Multnomah county, central city concern, Portland housing bureau, the state housing and health care initiative amongst others. You have landed not only central city concern as a key partner here but architects as well, one of the great local architecture firms here. Colleagues always ask about mwesb participation, over 27% is my understanding for this project, which is a true success. When I think about the second chance rental opportunities that go into this for graduates of job training and recovery programs as well as the focus on housing at risk families from the David Douglas school district, this gets to some of the questions raised this morning about what are we specifically doing for lower income families on the east side of the Willamette river. This of course is a tangible example of when we work with the county and other partners we reach farther into east county and more effectively into the east side of the city and the county. So thank you for that.

Fish: Mayor I have just two questions Kurt, how have you addressed the setback issues to the north? [laughter]

Creager: This is not quite as tightly constrained site as the one you were dealing with previously.

Fish: I'm looking at the phb subsidy which is a total of 9.7, what is the county's contribution?

Creager: 1.5 of the total.

Fish: We're grateful for the contribution.

Creager: It's worth mentioning the total development cost of \$29.2 million means that 9.7 is leveraging \$2 for \$1 of public contribution.

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Fish: This has hif money housing investment fund. Is this the first we have done with this kind of contribution from hif?

Creager: I think we purchased the parks bureau site with hif dollars late last year. We have used some hif dollars as we had it available.

Fish: So this is the fund we created through dedicated money then we bonded it and it can be used in nonurban renewal districts so this gives us a more flexible dollar, that's the key, along with home, which is at risk, Multnomah county home for everyone funds and home consortium. Well done. Thank you.

Wheeler: Commissioner Fritz.

Fritz: I have a question about the family sized units. It says two bedrooms is family sized knowing the demographics of the David Douglas school district that doesn't seem all that big. Are they big two bedrooms?

Kondor: I think at central city concern what we really were trying to focus on is maximizing units. What we're seeing even in our transitional housing, our goal is to reduce homelessness and work with populations that really are under served. So if we were to do bigger units it would be more costs and you would get less units. This way we thought we could serve more families. It's just a matter of maximizing the number of units that we can and trying to place as many two bedrooms as we can but there's only so much you can do with a finite amount of money.

Fritz: Certainly having two bedrooms is very helpful to parents who want to have privacy every once in a while. Also there's a lot of families that are doubled up so obviously it's a great project. Very grateful for this being done I just would be careful about emphasizing the family size piece because I think it's obviously still much better than being outside and people will be very happy to be in those two bedroom units. We need to look at more ways to provide reasonable accommodations for larger families. Thank you.

Wheeler: Very good. Any further questions, colleagues? Is there any public testimony on this item?

Moore-Love: One person signed up. Mary sipe.

Wheeler: Why don't we hear from Mary.

Mary Sipe: I know everybody is anxious to end this day, but I wanted -- I think it's really important for people like Kurt and everybody to hear from someone who is benefiting from this type of program. This is so exciting you know I have talked about affordable housing and it's just -- I couldn't be more excited about this. In the '80s and '90s when I was vice president of board of directors of a private social service agency in Eugene that provided housing and shelter to homeless families I never thought that I would be in a position because I was making a lot of money at the time that I would ever be living in affordable housing. When I lost my job during the recession and I lost my home and I lost my pension, affordable housing saved me. In fact at your urging I wrote an email and copied you on it, a lengthy email to Kurt expressing my desire to get involved in these programs and some of my background and experience in this area. Like I say, I never thought when I was on that board of directors that I would be living in affordable housing. As our economy continues in this situation that it's in and people are under-employed and the cost of education is so prohibitive, we're going to have more and more people who do not make enough money during their career to set aside money for a 401(k) or any kind of retirement and they are never going to be able to buy a home. Programs like this are looking to the future to help people that through no fault of their own cannot afford housing. So I'm really excited to see this. I will say it's frustrating that the vocal citizens who keep coming up here and demanding to know what you're doing about housing the houseless aren't here to hear these last four agenda items. It's really frustrating, and --

Fish: I find it less frustrating when they are not here. I would just offer that.

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Sipe: That's true [laughter] the irony.

Fish: Mary, if we could have you testify on almost every item I think it would be an improvement.

Sipe: Thank you. Anyhow, I just can't say enough kudos. I --

Wheeler: We're all still laughing and smiling up here.

Sipe: Well, this will make you laugh. When I came back from the lunch break for the afternoon session as I'm walking down the street I had a little bit of encounter with Joe Walsh and so I stood out front as I'm walking down the street he's yelling at me with a bullhorn. There's no escaping it. [laughter] thank you, everybody.

Wheeler: Thank you. Colleagues, any further questions? Did anyone here have anything else to add before we call the roll? Very good. Please call the roll.

Fish: Great project. We have a wonderful partnership with central city concern. It's in a part of the city that desperately needs affordable housing and one thing that I have learned over the years is that we often get complaints from people out in these neighborhood associations about the quality of the affordable housing, but almost invariably they are referring to the private market housing which is very poorly constructed and often not very habitable. These kinds of developments actually are a net plus to the community. They are beautifully designed and built buildings with nonprofit partners that know how to actually manage the buildings in a way that's humane and client centered. And of course the numbers speak for themselves in terms of who we are serving. Thank you Dan, thank you housing bureau I'm pleased to vote aye.

Saltzman: Great project, great partnership between the county and the city and central city concern. Aye.

Eudaly: How can we do about 20 times more of these? Aye.

Fritz: Thank you for your work this is 153 units in an area of town that needs them. I particularly like your partnership with David Douglas school district. Thank you. Aye.

Wheeler: Well structured. Thank you. Aye. The ordinance is adopted. Next item, last item. **Item 736.**

Kurt Creager, Portland Housing Bureau: Good afternoon Kurt Creager, housing director and with me today is Kim McCarty who administers the federal programs on behalf of the entire region we receive these funds from HUD for Multnomah county and the city of Gresham so we're the lead agency. She has an update that's being distributed to the clerk for the council's information. This is required to be filed annually and to make it timely I before July 1 we filed the ordinance with last year's appropriation numbers because HUD had not yet given them to us until like last Thursday. So the new numbers are provided for the record. There are some slight changes, nothing dramatic and Kim is conversing in all the details.

Fish: How many years does this particular action plan cover?

Kim McCarty, Portland Housing Bureau: One year. This is the second annual action plan of the five-year consolidated plan that started in 2016.

Fish: Since there's a reference to the HOPE housing opportunities for persons with AIDS programs, is this -- is our submission limited to how we intend to spend our entitlement dollars or does this anticipate any competitive grant money?

McCarty: It's our entitlement money.

Fish: I assume we're continuing the partnership with Cascade --

McCarty: Yes.

Fritz: Just to clarify this is an additional exhibit?

Creager: This replaces the previous exhibit.

Fritz: Do we need to move to do an amendment.

Creager/McCarty: Yes.

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Fritz: I move to substitute.

Fish: Second.

Wheeler: Commissioner Fritz moves to substitute, commissioner Fish seconds. Any further discussion? Call the roll on the substitute.

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

Wheeler: Aye. We're now discussing the substitute.

Fish: Kurt, just a comment, it's 5:00. We're all tired and we're now going to act on our action plan for fiscal year and this is a multipage document. This is a very big deal this is the road map for how -- I know that you get to this point after considerable community consultation and process. What's the next opportunity we have as a council to go a little maybe deeper into this process and help shape maybe the next five-year vision? We have a new council we have a new set of challenges. We have obviously the new partnership with the county. Is there an opportunity for the council to become more engaged with this in the future?

Creager: I think to the extent that you want to that would be fine. This does constitute about 20% of the housing bureau budget so it's a big deal in that regard. I would underscore the fact that because it's federal dollars it comes with a lot of compliance requirements. I would say that half of our administrative burden within the housing bureau is dedicated to managing 20% of our money. It's definitely a disconnect there. We will advocate for some regulatory relief given every opportunity we can -- fewer strings definitely. This is a budget that is built in consultation with Multnomah county and the city of Gresham. We're mindful that we have community partners in this effort but I think perhaps Kim could reflect a little bit on ways in which you could have given your limited time available an impact on that conversation with the community. We do know that for example the home in the cdbg program are slated for not renewal. Hud secretary and the omb director proffered that as part of their 16% cut. I do think there could be some conversation with the community about what difference that would make to them as these funds flow directly to sub recipients and council does not have the general fund revenue to replace that.

Fish: That's a great example. The congress has said that the president's budget is -- no attention to it.

Creager: Doa.

Fish: To the extent we see some significant changes in federal funding and to the extent that we begin to think about modifying our priorities locally, I would welcome a chance next year to bring the council in for a little scoping project. I know you do an outstanding job consulting with our partners but if we see a big drop-off of federal funds its going to have ripple effects and we'll have to make forced choices about how to invest the money. I would encourage you to engage us early on in that conversation if we have the worst case scenario.

McCarty: Very happy to. The first opportunity happens in the fall with our community meet hearing.

Fish: Thank you.

Wheeler: Commissioner Fritz.

Fritz: So this items supposed to be 30 minutes and I appreciate that you're recognizing -- is there somewhere that people in the public can go on your website to find out more about this project?

McCarty: Yes, they can go to the Portland housing bureau's website and specifically consolidated planning, and then there will be this year's annual action plan. The action plan priorities follow the priorities that were already set by the housing bureau and this council in the overall housing bureau's budget.

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Fritz: Thank you.

Wheeler: I would encourage people to look at the 16 through 20 action plan goals on page 2 of this handout. It's a very succinct description of the objectives and how these streams of funding actually fit into the addressing of each of those objectives. I thought that was very helpful template.

McCarty: Thank you.

Wheeler: In fact I will probably put it on my wall. Thank you for that. Any further comments, questions? Public testimony?

Moore-Love: No one signed up.

Wheeler: Anyone else have anything else for the good of the order on this matter? Very good. Please call the roll.

Fish: Kim, I know how much work goes into this and to preparing this document every year. Your role in helping to bring this about. Thank you. Let's keep our fingers crossed that the federal government doesn't decide to get out of the housing business because that would be a shame. Aye.

Saltzman: Thank you for your good work, Kim. Aye.

Eudaly: Thank you and sorry this is coming at the end of a very long day and I'm looking forward to learning more about this issue and participating in conversations going forward. Aye.

Fritz: It is important when we have large amounts of money especially newer money coming into the housing bureau it's important for people to know specifically what is going to be done with it and there's a plan, not just whoever asks first. Thank you. I also want to thank the city staff who have been here all day with us and we recognize that you also have had especially Karla keeping track of everything going on, really appreciate it thank you. Aye.

Wheeler: I think this is a very good plan and I think it's a great strategy to back the plan. I'm sure we will be successful as a result. I want to thank the housing bureau and I want to thank you for your hard work and all of our community partners, some of whom are represented here in the room, our county partners and others. As I look at these projects going forward I think it will be a lot of fun. There's a lot of innovative, new ideas here and I'm confident we'll be successful implementing those ideas. With that I will vote aye and the ordinance is adopted. Karla, if I got this right we have gotten through all of the items for today.

Moore-Love: Correct.

Wheeler: Very good. Tomorrow we have one time certain item at 2:00 p.m. I'm excused so commissioner Eudaly will be chairing that hearing. I will be in d.c. lobbying on behalf of the city. So I will not be able to join you for that hearing but I will certainly be thinking about all of you. We're adjourned.

At 4:57 p.m. council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

June 22, 2017 2:00 PM

Sue start here.

Eudaly: The purpose of council meetings is to do the city's business including hearing from the community on issues of concern in order for us to hear from everyone and to give due consideration to matters before council we must all endeavor to preserve order and decorum of the meetings. To make sure the process is clear for everyone i'm going to review basic guidelines which I hope will help everyone feel comfortable, welcome, respected and safe at the meeting and ensure that decorum is maintained. Doesn't look like a real rowdy bunch today, but just in case. There are two opportunities for public participation. Well, this isn't true. This is a different -- so today people can sign up for public testimony either before or against and obviously your testimony must address the matter being considered at the time. I say obviously but apparently not obvious to other people. Please state your name for the record. We don't need your address. If you're a lobbyist please disclose that. If you're representing an organization please identify the organization. Individuals testifying for or against will have three minutes to testify. That will be very firm because this is a special proceeding and we don't have leeway on the time periods like we do in a regular council session. When you have 30 seconds left the yellow light will light up on the desk there. When your time is done the red light will come on. Conduct that disrupts meeting for example shouting or interrupting testimony or interrupting during council deliberations will not be allowed. People who disrupt the meeting face ejection from the meeting. If there's 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 you'd like to show support, please use thumbs up or twinkle fingers. No applause or booing as the case may be. If you want to express that you do not support something, thumbs down. Thank you. Let's get started. That is just such a weird way to start this meeting, but that's the reality. All right. Karla, could you call the roll?

[roll call taken]

Eudaly: So first the city attorney will make announcements about today's hearing.

Lauren King, Deputy City Attorney: I'll let Karla call the item.

Item 737.

Moore-Love: I should also let people know if you want to sign up to testify as the commissioner said those sheets are directly outside of council chambers.

King: Thank you. This is an evidentiary hearing. This means you may submit new evidence to council in support of your arguments. For an evidentiary hearing we begin with staff report by the bureau of development services staff for approximately ten minutes following the staff report city council will hear from interested persons in the following order. The appellant will go first and will have ten minutes to present their case. Following the appellant persons who support the appeal will go next and each person will have three minutes to speak to council. The principal opponent will have 15 minutes to address council and rebut applicant's presentation -- appellant's presentation. If there's no principal opponent council will move to testimony from persons who opposed appeal after

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supporters of the appeal conclude their testimony. After the principal opponent council will hear from persons who oppose appeal each person will have three minutes. Finally, the appellant will have to rebut the presentation of the opponents of the appeal. Council will then close the hearing and deliberate and take a vote. If the vote is tentative vote the council will set a future date to adopt findings take the final vote on the appeal. If council takes a final vote today that will conclude the matter before the city council. For evidentiary hearings I would like to announce guidelines for those addressing city council. Submitting evidence into the record. Any letters or documents you wish to be part of the record should be given be to council clerk after you testify. Similarly the original or a copy of any slides, photographs, drawings, maps, videos or other items you show during testimony including a power point presentation should be given to the clerk to make sure they become part of the record. Testimony must be directed to approval criteria. Any testimony, arguments or evidence must be directed toward applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code you believe applies to the decision. The bds staff will identify the applicable approval criteria as a part of their staff report to council. You must raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue. If you don't you'll be precluded from appealing the issue to the land use board of appeals based on that issue. Applicants must identify constitutional challenges to conditions of approval. If the applicant fails to raise constitutional or other issues relating to the proposed conditions of approval with enough specificity to allow council to respond the applicant will be precluded from bringing damages in circuit court. Now I will turn it over to commissioner Eudaly.

Eudaly: Do any members of council wish to declare a conflict of interest? No council members have conflicts of interest to declare. Do any members of the council have ex parte contacts to declare or information gathered outside of this hearing to disclose?

Saltzman: I have ex parte contact to declare. In late March at the request of britta hurwitz of the land use and planning committee, co-chair of the hayhurst neighborhood, I met with her and she expressed the neighborhood concerns with this development. Subsequently she met and talked with my policy director matt grumm but I have not been privy to those conversations.

Fritz: And member of my staff talked to a member of the hayhurst neighborhood association.

Eudaly: Does anyone wish to ask either commissioner Saltzman or commissioner Fritz about the ex parte contacts or information she or he has disclosed? Okay. Have any members of the council made any visits to the site involved in this matter? No? All right. Do the council members have any other matters that need to be discussed before we begin the hearing? Pertinent to this hearing, please. Okay. So first up is staff report.

Stephanie Beckman, Bureau of Development Services: Good afternoon. I'm Stephanie Beckman I'm planner with the bureau of development services and I'll give the staff presentation for the appeal hearing just going to jump right in because I have a lot of stuff to go over. The decision was heard or the application was heard by the hearings officer who made the decision on this case and approved the application which was for a preliminary land division plan for 11 lots and environmental resource tract and a new public street. It included an environmental review for right of way dedication and street and storm water improvements within the environmental overlay zone on southwest 48th avenue. The relevant approval criteria are listed here they are all addressed in the hearings officer decision that was part of your packet. The hayhurst neighborhood association submitted an appeal indicating a number of criteria are not met as listed here. You also have their appeal statement as part of your packet which is in more detail. I will touch on all of these briefly in the presentation but I wanted to note there are a number of other staff in the

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audience today that can provide more details if you have questions. I should also note that for the most part these issues were raised in the prior hearing and are addressed in detail in the hearings officer decision. This is a zoning map that shows the site dashed in red. The site is zoned r7, which is a single dwelling zone and you can see the environmental conservation overlay zoning in the southwest corner of the site. This map is also helpful to see the surrounding street network. You should note there are three dead end streets adjacent to the site. Southwest Pendleton abuts the site to the north where it terminates a different segment of southwest Pendleton dead ends at the site on the east and southwest 48th runs along the western boundary of the site and terminates south of the site where that half cul-de-sac is located. There's an aerial photo to provide more context again, note the two segments of southwest Pendleton both north and east of the site. Hayhurst elementary is located just southwest of the site on Iowa street. There is a path that crosses private property between 48th, the 48th avenue right of way where it terminates and Iowa which we hear is a popular walking route to the school and you'll probably hear about in testimony today. This is an existing conditions map. You can see the site has moderate slopes and low point in the southwest corner where there's a stream and wetland within the environmental zone. The existing house and garage will be removed. This shows the proposed layout. Note the street connection between the two segments of Pendleton. The entire environmental zoned area will be placed in an environmental resource tract with the exception of an area that will be dedicated to public right of way on the 48th side. The western portion of the site. This is a preliminary subdivision plat again showing 11 lots, a new public street and environmental resource tract in the corner of the property. The few photos to show you of the site and surrounding streets, this is southwest Pendleton along the northern border of the site. The site is on the left. This would result in dedication and standard improvements along this frontage. This is southwest 48th on the western boundary of the site. Again the site is on the left. You can see 48th its currently gravel and this project would result in dedication and standard half street improvements along this site frontage. This is terminus of southwest 48th south of the site. Beyond the wood fence kind of the split rail fence there, is the pathway that crosses private property and connects to southwest Iowa. To our knowledge there is no easement allowing public access in this location.

Fritz: So, a little later are you going to show us on the map where that walking trail is?

Beckman: I can. Would you like me to go back now and do that?

Fritz: It would help, yes and we'll stop the time so it won't count against you.

Beckman: So this map, if I can get a pointer, this is where southwest 48th ends. Then where it says southwest 48th you can see there's no right of way, that's where that path cuts through there.

Fritz: Thank you.

Beckman: This is eastern segment of southwest Pendleton where it dead ends at the site straight ahead and the proposal would extend the street onto the site. Just a couple more photos, this is taken from the site looking up to southwest Pendleton where it would be extended on the site and you can see there's a fairly significant grade change between the current street and the site itself. This is another photo of the site and approximate location of the new street. I'm going to start touching on the appeal issues starting with transportation. The appellants object to the street connection primarily related to safety concerns due to increased traffic. As described before, the site is bordered by dead end streets in addition a connection is identified at this location in the master street plan. Therefore a connection is required to meet the connectivity approval criteria unless there's significant barriers identified to a connection. The applicant has demonstrated it's feasible to build the street by gaining conceptual approval through the public works permitting

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process and the applicant's transportation study which was reviewed by pbot staff did not identify safety issues with the street connection. Additionally, pbot staff do not anticipate a high level of cut-through traffic due to the street connection and also do not view the street connection as a conflict with safe routes to schools. Moving on to storm water, this map shows the existing drainage pattern in the area. Concerns have been expressed about existing storm water issues becoming worse with the development. Currently much of the storm water is uncontrolled and there are flooding issues. Water comes from the north and floods properties on the west side of southwest 48th. Water also sheet flows across the property and collects in the southwest corner of this site where it can flood into the street. This map shows the proposed drainage pattern with the development. Storm water will be managed with planters shown in green and then much of the water will be directed to a storm sewer and carried to Pendleton street and west toward a bes storm water facility where it can be properly managed. With the improvements on southwest 48th water will be diverted away from neighboring properties shown here and directed to the new storm water facility and a reduced amount of water flowing at slower speeds will enter the public culvert down here before it flows on to downstream properties and over all bes expects development will improve storm water conditions in the area and reduce flooding. Moving on to grading, tree preservation and wetland impacts, this is a grading plan which shows grading to build the new street and prepare the lots for development. Areas where trees will be preserved are highlighted in green. The appellants object to the extent of grading and tree removal and raised concerns about potential impacts to the wetland from this activity. The applicant has indicated that the amount of grading is necessary due to a number of factors including building the street on a sloped site, staying out of the environmental zone, draining storm water from the lots to the street and the home product that they desire to build. While a sense of grading is proposed on the remainder of the site it's important to note the informing zone will be largely undisturbed and few trees removed from that area. Mitigation for tree removal and environmental zone impacts will be required with plantings in tract a, which is the environmental resource tract, and a payment into the city's tree fund. The applicant was asked to address impacts to the wetland from upland grading and their environmental consultant concluded sufficient hydrology would be maintained to support the wetland in the future. The appellants indicated that the applicant should have reduced density to reduce risk of landslides however the applicant's hazard study found it would not impact stability provided their recommendations for site separation and instructions are followed. Therefore was no requirement to consider other development options such as reduced density. The appellants indicate that springs located outside the environmental zone should have been protected. There is a requirement to protect springs, however the features in question do not meet the definition of a spring. Seep or spring in a zoning code. Therefore the protection was not required.

Fritz: Can you explain that, please?

Beckman: Yes. The zoning code has a specific definition which I can read to you. I actually have it here in case someone asks. Seep or spring, the point where an aquifer intersects with the ground surface and discharges water into a stream channel that flows into wetland or other water body. So there was essentially what happened is there were some in early march some areas where water was kind of seemed to be coming up out of the ground. Ground water essentially. The applicant was asked to address that and if it met the requirements they would have needed to protect it that area in its natural state and a tract. What was indicated from the applicant's consultant and bds staff agreed was first there wasn't an aquifer, which is the first piece of the definition, then second there was not a stream channel flowing between the seep area and the wetland.

Fritz: But there's a creek going through the wetland, right?

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Beckman: In this area there's a stream here and a wetland here and there were some areas here, wet areas, in this area in the red that were identified. But they were not -- they said they didn't meet the strict definition of the code.

Fritz: After the grading is the water from that circle going to go to the southwest or into the basement.

Beckman: It would go -- there is a retaining wall along that area, so the water would tend to need to flow off the slope towards the wetland there. There is a retaining wall so the drainage from the retaining wall would then flow into the wetland areas as well.

Fritz: Thank you.

Beckman: I just have one last slide. Your alternatives for making a decision today i'm sure you know what these are, but the first is to deny the appeal and uphold the hearings officer decision as is. You could deny appeal, uphold the decision with modifications or grant the appeal and deny the application. I'm happy to answer any questions. As mentioned there are staff here with expertise on the topics that we have discussed that can provide more details as needed.

Fritz: Excellent timing.

Eudaly: I have a question about the street that maybe we should bring someone from pbot up for that.

Beckman: Sure. I'm not

Eudaly: I'm not sure when that would happen in the process. We only have six seconds left for staff presentation.

Fritz: You're allowed to give more if its in response to a council question.

Eudaly: I don't know if someone from pbot is here -- we have heard that no significant concerns have been raised about the street and I expect to hear more about that issue as we hear testimony, but has any consideration been given to permanent or temporary traffic calming measures? This is a major change to the neighborhood.

Fabio De Freitas, Portland Bureau of Transportation: Thank you for the record I'm Fabio De Freitas from pbot. Good afternoon, council. Good question council member Eudaly. If I -- I could go on and on about that question I'll try not to break up in my testimony as well. We have been at this game for two plus years and we noted since day one the concerns from the neighborhood association relative to traffic in relation to pedestrians in the area including children walking to and from hayhurst elementary. As staff we're focused on approval criteria and making sure we have had sufficient documentation provided to us to support the application and to substantiate the approval criteria. In my review of this project the time we have been working on this project sufficient evidence has been submitted by the applicant in the form of a professionally prepared traffic study, and our review of that analysis as was identified in our recommendation to the hearings officer and as confirmed in the hearings officer's decision we do not foresee or expect safety issues in relation to the development of the property as proposed. From our perspective the inclusion of standard street construction with sidewalks on both sides of the street through the subdivision including new sidewalk along the northern leg of southwest Pendleton and the entirety of the frontage along 48th avenue will be an enhancement to the pedestrian system in the area. Furthering my point, to your question specifically in terms of have we given any thought to traffic calming, I would suggest given the orientation of the street that's proposed and the connection to the broader neighborhood, there are few if any opportunities for vehicles to be traveling at any reasonable rate of speed. We are talking about a circuitous neighborhood with twisty, windy streets. The proposed street in question will have grade as Ms. Beckman identified in her presentation. There are significant grade differences here. Where we would typically see issues with speed and potential for the need for traffic calming are along long

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stretches of roadways with higher speeds where something like a speed bump or a series of speed bumps may be warranted. Given the circuitous nature again of the street through the subdivision throughout the broader neighborhood, that also extends into less than standard streets per pbot standards with no sidewalks, with narrow pavement. There's just not the expectation by either pbot staff or as identified in the professionally prepared traffic study that there's going to be a resulting traffic safety issue that would warrant such measures. Whether or not council wants to suggest that as a mitigation measure, that's certainly your prerogative. I would just say further and lastly that pbot doesn't place speed bumps haphazardly. They are typical mitigation measures that have to satisfy warrants. So even if there's a desire to place these they typically have to meet national warrants to be placed. Lastly, again, with this whole speed issue and whether or not it's going to result in potential issues for pedestrians, one of the other arguments that the neighborhood association has made throughout time is whether or not pbot or the city could consider a less than standard street section through the subdivision. I would say that because the applicant will be providing a standard street section which will allow parking on both sides of the street, it's recognized that on-street parking in and of itself is a traffic control mechanism.

Eudaly: Great. Thank you.

Saltzman: Much of what you said also applies to the issue about safe routes to school. Is there anything you would add on that issue? I know that's a concern as well.

Freitas: Thank you, commissioner Saltzman. Yes, much of what I just identified is relative to the concerns that the neighborhood has expressed in relation to the safe routes to school program throughout the area. As I mentioned, we foresee with the inclusion of standard street section and sidewalks throughout the subdivision that safety will be enhanced as a result of this project. I have been out to the site on multiple occasions. To make some observations for my own clarity identify potentially with what the neighborhood was reacting to and voicing as concern. In my observations, which is consistent with the observations made by the applicant's traffic consultant, there are a handful of kids that were walking along 48th avenue. One visit I saw four kids walking to school next visit there were eight kids, one child in jeopardy is one too many. I would suggest that with the low volumes of vehicles that are in the area today, if you noted in the maps that Ms. Beckman showed earlier in her presentation, she identified correctly there are multiple dead end streets throughout the neighborhood as well, we're not seeing high volume of vehicles, a, there's definitely not a high-speed issue here with vehicles and as included in the applicant's traffic study, I applaud their consultant for doing this extra effort, they provided us with an analysis of potential cut-through traffic. A very, very conservative analysis that was prepared even with that, with those numbers that were thrown into the equation it's absolutely not expected that there's going to be a high volume of additional vehicle traffic traveling through the subdivision as a result of the street connection. There's no reason from pbot's perspective that completing a street network, providing for a street connection has any negative impacts with respect to the goals and objectives of safe route to school program. I have confirmed, we have had multiple meetings with safe route to schools staff in preparation for this hearing and for the hearings officer's hearing and we're all on the same page from pbot development review and safe routes to school, there's no reason to suggest that traffic in relation to this subdivision is going to result in adverse impacts to pedestrians in the area.

Saltzman: Thank you.

Fritz: The right of way 48th and the new sidewalk how is the water going to flow into the culvert and into the green street structures? How does it get across the sidewalk to get into this --

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Freitas: I could take a stab at that, commissioner Fritz. Thank you for the question I would prefer that you would point that question to bes staff.

Fritz: Do we have someone from bes here, please? Bureau of environmental services. Thank you.

Beckman: I pulled up the map but I don't know if there's a way to show that. Would that be helpful?

Fritz: Yes that's the one I was going to ask about. Thank you.

Brett Winkler, Bureau of Environmental Services: Brett Winkler with bureau of environmental services the civil engineer managing that group, public works.

Fritz: Looks like the green street the sidewalk is closer to the environmental is on the property side of the right of way, right? Then green planter on the west side of that?

Winkler: Yes. That's typical design where we have storm water planter located in the landscaped area. These plans were -- this is more schematic id say so keep that in mind. We'll review the public works plans. Typically what we would see here is we want to make sure there's a solid connection. We wouldn't be obviously running storm water across the sidewalk. It would be more of a piped connection with an outfall to the stream. I will confess I haven't seen the specific plans, so I would have to confirm that, but that's our typical standard and what I would expect to be seen at this location.

Fritz: I have seen water running across sidewalks in this area in southwest not this particular spot, the other concern I have is where it was pointed out about the seep, which is not a seep or not connected to an aquifer or whatever. On page 28 of the hearings officer's decision it said bes argued that if the noted storm water discharges do not constitute springs or seeps as defined by the code they should still be located in the tracts to avoid potential impacts to the surface and subsurface flow of water that could cross this site. Then it goes on to say, bes failed to identify any code requirement that could support such a condition. I'm wondering why isn't the grading approval criteria, which I just had it -- on page 21 existing contours and drainage of the site must be left intact where practicable. I didn't see any discussion of that cause I'm concerned about that seep. Is it going to then be draining into the basements of the houses or how does it get where it needs to go?

Winkler: You've managed to pick the one question that straddles several jurisdictions. I'll speak to what I know then I can also defer to one of my coworkers who has done a lot more on seeps and springs. What I can tell you about is the larger drainage pattern as a whole that I have seen reflected in the drainage report, which is by and large we're directing water similarly to what was there before. The one exception is that we are i'll call it intercepting some streets with the new proposed cut-through. Those facilities are unlined so there's an opportunity for water to maintain its connection to the subsurface flows. Then the retaining wall my understanding is that it is that it has weak walls.

Fritz: I'll see if the applicants and opponents can go into more detail about that. I can ask your colleague later thank you very much.

Beckman: I would just add on that that the area in question is below where the homes will be, so it won't be going into anybody's basement. It would be in the area where there's some development which would be a retaining wall and some fill. But it's below grade of all the homes.

Freitas: Commissioner Fritz, if I may add, to your question related to construction of the street and storm water management will be dealt with, hopefully this brings you some comfort and the rest of the council as well, the project has been through the public works process now for many, many months. We wouldn't have been able to get here nor to even the hearings officer if the street design had not been conceptually approved through public works. So there's been a tremendous amount of work and technical review that city staff from pbpt, bes and the water bureau have all invested in the street design. If we had not

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gotten to the point of the applicant receiving conceptual approval from public works we would not be at this stage today.

Fritz: Thank you.

Eudaly: Thank you. Next we'll hear from the appellant. You have ten minutes to present.

Peggy Hennessey: Hello. I'm Peggy Hennessey here on behalf of the hayhurst neighborhood association with me at the table is John Rhodes and Shane Latimer, who are experts in their respective fields we have a wetlands expert as well as a hydrologist. We would like to begin by letting you know the neighborhood association is not opposed to residential development per se. What they are opposed to is the plan that's been approved because we don't think it meets the approval criteria. The first one with which we have issues is the city code requires inclusion of seeps and springs. City staff found additional springs which they are not calling springs any more, and then the applicant submitted additional information and said they really don't meet the definition of springs therefore there's no need to protect them. John Rhodes, who is our expert hydrologist, reviewed the record and conducted a site visit, and we have submitted a 15-page report which explains why the newly discovered springs are indeed springs and entitled to protection. Mr. Rhodes is here today and can go into more detail with you and respond to questions you may have about the seeps and springs. With respect to tree preservation, your code requires you to protect the trees to the extent possible. The hearings officer found that connectivity was absolutely mandated in this case. However, Phil Healy who is a transportation planner with over 20 years of experience, has submitted a statement into the record explaining why connectivity is not required in this case. He reviewed it against the code provisions regarding location of rights of way and connectivity and found that there's no compelling need for additional connectivity for cars in the area. The new street would be spaced less than 200 feet from 48th avenue which is a direct violation of your code, and the through street would be of minimal benefit compared to the adverse impacts it will create on the other natural resources on the site. With respect to the environmental review, Shane Latimer will be addressing some of the issues related to the runoff, alternates for piping it, how it impacts the existing wetlands on site, and the outdated storm water management technique of just piping it all away. How do you recharge the wetlands? It's not working to protect the environmental situation on site.

Jon Rhodes: Good afternoon, commissioners. I'm Jon Rhodes I have about 30 years in my field in hydrology I have submitted written testimony I'll note in my background the work for my graduate degree was all on shallow aquifers and the fate of nitrogen in them in mountains. Going through the definition being used for what a spring is, has to come from an aquifer that intersects the surface. One thing thrown around is whether or not the water that's feeding the spring is an aquifer or not. If you look up the definition of an aquifer it's a water-bearing natural soil formation that can transmit water. When you see a spring that's an indication of an aquifer. Some definitions thrown out secondarily for an aquifer is that it's usually in terms of water whether it can yield usable water supply that's usually not always. As far as the water supply, the downstream water supply for the wetland is very important. It's usable for the wetland, for water supply further down, important resources and fish habitat, it's usable further down for water temperature control. I went through the tmdl, one of their main strategies is to protect seeps and springs and to restore natural flows. Impervious areas

Fritz: Just translate what tmdl is.

Rhodes: It's a total maximum daily load its when you have very impaired water quality as is the case with Fanno creek it's a formal way of setting out obligations. But it's also the resources within that environmental conservation zone, part of the approval criteria is they have to be protected and an alternative needs to be selected that has the least detrimental

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impacts on the environmental conservation zone, which includes wetland, it includes downstream fish habitat. So the water is usable. It meets the definition of an aquifer. That's the only other criteria is whether or not it flows into a channel well the drainage maps all clearly show it flow into the wetland, the drainage maps all show the wetland clearly flows into the channel in the corner of the property. The channel clearly flows into a water body that is Fanno Creek. These wetlands are an important part of water supply during low flow. If you look at Fanno Creek tributary conservation plan which sets out resources and values that are to be protected in environmental conservation zones, this is just background, they say impervious surfaces permit less rainfall to infiltrate soil. They reduce ground water recharge, they lower the volume of water in creeks, contributed by ground water. This can cause neighboring creeks to dry up early in the season which can damage or destroy habitat for resident fish. So these are all key issues the impervious surfaces also reduce low flows as mentioned in there this is not in dispute in hydrology. That has adverse effects on the wetland, also adverse effects downstream. Those cannot be mitigated and there are lower impact alternatives to this because it's known that the impacts are proportional to the amount of impervious surfaces. Reduce impervious surfaces in an alternative, you reduce the impacts. Again the seeps, springs need to be protected. They meet the definition under the code.

Eudaly: I need to clarify the impervious surface your talking about is that the retaining wall?

Rhodes: Houses, sidewalks upstream. Everything. They prevent recharge. Happy to clarify.

Fish: Can I ask a clarifying question? Was the substance of the expert testimony you provided to us, was this submitted below?

Hennessy: No. This is a denovo hearing, so it's new today.

Fish: Okay. We could also have been submitted below and today, so just clarifying. This is the first time this has been submitted.

Hennessy: Yes.

Shane Latimer: Good afternoon, I'm Shane Latimer. I want to just briefly address the wetlands since it's the key element of the conservation zone and its positioning on the site. I think the thing that struck me about the proposed development was that the way the hydrology was set up for the site was to divert most of it off the site. We have come to a point in the development of Portland where in fact we have great opportunities to not divert storm water into a pipe but to continue to use them in situ as something to drive our existing eco-system services such as wetlands. In this case we are not only diverting that water away from the wetland, we are also perhaps reducing the hydrology that would feed and maintain the wetland, so in fact, I haven't seen anything in the record that would quantitatively or qualitatively to some degree show that there's not going to be an indirect impact to the wetlands and the stream on site nor to the other waters and similar related features or fish and wildlife downstream. The courts have found that water quantity is as important as water quality in terms of prevention of harm to endangered species and I think this is a case where you're high up in the watershed, this is where we have great opportunities to preserve water flow and temperatures, water quality in general, for those situations, habitats, species farther downstream. I think there are opportunities here by with alternative designs that are practicable to maintain water on site, treated on site, discharge it on site through the wetlands as it happens now while still dealing with some of the flood control issues maybe from surrounding areas. Thank you.

Hennessy: I just wanted to add with respect to the transportation issue, the hearings officers found that the safe routes to school program was not really a relevant approval criterion and it's not listed as an approval criterion but is relevant to your basic

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transportation issues. Under your code section 33.641.020 it says the applicant must show that the system including all modes can safely support new development in addition to existing uses. The existing uses are school children getting to hayhurst elementary school. Pbot says that this development will not really conflict with that. They will have sidewalks. Well it will also introduce trips generated by each of the houses and additional trips by people who don't live there who are going to be able to cut through on Pendleton for the first time. Thank you.

Saltzman: I know that area well. Where would cut-through traffic be coming from and going to?

Hennessy: Down to Beaverton Hillsdale they might cut through just because its easier.

Saltzman: Why would you do that as opposed to going down 45th? Cameron, whatever street it is?

Hennessy: I don't know. I'm not as familiar with it as you are.

Saltzman: Okay.

Eudaly: Colleagues any more questions? All right, thank you. Next up we will hear from supporters of the appeal. Karla, do we have a list?

Moore-Love: We have about 12 people signed up. The first three please come on up.

Eudaly: William come. Please state your name for the record. You have three minutes.

*******:** Does it matter what order we go in?

Eudaly: It does not.

Al Iverson: I'm going. My name is al Iverson I live in the Hayhurst neighborhood. I'm a professional engineer licensed in civil and environmental engineering and have been involved in storm water management policies issues for southwest Portland for some time now. This project will likely harm downstream properties. This is a common occurrence in southwest Portland in the spring garden neighborhood several older homes are experiencing storm water problems for the first time after nine homes were built upstream from them. For this project upstream storm water runoff to 75 homes and a mile of city streets flows through a ditch through the southwest portion of the project site. The runoff crosses 48th avenue in an 18-inch diameter culvert. The project proposes replacing this culvert with a 36 inch one even though the amount of storm water there will be slightly less after the project is completed than before. It's this aspect of the project that concerns me. During large storms 18-inch culvert restricts the flow causing runoff to pool on the upstream side of southwest 48th avenue. Southwest 48th avenue acts like a dike and storm water runoff floods the ditch a portion of the property being developed. The actual storm water storage volume is unknown but it is held every storm for the last 20 years without exceeding capacity. This observation contradicts the submitted calculations which say that a storage capacity would be exceeded within two minutes during a 25-year storm. Using the same assumption and methods, a two-year storm would exceed the storage capacity in about four minutes. This is clearly never happened so the actual storm water storage capacity must be greater than the 2300 cubic feet assumed in calculations. The project has a substantial amount of fill dirt and by increasing the culvert diameter to 36 inches it won't matter if there's a loss of storm water storage volume by inadvertently filling in that area in part this is what happened in spring garden. The developer's engineer responded to my concerns by saying that the described culvert design method does not consider storage or attenuating circumstances along the conveyance system. By replacing the 18-inch culvert with a 36 diameter one storm water flow will run unchecked on the downstream side of southwest 48th. This will negatively impact downstream properties and I would think be in conflict with city code 17.38.035, which addresses downstream damage. I did not receive adequate explanation for this and this is why it violates city code. For this reason I urge you to deny this permit for this project as proposed.

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Eudaly: Thank you. Please state your name.

Randi Sachs: My name is Randi Sachs I'm speaking as a neighbor and also on behalf of the neighborhood association. The first thing I wanted to do was expand upon phil Healy's testimony. Phil a transportation planner with over 20 years of experience he currently works for the port of Portland which is why he couldn't be here today because he's at an all day event. I'm going to read some of his testimony in regards to the connectivity. Phil said i'm the transportation planner with more than 20 years experience in Oregon I reviewed and implemented street connectivity regulations for hundreds of residential land divisions during my previous employment in Washington county. My comments are limited to the proposal and requirement of the through public street for the subdivision. The Portland master street plan map 11.11.6 in the southwest district which I believe will be handed to all of you shows potential street connection point and alignment uncertain chevron directed southward from the northern southwest Pendleton street to the south along with street connection point certain area in the middle portion of the site directed to the south towards southwest Iowa street. This implies that a street connection must be carried through from southwest Pendleton street to southwest Iowa street. Because of scale of the map is unclear if the connection to the south is intended to be made along the existing southwest 48th avenue or through the development site or some other arrangement. The map also has a street connection point certain arrow directed from the middle portion to the east. The exact meaning is unclear but what is clear is that they need to be considered in concert with the street connectivity requirements found in 33.654.110. He goes on to say there have been findings made that there will be a significant change to the required terrain in order to construct the street, which is one of the aspects of the approval criteria. He comments that a pedestrian path could be constructed along the east property like with much less grading impact. 33.654.110.b1a requires that through streets and pedestrian connections should generally be at least 200 feet apart. The new street will be spaced at less than 200 feet from southwest 48th avenue. Again pedestrian path could be constructed along the east property line that would meet the city's spacing guidelines. Testimony has been provided that there will be minimal use of the new street connection for through traffic. This information diminishes the argument for the need of a through street in the first place due to minimal benefit to auto connectivity compared to the impact to site terrain and other natural resources described in the code. There's not a compelling need for additional connectivity for cars in this area there is no significant reduction in vehicle miles traveled in fact it goes against the city's larger goals of trying to induce a mode shift from autos to active transportation. Introducing additional traffic on roadways -- can I finish the sentence?

Eudaly: Very quickly.

Sachs: Introducing additional traffic on roadways not adequately surfaced and do not meet the city's engineering standards while not requiring or assuring improvement to minimal standards is not a benefit to the neighborhood this is included in the testimony that was handed in by the neighborhood.

Fritz: I didn't get the letter. I got two pieces of the map.

Sachs: The map is actually printed from the master plan. Then it shows you the key basically for what the icons represent.

Fritz: Could you submit the letter as well, please?

Sachs: Yes, it's included in the hayhurst neighborhood association packet. Exhibit 3.

Fritz: Thank you.

Eudaly: Thank you.

Drew Bradbury: I'm drew Bradbury. I don't have much to say. I signed in but I don't want to be redundant. I have a couple of things to say. I have a signed petition by 306

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signatures in the neighborhood. We have a lot of people here in the neighborhood but there are a lot of people not represented here today in person whose voices we want to make sure are heard. They are not just clicking and submitting. They are comments from people who have lived in the neighborhood for decades that we feel are relevant, those comments are relevant particularly around the connectivity issue I wanted to offer my thoughts as well. You know, there are standards that are meant to be met and meant to be discussed, but it's pretty hard to feel that introducing vehicles where vehicles currently are not would not introduce more peril into the neighborhood and to safe routes to school. The sidewalks that pbot is proposing are not connecting to any other sidewalks in the area they are islands unto themselves. So there's a fundamental conflict conceptually that introducing cars cannot introduce more danger for the only, only pedestrian route from Cameron to hayhurst elementary, and to address your question, commissioner Saltzman, simply because I have more familiarity with the neighborhood, cars would be -- through traffic would be going from Cameron to 45th from Cameron to hayhurst, from people driving west wanting to go down to Cameron and Beaverton Hillsdale highway, so there would be increased trips in general and also because of the increased homes. I think that it's not overstating it to say that this is the only safe route to school in the neighborhood. This is a pedestrian superhighway regardless of what time of day other folks have witnessed pedestrians or not. Anyone you may hear from in the neighborhood would certainly assert that this has been used as such for decades. So it's not a small issue. It's not just a conceptual issue but a safe route to school going away. It's introducing danger to families and people who walk, ride bicycles, people who are elderly and if it were necessary, really necessary, to this I think there would be more understanding in the neighborhood, but these are not major arteries that need to be connected. This is a small neighborhood it's not that we want to keep it that way, we understand change is part of life and we understand Portland is in bloom and we get it. The need for connectivity is simply unnecessary and any further delving into the details of this should show that. That's all I have to offer today. Thank you for your time I'll be submitting this as well.

Eudaly: Thank you.

Eudaly: Welcome.

Susan King: Thank you. I'm Susan King. I am one of the co-chairs of the hayhurst neighborhood association. I have lived on about one block from the site for over 37 years. First along southwest 48th avenue and now on southwest flower court. Much of our official testimony will repeat what you've already heard today but I want to emphasize a couple of points that have been made so that you can understand the extreme concern that our neighborhood has for this proposed development. For this development as proposed. Our neighbors are very acutely aware of this site as I said I have lived there 37 years. My child ran over the site with the children who lived there for years. I can attest to the mud on his boots and clothes that came from walking through the seeps and springs that do exist on the property. You've heard about water flow and we have communicated the presence of water flow on this property and in the environmental zone since the beginning of this process. Our adjacent neighbors experienced drainage and storm water problems resulting from a site even today with approximately 200 trees that exist. I want to repeat what has already been said. The hayhurst neighborhood association is not opposed to development on this site. But it strongly is opposed to this particular proposal. We understand the desire for the property owner to achieve a return on investment on the property. Let me just emphasize two critical areas of concern, first you've heard already the physical character of the site including the existence of seeps and springs outside the environmental zone. I would emphasize chapter 33.36.35.100 which requires when existing contours and drainage patterns must be left intact wherever practical. In fact, the

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proposed development is in direct conflict with this requirement as the entire developable portion of the site is being regraded and all contours changed. The proposed home sites together with regrading and rerouting of runoff will have a significant negative impact on the wetland portion of the site as well as the stream system you've already heard about that. Springs that exist on the site flow into the wetlands and water is discharged versus stream channel into a tributary of Pendleton creek and into fanno creek. As noted by previous expert testimony, there are a myriad of negative effects that will result from this proposal. On watershed that is the subject of the city's own conservation plan including water temperature, pollution mitigation, et cetera. The second issue critical to the neighborhood you also have already heard about and that is the presumed requirement that two segments of southwest Pendleton be connected. It's our opinion, our assertion that no compelling reason for such connection to be required and in prior testimony pbot staff has suggested the connectivity goal supersedes other considerations on this terrain. Whether traffic requirements exist. I'm just go going to if I may conclude, i'll leave my written testimony. The sidewalks that are proposed really only are on the perimeter of the property. They connect to no other sidewalks in the area. In fact southwest Portland is notoriously absent or deficit I would say has a deficit in sidewalks. Southwest 48th from southwest Cameron to the adjacent site is a substandard road. It's narrow, filled with potholes.

Eudaly: I have to ask you to wrap up.

King: Let me just say that the count that pbot staff achieved in no way mirrors the actual use of southwest 48th street that occurs on a daily basis rain or shine. I'll leave my written testimony and I thank you for your time.

Fritz: Ms. King you mentioned 200 trees currently on the property. Do you know how many will be preserved under the plan?

King: I believe we submitted that in the past and it has escaped my memory right now but we can get that information.

Fritz: Thank you.

Brynna Hurwitz: I didn't bring a picture, but do you want to show them? I want to show you a picture of 48th. Can she use my phone? I don't want to step over the thing. I'm brynna Hurwitz, land use chair of hayhurst. Thank you very much for having us here and it's an honor to be here. So the main thing I want to talk about is southwest 48th and the safe route to school. What's difficult is with all the maps there's nothing about southwest 48th from Cameron to southwest Pendleton. So if you have that little bad map in front of you that I gave you for randy, if you look at southwest Cameron -- thank you so much. You look at southwest 45th, southwest 45th from Cameron to southwest Pendleton is not going to be improved at all that is your major safe route to school that's your major way. There's no sidewalks, there's potholes, it has a steeper grade. It's 10% versus what's actually acceptable of 8%. Then Mr. Saltzman, you asked about why would you skip Cameron? That's an excellent question. Here's the funny thing. The church on Cameron at 48th, they now have a sign saying no cross through because people go through the church parking lot to avoid about four seconds of a drive. So here you're going on 45th, right, coming from Vermont toward Beaverton Hillsdale heading north I think that is. Then you go -- a 90% turn, hook like that, and you're at the top of Cameron you come down. If you could avoid that and you're on 45th, and you go I'm going through this neighborhood and I come out on 48th I have missed a 90% angle of a turn and a flat downhill with no sidewalks where people sometimes walk. So it will be used as a shortcut. It really will be. What i'm worried about we have been fortunate to have no fatalities. Not many accidents so far. But just the other night I came home from Cameron I turned on to west 48th and i'm familiar with it so I was driving super slowly but there's two people walking and another car put on the brakes.

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Okay, we're all fine. But those of us who live there every day i'm thinking this is just an accident waiting to happen. It's unimproved you're swiveling around to get out of the potholes, there's no sidewalks and it's a well used path from southwest Cameron to Iowa. So that's a really big concern. I know as I said I wish I had has map we could look at, but the new streets that are going to have sidewalks have nothing to do with that major arterial. If we didn't have to have that connectivity coming through which will be a shortcut and additionally all the houses will have cars that will use 48th, because 48th is your closest way to Beaverton, Hillsdale, grocery stores, Beaverton any major areas where you're going to go and that is southwest 48th that's how you're going down there.

Eudaly: Thank you. I need to ask you to email that photo to Karla so it can be entered into the record.

Nathan Hale: I'm Nathan hale, a licensed landscape architect in the state of Oregon. I currently live catty corner to this piece of profit, northwest of the Pendleton 48th intersection. My family has owned and lived in the house since 1968, so we have a lot of history in the neighborhood with people who used to own the property across the street from us as well. I would like to take a couple notes of stuff that kind of gets muddied up with all the terminology and all that stuff. Yes, definitely with a new construction this portion of Pendleton will be safer. But nothing else will. Just this one block section of Pendleton. You're creating sidewalks that have already been brought up that have no connectivity. They are putting in sidewalks that earlier they stated the safe route to school that my daughter uses goes through private property, but they are putting sidewalks to this supposed private property that nobody use. I think a big question that keeps getting avoided is technically my address is southwest 48th. I have no sidewalks. I have no -- there will be no improvements to my property other than the flow of traffic. Other than construction. Other than damage to my street. My concern is that, yes, southwest Pendleton will be safer, can someone look me in the eye and say 48th will be safer? It can't the additional traffic will not make it safer. I walk to school with my daughter and her - - she's very friendly in the neighborhood. With more than eight children at any one time. A lot of those people in this room and we're very good friends with each other. I think something that has not been brought up is also recently city of Portland pps changed the school boundaries. Those school boundaries have extended more to the north bringing more students through our neighborhood than ever before. I don't think that's been accounted for in all this stuff is that there's been a growing number of students coming to hayhurst now. I think another note to make is that yes, there are other ways to get to Iowa other than southwest 48th but I can tell you that none of those are the same. I submitted them prior to where every other way through to Iowa to the south of this property is a trail at best. A lot of those are on private property this is the one that children on bikes can use, people in wheelchairs can use, it's the only really accessible route. The next is southwest 45th but nobody can walk that. Another note worth saying is I don't think -- we talked about water and all this stuff. Really the scale of the impermeable surface we're trying to create has not been addressed. We have currently two houses, a house and garage that maybe cover 3,000 square feet and we're going to cover it with over 10,000 square feet of impermeable space thank you for your time.

Eudaly: I have a couple questions. Is the preference of the neighborhood that the street be a cul-de-sac or dead end?

Hale: We have seen versions that would allow a mirrored image on Pendleton which would allow six houses on the south side of Pendleton and then on the upper portion of Pendleton basically creating cul-de-sac with five more houses which could give you the number you want and not require a through street.

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Eudaly: My other question is in regards to the safe route to school that is an unpaved path through property or --

Hale: That path used to be a through street with cars and traffic and everything. It's a gravel path but it's a road's width. It's not a trail. It's a 10 foot wide single lane road that goes through there.

Eudaly: Where is that in relation to the environmental area?

Hale: It would be just to the west of that.

Eudaly: That's what I thought. Then my final question is as far as sidewalks on surrounding streets, that's clearly not the responsibility of the developer. Are you saying that you would want the city to provide additional funding?

Hale: I'm saying when somebody says they are putting a sidewalk and it makes it safer it doesn't make it safer for me. It makes it safer for the 11 houses going in. People walking through are going to walk in the street, walk on the sidewalk in front of 11 houses then get back in the street. It has not allowed for connectivity from Gabriel park to hayhurst school there's no connectivity. The connectivity is in the street.

Eudaly: Sure.

Hale: This little bit of sidewalk, we're never going to be able to improve 48th and I don't expect sidewalks there. Even though yes this one block will be safer everything around it won't be. I don't live on Pendleton. I live on 48th and Pendleton. It does have an effect.

Eudaly: Thank you.

Eudaly: Welcome.

Dennis Call: I'm Dennis call. I live at 5721 southwest 48th avenue. It's on an unimproved street of 48th. I have been at that location going on 50 years. So I have seen a lot of changes in the neighborhood. From the intersection of 48th and flower court to Cameron road the responsibility and care and maintenance of that part of 48th has been on residents. Neither the city nor the county claims responsibility for the maintenance that street is filled constantly with potholes it is not passable by two cars at one time either going to and from. It's constantly filled with people, kids going to and from school, dog walkers, joggers and bicyclists. Contrary to the report, there's more than eight kids going to school on that street. I see a ton of kids going through there on a daily basis. So this project as is presented enormous increase in the daily car and truck traffic over unimproved section of 48th. So i'm asking the committee to consider the magnitude of this negative impact on the safety and wellness of this part of the neighborhood. Thank you.

Eudaly: Thank you.

Leslie Hammond: I'm Leslie Hammond I have a house on the corner of southwest 47th and Pendleton. I would agree that by putting a through road you're going to have a lot more traffic comes through that part of the neighborhood because they will cut the corner and won't go up to 45th. They won't go up Cameron to 45th to come down but I got involved with this because when I got notice that the development was coming I went down to the city and talked to Stephanie about what the plans were. And I noticed that most of the trees were going to disappear and most importantly for me personally there's a gigantic 50 to 60 foot western cedar that anchors the back corner of my property. My property runs right across the top of where the building site will be and there's a big tree in the right of way that actually pushes under my fence but anchors that corner of my property. I have a retaining wall behind my property to make sure it doesn't fall down the ravine below it so I asked if the western cedar could be saved instead of cut down. The entire right of way along my property is all trees and bushes and this big tree. The tree is very healthy and in good shape. I have been trying to work with the urban forester to see if that tree could be saved from demolition because the development is coming in. I am happy to accept new neighbors because I have been following the residential infill project

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and affordability issues very closely for the last year trying to sort out what I thought -- what reasonable solutions there might be. Personally, I think 11 houses on the steepness of this ravine I encourage you to look at it is way too many and I also think -- so I would suggest that the number of houses be cut back. If that's not possible we definitely should do a cul-de-sac and not a through street, which will preserve the safe road for the kids on the other side. I didn't even know about the safe roads to the kids until earlier this year because I am a brand new homeowner in the area but it's really, really valuable. Anything that this council can do to keep it the way it is will make it much -- keep it safe. We don't have a lot of cars that go down that street. If you make a through street we will have a lot of cars that go through and of course cars actually create the danger for the kids. So thank you very much.

Eudaly: Thank you.

Sarah Silkie: Hi. I'm Sarah silkie. Peggy mcsorley will be next but she said others have said what she's going to say. I live across the street from the proposed development I agree with most of what my fellow neighbors have said along the way here. I have to say I have spent a lot of time reading city code and approval criteria, my understanding is it's not what the neighborhood wants. It's what the city code says. And what is really interesting to me about the city code and these approval criteria is that all of them say to the extent possible, where practical, if there are not serious other considerations, and what the city staff have decided is that the vehicular, the car connectivity is the most important criteria for this development and in order to achieve that we have to do extreme grading, which would not otherwise be permissible. We have to remove the vast majority of the trees. I don't have the exact number, but I think there's only like three or four that are the good trees that are going to be kept. That western red cedar she's talking about is right in the line of this proposed road. So I would love to have new neighbors. I have young kids. They like playing with other kids, my sister wants to buy a house there's nothing affordable. New houses are good but this street going through and making a sacrifice the trees, sacrifice the hydrology, sacrifice all of these other approval criteria -- I mean the language is there to allow you guys to decide whatever is allowable, like I can see that. But it's frustrating because this they say, well, we can't make any exception on the connectivity criteria. This must happen. But these other ones, well, there's this problem and so we're going to go around it. I wish I were a lawyer so I could present this more clearly, but just take a look at the big picture here. We can have houses, we can have development we're at a point in Portland where this is not a property you would develop if you have lots of choices, but you know, we need more houses, it's a swamp we have to develop our swamps but let's do it carefully. Let's look at it twice, let's say maybe if we don't have to have a paved road that's heavy enough for trucks to go through we can have a pedestrian and bike way, we can have a cul-de-sac, we can get 11 houses in there and we can do it right. Thank you.

Eudaly: Thank you. Welcome.

Benton Van Wormer: I'm Benton van Wormer. I just wanted to provide a kind of experience from me growing up there. I was actually a child who grew up in the neighborhood so I just wanted to give that experience. I grew up in the neighborhood and coincidentally one of the previous owners this property in question was my baby-sitter. Definitely as you can hear from everyone here a tight knit neighborhood. I spent my childhood biking, walking, playing this in neighborhood not one time did I feel unsafe. Not many cars going through I have to know this is because there's dead ends at every street. There's no you're only going to where you're going, you're not going to be able to go through. More importantly my parents didn't worry when I was in the street and ultimately I fear that this will no longer be the case if this becomes a through street. Not only will children not be able to use this area to grow up and be able to play in the streets but

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parents won't feel the same comfort that my parents were lucky enough to have with this street being a dead end. That's all I had here, but I appreciate your time.

Eudaly: Thank you. Next up the principal opponent. Welcome.

Michael Robinson: Thank you, president Eudaly. We're going to do this in order. Mr. Remmers is going to start, I'll go next and then Mr. Peebles will finish and I'll give my name when I introduce myself for my testimony.

Eudaly: And Lauren just to clarify it says 15 minutes some of the yes, you have 15 minutes.

Vic Remmers: Thank you. Good afternoon. Thank you for your time to hear our testimony on an 11 home site sub division in the hayhurst neighborhood. I'm Vic remmers. I have been a lifetime resident of Portland. I actually grew up in southwest Portland not far from this site. I'm also one of the owners of Everett custom homes. With me today we have our consultants including mike Robinson from Perkins couie, mike peebles from otech engineers, wade Scarborough from kittleson associates and we're here to answer your questions and to explain why city staff and the hearings officer made the right decision approving the 11 home site subdivision. I just want to note that I work with your city staff on a regular basis and I just want to commend them on doing an excellent job reviewing the approval criteria and making the correct decision of approving our subdivision. We intend to build 11 new homes on this property that will blend in with the neighborhood and you'll hear from mike Robinson as to why our development meets all their approval criteria and why it was approved. That's all I have. Thank you for your time.

Eudaly: Thank you.

Robinson: Good afternoon, president Eudaly, members of city council, I'm mike Robinson here on behalf of the applicant today. I'm going to do just a few minutes then turn it over to mike. First I appreciate the tone of the discussion. This has been a good discussion about how we implement the zoning code and I think it's frankly been helpful so we appreciate the opportunity to engage you in this. I remind you as you heard staff recommended approval of this application, the hearings officer approved it and I think the first thing I want to note he did so very thoughtfully. He has a 54-page opinion, the first six or seven pages respond to every issue raised by the neighborhood association. He took them seriously, we took them seriously and staff did too. That's why you ended up with a 54-page opinion. With respect to traffic, he has eight or nine pages that deal with all the transportation issues. So I would commend you and ask for the record to be held open and we won't waive our final written argument. I would commend you to take the time if you have not done so to read those pages. So let me just say a few things before I take to much of Mike's time first of all, if you've noted the zoning map we're developing in the same zone as our neighbors are located in, r7 and we're doing 11 lots, 11 new homes for families to occupy. I think the maximum is 12 so we're not even doing the maximum number of dwellings. As the witness just testified too housing affordability is important in this city. Every time we ratchet down the number of units or make it harder to develop the people that suffer are the home buyers. Not the developer, not the property owner, but the people that have to pay for the home. We're doing what the code requires us to do. Let me talk about a few issues, traffic safety you have in the record the only traffic impact analysis as Fabio said that was professionally prepared it's done by Kittleson and Associates, you have pbot evidence as to why the criteria for traffic safety are satisfied. We have not seen Mr. Healy's written testimony it's not a traffic impact analysis but we'll look forward to responding to that. Tree removal I think the only thing that would be helpful for me to say is if you look at the hearings officer's decision on page 17 he cites the criteria for tree removal. The first is consideration of the specific development proposed. So tree removal is not considered in isolation. It's considered in the context of what's before the decision

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maker. Let me talk lastly about connectivity I don't think I have ever been in a hearing where people favor connectivity. Lots of reasons people like dead end streets. But the reality is since 1991 when Icds adopted the planning rule our state, metro and city's goal has been to get disconnected streets connected. It benefits not just cars but pedestrians, bicycles, emergency vehicles, all the people that use our street. Your criterion in 33.64 absolutely requires as long as none of the exceptions are present and that's not the case here absolutely requires connectivity. The hearings officer made the right decision his decision is based on substantial evidence. We agree with all the conditions of approval in his decision and if this council has additional conditions they would like to suggest my sense is we will probably agree with those as well. Thank you for your time today.

Mike Peebles: Good afternoon. I'm Mike Peebles, a registered civil engineer with Otac. We're a consulting firm working with Everett homes on its application. Otac is providing a collaborative effort civil engineering, landscape, storm water management and land use planning for the application. As Vic mentioned we also have a team of professionals on our team for geotechnical engineering, environmental traffic and an arborist so a team that's worked very hard on this application. We appreciate the staff's assistance and input on the application. I wanted to touch on four key items relative to the appeal, site design, alternatives, storm water management, environmental wetlands, seeps and springs as well as tree removal and mitigation. Stephanie's presentation doubled up here so I'll move through some of the redundant information. Existing conditions of the site from a constraint standpoint 48th avenue on the west side in the southwest corner there's environmental zone that we had to avoid. Pendleton street to the east side as well as everyone has noted steep grades on site. There's about a 38 foot drop from the east side to the west side. So there's a lot of grade within that existing ground sloped area, 48th avenue to the west to the site being an unapproved and gravel road, Pendleton to the north of the site being a paved road with houses to the north and a sub street of Pendleton on the east side and both Pendleton streets are both at about a 12 grade so they are fairly steep running from the east to the west. Our site layout incorporated roadway improvements along all the frontages as required by the city of Portland and the key to the design as we're coming in and connecting to Pendleton to the east the ability to take the grade of Pendleton, have enough tangents we can get down in the grade there's a big drop off on that property line we want to use that road way to get down before we made the turn to connect into the northern portion of Pendleton. That allowed us to match grade at the Pendleton street we were connecting to. The improvements are to city standard, as noted, planter strips, sidewalks, storm water facilities we're also providing sewer and water extensions to connect to existing utilities. All of the houses front on Pendleton street are on the new street or the extension of Pendleton. You'll note, we didn't have any houses front on the 48th avenue to the west, so we're not adding driveways on 48th that might conflict with pedestrian traffic although we are improving it with a sidewalk and curb and storm water work. From a grading standpoint, the challenge with the grading of the site was to, a, avoid impacts in environmental zones, b, make the street connectivity between the existing grades of the Pendleton stub and the Pendleton street with the cul-de-sac and provide buildable lots. I think we have an advantage of this developer being the home builder so we're able to work with Everett homes on tailoring the type of lots and what type of homes will be built on that lot to help with the grading. There is a lot of slope, but again, our theory is that because the home builder is also the developer, we can do this as one large grading operation. A lot of times, if you have a different home builder, you might build the roads only possibly preserve more trees and as the homes get built, they take up their building area as well and you have bigger disturbance in smaller chunks at a time rather than being able to do it once that helps with erosion control the staging of construction it

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minimizes the amount of time that is needed to construct the project. This is just a note, there's, you know, a lot of talk about the grading on the site. We do have deep fills this graphic shows with the plus marks are the difference of grade between the existing grade and the proposed grade and the real, tall fills are down where we've stayed out of the environmental zone, with the retaining wall that's basically based on the fact that the existing ground is so steep there. Alternatives, this is a layout that was done with a different application, 2014, chose a cul-de-sac lot fronting off Pendleton, a total disregard for the environmental zone, some lots that don't have access. It provided us with the -- we got the early assistance notes and we were able to understand what the city's expectations were for this site in terms of connectivity, street improvements, storm drainage ect..... and then we went through and with our application, looked at other alternatives, taking the city's connectivity, we have street a connecting to the south realizing there was no extension in the future. We pulled that into a hammerhead type ability which gave ideas for the street, but based on city code and discussions with pbob, we actually pulled into a 90-degree angle and allowed us to provide more room on the south property line on this alternative you see a lot of grading and tree removal on the south property line by pulling that 90 degree angle up we were able to in our final condition, we were able to get away and leave some more buffer on that south property line. We worked internally on alternatives with lot five and getting completely out of the environmental zone impact.

Another alternative --

Fritz: Could you go over lot five? You considered not doing lot five?

Peebles: At one point, we had impacts to the environmental zone from lot five so we pulled, with our final plan -- I think if I go back here, you'll see that we've pulled lot five, any impact out of the environmental zone. We changed some grades, moved the street around with the 90-degree corner, we were able to provide the right lot size, frontage and to keep lot five -- but this one shows the impact to the environmental zone. With the final plan, we don't have any of the lot within that environmental zone.

Fritz: Why did you choose to have the driveway so long in lot five. It seems like you said the grading it's also where the seep is, right?

Peebles: I can show a plan where that seep was identified in the future here and so if I can come back to that?

Fritz: Okay, thank you.

Peebles: So this was an alternative by the hayhurst neighborhood association, to keep the road to the east. The challenge is you don't get down the hill fast enough so you end up -- we looked at it having more fill because you keep your road up on the east property line. Your road is -- the right-of-way is wide, the road is flat and then you end up being up higher in the road with those lots, not to mention we're down to 2-8 lots. We did look at quite a few alternatives in coming to our final plan. Storm water management-wise its been discussed we did a comprehensive storm water management plan and met the city and bes requirements we've gotten through their 30% public works. There's a large basin with few storm water facilities in this part of town. We are providing storm water facilities and upgrades to the culvert, to manage the storm water, as well as provider storm water both onsite these are upstream on Pendleton street you can see there's no existing catch basins, no storm pipes they all go down the gutter line and flow over on to the property. The creek and the culvert down on 48th avenue convey a lot of water and we're improving that to city standards so the storm water facilities we have onsite are both for the public street run-off for those impervious areas as well as the lighter green are individual storm water planters that will be done with the house to improve the impervious area from the houses. You'll notice on lots four and five in the middle, we're taking the storm water run-

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off after treatment from the roof tops and discharging it back into the environmental zone, which will go to the wetland area.

Fritz: Where does the culvert go to, on 48th? Where does it discharge?

Peebles: The culvert water is running from the east to the west. It comes down the existing drainage. There's an 18-inch culvert in there now that crossing the gravel road and then it discharges out with this -- the picture that I showed -- oops, I'm going the wrong way. This is down the hillside of that 18-inch culvert. It continues to go into a drainage and heads to the west.

Fritz: What improvements are you doing off that creek?

Peebles: With the widening of 48th avenue, we are replacing the existing 18-inch culvert with a 36-inch culvert to meet the city of Portland design standards and it will outfall on the west side of 48th and it goes into a short, open channel piece and then there's an 18-inch culvert downstream of there that goes under a private driveway and it opens up again further to the west. This is all open channel that goes back here.

Fritz: So, are you doing any enhancements to the creek?

Peebles: We are not doing any enhancements to the creek, downstream of our site or on our site. As we build 48th avenue, we have to widen out and we'll build sidewalk and do some mitigation there through environmental zone impacts.

Fritz: Okay. I'll ask bes about that afterwards. Thank you.

Peebles: I'm going to talk briefly about the environmental zone. We've minimized impacts those only impacts are for the 48th avenue improvements. We have an extensive mitigation planting plan that meets the city's requirements. This is the graphic that shows the overlay of the seeps and springs match that bes brought to us these locations are relative to our site plan. Greg summers is here and can talk briefly about the seeps and springs within that area. Greg, if you wanted to?

Greg Summers: My name's Greg summers I work with anchor qea and I'm a professional wetland scientist. Just a couple things on the seeps and springs and why we don't feel like they meet the definition of seeps and springs. We heard some talk earlier about it being an aquifer I just wan to be clear an aquifer is typically an area that stores groundwater and storage of that water is important and most people think a aquifer is where you drop a well into and draw water out for irrigation or something. You can have perched aquifers, as was mentioned previously, what's implicit in the definition of aquifer is that it's stored water. The areas we saw -- I think most people remember, we had a little bit of rain last winter we had a lot of rain and we were looking at these things in early March by mid-March, there was no flow observed from any of these areas. If a spring or seep were fed by an aquifer, you would see flow much longer, particularly in a year like this. They can go dry, as mentioned in the report, but there's are typically in droughty conditions obviously, we're not in a condition like that. We'd expect those to be flowing much longer and we just want to make a not that the only ones that were identified outside of the ec zone that would be unprotected were associated with a large hole that was dug for a perk test so that water was likely coming out due to that, not from natural sources even though most of the flow we saw was a high flood water table as opposed to a seep or spring coming from a aquafer.

Peebles: Through mitigation we're meeting the standards of the 33.630 standard and 208 trees are onsite and 97 of them will remain.

Eudaly: Colleagues, any questions.

Peebles: Our time is up.

Saltzman: I guess -- I think it was eluded to -- I think it was your testimony, actually ill save this for city staff -- never mind.

Eudaly: Okay. Thank you.

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Peebles: Thank you.

*****: Thanks.

Robinson: If I went over it too quickly, we were hoping you would keep the written record open or continue the hearing and we did not -- I apologize, I probably talked too quickly.

Eudaly: I heard you say that and made meaningful eye contact with Lauren over here.
[laughter]

King: At this point, I would recommend that you continue through the rest of the hearing. The applicant does have a statutory right to final rebuttal and an opportunity once the record's closed, to submit any written argument, not new evidence but he is also asking to keep the record open. So, he's not entitled to keep the record open to submit any new evidence. If you do keep the record open, you'll want to set a time and a response to that. Perhaps, you might want to get through the rest of the hearing and decide whether it's keeping the record open for new evidence or to allow him to submit his written testimony.

Eudaly: Will there still be a rebuttal today, at the end?

King: It sounded as though he's not waiving his right to submit a written rebuttal seven days following the closure of the record. There will be a rebuttal from the appellants.

Eudaly: So, next up, we have any opponents of the appeal who have signed up.

Moore-Love: I show one more person.

Eudaly: All right. Welcome. Please state your name for the record. And you have three minutes.

Tom Rollman: Good afternoon, my name is Tom rollman and I am here not as a representative of the developer, but as one of the property owners and on behalf of the other family members. This property was originally purchased in 1940 and since then, three generations have lived there, in the same house and raised their families there. We have long-lasting friendships with many families in the area and strong ties to the community. With all of the competing interests and constraints placed on a property such as this, we believe the plan as presented will turn out to be in the best long-term interest of the neighborhood. Unlike other options it could be presented now or in the future this plan includes single-family homes, a large conservation zone and improvements required by the city. Due to the limited time, I'll focus my comments on three of the issues raised in the appeals forum. Preserving most of the existing trees is one of the goals of the group it should be recognized that a large number of the trees are being preserved in the conservation zone, unlike on other projects. Some neighbors have asked that more of the trees be removed than what's shown on the plans. Many of the trees are invasive species and other present safety hazards. This winter alone, more than a dozen trees and major limbs fell, six on to the surrounding streets. We don't need another fatality from falling tree limbs in the southwest area. We believe it is more important to plant trees more suitable for a residential setting. Some opponents have claimed there are water features present throughout the property however multiple visits by city staff have failed to locate such features and areas that are to be developed. If such features existed, they would have been obvious during one of the wettest seasons on record. Now the group opposed to the development has challenged the definitions of the terms they have been misusing since it no longer serves their purpose. Connecting Pendleton street across the property has been discussed many times, but one thing it does offer the residents in the immediate area to avoid that single lane section of 48th that people have said is substandard and it's also supported by multiple city bureaus. While we may want to see changes to this plan, we should be honest enough to admit that no plan will make all of the parties happy. So the council is now being asked if the plan, prepared by the design team, recommended for approval by city staff, and approved by the hearings officer meets the city requirements or were all of these groups wrong? This project is well into the third year since the developers

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started working on it people have had the opportunity to voice their opinions. Further delays will only further increase the tensions between neighbors and drive up the cost of the homes. Can I finish the sentence? We think that the -- we ask that the council reject the appeal, approve the development plan and allow the neighborhood to begin to recover from this process as they welcome 11 new families into this community. Thank you for your time.

Eudaly: Thank you. All right. Finally, we have rebuttal by the appellant. And, you have five minutes.

Hennessy: Hello, again, Peggy Hennessy on behalf of the neighborhood association. I'd like to address a couple of things that Mr. Robinson brought up. He stresses about -- stresses the Kittelson report and they have a complete traffic analysis well most of the Kittelson report talks about capacity of the intersections and those kinds of things. Trip generation from the houses, but we're challenging the interference with the safe route to school program and we're challenging this because the code requires you to consider all modes of transportation. And we're talking pedestrian and bicycles and it's up to you to interpret the code and what that means. It can be a part of the transportation approval criterion. Mr. Robinson also said that staff recommended approval of this proposal. And, the only thing we've seen in the record is staff's recommendation of denial because there wasn't enough information to show that there were no seeps that were outside of the environmental zone and that's clearly -- sets forth in exhibit two, to our submittal today. And, on another note, would like to point out that Mr. Summers is not a hydrologist. We have our expert hydrologist who can speak further to the issues surrounding the aquifer.

Rhodes: Again, the definitions of an aquifer are fairly straightforward, it stores and transfers water. In my written report, I also cite a ground water textbook. There's probably no term in hydrology that has more shades of meaning than an aquifer. Which means it's a pretty broad term it's contextual. I had professors in hydrology that were sticklers for terminology if you were walking someplace and you saw a spring and said, I wonder what the size of that aquifer is and what the recharge is, they wouldn't go crazy saying you couldn't call it an aquifer. Aquifer is a water body that stores and transmits water. If you see a spring, it's been stored. It's been transmitted. It's fairly simple.

King: Finally, Susan King again from Hayhurst. The point I would like to close with, that was not made during my previous testimony, is that the applicant has made no valid attempt to develop alternatives to this proposal. As far as I know to the city code there is no minimum number of lot requirements for this development. And in that case, Hayhurst did attempt, by way of example only, to provide alternatives and we would remind the city council that fewer homes could be built on this property, which may not survive the economic interest, but certainly may address the issues with respect to the water on the property, the connectivity issues and other concerns that we have for safety and for that reason, we are asking that you deny the application and support our appeal. Thank you.

Fish: Madam president, I have a question, if I could. Thank you for your excellent testimony. I'd like to give you an opportunity to address the connectivity issue from sort of the other side of the public safety ledger. And I understand the issue you've raised and the question of safe routes to school is near and dear to my heart. I have a 7th grader at home -- formally a 7th grader. One of the benefits of connectivity is it makes easier for emergency vehicles, fire, ambulance and others, to get in and do their business. So, would you address that for me? I mean, that's one of the values that the city promotes through connectivity and it does seem to me, looking at these diagrams, that there would be a benefit of getting emergency vehicles through the development with a connected road.

King: Let me do my best, commissioner. The slope -- I think you've heard in prior testimony, the slope that would be required if both ends of southwest Pendleton are

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connected to each other, I would say the slope would play into your question of how easy would it be for emergency vehicles to get up and down. This last winter is not a good indication of how difficult driving in southwest Portland is, but I would point to that as an issue that may come into play with that. Certainly, there would be -- there's no getting around it. There would be additional ways that fire trucks, ambulances, et cetera, could access the property. The steep grade should be factored into that answer, as well.

Sachs: Can I expand on that a little bit, hi Randi Sachs Hayhurst neighborhood association. Almost adjacent to this site, there was another development built about 20 years ago known as flower place. Flower place has a standard right-of-way, but the street - it dead ends with a barricade. The barricade is removable for emergency access. The hayhurst neighborhood association, time and time again, has requested just looking at some sort of alternative, whether it's a barricade so that cars can't get through, but bikes and pedestrians can I don't know if an emergency vehicle would be able to make the turns. The streets are very tight and then there's a steep downgrade and then its like a right angle and another right angle, but all the neighborhood association has been asking this whole time is, can we look at an alternative? Can we look at building five homes on southwest Pendleton without the streets coming through and maybe going from 11 homes to eight homes. There are other alternatives every plan that the applicant has submitted they showed as alternatives they all have 11 homes. They have never looked at fewer homes and that's been one of the issues with the neighborhood association from day one.

Hennessy: In addition to which you do have the ability to limit the number of homes, too, under your own code provision, when you're doing an environmental review, you can modify the standards and set a limit on the number of homes, if it's necessary to protect the resource or to expand the seep and spring to an environmentally-protected tract. So, that's within your power.

Fritz: I believe since it's a landslide hazard area, that automatically sets the medium area of density Susan, you might want to please come back I want to ask you a question. That is, what would be the response of the neighborhood if instead of doing single-family homes, they did duplexes and townhouses in order to avoid some of the impacts you're concerned about?

King: We have not discussed alternatives in terms of higher density housing. I think our preference would be -- if I can speak for what I understand to be, our preference is to preserve the single-family home nature of our neighborhood. Our preference is to protect the r7 zoning and our preference would be for the applicant to consider some valid alternatives that might result in fewer homes. We do have duplexes in our neighborhood under the current infill that is allowed on corner lots and those have worked out well. Moving to higher density, is beyond the scope of our testimony today.

Fritz: I was going to have that discussion and as you know you can put a duplex on a corner since they are creating several corners. That might be a way to have single-family homes that are on their own lot, perhaps, even, that would be less expensive because we heard some of the neighbors concerned about affordable housing and potentially less impacts on the resource. That was -- the applicant never proposed anything like that?

Sachs: Nothing besides 11 single-family homes has never been discussed. Not 10, not 9, only 11 single-family homes.

Eudaly: I have another question about the safe routes to school currently this lot provides a route -- traffic-free route for students and if it's developed as proposed, those students would no longer be able to cut through. Would they then use the new street or would they be more likely to use the unimproved street?

King: Let me see if can answer that without a picture in front of us.

Eudaly: Yeah, it's a little confusing.

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King: Currently, students and other walk along southwest 48th and they have two options. They can continue on southwest 48th to the south, past the property and through a gate that crosses private property connecting to southwest Iowa and that is where hayhurst elementary is located. The other options that students have is to go from southwest Cameron down southwest 48th and make a right turn on southwest Pendleton and actually cross the corner of the school lot. And enter hayhurst across the back part of the hayhurst property. So, I know of no proposal that precludes students, should this development occur as proposed, precludes students from continuing on southwest 48th to southwest Iowa to get to school. There is another alternative, which is to go west on southwest Pendleton and connect with the hayhurst school property. Does that answer your question?

Sachs: What I would add is the reason we're saying the safe route to school would be changed is that the street that -- when you walk down southwest 48th avenue currently, your walking into all dead end streets. If there was the ability of cars to go through the subdivision as children, elderly people, people walking their dogs or waking down southwest 48th avenue which is a hill and a blind hill, there could be cars coming now through, from the development. That could be basically intersecting at that corner of 48th and Pendleton so that's why the route would be -- would be -- would have a problem.

Eudaly: So the route would be the same or similar, except for the addition of the traffic.

Sachs: The vehicular traffic, correct.

Fritz: There are many intersections where there are cars going I'll wait for children walking through. I'm with you, commissioner Eudaly, I didn't understand why this would be so different from other intersections, crossroads, that kids might be walking along.

Sachs: There are no sidewalks on most of the route and currently, the only vehicular traffic that would be coming as people are walking would be from maybe 10 homes.

Fritz: There's got to be other crossroads in the neighborhood that -- I mean, it's a fairly-wide area there.

Sachs: This route, everybody walks north of Cameron down southwest 48th is the only street that you can walk through to get to the other side of the neighborhood. Everything else is a dead end that abuts a wooded area.

Fritz: The concern would be improving Pendleton --

Sachs: Without improving southwest 48th, the portion that wouldn't have sidewalks.

Fritz: Are they going down toward the private pathway, where it crosses private property?

Sachs: If you saw it in person, it's privately-owned, but it is like a big driveway and the owners of that property are here and it's open to everybody.

Fritz: The cars wouldn't be going down there?

Sachs: No.

Fritz: So its just the intersection between Pendleton and 48th that your concerned?

Sachs: And between Cameron and Pendleton. That's the area of concern.

Fritz: I'm going to need a map of the area.

Sachs: I'm happy to show it to you.

*****: I'd be happy to take a walk.

Saltzman: There was testimony from Mr. Hale about the school district boundary extending to the north. Does anybody -- I don't know if you know that off-hand?

Sachs: I don't know, personally.

*****: [audio not understandable].

Sachs: It was. I think the hayhurst was expanded across Beaverton Hillsdale highway. They took the odyssey program out of hayhurst and expanded the boundary to bring more students in the school

Saltzman: North of Beaverton Hillsdale?

Sachs: Correct.

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Eudaly: All right. Thank you. I'd like to call staff back up, I think, for council discussion. It sounds like we have some questions. So, pbot, bds and who else do we have? Bes?

Hennessy: I think we have six seconds left.

Eudaly: Sure. My apologies.

Hennessy: I would like to request that the record remain open.

Saltzman: Your requesting the record be open just like the applicant is?

Hennessy: Because it sounds like they were debating whether to leave it open for written testimony by the applicant or closed to everyone. Today, we received a new packet from the applicant new information we have not read and would like an opportunity to respond.

Fritz: Yeah, we've got a whole pile of things we haven't seen.

Saltzman: I guess I'll ask our transportation staff this question. If we were to approve a cul-de-sac on the east side of the property, I know there's been a diminution of homes that could be built. There would be violation of our street connectivity, but is there anything else that would be harmed by that? From transportation policies or storm water policies or --

De Freitas: Good afternoon. For the record, Fabio De Freitas from pbot. I'd have to take more than the time that I'm going to give you at this moment to digest that question in terms of the broader impacts of such a proposal. By not providing the street connection through the site, it would not -- in pbot's opinion, be satisfying the relative approval criteria -- mind you, that is what we have to work with.

Saltzman: Approval criteria and connectivity.

De Freitas: Correct. There are the approval criteria that talks about safety for all modes, about capacity at intersections and the approval criteria relates to rights-of-ways. By not providing that connection again, it would be our opinion that we would not be able to support such a recommendation. Which is why, from day one back in 2014, when the very first proposal came before us, we advised the applicant at that time that the city would not be able to support such a proposal with the cul-de-sac. Commissioner Fish rightfully and respectfully identified something I didn't bring up during my prior testimony, with respect to advantages to emergency apparatus, which of course, would be diminished by not putting the street through. And I would lastly say that, again, there's been this emphasis and direction by the neighborhood association with respect to the safe route to school and the safe route to school program. With all due respect, again, with staff's limitations to focus on applicable approval criteria, you will not find language in any of the approval criteria that refer to or identify the need for a project having to be consistent with the goals and objectives of a safe route to school program. So, our position all along has been -- it's a valid point. As staff and as the hearing's officer agreed in his findings, I believe the last statement he made under the transportation section, that a safe route to school and vision zero are not applicable evaluation factors or approval criteria for his consideration in his decision.

Saltzman: For his consideration?

De Freitas: Correct.

Saltzman: Could be for council's consideration.

De Freitas: Indeed.

Fish: If I could, I have a question that may be directed to staff, bds, or to council. Because I'm struggling a little bit. Normally, we conclude these hearings and then we deliberate. Now the party's reserving the right to submit -- make written submissions, which is fine, I guess the thing that I'm struggling with a little bit is the -- the appellant has raised a number of objections to the decision of the administrative law judge. But, hasn't, in the course of this hearing, laid out proposed conditions of approval. Since one of our -- so, we'll get that. So, it's in the materials you gave us?

*****: Yes.

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Fish: All right. Technically, I'm not allowed to do that. So, I'd like to better-understand if there are proposed conditions of approval in the written submissions or if -- if it is appropriate for the parties in their further written submissions, to propose conditions of approval as part of their argument. Perhaps even arguing the alternative. We think they got it wrong below, if you disagree, here are some proposed conditions for approval. It would help me sharpen my thinking about the record before us if people put proposed conditions of approval. Is that appropriate?

King: Yeah. So, this is not the initial evidentiary hearing. Under Oregon law, for the initial evidentiary hearing which happened before the hearings officer, the applicants -- anybody can ask to keep the record open and it automatically gets left open. Council, at its discretion, can decide whether or not to leave the record open for all new evidence, meaning anyone could respond with further conditions of approval coming from the appellants or the applicant. After some brief conversation I've had with council for both parties they are asking the record to be open for new evidence, more things they'd like to put in the record.

Fish: Including closing arguments?

King: They're requesting two weeks and after that period, everyone gets to respond to anything that's new and then the applicant gets closing arguments.

Fish: In writing.

King: In writing, yes.

Fish: We don't have to have another hearing. We could reconvene and make a decision based on the written record?

King: Yes, we would go through this period. I can kind of spell out the dates. And then come back and council can just deliberate.

Fish: So the council president will -- in a moment -- offer her view as to how she'd like to proceed. But I would just say, to salt the decision, if it is my colleagues desire to keep the record open and then allow for a closing argument by the applicant, it would help me in the final submissions if people also, in the alternative, laid out proposed conditions of approval to give us some focus on how they believe any issues that have been raised can be -- can be cured by the council. They don't have to, but I would find that helpful.

Eudaly: So, Lauren, should we make the decision now and set a date and then continue this deliberation?

King: Yes, you can do that.

Eudaly: All right. So, I mean, both the parties have requested the same thing. I'm not going to take issue with that.

King: Yeah. So -- and I'll throw the dates out there. I want to make sure they work for staff and Karla. Today's June 22 they are asking to have until July 6, which is two weeks from today to be able to put new evidence into the record and then until July 13 for anyone to respond to anything that. And then the applicant gets until July 20 for final written argument. And so then council will come back to deliberate at some point after that July 20 date. I have not had a chance to check in with staff to see if that works for them.

Eudaly: So, possibly July 27?

Fritz: I would request it be after July 31, because that's when I'm back.

Fish: Does the waiver of the 150 days continue if we take this route. If you could come forward and address that? 120 days?

Robinson: President Eudaly, councilor Fish, we submitted a letter yesterday waiving both 120 day period and the 365 day period. So this council has as long as it needs to deliberate and make a decision.

Fish: We're clean on that. And, council, do we have the authority to limit the number of pages of the materials that are submitted to it or can we just encourage brevity?

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King: I think you can encourage that.

Fish: We have a lot of paper before us and people have obviously been thoughtful both in the proceeding before and in the arguments. We have a lengthy decision and the written submissions. I would urge brevity, not just on behalf of our beloved trees, but so you can focus us on the argument.

King: And new evidence is also important, but repeating arguments is not necessary.

Fritz: And if it's new, explain it in enough detail that we can understand what is being said.

Fish: When mayor Adams made the point that most people can say in two minutes what they could say in three minutes. Brevity and economy should be the touchstones of the final submission.

Eudaly: So can we look at August 3?

Moore-Love: 3:10 is available on the 3rd.

Fish: We would be deliberating at that point so we would just be deliberating about the sense of the council and if we were to get the conditions approval, we'd be discussing that. The record would be closed. Unless it's the council's will, we would not be taking anymore oral argument. Does that work with staff? That date or would you like more time since we have waived all the time limits.

Beckman: I may be on vacation August 3. Not for sure.

Fritz: The next week would work better for me, too.

Eudaly: August 10.

Moore-Love: I'm assuming at least an hour. On the 10th, I have 3 p.m. and I show everyone in.

Saltzman: Is that a Thursday?

Moore-Love: It's a Thursday.

Fish: Does that work for the parties?

King: So, there is another land use appeal that day. So, just an fyi.

Fritz: Oh, good. [laughter]

Eudaly: We love land use appeals.

Fish: What's the next week, Karla?

Moore-Love: The next week, commissioner Eudaly is gone.

Fish: The week we're on, the 10th, is there a difference between Wednesday and Thursday?

Moore-Love: Wednesday is the land use case the Ankeny Apartments, I don't know how long that will take.

Fritz: That's the one we had yesterday. They can't get through that in an hour, we've got big troubles.

Fish: So, Thursday at 3:00? Could we make it Thursday at 4?

Fritz: A new one on Thursday?

Moore-Love: That's the press blocks.

Fritz: That one can be a long one.

Moore-Love: Staff said, yes, it'll be long.

Fritz: Wouldn't it be better to do it on the 9th on the Wednesday? Do Ankeny and then this one at 3 or 3:30?

Fish: Can we do that?

Moore-Love: 3:30, you think? Ankeny, an hour and a half again?

Fish: I think we should seize the date, while we're all here. Does that work council?

Fish: We're out at 2019. [laughter]

Eudaly: He's kidding.

Moore-Love: August 9 at 3:30, that's a Wednesday.

Fish: Does that work for the neighborhood.

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*****: [audio not understandable]

Fish: Your opportunity would come to observe the decision-making. You already have other deadlines for submitting.

Fritz: Most likely, you would not be able to talk to at that one.

*****: [audio not understandable]

Eudaly: Okay.

Fritz: Can I ask another question, then? I don't need to have this given to me right now, but since you are going to give things in. I'd like a bigger size of the subdivision proposal. I'd like to know what's the proposed widths of the new connector street. And then, you can give it to me later, but tell me now, why are we requiring a connection -- the westerly road of 48th to be completed when it's dead ending on to private property and goes through the conservation zone and isn't needed for any of the lots?

De Freitas: President Eudaly, commissioner Fritz, thank you for the question. So, as brief as I can be, standard protocol in relation to subdivision like this or a two-lot partition would be that if the abutting property -- if the street abutting the property in question is existing in less than standard condition, that pbot has the authority to require right-of-way improvements in relationship to a development on the site. This is no different. We have approximately a 300-foot length of property frontage along southwest 48th avenue that is a gravel roadway, clearly substandard. The requirement is typically to include standard right-of-way improvements, paving, storm water management component, sidewalk, et cetera.

Fritz: It seems like that's the driver of how many lots they would want to do because that would be a big expense for no additional houses.

De Freitas: I'm sorry, I didn't follow your question.

Fritz: They have said they want 11 lots. Part of the reason is that the cost of the street that doesn't have any major benefit to -- it doesn't serve any of the new houses. And I would have thought we could -- is there a possibility in the future that we would get further dedication of right-of-way? And I think if I had that -- you know, the bigger map of the area, like, where is Cameron, where is all the other streets that people have been naming. I would like to see that.

De Freitas: Certainly, we can give you a more in-depth response in writing. But in reference to the zoning map, by all appearances, you know, the area in question is all r7 zoning. The lots south and west of the subject site are certainly large enough to be further sub dividable. If and when the sites to the west and south were to redeveloped, the same standards would be there and we would have a closed street section where we don't today.

Fritz: You are not the seep expert, is that correct?

Brett Winkler: I do have some other folks, depending on your question, I might allow other folks to come up.

Fritz: The concern I have is in the hearing's officer decision part that I read, it said bes did environmental services did want the seep protected and they had not quoted any language. I --

*****: I'm going to give up my seat to somebody that has more experience with that.

Fritz: Thank you. And to be transparent about my main concerns in this subdivision, it is the protection of the natural resources and the wetlands and the flow into it. So, you -- bes identified that you would like to save the wet area, since we're not calling it part of the aquifer, outside of the environmental zone. Why did you not use the -- or could we now use the approval criteria on grading to protect existing drainage patents in order for bes to require that seep to be protected?

Jennifer Antak: Bureau of Environmental Services: Thank you for the question. My name is Jennifer, I'm a hydrologist for the city of Portland bureau of environmental

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services. We did go out in February to identify that there were definitely some flowing water that appeared to be springs coming out of the ground. We asked the applicant to show whether or not this was actually a result of the high water table. As far as the grading goes, that's outside of my purview. I can tell you about the hydrology. The code, I would have to refer back to Stephanie.

Fritz: Thank you is the information about hydrology, is that in the record?

Antak: I wrote immediately following the site visit, I wrote a technical memo and I believe that is part of the record.

Fritz: If somebody could get that to me, that would be very helpful. Thank you very much/

Eudaly: I have a couple questions about seeps and the wetlands. So, there were concerns raised about recharging the wetlands. Can you speak to that?

Antak: Seeps definitely can be a source of hydrology for the wetland. The issue that we did not find was an actual channel going from the spring to the wetland. That doesn't mean that it's not going to subsurface into the wetland. From the information, from the site visit that I made, I can't say for sure where that groundwater is going. But there is a likelihood it is providing hydrology for that wetland.

Eudaly: What about the concern about diverting so much of the storm water? I think that was part of the concerns, with the wet lands not recharging. So, one more question for you is, one of the people that gave testimony on the appellant's side said that there were a staff denial pertaining to this issue in exhibit two.

Beckman: I can address that. We had issued a staff report, recommending approval. In the time between the staff report and the actual hearing, bes and myself went to the site and identified the springs we're talking about. Given we were so close to the hearing and we didn't have a sort of out, we provided a memo to the hearings officer, at the time we were recommending denial of the application because there was this outstanding issue. We recognized that the applicant was going to work on it and they did bring information about these features. And so, by the end of the close of record, bds staff had reviewed the applicant's information and agreed, at that point, with the applicant's assessment of the features that were seen and that they did not meet the definition of a spring. I think -- I think there's -- there's kind of different things going on in terms of, it may be a spring, but it didn't meet our code definition, which essentially, from my reading of it, means that water has to run -- there has to be enough water and it has to run for a long enough period of time that it would create a channel. So, it wasn't the code that was -- the situation it was getting at was for a larger source of water. And this situation didn't -- didn't meet that definition from our -- from our reading of it and from the testimony that the applicant provided.

Eudaly: So, that denial is void?

Beckman: Yes.

Antak: And can I clarify? From a hydrologist perspective, it's different than from a code perspective. A spring occurs when you -- when your ground intersects with a water table and so from a hydrologist perspective, this is considered a spring but this is different because we are going under city code, which defines what a spring is and you do have to have that channel which is nonexistent.

Fritz: I put hours and hours in on the planning commission trying to get the definitions correct. We'll have to try again, perhaps.

Eudaly: My next couple of questions are for pbob. So, I just want to be very clear, the connectivity issue or requirement is a city requirement? This isn't a choice of the developer. It's what we're saying they need to do?

De Freitas: Thank you, president Eudaly. So, if I may just take a moment to guide council here in terms of where we start from, right, and council, for the applicant eluded to this.

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Metro connectivity goals, city comprehensive plan connectivity goals which includes the transportation system plan, which includes the master street plan, which all gets implemented by the zoning code. In my 16 years with the city, I think I've looked at, now, two applications for a subdivision that I can point to our master street plan, that actually identifies a connection point that should happen through a particular site. This is one of those occasions.

Eudaly: Very rare.

De Freitas: I believe, there was a map given to you earlier today in testimony that identifies that map or reference at least. And that was also identified in my response and was included in the hearings officers decision. In answer to your question, president Eudaly, it is a requirement identified in the zoning code, which implements those higher level authorities for connectivity are practical. From our perspective, it's practical in this case and it has been accepted from a standard point of view, with respect to, again, the public works process. There was earlier testimony with regards to challenges to fire, emergency apparatus being able to utilize the new street. The beauty of this two years of review is that the fire bureau is actually part of the review process. There's never been an indication from the fire bureau that the street, as proposed, that meets pbots standards for a grade, is going to be an issue for them to access.

Eudaly: I understand that vision zero isn't part of the criteria for this determination, but that we could take a look at that? How do we make that happen?

Saltzman: That would be the method and manner of whatever approval decision we make and conditions attached to it.

Eudaly: And then my final pbots question is, can you speak to the concern that this new street's creating essentially a block that's less than standard, 200 feet?

De Freitas: Certainly. President Eudaly, thank you for that question. When the 200-foot limitation was identified earlier, I had the opportunity to actually read the code and the 200-foot limitation is actually for through streets, 48th avenue is not a through street on the west side. So, in my opinion, there's no contradiction to the code spacing requirements for through streets.

Eudaly: Thank you. All right. So, before we adjourn, I need to read this, just to clarify for everyone about what happens next.

Beckman: President Eudaly, can I make one comment?

Eudaly: Sure.

Beckman: Sorry. I wanted to make just one comment about the idea of suggesting conditions of approval, which would be fine. I want to make sure that you understand, changing it from a through street to a cul-de-sac. This project has been through extensive technical review with storm water system, their street design, you know, the lots, layout. It would completely change all of that, is my just gut reaction. So, I just want to make sure that conditions of approval that completely change the -- the application, you know, from the staff perspective, it would be better to deny the application and have it start over through the process to do the technical assessments as opposed to trying to do that on the fly. I just wanted to put that out there.

Eudaly: Thank you. Okay. So, the evidentiary record will remain 14 days until 5:00 p.m. on July 6. Anyone wishing to submit additional written testimony or information should submit it to the council clerk within 14 days from today by 5:00 p.m. The record will remain open for seven more days until 5:00 p.m., until July 13 for submittal and rebuttal the rebuttal must be submitted to the council clerk at that time. The evidentiary record will then close and any evidence submitted after that date will not be submitted by council. Thank you.

*****: [audio not understandable].

*****: What was that?

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****: [audio not understandable].

King: After the record is closed, the applicant is entitled to final written argument until July 20. Also, at 5:00 p.m., would be my recommendation.

Eudaly: I concur. Thank you, everyone. And, this meeting is adjourned.

At 4:31 p.m. council adjourned.