



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

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

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

Commissioner Saltzman arrived at 9:33 a.m.
Commissioner Fish left at 10:20 a.m.

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

Item Nos. 883 and 886 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
874	Request of Jan Johnson to address Council regarding Freedom Cities (Communication)	PLACED ON FILE
875	Request of Katherine Smith to address Council regarding issues with the police (Communication)	PLACED ON FILE
876	Request of Shedrick J. Wilkins to address Council regarding Terminal 1, let's try again (Communication)	PLACED ON FILE
877	Request of Jamie Partridge to address Council regarding saving downtown postal service and at-the-door mail delivery (Communication)	PLACED ON FILE
878	Request of Hank McCurdy to address Council regarding extending streetcar into Johns Landing (Communication)	PLACED ON FILE
TIMES CERTAIN		
879	TIME CERTAIN: 9:45 AM – Media Institute for Social Change Summer Documentary program (Presentation introduced by Mayor Wheeler) 20 minutes requested	PLACED ON FILE

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<p>*880</p>	<p>TIME CERTAIN: 10:05 AM – Approve new construction financing in a total amount of \$1,377,173 for New Meadows from the Interstate Corridor Urban Renewal Area (Ordinance introduced by Mayor Wheeler) 20 minutes requested (Y-4; Fish absent)</p>	<p>188541</p>
<p>*881</p>	<p>TIME CERTAIN: 10:30 AM – Appoint Daniel Schwartz to the Citizen Review Committee advisory board to the Independent Police Review, a division of the City Auditor's Office (Resolution introduced by Auditor Hull Caballero) 15 minutes requested (Y-4; Fish absent)</p>	<p>37311</p>
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">Office of Management and Finance</p>		
<p>*882</p>	<p>Pay lawsuit of Jeffrey Gaede in the sum of \$15,000 involving the Bureau of Transportation (Ordinance) (Y-4; Fish absent)</p>	<p>188540</p>
<p style="text-align: center;">Portland Housing Bureau</p>		
<p>*883</p>	<p>Authorize the purchase of certain real property located at 3000 SE Powell Blvd at a price not-to-exceed \$3,720,000 to develop affordable housing (Ordinance) (Y-5)</p>	<p>188542</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p> <p style="text-align: center;">Bureau of Transportation</p>		
<p>884</p>	<p>Authorize an Intergovernmental Agreement with Peninsula Drainage District No. 1 and Multnomah County Drainage District No. 1 for flood control stop log closure structures (Ordinance)</p>	<p>PASSED TO SECOND READING AUGUST 16, 2017 AT 9:30 AM</p>
<p>885</p>	<p>Amend contract with Oregon Department of Transportation for NE Columbia Blvd: Cully Blvd & Alderwood Rd project (Ordinance; amend Contract No. 30005594)</p>	<p>PASSED TO SECOND READING AUGUST 16, 2017 AT 9:30 AM</p>
<p style="text-align: center;">Portland Fire & Rescue</p>		
<p>*886</p>	<p>Authorize Intergovernmental Agreement with Portland State University to conduct a cultural assessment and develop an equity plan for Portland Fire & Rescue at a not-to-exceed amount of \$120,000 (Ordinance)</p>	<p>RESCHEDULED TO AUGUST 16, 2017 AT 9:30 AM</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">Bureau of Police</p>		

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*887	Authorize the Police Bureau to donate eight horses and equipment from the Mounted Patrol Unit (Ordinance) 25 minutes requested (Y-4; Fish absent)	188543
Office of Management and Finance		
888	Accept bid of Moore Excavation, Inc. for the Wheeler Reconstruction and Green Street project for \$7,886,940 (Procurement Report – Bid No. 00000607) Motion to accept report: Moved by Fritz and seconded by Saltzman. (Y-4; Fish absent)	ACCEPTED
*889	Extend contract with Fastenal Company through June 30, 2018 for City-wide facilities maintenance, lighting products and industrial supplies (Ordinance; amend Contract No. 31000508) Motion to amend to remove \$700,000 increase request which is not needed: Moved by Eudaly and seconded by Fritz. (Y-4; Fish absent) (Y-4; Fish absent)	188544 AS AMENDED
Commissioner Dan Saltzman		
890	Authorize a grant agreement of \$21,307 with Southwest Trails for the development of the Robert Gray Trail for the period of July 20, 2017 through December 31, 2017 (Second Reading Agenda 865)	188545
City Attorney		
891	Authorize appeal of State Building Code Division determination that City sprinkler ordinance violates Building Code preemption In the Matter of the City of Portland, Oregon, Building Codes Division No. C2015-0200 (Resolution) 15 minutes requested	37312

At 11:53 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF AUGUST, 2017** AT 1:00 P.M.

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

Commissioner Saltzman arrived at 1:05 p.m.

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

The meeting recessed at 2:18 p.m. and reconvened at 2:27 p.m.
The meeting recessed at 3:01 p.m. and reconvened at 3:31 p.m.

<p>*S-892 TIME CERTAIN: 1:00 PM –Direct Continuation of Existing Post Deadly Force Procedures for Police Bureau and Preparation of New Procedures Requiring Compelled Statements Within No More Than 48 Hours Absent Compelling Circumstances (Second Reading Agenda 871; introduced by Mayor Wheeler) 1 hour requested for items 892-894</p> <p>Motion to accept substitute ordinance: Moved by Fish and seconded by Fritz. (Y-5) (Y-5)</p>	<p>Disposition:</p> <p>SUBSTITUTE 188546</p>
<p>893 Approving amendments to Settlement Agreement between the United States and the City of Portland in United States District Court Case No. 3:12-cv-02265-SI, and Plan for Portland Commission on Community-Engaged Policing (Second Reading Agenda 872; introduced by Mayor Wheeler)</p>	<p>CONTINUED TO AUGUST 24, 2017 AT 2:00 PM TIME CERTAIN</p>
<p>894 Amend Independent Police Review Code to revise filing process, investigation and appeal provisions of complaints of police officer misconduct (Second Reading Agenda 873; introduced by Auditor Hull Caballero; amend Code Sections 3.21.070, .120 and .160)</p>	<p>188547</p>
<p>895 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 728; Hearing introduced by Commissioner Eudaly; LU 16-184524 DZM) 1.5 hours requested</p> <p>Motion to tentatively grant approval of the appeal against Design Commission’s decision based upon the revised design and a condition requiring a construction management plan: Moved by Fritz and seconded by Fish. (Y-4; Saltzman absent)</p>	<p>TENTATIVELY GRANT APPEAL BASED ON REVISED DESIGN WITH CONDITION; PREPARE FINDINGS FOR AUGUST 31, 2017 AT 3:00 PM TIME CERTAIN</p>

<p>896</p>	<p>TIME CERTAIN: 3:30 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 (Previous Agenda 737; Hearing introduced by Commissioner Eudaly; LU 16-159330 LDS EN) 1.5 hours requested</p> <p>Motion to accept condition of approval agreed to by the Applicant and Appellant: the Applicant and the Hayhurst Neighborhood Association shall agree upon a plan for barricading the extension of SW Pendleton St, and such agreement shall not be unreasonably withheld, so that the extension may be used only by pedestrians, bicyclists and emergency vehicles; and such plan shall be approved by Portland Bureau of Transportation prior to the approval of final plans for the subdivision’s construction and any ground disturbing activities except for site testing: Moved by Saltzman and seconded by Wheeler. (Y-1 Saltzman; N-4) Motion failed.</p> <p>Motion to tentatively deny the appeal and uphold the Hearings Officer’s decision to approve the application with conditions: Moved by Fritz and seconded by Fish. (Y-4; N-1 Saltzman)</p>	<p>TENTATIVELY DENY APPEAL AND UPHOLD HEARINGS OFFICER’S DECISION; PREPARE FINDINGS FOR SEPTEMBER 6, 2017 AT 11:00 AM TIME CERTAIN</p>
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At 3:48 p.m., Council recessed.

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

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Fish, Fritz, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney and Mike Cohen, Nick Livingston and Adam Cuellar at 3:15 p.m., Sergeants at Arms.

<p>897 TIME CERTAIN: 2:00 PM – Appeal of the Goose Hollow Foothills League against Design Commission’s decision of approval for design review of a 3-building development on two parcels under common ownership of 1.5 blocks in the Central City, at 817 SW 17th Ave and 1621 SW Taylor St (Hearing introduced by Commissioner Eudaly; LU 16-273094 DZM AD) 1.5 hours requested</p> <p>Motion to tentatively deny the appeal and uphold Design Commission’s decision: Moved by Fish and seconded by Fritz. (Y-3)</p>	<p>Disposition:</p> <p>TENTATIVELY DENY APPEAL AND UPHOLD DESIGN COMMISSION DECISION; PREPARE FINDINGS FOR AUGUST 31, 2017 AT 3:05 PM TIME CERTAIN</p>
<p>898 TIME CERTAIN: 3:30 PM – Adopt the recommendations contained within the Growing Transit Communities Plan (Resolution introduced by Commissioner Saltzman) 1 hour requested</p>	<p>RESCHEDULED TO SEPTEMBER 6, 2017 AT 10:00 AM TIME CERTAIN</p>

At 3:37 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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

Key: *** means unidentified speaker.**

August 9, 2017

9:30 AM

Wheeler: Good morning everybody, this is the morning session of the Portland city council August 9, 2017. Karla please call the roll.

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

Wheeler: Folks, the purpose of city county meetings is to do the city's business including hearing from the community on issues of concern. We want everybody to feel safe, welcome, respected, and heard. Council rules dictate that we let people when they have their opportunity to speak be heard. When the council needs to deliberate, we want people to be able to hear what we're actually saying so the council rules are no disruptions or interruptions if you interrupt you'll be asked to stop if you don't stop you'll be asked to leave, if you don't leave you're potentially subject to arrest for trespassing. Nobody wants to see that happen so let's just all endeavor to hear and be heard respectfully. There's two opportunities for public testimony. The first is the communications, which we'll hear from in just a minute. That's an opportunity for folks to come up and testify on any subject that they would wish for three minutes uninterrupted. In order to reserve one of those spots, one needs to sign up with the council clerk in advance. There's also an opportunity for people to speak on the first readings of reports, resolutions and ordinances. Typically, we give people three minutes to speak on those matters. If there's a lot of people signed up or if we're short on time sometimes, we shorten that. There are three microphones. We'll make sure they're on, but if you see the green light on, that's usually a good sign. There's little boxes there, 30 seconds before your three minutes is up the yellow light goes off, there's a little beep. When your time is up, the electric prod in the chair starts igniting. There's a tradition in the council if you like what hearing thumbs up if you don't thumbs down. It keeps things moving along if people don't express themselves verbally. That's really helpful. So thank you and with that, the first communications item please, Karla.

Item 874.

Wheeler: Good morning.

Jan Johnson: Good morning. I'm Jan Johnson I'm a Portland voter and a member of the people powers grassroots mobilizing organization. Can some of my fellow people power folks please stand.

Wheeler: Lots of people power today.

Johnson: Yeah. We're here to talk about why the city as well as the county should adopt the aclu's nine model rules and policies. We think that the current policy for the city doesn't have enough teeth to really protect our immigrant neighbors. If we are meeting the trump deportation agenda even halfway we are normalizing fear. Some of our people power volunteers in Hillsboro are delivering food and diapers to families of farmworkers, too afraid to even leave their homes to get grocery. We've had conversations with presiding judge nan Waller with the courthouse where the city conducts its traffic court and other business and she talks about not only the fear people have of reporting crimes, but even showing up as witnesses or any other part of the judicial system, which creates a lack of access to justice for all of us. We think the current policy invites some legal liability for the city. You'll see in some packets that we've made available for you a little give-and-take

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between the aclu's nine, the city's response, the aclu's lawyers' response to this. You'll also see some news stories about Clackamas county and a 2014 fourth amendment suit that they lost and there's also other elements in this packet. Commissioner Fish in response to some questions you had to one of our fellow people powers a couple of weeks ago, there's a list compiled by one of my colleagues about all the ways the city touches immigrants in various bureaus and departments. There's also an e-mail trail with the mayor's staff about why this issue is not being taken up at this time due to other important business. We recognize you have a lot of important business, but we see this as very important, too and we want all cities and all counties and all states to adopt the aclu nine in writing. We think it's going to take less time to deal with us than to keep batting us away. We're not going away. We've got far more people than this, writing letters, and doing their part for immigrant justice. We are going to be back here before you and your council on august 23rd, if not sooner. We would love to have a continuing dialogue with you on this topic to make sure that good policies are even better and put in writing. Thank you, I would be happy to entertain questions.

Wheeler: Colleagues, any questions? Thank you for your time. We appreciate it, we appreciate your colleagues coming, too.

Johnson: Thank you.

Wheeler: Next item, please.

Item 875.

Wheeler: Good morning.

Katherine Smith: My name is Katherine smith. I timed on this, I might go over about 20 seconds, is that okay?

Wheeler: Fine go ahead.

Smith: Okay. I'm addressing this to mayor wheeler mainly, but, of course, all of you it's very important because the mayor is a police commissioner, but it's important for everybody to know this. Mayor wheeler, have you talked to pc marshman asking him about the tactics or about transferring my case to another cop? That is about attempted murder done to me and my son remotely by some Tigard cops?

Wheeler: So we've had this conversation multiple times and our staff has had this conversation multiple times with you. There's a jurisdictional issue here. We are not the Tigard police. We are the Portland police bureau.

Smith: Right okay. A brief answer because I want to get this all in. I live in Portland, the assaults are happening in Portland, that makes it Portland's jurisdiction. It does and they know that and you should know that. Okay let me try to get all this in, since I spent a few seconds there. Since it appears someone put a gag order on you about my case, usually, although you are at fault because you seem to have agreed to it, I will make a few questions that you should have or likely would have asked me to obtain enough facts and evidence to be able to make a good legal decision about how to make Portland police not continue to facilitate these daily assaults, threats, stalking, attempted murders etc. These mainly microwave weapons, voice driscoll weapons are easily verifiable. Question number one, since you say some Tigard cops are shooting you remotely, how do you know it's them shooting you? Because they told me around late 2005, early 2006, they're shooting me with microwave weapons and ultrasound weapons. I also know it's them because when they shoot me especially when it's a hard shot that feels like a needle was just stuck into me, they often make a comment, taunting me about the pain they caused or the injury, burn etc. They caused and where they shot me, even though when I don't touch that place on me in response to the pain. Also, I recognize the voice of some of them because I've talked to some of them in person before. Question number two, how do they talk to you? They use voice driscoll weapon technology. When used remotely it goes through the cell

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phone towers. They have so many targets that they talk to them remotely, but they say if a cop carries it, it's about the size of a radar gun that cops aim at people as they drive to see how fast they're going. For voice to work, they must aim it at your head for you to hear them talking or when they turn the volume down to give you a subliminal order or influence. That means they must know exactly where you are and it means they're stalking you. Number three, you should have asked or likely would have asked me what is their motive to do these assaults, harassments to you and your son? Other Tigard cops told me in early 2006 they love to harass people. They also said they love to torture people. They said they do this to me and others to destroy, weaken or kill us parents so they can have more access to our money, possessions, and/or kids. They are pedophiles. They admitted to that to me many times by their actions and what they said. They also say they try to take away or weaken the kids' support systems to more easily turn them into maturing candidates to make it seem like they committed suicide. [overlapping speakers] I'll be right with you. They have additional motives to target me and others. Hate crime reasons. They are Nazi cops, they admit it and often say racist comments. I had this much more, but I guess I used up my time, go ahead Mr. Fish.

Fish: Thank you for coming in today and I've lost track of the number of times that you've come to council and essentially, shared this same story and each and every time, we've tried to direct you to someone in the community that can provide some support and assistance and I feel like that as this continues, somehow, we're failing you.

Smith: That's for sure.

Fish: Well on many levels and I just I want to say to you that having this conversation before us when it's a different agency and the nature of your claims, we have tried to connect you to people and services because it's a public forum and there are privacy issues, we can't talk about that publicly --

Smith: I tried to get meetings with the mayor a few times, never got a meeting. I have to say all this awful stuff in front of everybody.

Fish: I understand. The question is do you have someone that you are currently working with on this issue?

Smith: The way to stop these crimes, Mr. Fish, is to report them to police. Occasionally I'll run into an officer who tries to say something helpful, but the problem is there are too many of them who because of the kind of technology they use cover it up.

Fish: So I want to --

Smith: It's Portland jurisdiction.

Fish: I'm going to talk to the mayor and see if there's some other approach that we can come up with because I feel like this is imposing a huge burden on you and it's not leading anywhere productive and I feel like we're missing an opportunity to perhaps address something more important. So mayor, I would like to have a follow-up conversation with you and we'll see what's possible.

Wheeler: I would be delighted to do that and to share with you the many, many conversations we've had with different people.

Smith: It is a Portland police jurisdiction, though. I live in Portland.

Wheeler: Thank you very much. Thanks, again Katherine, we appreciate your being here. Next item please, Karla.

Item 876.

Wheeler: Terminal one, it's back: Good morning.

Shedrick Wilkins: One thing about coming up here, somebody e-mailed me about what Homer Williams is doing as the next one so that conversation went out the window. So I'm a homeless alternative energy advocate. So she actually e-mailed me because I'm talking. So I'll e-mail her back.

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Wheeler: Good morning. You can start at three now. Good morning.

Wilkins: I believe in alternative energy for reduced income people, the other day my power went out in my apartment, I grabbed these devil horns I bought at target, I'm walking around, I'm thinking about putting some solar panels in my window to charge up a phone and things like that. Makes a lot of difference, a phone, a radio, and some lights. These things are useful, too, if you're looking for a job and you're homeless or something like that or low-income, you need these kinds of things. I want to say something I feel right now the united states is on the verge of a financial crash. Basically, this crash is based on automation. For example, the next talker will talk about losing postal jobs. People are using postal jobs because people use phones and computers. In fact, I got my message by e-mail and not by regular mail. This means there's decreased amount of -- and president trump will cut postal jobs. In this whole process, I believe the worst thing people can do in a bad economy is have a lot of kids. So in the future as a homeless advocate I support planned parenthood and I support governor Kate brown and democrats tend to support planned parenthood a lot more than republicans.

Wheeler: Thank you.

Fish: This item does say regarding terminal one? So I would like to share with the council that the purchaser of terminal one has increased their earnest money deposit, nonrefundable to \$1 million, which means they are hoping to close later in august and we are in the process of scheduling a ceremonial closing, mayor, with the buyer and you and I will join the buyer at a signing ceremony.

Wheeler: Very good. Thank you, I appreciate it. Next item, please.

Item 877.

Wheeler: Good morning sir.

Jamie Partridge: Good morning I'm Jamie Partridge I'm here representing communities and postal workers united and I'm here because I've been unable to schedule a meeting with the mayor's staff for the last six months. So I thought I would come here. We have two sets of petitions. One on saving the downtown postal service and one on saving door to door mail delivery. We've got about 1,000 signatures on saving our downtown postal service and a few 100 on saving at the door mail delivery. PDC that is Prosper Portland has an agreement with the u.s. Postal service to relocate the downtown -- the main post office to within seven blocks of the current location when it's demolished, but there's no agreement about the level of service that will be provided and we're concerned that the same level of service or better service be provided downtown. It's the best post office in the city, it opens early, stays open late, it's a 24-hour lobby with access to thousands of post office boxes and parcel lockers and a parcel mailing machine and it has general delivery for travelers and the homeless, it has good parking off-street, etc. And we're asking for a public hearing so that the postal service will testify about what they're thinking about, what their plans are and if the public can weigh in. The postal service has refused for the last year to hold a public hearing. Title 39 of the federal code dictates that public elected officials hold hearings and have testimony and that's on top of your packet, that federal code and hear testimony. The second issue is that of saving at the door mail delivery. There's a bill before congress, the postal reform act of 2016, which has been passed out of committee, bipartisan, unanimous vote, to go to the floor and it has a poison pill, section 202 which would eliminate at the door delivery over time that has forced, everyone, residents and businesses into cluster boxes down the block, around the corner, which would severely impact service for frail, elderly, disabled people and, of course, businesses and eliminate tens of thousands of letter carrier, good living-wage jobs. So we're asking that you pass a resolution or send a letter in support of at the door delivery and I'm happy to answer any questions you might have about these two petitions. We're

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asking for a public hearing on the downtown postal service and a letter or resolution on at the door delivery.

Wheeler: Colleagues, any questions?

Fritz: I thought the post office was in the constitution, correct?

Partridge: That's right.

Fritz: So does it specify what the post office means?

Partridge: What the post office what?

Fritz: When it's referred to in the constitution of the united states, do you know --

Partridge: It doesn't say that it has to be public, it could be privatized, it doesn't say that there has to be universal delivery, which currently there is. So it's -- we can't rely on just lawyers to make this happen.

Fritz: This is quite special to be named in the constitution. Thank you very much for being here.

Partridge: The only federal agency.

Wheeler: I want to apologize a couple of people mentioned today they were not able to secure meetings with me and I do want to apologize.

Partridge: We're trying to get a meeting with your staff.

Wheeler: Well, here's the deal. There are over 600,000 people in the city. A typical non-council day for me has between 14 and 16 meetings. We're actually extending that even farther so I will now be taking breakfast time meetings every day with the exception of Friday because I still do want to take my daughter to school at least once a week, but I just want people to know it's not that we don't want to have meetings, don't take meetings. We have so much time in the day and lots -- I mean, every day, we get dozens of requests for meetings so please do not take it personally if we don't extend a personal meeting to everybody who requests one and I wish we could. I would love to have a staff three times larger than the staff I have now and we will be talking during the next budget season about the capacity and the mayor's office. For now, we're working with the capacity that we inherited for the second half of the year. We've extended it a few more bodies for the current fiscal year that we've just entered. Obviously, the demand for meetings in my staff is swamping our ability to do it. I want to apologize. We're doing our best. I will be there bright and early for people who are willing to get up early to meet with the mayor. Thank you.

Partridge: Appreciate it.

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

Item 878.

Hank McCurdy: Good morning. I have given you a little packet, if you could go to the last page, that will help our discussion here. So my name is Hank McCurdy I'm an owner and developer of the boathouse apartments on the river in John's Landing and it's my understanding that there's a discussion in the city about extending the street car to Hamilton Court, which is the southern boundary of the South Waterfront so I'm here to urge you to extend it much further. So if you'll look at the map, got two arrows. I think the first one is Hamilton Court. The second one is where our apartment is and if you look at the Hamilton Court area you see there's a bottleneck and it's ineffective for the people in John's Landing. The population in John's Landing is growing. There's three new apartment developments, 481 units, another 1,000 people in population, 5,000 people living there, lots of businesses and this is really kind of a softball and I bring this to your attention because I know the council is just swamped with lots of complicated issues. This is pretty simple, okay. The right of way is already there it's been there for 100 years. There's a pretty vocal opposition of people living on that right of way to this proposal. I don't know how many people there are, a couple hundred I would say, they've made their voices

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heard at city council and, you know, the four to 5,000 people other people this would really benefit, you know, I'm going to try to make those people heard. So we're putting up a website and we're going to gather signatures and that sort of thing to give you some political support, but I mean, it's pretty simple. I'm not going to talk about the environmental benefits because you all know that. The biggest expense of light rail, street car is the right-of-way. That's already there it's been there for 100 years. The people who live along that who are vociferous in complaining, it's like smacking their face when they buy these condos and so on. So we have to have some balance. I think this is fairly easy. Maybe it would cost \$4 million. I know when I say "easy" there's a little smile that creeps up on your faces because really nothing is easy, but compared to what you deal with, it's I think pretty straightforward. So this would be cheap, very effective because it's not going to be impeded by street traffic, which is the biggest complaint I think about street cars. So thank you.

Wheeler: Thank you. Colleagues any thoughts? First of all, I agree with you. I've agreed with you for many years on this subject and you're bringing back a little PTSD for me. When I was the Multnomah county chair, I lived in a condominium, the bedroom looked out onto this right of way and I was very supportive of it. I was supportive of the extension all the way to lake Oswego and I hope you're joking when you say "easy" because that was a really hard-fought battle and at the end of the day, the communities, plural, were extremely well organized in virtually unanimous in their desire to make sure that there was not an extension and I remember back in the day, those of us who worked at the regional level, the county folks, my counterparts here at city hall, we sweetened the pot multiple times, including even offering up a free resident exclusive stop along that right-of-way and it still went nowhere. So I think what will eventually happen is people who commute will get tired of that commute. I know I would already be tired of it and someday I think the environment will be more receptive of that kind of a solution. It's a really obvious one from my perspective, this is as close to a no-brainer transportation solution as they get. No doubt it is to some degree a disruption or a change to the neighborhood. It is and we have to be honest and acknowledge that, but I like your forward thinking on this and I want you to know that. I've been there for a long time.

McCurdy: The lake Oswego thing is just a tremendous headache. You know, into John's landing, I don't think -- when I say this is "easy," I want to add some levity to your day. But I realize -- and I'm thinking in the scope of the tremendous issues that the council faces, this is --

Wheeler: It's a good one and we're lucky that we do have that right-of-way. That's fortunate. When the Sellwood bridge was reconstructed, the option was left open in the engineering of the Sellwood bridge. Most people think it's inevitable, but if there's one thing I've learned in politics is that you have to listen to the community and the community is still very clear on where they stand on this. You and I are in the minority.

McCurdy: Right well, I'm not sure if that's the case in John's landing and I'm going to make the effort to show you that.

Wheeler: I really appreciate that.

McCurdy: The 4,000 people versus the couple hundred people.

Wheeler: What could be better? Walk outside from your home and a few minutes later be in the downtown court it'd be great. Commissioner Fritz.

Fritz: I would like to provide some context from the city's perspective since I was involved in that. There's also the question of what's the most urgent need for street car? If I had the ability to say Foster road, north-south routes in east Portland where being near the street car could stimulate development. The downside of being on the unused trolley track is that

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it's not necessarily going to bring the investments in the adjacent properties, that's one of the chief reasons I've supported street car in the past.

McCurdy: So my response to that is volume pricing, tack this on to the foster road thing, it's going to be cheaper.

McCurdy: Thank you very much.

Wheeler: Thank you for coming in, thanks for everybody who testified this morning. All right. First, let's see -- let's do the time certain, and then we'll go to the consent agenda.

Fish: I won't be here so let's at least adopt.

Wheeler: You're leaving at what time?

Fish: 10:20.

Wheeler: And we have you commissioner Eudaly.

Eudaly: I was kidding.

Wheeler: you were kidding? How many items have been pulled from the consent agenda?

Moore-Love: 883 and 886.

Wheeler: 883 and 886. Commissioner Saltzman, it's my understanding 886 you've requested to pull that until next week; is that correct?

Saltzman: Let me check here. Yes. Correct.

Wheeler: So that one is off the table. 883. First of all, let's call the roll on the remainder other than 883, please.

Moore-Love: And 886 correct?

[roll call]

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

Wheeler: The consent agenda is adopted. Call 883.

Item 883.

Wheeler: And do we have somebody from the housing bureau that would like to discuss 883?

Fish: My suggestion is we just move it to the end of the agenda. That's on the consent stuff, we do have time certain ahead.

Wheeler: Any objection? We'll move it to the end of the agenda. Please call the first time certain item, 879.

Item 879.

Wheeler: And one change, we have the director Creager here. After this item here we'll hear briefly from director Creager on the item that we just moved to the end. So 879 colleagues today, we have the pleasure of having students here in the chamber from the media institute for social change summer program and they're here today to present their short film. It's my understanding that the students have chosen to share with us the following two films. The first is rage on; is that correct? Rage on, it's a film regarding senior activism in Portland by the raging grannies and this is a group that has come and testified before this council on many occasions. This film is by Emily Curtis and Lucy Stevens. Emily graduated from reed college in 2016. She's originally from wilton, Connecticut, and she has chosen to remain in Portland, we're grateful for that and is beginning a career as an audio documentary producer. Lucy Stevens is a rising senior at Carlton college in Minnesota where she studies film. She's originally from Portland. Single track is the second film, it's a film about gateway green and off-road cycling in Portland. The film is by Keanna Culser and Maddie Stapleton. Maddie Stapleton is a rising sophomore at western Washington university, where she studies political science and journalism. She's originally from Kansas. Keanna Culser is a rising senior at western Washington university where she studies cultural anthropology. Born in Seattle and raised in southern California, she hopes to work in nonprofit communications after graduation. To present the films, we have with us today, Coral Yang a junior at tufts university, an international student from Shenzhen,

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china who is majoring in anthropology and minoring in political science and media studies and Emily Curtis. So ladies, thank you for being here. We appreciate it and look forward to seeing your work.

Emily Curtis: Thank you, good morning. So I'm Emily.

Coral Yang: I'm coral.

Curtis: And we are here as students of the summer documentary program at the media institute for social change. If you don't know much about it, the media institute is a Portland based media lab that brings activists, media makers and community members together through lectures, film screenings and courses in film and radio production. The summer documentary program is a seven week media intensive that has brought 11 of us, the rest of us are back here, aspiring media makers, podcast junkies and film nerds to figure out how to tell meaningful and impactful stories in an increasingly dissonant media landscape. This is all culminating tonight at our final event where we are screening our short films at shout house at 7:00 so we would love to see as many of you that have the time. And before I hand things off to coral, I would just like to make a few comments as a reed graduate. I've called Portland my home for five years and as a student with a background in religion and ethnography, the power of conversation to reveal the contours of our community and that you can't know a place until you talk to its people is a truth that I live by. And one of the great revelations of my work this summer at the media institute has been the privilege of being able to live in a city that reflects those values in its media landscape. Working with kboo, x-ray, open signal, I've seen that Portland is a city that's really a crucible of community-based media that brings locality and, you know, the people that live here back into the ways that we think about stories, political action and justice. It's a constantly evolving ecosystem that emerges from the streets and engages people in the telling of their own stories and I think what makes it more special just as Portland itself is the idea of access, not only to consumers of media, listeners of kboo, listeners to open signal, but access for people to learn how to produce media and I guess as a resident of Portland, and as a student of this program, that is what I would love to see the city continue to support, is that kind of access to emerging media.

Fish: Can I ask you a quick question. Could you tell us again where the screenings are tonight and what the address is and how people can get more information?

Curtis: Yes. So the screening tonight is at 7:00 p.m. At shout house, which is near or under the Hawthorne bridge.

Yang: The address is 210 southeast Madison avenue. One of the Madison streets.

Curtis: And you can find out more on the media institute's Facebook page. The event should be listed there so you can find out details of what will be going on tonight.

Fish: Thank you.

Yang: Yeah, before going into the film introduction, I would also like to make a few comments as a student from china, studying internationally in the united states and Portland this summer. During my time in the media institute, I've also been keeping an eye on the media landscape changing in my home country. It's been radical and has affected me personally and I'm very glad I'm here at Portland where I've met a lot of authentic change makers and media makers that have encouraged my long-standing ideal to stay telling the truth and handed me some very powerful tools to accomplish my goal as a media maker. I've made contact with people, local community advocates in Portland, celebrating diversity, celebrating cultural authenticity, people like in the milagro theater, the community theater group and other places like the Portland Chinese garden and the Chinese community here has been encouraging to me in how they represent the community well. So I thank Portland for that, I think my opportunity here has been worth it. So during this program, students here have made a total of five films. We will be only

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presenting here two of them and the remainder -- the remaining three films -- one of them is about a homeless veteran who has been living in hazelnut grove, a homeless village here in Portland, who came out from the street and found her community and finally became a community advocate for the homeless, houseless population. One film is about the Muslim education trust, a young woman who works as a community ambassador there, trying to I guess represent the community in a broader context and help the community engage in education and one other film is about the big float, it's called the water's fine with the human access project, about the Willamette river and the effort in handling water pollution in Portland, it's been going viral. There's a movie, I encourage you to check out our movies on our website, they will be online soon or right now and they'll be making radio pieces individually and they will also be presented at the website. Yeah, I wish the city council will take the time to address our issues in the movies and the radio pieces that we'll be presenting to you guys.

Fish: Can I ask you and we've asked bill this in years past, if any member of council wants to either link to a film or put it on Facebook or whatever, what are the ground rules? Are there copyright issues or just proper attribution?

Phil B: Proper attribution is great. [inaudible]

Fish: Okay.

Curtis: Without further adieu, we're going to be showing rage on and single track. Rage on just to reiterate is about activism in Portland through the lens of the raging grannies and single track is about increasing access to off-cycling trails and the way that that is happening at gateway green.

[Video Played]

****: Tell them about your 8-year-old.

****: My granddaughter who's about to turn nine, she's been very politically aware and is now -- she's so worried about the political situation and she's afraid of the trump administration and she's also a biracial girl so she's even more concerned about what is happening and it just breaks my heart. If I can do anything to protect her and other children no matter who they are, whose grandchildren they are or whose children they are, I'm going to do it, until my dying breath: ¶ men and women ¶ ¶ no ¶¶ ¶¶ ¶¶ ¶¶ ¶ this land was made for you and me ¶

****: This is in today's political climate, there's just one thing after another.

****: I'm judy romano and I'm 69 years old.

****: I'm alice shapiro, I'm 71 years of age.

****: And I like 71 years of age.

****: Yes.

****: Because I don't feel old.

****: I don't, either.

****: I don't feel old until I look in the mirror and sometimes, when I look in the mirror it's like mom, what are you doing here? Oh, it's me: [laughs]

****: So I was not tremendously active growing up. I think I was interested, but I didn't -- I didn't do a whole lot until joining the raging grannies. So for me, it's been a big change and a real positive one.

****: Five, probably six years ago, there was a no Monsanto action and I went there and here comes this group of women in lovely costumes and hats carrying their banner that said Portland raging grannies and I went oh: I found you: I ran over when they were finished singing and I said I want to be there with you and that was how that happened.

****: They were my age and they were up there and singing songs like all we are saying is give peace a chance. Give corn a chance. Anyway, I just went I've got to be part of this. ¶¶ singing ¶¶ ¶¶ ¶¶ ¶ we need to build a better future ¶

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****: We don't have to memorize the songs and we can make the print as big as we need. People start singing with us, the words are pretty clever, don't ask me when ones because I don't remember. [laughs]

****: They go wild for us. They really do. I've never had that in my life. I mean, it's really something. So I think we're blowing any little old lady stereotypes because we're not. ¶ right now ¶

****: We're just hot, you know. They want to be part of us. Do you know the expression verklempt? It's like you tear up, but you're not really crying, you get very emotional. At the pride parade. It is unbelievable. And the love that we're pouring out and the love that's coming to us and we've often talked about how we probably represent to a lot of people who have come out, their grandparents or their mothers or aunts or whoever who haven't accepted them and we're marching and accepting them and the outpouring of love is just -- I can hardly get the words out. I mean, I'm really moved.

****: Y'all better give it up for our grannies: [cheering]

****: Specifically not very large. I have a lot more latitude, I'm not as likely to be targeted. I can speak, even though sometimes, I know I don't represent and I haven't walked in the shoes of people of color, or immigrants, I can still use my voice and I won't be put down, I won't be silenced as quickly. I won't be arrested as quickly. I won't feel threatened as quickly. Yes, we cannot deny our privilege, we have this privilege, and now, let's use it for the good.

****: When we're out there and younger people are out there, we're in this together. And we're retired women, we could be, you know, just sitting back and playing bridge and eating bonbons, but we're not just doing that. So we are still involved and still active and I think that, you know, to show that we're in this with you, we're not just like oh, well, we had our education, we had our lives, we're retired. You know, it's up to you now. We're not doing that. We're not taking that position. We're in it together. ¶ I don't know what you've been told ¶ ¶ I don't know what you've been told ¶ ¶¶ ¶¶ ¶ we get strong as we get old ¶ ¶ rage on ¶ ¶ rage on ¶ ¶ stay strong ¶ ¶ stay strong ¶ ¶ Portland raging grannies ¶ ¶ ¶ rage on ¶

****: Still got a solo.

[Video Ends]

Fish: This happens with every PowerPoint so don't feel like you're being singled out.

[Video Played]

: ¶¶ ¶¶

****: The value it would bring to my life. ¶¶ ¶¶

****: I mean, ideally gateway green is the sea change that communities have been hoping and waiting for and that is the opportunity to help change the conversation about what off-road cycling is and who rides mountain bikes and what kind of impact they have. ¶¶ ¶¶

****: I've been working as a park advocate for getting more parks in east Portland for more than 30 years. There's been a big need for a bike park in the Portland area. I didn't even ride a bike when I started this project and I've since learned to ride a bike.

****: There's no street access. You can't just drive your car right up to gateway green.

****: It's located between two interstate highways, between interstate 84 and interstate 205.

****: I was fairly fresh out of college and I wasn't quite sure who I was and I was like okay I guess this is it, but there's got to be something more. And so mountain biking was introduced to me and I would go out every single weekend and learn how to ride. I found myself there, I found myself on my bike and I found myself in the people I was riding bikes with. I love riding my bike, but if I had the chance to do more of my commute on an unpaved surface through a treed landscape where I could hear the birds, what a beautiful

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way to wake up in the morning or what a nice way to come down from the stressful work day, not the super adrenaline based dare devil hyper masculine activity. You'll see adults out there that it's clear they're trying mountain biking for the first time just coming to our support and you see little kids out there with scooter bikes, they don't even have pedals yet.

****: The thing that really I thought was expressed the most by the community was they wanted to make sure that there were lots of activities for young kids. That it wasn't going to be just a park, mostly for grownups.

****: Go go go.

****: Basically, we teach kids from ages 5 to 14.

****: It was really awesome. Thursdays are like our super fun day. After lunch by ride our bikes out to gateway green and we have an afternoon session on the dirt. It's a really cool way to implement some outside riding within the area. Getting to gateway green is super awesome. We talk about etiquette on the streets, looking to avoid people who are crossing, using hand signals to turn. Takes us 10, 15 minutes to get there so it's a quick trip. And then we ride our butts off.

****: I've got some room.

****: The kids are so psyched to go and when it's time to leave, they don't want to leave and on Friday they ask to go again. So it's adding a huge element to what we're doing.

****: Other cyclists that have been through the beginning stages you're going through, and it's also good to be able to see the enthusiasm and the joy and the fall downs and get right back up and dust yourself off kind of attitude that beginners bring to our sport.

****: See you later.

****: Another really valuable characteristic of gateway green being located in east Portland is that east Portland has the highest percentage of school-aged children in the entire city of Portland, but it's also our most park-deficient neighborhood in the whole city. So tons of kids that need safe places to play, but they haven't had it until now.

****: I think like having this sort of situation for kids is super important because there's some kids out there like myself that grew up with a.d.d. So this is a really great outlet for kids to accomplish their own personal goals on their bike.

****: So I am optimistic that we're at a turning point right now in the city of Portland when it comes to off-road cycling access and we're really excited that gateway green will stand to be the standard to which we will look and hopefully educate people about so it's open to everybody and a really healthy way to get out there, enjoy nature, spend time with your friends.

****: The more we could do to bring people together enjoying themselves, the more they are comfortable being around each other and the more they value the diversity of the area.

****: Have more conversations. 🙌🙌 [applause]

[Video Ends]

Wheeler: Commissioner Fritz.

Fritz: Thank you, mayor and thank you for publicizing about gateway green and Linda Robertson and all the communities and help there. Two things that people need to know. First of all, opening day was 100 degrees and the kids were still acting like it was 60 degrees. Secondly, they all were wearing their helmets and that was kind of becoming the norm there, that, you know, that's what you do if you're going to be riding a bike. So I was really pleased with those two issues and thank you for publicizing one of the things we're doing with system development charges and other investments in east Portland.

Curtis: Thank you so much.

Yang: We hope to see you guys tonight.

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Wheeler: Great thank you. These were excellent works and we'll look forward to watching the others that we didn't get a chance to see and could you just state one more time for the record where the viewing public can see these films?

Yang: It's called shout house, the location is 210 southeast Madison avenue under the Hawthorne bridge.

Wheeler: And then if people want to see it on the web?

Yang: It's going to be on www.mediamakingchange.org.

Wheeler: Thank you. Excellent work. Really well done. Thank you. We're going to do time certain 880 next. We'll move to 881 after that, then go back to the item that was pulled from the consent agenda. So item 880 next, please.

Item 880.

Wheeler: Colleagues, this is a joint venture between bridge meadows and new avenues for youth. This would be new construction of a 15 unit multi-family rental property that will house former foster youth which have aged out of the foster care system and may be homeless or facing homelessness possibly with a dependent. This is a companion project to the successful intergenerational bridge meadows project nearby. Of the total costs of the project, approximately \$3.9 million, nearly \$2 million will be paid for from private sector donations. A private donor has also contributed \$1 million in operating subsidy for the first five years of operations in order to allow time for the project to bring together various funding sources that may be available to former foster youth being housed. Because residents are not expected to arrive initially with incomes, all of the units are restricted to those at or below 30% mfi, which is \$15,690 for a household of one and \$17,940 if with a dependent household of two. I will let Kurt talk about the funding sources and just as a note I will make sure everybody is invited to the groundbreaking. Director Creager.

Kurt Creager, Director, Portland Housing Bureau: Thank you very much mayor, members of council. My pleasure to be here today. Really the last action before us, the loan before you will close tomorrow and it's important to note that of the sum \$1,377,173.00 this occurs in two allocations under two different housing commissioners. The first allocation of \$800,000 was in the 2014 nofa authorized under commissioner Saltzman's supervision and the second allocation this winter made under mayor wheeler of \$577,173. So our investment is approximately \$1.4 million, but we're getting much more value from that. It's important that you know that the funding comes from the interstate corridor urban renewal area so it's tax increment financing and it will serve emancipated youth. With me today is Derenda Schubert the executive director of bridge meadows. Sean Suib the executive director of new avenues for youth and ross Cornelius whose the project manager for Walsh construction and a board member of bridge meadows, which is an important connection because of their donation of materials. Last I would like to say that this particular project has been made exempt from the preference policy because it is serving a larger population than just north Portland youth. We felt that was an important distinction to be made. It is important to note, however, that of the 1,000 people served in 2014, 40% were people of color. So it is serving a valuable purpose and I will let the sponsors speak for themselves with regard to this project. Thank you.

Wheeler: Appreciate it. Good morning. If you could please state your names for the record.

Sean Suib: Sean Suib, New Avenues for youth.

Derenda Schubert: Derenda Schubert, Bridge Meadows

Ross Cornelius: Ross Cornelius, Walsh Construction.

Suib: I'm going to start, and I think the raging grannies video was a perfect lead-in. They queued us up because it's what this project is all about. I want to say on behalf of new avenues for youth, bridge meadows and our combined new meadows project, we want to

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thank the Portland city council, mayor ted wheeler and the Portland housing bureau and housing bureau staff and leadership for your continued support and investment in the new meadows housing program. We set out too many years ago to find a creative and effective way to address the tragedy of young people in our community transitioning out of foster care into homelessness. In that time, those challenges have only gotten worse. I know just last night, that in Portland we had young people in foster care sleeping in motel rooms because dhs doesn't have placements for them and we repeatedly see young people aging out of our system without the skills or community relationships they need and without access to safe, stable and affordable housing. New meadows is not only a public-private sector housing development partnership, but it represents the coming together of bridge meadows and their multigenerational housing community of elders and adopted families and new avenues for youth and our rich array of support services for transition aged youth. Together with your help, we're about in the Portsmouth neighborhood, we're about to build a safe place for these young people to call home. A place where youth coming out of foster care can be embraced by multiple generations within their community and receive the mentoring, skills, training, guidance and support they need to be successful. Now, my colleagues Derenda Schubert and Ross Cornelius are going to talk a little bit about the project's readiness and where we are in the construction timeline.

Schubert: Hello, mayor and commissioners. So nice to be here today, and I think we need to introduce the raging grandmas and the bridge meadows grandmas. The power they'll bring together is amazing. Thank you for leading in an innovative affordable housing model to solve a social issue in our city and in our state. The power of our two organizations coming together is a testament to how serious our boards are about helping to be a part of the solution. I'm excited to tell you and pleased to tell you that we're ready. The money has all been raised, especially with your investment. As Mr. Creager stated over \$2 million of private funding has been raised for capital and \$1 million for operating, which is really unheard of and we are deeply grateful to all of those private donors who stepped forward as well as the public investment of Portland housing bureau and Oregon housing and community services. The permits are ready, the construction team is idling their construction equipment and bridge meadows clinical people and the new avenues clinical teams are ready to dive in and build a really strong program for these youth and on top of that, the bridge meadows families, children and elders cannot wait to welcome these young people home so thank you and with your investment we are going to start digging in the dirt next week, mayor wheeler.

Wheeler: Please dig: Thank you.

Cornelius: I just want to clarify, This is Ross I'm actually not a board member of bridge meadows as reported earlier, but I've been involved since the early one in 2006 or whenever we started. And comments about leverage.

Saltzman: Definitely qualify as an honorary board member.

Wheeler: I think you just got drafted.

Cornelius: It could be. I want to reflect the director Creager's comments about leverage and we think about the investment that we had made in bridge meadows, the city has made, the state has made. This is an opportunity to leverage that investment to even greater outcome. We're often looking for partnerships, not only public-private, but as was mentioned, between two very skilled and capacity nonprofits to perform and meet a need that isn't really met right now. This is an unmet need. These kids that are aging out have nowhere to go and so we are taking on a very innovative approach here. This hasn't been done before and we appreciate everybody's support to let us give it a whirl here. It's going to be successful because of the people at the table here and then the leverage of being able to bring in so much private funding in addition to the public money is another benefit

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so there's a lot going for this project. We would like to get under way. We appreciate your patience as we work through so many issues to finally get to this point and we look forward to breaking ground.

Wheeler: Thank you. We appreciate your testimony. Colleagues any questions of the director or anybody on the panel? Commissioner Eudaly.

Eudaly: Yeah. First of all, I want to say thank you. I'm a fan of bridge meadows model and I'm really excited about this new project. So there will be 10 studios with kitchenettes, those are for the youth, correct?

Schubert: There will be 10 studios and then four one-bedroom apartments for the youth because we anticipate that some of the youth will be parenting.

Eudaly: Okay and so I'm just thinking about the 30% income limit because that would exclude someone with a full-time minimum wage job. Are we assuming these youth are still in school and won't be employed full-time?

Suib: You know, one of the advantages of having private leverage dollars is to be able to have young people come in who are not ready to be housed and so we're really looking for those young people who are engaged in school or just starting job training, really have zero to very, very little income and really the goal is to both connect young people in the community, but it's to help young people launch. So the hope is to get folks there and help them find their next step and we're very hopeful that their next step will include staying rooted to that community.

Eudaly: So they may live there for a number of years?

Schubert: Yes.

Eudaly: Okay. Great. I was just curious how it was going to work. Thank you.

Wheeler: Very good. Is there any public testimony on this item?

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

Wheeler: Come on up, you guys can go have a seat. Thank you for your time. We appreciate it. Thanks for being here. Good morning.

Jim Whittenburg: I'm not opposed to this. After next year, it will be 50 years of lobbying here in Portland for public interest. My first lobbying job was with Tom Harten to go to Salem so we could take people who are addicted to cocaine and opioids and other drugs like marijuana so we could at the time -- at that time, they had to be convicted of a crime and sentenced. Then they would go in and have treatment in the state. That was the only way they could do it, whether it was a severe marijuana addiction or whether it was hard narcotics. I've always felt that was a turning point here in Oregon, we seem to understand finally that people do get addicted, drugs are a health problem, not a law enforcement problem. Secondly, my dad, just before he died, wanted me to promise that I would quit involving myself in politics, it was such dirty business and I promised him that I would quit and to go back to my pharmacy job, \$3,500 a month at that time, so I was making a fairly good salary, \$45,000 a year. He didn't live long after that and I had to disappoint him and go back to this dirty business as he calls it. He was a great man who always stood before city council and told them just where they were and wasn't ever afraid of them. I lived the first few years being afraid of the mayor and the city councilmen and when Terry Schunk called me into his office, I thought this was it Jim you're never going to survive this a policeman brought me down to city hall and he said what are you messing up my city for? And I said what are you talking about? He didn't like the fact that we had informed the Oregon council on drug problems at that time, worked with the alcohol and drug section in the state and we do benefits before PTAS like Parkrose, we had 700 people at that, it didn't survive because I went back to Washington, D.C. and the people that were with it brought their own personal problems to the fore, a woman's daughter killed by a train because of marijuana. I woke up at 3:00 today, I'm getting to the age I can't sleep anymore, but I ran

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across this and, you know, if you remember this guy probably, I don't know. One of the things I liked about Charlie is I always knew where he stood. I didn't have to guess. I knew he loved this city and I know he had things he wanted to get done. He wanted the street car finished. He would have just had a terrible time if he ever saw this terrible mess that we've become. This is what Portland's become now. This is a terrible, terrible mess. My pharmacy is right underneath these down here so I have to go by it every so often to see that dang ugly, stinking building and that's what the design commission is letting get through right now. You better do something about them. The east side of Portland is looking terrible right now. I went out to the hospital last night yesterday and I saw building after building after building going up out there, five and six stories that went up. I just -- my -- my city -- I know you want to put up all of these buildings so you can make your constituents happy, but you're ruining the city and we're not having any place to park anymore. You know, you've got to put up buildings, the sidewalks, and my caregiver's a black lady and she still resents the fact that you tore down their houses out in north Portland with a bulldozer and then you left the lots vacant out there. The city council did this and that was a terrible thing to do to the black population of this town. They still don't like you very well. I don't know how long its going to take before they like you again. Chloe I do need to get in your office one of these days if I can do that again once more.

Wheeler: Thank you.

Whittenburg: I'll be finished here.

Wheeler: Thank you, sir. I appreciate it. Colleagues any further questions before we call the roll? Please call the roll.

[roll call]

Saltzman: I know at least commissioner Fritz and myself spent a lot of time on our comprehensive plan in 2016 and we heard the concept a lot about the missing middle housing. The housing that's missing for affordable housing in neighborhoods and this is -- new meadows and I know my colleagues commissioner Eudaly and mayor Wheeler will get their fair share of that, missing middle housing concept because there's more to come. The analogy is very apropos I think for what we're talking about today with respect to new meadows. We're talking about a missing middle for people, some 8,000 kids in foster care in Oregon, the missing middle, which is a place to live, a place to be surrounded by peers who have survived foster care, similar situations. And to be surrounded by the love and care of the bridge meadows families that will be literally right next door, the seniors who serve as grandparents and the families who are there committed to raising and adopting foster kids. And this missing middle is so missing, it's a shame new meadows is the only thing we've got going in this regard, virtually. I hope this is not the last investment we make in helping kids who at age 19 are suddenly finding themselves turned out in the world, often with no family support, nobody to ask the questions about how do you establish a budget, how do you buy a car, anything like that. They don't have that guidance. They've lost it. They've been through millions of foster care placements, they've been through millions of different schools, and they just don't have it and new meadows is the opportunity to provide a stable, loving environment for these kids so they will go on from the middle to become successful, prosperous adults and contribute to this great city that we all live in. I'm very happy that bridge meadows and new avenues for youth and Walsh construction with ross Cornelius who down plays incredibly his role, but without Ross Cornelius there wouldn't be a bridge meadows because he understood how to pull all those complicated funding streams together and actually get something built out of that. My hat's off to all of you and this is a great investment in transitioning youth and I hope it's not our last investment. Aye.

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Eudaly: Thanks for being here today. I am an aspiring raging granny and I also hope to live in intergenerational housing one day. Aye.

Fritz: Thank you for all your work in all the varied ways that you work in our community. I had the opportunity to visit bridge meadows a couple of times. I really appreciate that you allow the neighborhood association there. This particular site was a little bit controversial along the way and I'm glad that we were able to make it work and I would anticipate that the community in north Portland will embrace this as well as they have been bridge meadows, and I think it is as much good for the older folks as it is for the younger folks and I appreciate that in our society, which is sometimes disconnected from biological families across this great land that there's an opportunity to really intentionally create this caring community and I appreciate all your good work on it. Aye.

Wheeler: So this is exactly the kind of thing that the city council should be doing and I think all of us here today understand the particularly precarious position that people aging out of our state's foster care system find themselves in. And I have said many times previously and I'll say it again, it's unconscionable how many of them are going right from foster care onto the streets of this community. That is unacceptable and as adults, I think we still have an obligation to see these young people through, to success and this project is a big step in the right direction. So I'm really grateful to everybody who's worked hard to bring this to fruition and as with the last one I'll make sure everybody gets invited to the groundbreaking. Aye. The ordinance is adopted. Director Creager I've spoken to Constantine and since you're here let's get to the next item on the agenda, which is 886, which was pulled from the consent agenda.

Wheeler: I meant 883. Commissioner Saltzman had pulled 886. 883, thank you.

Item 883.

Wheeler: Colleagues this property at 3000 southeast Powell is large and the housing bureau anticipates up to 300 units of affordable housing and home ownership opportunities that can be built here. The property has a relatively close in location, it has good access to transit and it neighbors Cleveland high school, making it ideal for families with students. We're using all the tools available to help us move on addressing housing affordability. In this case, funding from hotels and short-term rentals. We could use bond proceeds to develop the property, if it meets the final criteria that you will vote on in the not too distant future. Stakeholders in the bond oversight committee have been working diligently on those criteria. We could also bring other resources to the table for affordable housing. The most innovative part of this particular proposal is that while it's been permitted, we can use the space temporarily as shelter space and I've directed the housing bureau to pursue this option with the joint office of homelessness services and the county. Ultimately to address our affordable crisis, we have to use all the tools available and this is one example of how we can move forward together. Director Creager.

Kurt Creager, Director, Portland Housing Bureau: Yes, thank you, mayor. Members of council. It's my pleasure today to bring to you the first new site acquired with transient lodging taxes. Portland is really quite distinguished amongst cities nationwide especially on the west side of the cascades in that we are harnessing the sharing economy and the value created through the short-term rental platforms and redirecting that money to mitigate the loss of affordable housing. The inevitability of the sharing economy is such that we frankly as a city decided that we weren't going to forestall it they're active in every country, but north Korea and Syria, literally. So we are able to take the \$1.25 million that you have allocated in transient lodging taxes in the lodging investment fund and bond against it with a revenue bond. So \$9.8 million will be raised through the sale of revenue bonds backed by the general fund with the first pay coming from the transient lodging taxes. Last summer I was before you when the Powell division corridor locally preferred

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action plan was under consideration and the east Portland advocate community had asked for a commitment from the city for 300 units of housing in the corridor and at that time, nearly a year ago, exactly, I committed to do that and the council was somewhat surprised that I didn't also ask for more money. I said at that time that the just-approved 2017-18 budget was sufficient for us to accomplish this. So we began looking last summer for appropriate properties that were large enough to hold significant investment in affordable housing. This particular site has been the location of the safari club, one of 54 strip clubs in Portland. It is zoned appropriately for our intended use and as the mayor indicated we have an interim use in mind. I would say that because it's immediately across the street from Cleveland high school that our preference would be if it's used as a shelter that it would be confined to women or families. We think this neighborhood might have suffered quite long enough with having a strip club across the street from a high school. We do as far as next steps are concerned we would like to consult with the adjacent neighborhood. There's a residential neighborhood to the south and consider ways in which the property can be designed in a way that enhances their value and ensures that impacts are reduced as much as possible. There's some historic fill on the property and the price of the property was reduced during negotiation to account for the necessary removal of that fill. It must have been an unauthorized landfill of some material because methane was detected in our due diligence. So we've conducted both level one and level two environmental assessments with the full knowledge that we would have to mitigate that and that will be a cost to the project. I would be happy to answer any other questions.

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

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

Wheeler: We have one individual who would like to speak. Anybody else? Come on up. Name for the record, three minutes.

Lightning: Yes, my name is lightning, I represent lightning super watchdog x. At first, I originally thought this was going to be purchased off the affordable housing bond, but I can see that is not the case so I'm glad you offered me clarity on that that it's coming actually from the transient lodging taxes, and then you've leveraged out a bond up to \$8.9 million is my understanding so I'm in total agreement on that. I like the numbers that I'm seeing as far as your projections, maybe 100 to 300 affordable housing units. Again, I want to have a clear understanding when these projects are being presented, one of the main focuses I want to see on these projects is how many jobs will be created when we do these projects? Because a lot of times on presentations, I don't hear that and I want to have a clear understanding when you're putting these package deals together how many jobs will you be creating on these types of projects? It's very important to me to have an understanding, clear understanding on that. Again, I like the overall location, I understand the existing building there, I assume you'll be demolishing that building on having that removed. Sometimes, I like to have that removal of the building itself negotiated in the original deal up front to the current property owners and you've stated again, you've done a level one, level two so I feel confident you've done an assessment on any environment issues on the property, on the land itself, but I want to have more of a clear understanding of the building that's currently there, any environmental issues that could be in the building itself and possibly more of an estimate on when you do remove the building, what the overall cost beyond that. Sometimes, I like to have that up front to have a clear understanding before you move forward on the new development, but again, I like what I see, and one question I might pose is that on the new development, can they be funded by the affordable housing bond or do you plan on using financing from other areas? I'm not sure on that yet I'll wait to possibly hear the answer. Thank you.

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Wheeler: So the answer to that question is possibly yes, depending upon the final framework agreed to by the city council for the bond, which will then be subject to the bond oversight committee per the ballot measure language, but seeing the urgency to this issue, we are being flexible in terms of our source of funding and if it's not appropriate for the bond we have this alternative set up. We're ready to go. Thank you. Good morning sir.

Chris Fragra: Good morning, thank you for your time my name is Chris Fragra I'm the general manager of safari show club and before you guys vote I would like to posit that you consider there's about 45 people that will lose their jobs if you decide to tear down this club. Most of my staff are heavily licensed by the dpsst, the olcc and we have done great work in the last year since I took over management of the establishment to clean up our particular area. We have fostered a strong relationship with the Portland police and I mean, we've had only two calls to the police in the last nine months, which is exceptional for any bar, let alone a strip club. Most of the problems in that neighborhood come from the motel 6 that is located next door, just two months ago they found a dead prostitute in there. That's the source of issues on Powell, as motel 6 doesn't require a credit card to get a room and that just fosters a really poisonous environment. You guys can blame safari show club for any issues over there, but we have done great work in cleaning up our area. You're going to take away jobs from about 25 single mothers and a number of my staff are parents, they're all going to lose their jobs at the end of the month if you do this so I just wanted to put that out there and maybe think about that.

Wheeler: Thank you, and we appreciate your testimony. Thank you. Colleagues any further questions?

Fritz: I guess my only question is why was this not on the regular agenda?

Wheeler: It should have been on the regular agenda and that's one of the reasons it's been pulled and frankly, I want these on the regular agenda because there's a narrative out there in the community that we're blowing off affordable housing. This will be the third one we've discussed this morning. I want them in the public view so that people can see that we're actually taking this seriously and that we're moving forward.

Creager: I apologize that this was an error that occurred on the consent agenda. There are about six people that touch the front sheet, including myself, and I should have caught it.

Fritz: It's okay.

Creager: Council needs a 4/5th vote to acquire real estate and this is of great importance so in the future, all acquisitions by the housing bureau will be on the regular agenda. I think there was a question about remediation of the building itself. Nothing disqualifying showed up in the way of hazardous materials in the building. It's a shell with plumbing improvements and since there's no historic significance to the building, and it's not older than 1906 I don't think it needs to be hand dismantled. We are cognizant that the property around it is quite dense and urban so we don't want to create a lot of dust and debris. That will be closely managed and we regret that this has an impact on the employment of people currently gainfully employed there and doing perfectly legal work. The current purchase and sales agreement closes September 30th. The escrow will and all documents will have been signed by the 29th of September. We are only buying the real estate, we're not buying the operating business.

Wheeler: Thank you.

Saltzman: Is the intent to use the building itself for the shelter?

Creager: Yes, it is. We've been working with the joint office of homeless services, the operating money needs to come from the joint office for this to be re-purposed temporarily. There will be some employment obviously connected with the operation of the shelter, obviously, not the same, very highly likely not the same people, but there will be some

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employment, beneficial employment. And to lightning's point, there are construction labor indices that we can always refer to if you're interested in knowing what job impacts are, it's a fairly standard practice, I would be happy to include those in our future impact statements.

Wheeler: We're getting a head nod from the folks who are here today that they would like to see that. I think it would be useful to see that, as well.

Creager: Perfectly legitimate. Especially since we're talking about employment losses and gains.

Wheeler: Good thank you. Please call the roll.

[roll call]

Saltzman: What's not to like about this? It takes lodging tax, which is paid for by visitors, and I think all Oregonians like the idea of visitors paying us taxes and we're taking that tax money and investing it in affordable housing and providing for a shelter as an interim use and with all due respect to the safari club and the impact it will have on your employees, this is something that 300 units of affordable housing with a shelter as an interim use, we all know they are sorely needed in our city at this time and I'm very happy to support this project. Aye.

Eudaly: Well, I certainly don't relish the idea of the city putting anyone out of business and decreasing jobs, but the reality is we're so far behind on our demand for affordable housing and I'm assuming that this particular lot is really our best or most economic chance at creating affordable housing in this neighborhood. So I vote aye.

Fritz: Well thank you mayor, thank you director Creager it's a very helpful explanation of what's going on here and taking each step at a time and I do agree with your suggestion to have it be a women and children shelter with the close proximity not only to Cleveland, but to other services nearby. So thank you aye.

Wheeler: Aye. The ordinance is adopted invitations will be out shortly. Next item and I know we have our folks for the police bureau waiting it will be about 10 minutes we'll get the appointment taken care of with ipr and we'll get right to it and I really appreciate your patience this morning, thanks captain. Next please is item 881 please.

Item 881.

Wheeler: Good morning.

Constantine Severe, Director, Independent Police Review: Good morning, mayor, members of council. It's my distinct pleasure as the ipr director to introduce Mr. Schwartz for appointment to the citizen review committee for a three-year term. As all of you know, these are pretty difficult times for community police relations nationally, locally. The crc serves a particular role in providing and acting as a bridge between the community and on the police bureau and serving as a kind of direct community involvement crc is comprised of 11 community members. Mr. Schwartz, should he be approved by you folks, will join them and Mr. Schwartz is an extraordinary individual who is a long time Portlander, a Lewis and Clark graduate a resident of north Portland and works as a research associate at ohsu as well as owning a small business. He is exactly the type of person we need on the crc having a variety of backgrounds and so the crc is not just comprised of attorneys, which historically it has been, and also having younger folks on the crc. You have the packet. Mr. Schwartz is prepared to give a brief statement indicating his interest on serving on the crc.

Wheeler: Great. Good morning, thanks for being here.

Daniel Schwartz: Thanks to the director for referring to me as younger folks. The preservation of a citizens utility to observe and provide input on the Portland police bureau's disciplinary process is an indispensable element of police officer oversight. I hope to be part of that as a member of the citizens review committee. I have full faith I will be

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able to carry out my responsibilities in a fair and independent manner. I look forward to working with the city of Portland and I thank you for your time.

Wheeler: Colleagues?

Saltzman: Can you tell us about your small business?

Schwartz: Sure. It's Parkside pub, a very, very small restaurant that's adjacent to Kenton park actually about a block west of the Paul bunion statue in Kenton.

Wheeler: I think you would only be responsible, commissioner, if we did a field trip. An investigative field trip.

Saltzman: Background check, yes.

Wheeler: Thank you I'm delighted that you are stepping forward we could really use your perspective. It's a very important committee as part of the accountability measures that we have in place and director severe, I appreciate your bringing forward such a qualified candidate. Is there any public testimony on this item?

Moore-Love: Yes, one person signed up.

Wheeler: Would you mind hanging out for just three more minutes then we'll be right back with you. Thank you.

Wheeler: Good morning.

Dan Handelman Good morning mayor and commissioners I'm rested up after last weeks five hour session and ready to testify. I'm Dan handelman with Portland cop watch. We regularly testify when people are being appointed to the citizen review committee. We have no particular problems with Mr. Schwartz. We read through his application which all of you have, that's required by the ordinance. I was interesting the application seems to have a new question on it which I don't recognize. It says describe your comfort level disagreeing with a community member who thinks the officer engaged in misconduct but the evidence does not support the allegation. There's not a similar question for disagreeing with a police officer's point of view and I'm not sure why that is. As it happens most of the time when a police officer comes before the crc and appeals to them the crc lowers the level of discipline or disciplinary finding that was supposed to be imposed and that for the first time that didn't happen in June when an officer came forward and they upheld the sustained finding, but frequently, the crc seems sympathetic when an officer takes time to come before them so it's odd that at the question has to do with bias towards a civilian. I should also add that Mr. Schwartz has attended I believe more meetings in the last year and a half than Jim young, the person reappointed by council in April. I was told by an ipr staff person Mr. Young resigned which leaves an open seat. As far as I know Mr. Schwartz is the last alternate. I'm not sure how ipr plans to refill that seat, but it means your appointment made in April, but Mr. mayor you asked for them to let Mr. Young attend by phone, he only showed up to one meeting since then I think. That seat could have been filled by somebody else. Now it may end up being open until October when the cycle ends for applications. I also should note that Mr. Young's seat could be filled on an interim basis from time to time by a police review board member had city council changed the ordinance the way we recommended Portland cop watch recommended in April. We were also promised at that time there would be a work session about how to fix the system and I haven't seen that on the agenda and Portland cop watch asked to be included in that discussion. We're the only organization in the city that's attended every single meeting of the crc ever. We are hoping that when that does happen we'll be invited to the table.

Wheeler: Good. I don't know if the director of the ipr has any reaction to the public testimony. Ipr is independent entity under the city auditor who is independently elected official so I would defer to them for any reaction. Seeing none, colleagues, any further questions or comments? Please call the roll.

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Saltzman: Thank you, Mr. Schwartz, in advance for your service to our city. Aye.

Eudaly: Thank you for your service. Aye.

Fritz: Thank you very much. I did appreciate your answers to the questions. I know that you are understanding the importance of the role you're taking on. Aye.

Wheeler: Glad to have you. Not opposed to an interim appointment. Aye. The appointment is approved. Thank you. Next item, the long awaited 887. Our very patient officers from the Portland police bureau.

Item 887.

Wheeler: Colleagues, I'm very proud of the budget that we passed as a council this year. It's no surprise to anybody that Portland is in the midst of a housing and homeless emergency. We're in need of infrastructure and road upgrades and replacements and this budget prioritized addressing these issues with record investments that we collectively made. That meant we had to make some very difficult budget decisions including ending the mounted patrol unit. We appreciate the contributions and the service of the officers and the nonsworn members of that unit who served mpu. Please join me in thanking our mounted patrol unit staff and the horses, monte, Asher, red, murphy, diesel, major, olin and Zeus, for their services. I actually wish that my parents had consulted the people who named those horses because all of those are great names. When the city takes ownership of the police horses, the contract often includes a right of first refusal when the horse's service has been completed with the city. While not all of our horses have that clause, all of the former owners were contacted and some of the horses will go back to their former owners. If the previous owners are unable to take the horses back, a good home is identified and we ensured any required ongoing medical attention that can be provided. Today we have commander Kelli Sheffer, captain Larry Graham and sergeant Martin Schell to answer any further questions that the council will have. I just want to mention monte is being returned to the original owner Jacqueline Shock. Asher is being returned to the original owner Tina Smith. Red is being returned to the original owner Andrea Vaughn. Murphy is being returned to the original owner, Randall Snow. Diesel is being returned to the original owner Katherine Cline Rochter and major is retired to Larry Kansler. Olin, the original owner, Keith Hyde, would like him to be retired to a local therapy program. We're working with Mr. Hyde to identify which program would fit Olin's unique medical issues. Zeus, the original owner indicated they cannot afford to care for him due to an injury to his leg. We recommend that he be retired to the care of stable attendant Karen McAllister. She's willing to rehab and take care of his medical issues. We want to thank all of the previous owners and we want to thank those ensuring that the transition here is a humane transition for these animals that have served our bureau so well. Colleagues, thank you, welcome, captain. I don't know if you want to start off with any commentary.

Larry Graham, Captain, Portland Police Bureau: No, I mean, the horses are like k-9 dogs. They are part of our family. They are officers retiring, they are finishing up their career. The most important thing for us and the people that we booked for caring for them all these years is to make sure they will be loved and cared for and treated accordingly. I know they have been working hard over the last two months since the vote to make sure that that happens.

Wheeler: Thank you for your hard work on that. I know you have many, many, many meetings, burning up the phones, pursuing every lead and option. I thank you for that. Colleagues, any questions of this panel? Any public testimony?

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

Wheeler: You can take a seat. We'll see if there's any further questions.

Wheeler: Jim, were you interested in testifying on this issue? Come on up. Dan, why don't you start, please.

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Dan Handelman: All right. Dan Handelman with Portland cop watch. I'm glad to hear the horses are going to good homes and that they are not being treated as property which is how they are listed in the ordinance today. It's sad that for years they had to walk on sidewalks and the pavement, which is not what horses are meant to do. They were put in the middle of sometimes chaotic protest situations which caused a lot of fear and alarm and injuries. Members of my group had issues including one member who had their foot stepped on by a horse and I was pushed up against a wall by a police officer on a horse. Years ago a mounted patrol officer broke somebody's arm by grabbing somebody off of a horse. I think it's better for everybody the horses, the community and the police to have these horses be retired and I really appreciate council for finally taking this act after years of private money flowing in to keep the program alive. We have made the comment numerous times that if Portland cop watch had enough money we could come up with all sorts of programs we would like police to walk around in clown suits and I don't think that public/private partnership is appropriate with law enforcement. So again, we appreciate that this program is ending and that horses are being treated in a kind, humane way thank you.

Wheeler: Thank you and it may be worth mentioning it sort of got buried in other news earlier this week that our police bureau has been working very, very hard on increasing its community policing presence particularly foot patrols, so there are actually six new areas that will be the beneficiaries of these foot patrols in the near future. I just wanted people to know that we have moved in that direction with a specific program and funding in place. Good morning.

J Veronica Bernier: Good morning. Gracious good morning, mayor wheeler, nice to talk to you in person, and I guess I just wanted to start by saying that I have always supported the police. I have grown up with police horses. Palomar riding stables is where we went as children and we always fed the police horses from the san Francisco police department we always fed them carrots and apples. I rode at about age 5 on horses on the beaches so I know a little bit about horses and police equestrian detail. I also know in golden gate park during the 1960s, the mayor, especially mayor Feinstein and also mayor art ignose and mayor Moscone used police horses to control crowds, and they worked quite well. They are above the level of the crowd and they are actually not police equipment but they are an added adjunct of the police department. In approaching a horse you always look them right in the eyes and smile friendly and say I'm going to ride you and that's a good thing. In putting horses out to pasture, I think that we should give them medals for service because they do go above and beyond the call of duty. I do horse bob and horse frank, san Francisco equestrian detail during mayor Feinstein's administration, mayor Moscone also and both horses were great. We got to know them in haight ashbury and kids would pet them so I think respect is very important that was a good thing. So I just wanted to say one tiny thing here during the latest street fair we had Shetland ponies and I watched them go around. This was great the kids got to ride horses and they developed a sense for farm animals and an appreciation for what horses do. I think that they are especially trained, there's not a fear factor there. I once got up on a horse named may bell and my ex-husband had one named firecracker in yosemite park and I couldn't get the horse to go. He said take a whip and hit it then he did something kind of like when you click your lips or something like that and he went -- the horse took off and headed for the nearest tree. Almost knocked me off. That's another horse story. I just want to say that it's not like francis the talking horse or anything like that, but we do appreciate our police equipment in the cars and horses that have had a wonderful life with the city. I don't know where the horse pastures are but I hope it's a nice ride for them.

Wheeler: Thank you for your testimony. Good morning.

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Jim Whittenburg: Good morning. Mayor, commissioners, I really approve and am very happy about your new appointment as police chief. I found out at providence hospital that a woman can do this hospital very, very well, about ten surrounded me, made me feel that. When I was a little kid I remember back when I used to come to Portland from roseburg with my mother, who was a furniture store owner down there. Sold furniture all the time. She always used to tell us as I remember 70 years ago that we could go see the horses if we go to Portland. So every time we would go to Portland, either there or we actually moved we had the horses to look forward to for the humanizing parts of Portland. It was one of the things that always was around. We told ourselves that this would be a stable -- excuse the words. Forever. I know you've had a hard time the last few mayors with keeping the horses with private donations and stuff but this is one of the saddest days of my life to see this happened to Portland because how much more are we going to take away from the people of Portland and tell them it's good for them? This is a good thing for you so we're going to take this away and give you this and I don't know if we're getting the input that we should be getting about what is taken away and I would like to have some say in that. I paid taxes over the years for 50 years in this town, and I deserve a voice in the matter. I deserve to have you guys listen to me and make choices sometimes about what I have to say. You sometimes forget that we are real people out here, we bleed and we have stomach aches, we can't sleep at night, sometimes worrying about the president bombing north Korea and getting bombed by them right back, but we need to support and to be our fathers and mothers as it was. We need that, some of us have lost them already. I just don't feel that right now I used to feel it from Charlie maybe Amanda. It's just not enough anymore. You're just taking away so much and saying, this is good for you. You'll like this. We decided this is the best thing for you. I don't know. Maybe my dad was right. This is a dirty business. I should stay out of it. Thank you so much.

Wheeler: Let me respond to that you've raised it twice this morning and I feel as mayor I owe you an official response.

Whittenburg: Good.

Wheeler: First you mentioned that you felt more heard by the previous mayor. That may well be the case.

Whittenburg: Right.

Wheeler: But then you went on to say as your example of what we have lost was the Burnside bridge head, which my recollection was that was firmly in place many, many months before I ever took over as mayor, so that's just thing number one that struck me as interesting. Thing number two is nobody on this council took pleasure in eliminating the mounted patrol unit. It's not something like we said, oh, good, we get to eliminate one of the most popular community-based programs in the city. The decision we had to make, and what I think is really the challenge of being a local elected leader today, my colleagues up and down the west coast would tell you the exact same thing, it's about choosing between options with a limited pie of resources and I did make some very clear choices. I chose foot patrol over mounted patrol I was very overt about that in three different budget sessions. We made another decision around affordable housing investments over other popular programs within the parks bureau. We had to shift resources. So really it's not about not listening, it's about absorbing what people are saying and then making the hard choices. The tradeoffs between things. So I will strive to do everything I can to ensure that you and everybody else feel they are being heard. If you come to today's session at 1:00, you'll hear a lot of people saying, wow, this city council actually does listen to us.

Whittenburg: It will be nice to see some police officers on the street. The second thing just tell me what affordable housing is. I can't figure out.

Wheeler: There are legal definitions, typically 60 to 80% of median family income. I talk

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about it in very basic terms. 30% and under is what we would call deeply discounted or heavily subsidized housing, some people call that government housing. I really think about it generally. I think about work force housing on one hand which means people who are here who hold one, sometimes more, jobs and still they cannot afford to live in this community without some sort of discount or alternatively I think about on the other end of the spectrum people with zero to no income and zero to no potential. That could be older folks on a fixed income, it could be people who have severe disabilities. It could be people who live with mental health issues. From my perspective there's a compassion argument there about the values of this community and supporting people from our community who truly need that hand up. There's a lot of different definitions but I think of it as work force and as very affordable.

Whittenburg: I went to Seattle four years ago after I had my first heart attack. I had a second one up there. I couldn't find a place to live. I tried for four months. My lady friend of mine was up there. I never could find a place. I shared a place where I had to go to the city and complain about it because it had gravel on the floor and bathroom floor but that's all the opportunities we had and I'm afraid that's what's going to happen down here.

Wheeler: That's a great challenge. Thank you. Good morning.

Lightning: Good morning. I'm lightning. I represent lightning super watchdog x. Although me and the police bureau may have a lot of disagreements on a lot of different issues, to me what has happened here is to when we talked about community policing and bringing the community closer to what the police actually do, I think by not having this program in place it's a big mistake. I think that the horses themselves, the mounted patrol, were a fabric of the community that the commissioners and the mayor have taken at a discount, and when you remove something like this, it's kind of like when I was fighting for the memorials to stay in place or I compare this to almost like the royal rosarians, the importance of seeing that as a community member and understanding the tradition behind it and the importance and the time it's been within the community and the history behind it, and when you rip that out of the communities, such as if you just said royal rosarians you're not allowed at city hall, we don't want anything to do with you, you're ripping the heart and soul out of the city. Let me tell you, up here, that chair, the bad karma chair --

Eudaly: That's me, everybody. [laughter]

Lightning: I appreciate -- you don't speak during my testimony. That karma chair passed to you by Randy Leonard and you won't get reelected and let me say this to you, when you come in here and rip this apart, because of Sam Adams, Sam Adams' karma against Bob Ball, it's pathetic. Mr. Adams, you should never have been the mayor. You're a blatant liar and you're a disgrace and let me tell you, this is your legacy. This is going to be your legacy and let me tell you something, it will never be forgotten in this city. Big mistake dismantling this. Big mistake supporting this. Big mistake to say this great city, who is producing more income than they ever have, we just can't find the money. Who is going to believe that? We just can't find the money. Well, leverage some of that money, do a bond like they did on affordable housing. You didn't even try to save this program. Sam Adams, this is your legacy, go to hell: I will remove myself out for being disruptive. Thank you.

Wheeler: Dan, did you testify?

Handelman: Yes, I did.

Wheeler: Any further comments colleagues? Please call the roll.

[roll call]

Saltzman: Well, I'm happy to hear that the horses look like most of them going back to their original owners or previous owners or headed to otherwise good caring hands. I wanted to thank Sergeant Shell and his officers for so ably providing mounted patrol over the years and I know your passion for your job and your horses is very apparent I

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appreciate your service. I also want to acknowledge I think I have his rank right, reserve commander bob ball, who is also tireless in his passion for the mounted patrol. He has been a real trooper over the years and I'm sorry that we are doing this but I do agree with the mayor that we had to make some tough choices and this was one of the tough choices that we made. I appreciate the service of all the mounted patrol and all those who were tireless advocates for the mounted patrol. Aye.

Eudaly: Well, I'm sorry, Mr. Lightning has left. I wanted to apologize to him for interrupting his testimony. Reality is he on any given Wednesday is often speaking more than I am with that said, I may regret saying this, but I'm just going to share it. As someone who grew up in rural Oregon with horses and as a protester who experienced the use of horses for crowd control I'm glad to see the horses off the streets. They don't belong there. To be clear, we haven't used horses for crowd control for a long time much the control was really more of a community outreach tool than any kind of real enforcement patrol. I just think it's interesting how many people come and complain about how we're wasting money but in this case with mounted patrol that was mostly decorative and community outreach, they want us to keep spending money. We had eight horses. We had two riders. I wouldn't have fought keeping this program, but I didn't feel particularly strongly about it remaining. I realize that Portland is changing at a rapid rate and that's traumatizing for a lot of our residents, myself included. I'm wondering if the public can go visit these horses in their new homes, which I will close by saying I'm happy to hear how seriously we're taking the humane treatment of these animals who have served our community and I am voting aye.

Fritz: The thing that was most surprising to me in the write-up on this was the average purchase price of the horses was just \$3,000. I say that knowing how much it costs to train a guide dog, for example, very expensive, and I mention that to the mayor when we were talking yesterday and he said that's because the officers do all the training. That the horses are not being sold to us or not given to us ready to go out on the street there's a lot of work that's done. I do remember the story of the overweight horses I can't remember his name. Was it Murphy? Something like that. There's one of the horses that wasn't in tip top shape and the staff were able to get him into order. It is something that community members do, many community members do relate to and will miss. It's been a tough choice and I think especially thinking of having to provide a new home for them when centennial mills is redeveloped, then that piece of the cost equation was meaningful to me. Thank you, mayor, for your leadership. Aye.

Wheeler: I think I have given my speech. I want to once again thank the people who over many years were involved in this patrol unit, served it well. Led with dignity. Thank you. Aye. The ordinance is adopted.

Wheeler: So colleagues, we have four, one of the four is a second reading. Those giving testimony given the tightness of the schedule I'm going to ask if you could maybe give a few sentences top line we have all read the reports. If anyone has any questions entertain questions from the city council. So first up will be 888.

Item 888.

Wheeler: While they are coming up the usual disclaimer, I have nothing to do with this from a wheeler reconstruction perspective. [laughter] purely coincidental. Good afternoon. Good morning, sorry.

Larry Pelatt, Procurement Services: Good morning, council, I'm Larry pelatt from procurement services. I'll cut through the front part of the typical report. This report is to award a contract to Moore construction and excavation, \$7,886,940 it was previously approved in authorizing ordinance. The bureau of environmental services procurement service established the typical 20% subcontractor and supplier equity goal. There's a total of \$891,162 or 11.3% of dmwesb participation for the project. Including seven firms -- dbe

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firms at \$726,730 doing trucking, concrete cutting and traffic control. One mbe \$105,000 for pouring and two wbe firms at a total of \$59,562 doing landscaping and cure in place pipelining. Moore excavation is out of Fairview, Oregon, they are fully compliant with all city contracting requirements. That's the short version. We have someone here from bes, and someone here from Moore construction, if there's specific questions.

Wheeler: I only have one. It's the obvious one. We fell below the city targeted goal on mwesb. Why?

Pelatt: The outreach was done there in and compliant with all our subcontractor program requirements. They have done outreach, they have been able to check all the boxes. Moore excavation is here. Gary Stevens, if you want to ask a specific question --

Wheeler: If you wouldn't mind just giving us a few details on that. Good morning. Thanks for coming in again. I appreciate it.

Gary Stevens: Good morning, mayor, commissioners. I'm Gary Stevens, I'm the chief operations manager for Moore excavation. We solicited 86 solicitations for mwbe contractors. We received 18 quotes out of those 86 solicitations for only 20%, which was consistent with the last time I was here was ironically it was 20% also. I'm not sure if you know the effort we go to, but we are required to do a good faith effort as you're aware but we fax an email request to all 86 of these contractors and we follow up with phone calls. We just don't say -- send a fax and expect them -- we follow up, remind them about the bid opening. It's just really disheartening to only get 18 quotes out of 86.

Wheeler: This is in part -- I have been hearing anecdotally in our conversations around housing construction that subcontractors are just overwhelmed with opportunity right now. Is that part of the problem?

Stevens: Especially I would say especially in commercial and house building, but there's more opportunities. What we call vertical -- we talked about it before in past discussions. Vertical construction be it housing, whatever, has more opportunities for subcontracting opportunities for minority contractors. Our work especially this project, where we're open cutting and putting in new pipelines the capital expenditure, the entry level capital outlay is very high, which reduces the amount of participants let alone once those participants are in the market -- we're getting a lot of competition. What we're experiencing with city work and we talked to managers within bes, there's just a tremendous amount of as you know private work. You look at between happy valley and Hillsboro, you know, thousands of homes that are going in, and the earth work and utility work. We just can't get people to quote the work. It's the market pressure that's happening.

Wheeler: I appreciate that perspective. I am satisfied that you have made the effort and our staff is satisfied that you've made the effort. I just wanted to give people an opportunity to hear because it's not at our standard. I think we needed to have this public conversation as to why.

Stevens: I'm past president of the utility contractors association. I'm on the board. We have had many meetings with bes, and purchasing, and previous discussions. I must say the 20% is quite aggressive. It's the highest of any municipality and/or state body in the state as far as minority participation. Esb. It's very aggressive. We're quite proud that we have got less than 11.3% participation on this job out of 15 subcontractors, 10 are wbe, esbs, so 75% of our contractors are. We were quite pleased with the results. It's unfortunately we can't get to that -- we haven't been able to get to that. I got one -- I haven't shared with purchasing but we just there was one subcontractor of ours that just received their wbe certification with the state. So we have another two plus percent that we'll be applying for, for approval for this job.

Wheeler: That's good news. That's good to hear.

Stevens: But it's just the market right now.

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Wheeler: Okay.

Stevens: Just real competitive.

Wheeler: Thank you for clarifying.

Fritz: Well I certainly appreciate you have been here many times on these contracts and you know we're always going to ask the question. I do appreciate the effort. Do you have any suggestions, is there anything the city could do to help in this challenge?

Stevens: Well, you know, it's a big task and commissioner Fish in the past has discussed about disparity studies and the city has gone through disparity studies. You know, it's expensive for the city to do that. I would propose and I'm speaking for our nuca chapter, I would like to have a roundtable discussion for any commissioner and/or obviously purchasing, I think we need to revisit this aspirational goal of 20%. I think we need to take another look at it. It's an exception I haven't seen a job yet quite where we received 20% because I monitor all the bids, but I'm more than happy and volunteering our utility contractors association, to sit down with the roundtable and talk through this process. If anything, to maybe help educate the commissioners on what we're up against.

Wheeler: I appreciate that. I think you've just gone a long way towards doing that and we have had others testify to similar effect about the current market conditions. I appreciate that. Thank you. Colleagues, any further questions? I'll entertain a motion.

Moore-Love: We have someone who wants to testify.

Wheeler: I'll entertain a motion.

Fritz: Move to accept the report.

Saltzman: Second.

Wheeler: So we have a motion from commissioner Fritz, a second from commissioner Saltzman and we have one person.

Moore-Love: Shedrick j. Wilkins

Wheeler: Thank you, gentlemen. Good morning.

Shedrick Wilkins: Since this green street project did not mention street lights, can I defer my idea to the next talk, 888? I'll mesh it together? The one that does the lighting.

Wheeler: Oh, that's fine. We'll have you up. Please call the roll.

[roll call]

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

Wheeler: Aye. The procurement report is accepted. Next item, please.

Item 889.

Wheeler: Colleagues, is there any staff here on this particular item? Good morning. I'll just ask colleagues; do you have any questions at this particular point? Seeing none, why don't we take public testimony on this item. We made you get a little exercise there. Sorry.

Shedrick Wilkins: Since I'm a solar energy advocate I have always had this idea that we - I'm Shedrick. That we use street lighting as a way to make solar cells, you know, in an artistic way. I live near sisters of the road where they have this artist that has solar panels with curve thing that lights up. But I'm more interested in the idea of having street lights that are self-contained, that they use the sun's energy as a form of art, you know, as well as -- somebody might come up with this idea because we live on the Cascadia fault line, there could be an earthquake at any time that could crack the concrete and the electrical lines going to the lights themselves. You might want to look into that. If I don't come up with this idea somebody in Seattle would, in fact the artist that has these things around the sisters of the road cafe is from Seattle. Also one could give any excess power from the sun people could plug in their cell phone in an earthquake or call 911 or something like that. They would be self-contained off the grid and I think about I was here with the loo thing about how randy Leonard has this idea it's the same thing. My idea is to do something that Portland can sell and I have a target date soon that we will complete the Multnomah

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county health building which I understand does triaging in an emergency. It would be interesting if some of the street lights around it would function even if the power was gone. I'll push that. Tonight for the first time I met you, mayor wheeler, I was at the Chinatown neighborhood association, and you came in there talking about the building itself was going to be built and I didn't know I was talking to you. It was just funny. You were just like that. You know, I didn't really know you. It was kind of funny for me to do that. Now you've become mayor. Again, I think it's a good idea if we are in this area where we could be hit by an earthquake the street lights should function for crime and other things and then like the Portland -- we could sell these to other cities.

Wheeler: Interesting idea. Thank you. I appreciate it. Any further discussion? Commissioner Eudaly? Very good. Please call the roll.

Wheeler: An amendment? Please bring it up.

Larry Pelatt, Procurement Services: Good morning. Larry pelatt again. Really quickly, 889 was to amend the price agreement to add \$700,000 and a year's time. In reality, some due diligence by procurement services has determined that the actual spend has not reached projected amounts. We're asking the ordinance be amended to say at the time, not the money, we don't need the money. What it really does is changes this ordinance to an administrative one. It wouldn't normally come to council because it's administrative, would fall under cpo authority. Truthfully I'm just here showing off a little bit because due diligence that we did in this kind of thing which we do anyway, but it's on the council agenda, it's here, I thought I would take a second to say, all right, we're doing due diligence. We are covering money. We're transparent. We look at things. We look at what's efficient and what's necessary and we determined we didn't really need to add a bunch of money to this contract. Like I said, thank you very much for your time, attention. I'm just showing off.

Wheeler: Would you like an amendment to that effect?

Pelatt: I would appreciate an amendment to that.

Wheeler: We'd be happy to entertain it colleagues?

Fritz: You want us to remove the \$700,000?

Pelatt: Yes, ma'am.

Fritz: Where ever it appears.

Eudaly: And did you just extend the contract?

Pelatt: We're extending the price agreement based on the state of Oregon competitively solicited, so we're just putting a backing on a state agreement. We're just saying we need another year. By the time we get to the end of that year we will probably have spent the original amount. We don't need the money.

Eudaly: I move to amend the ordinance.

Wheeler: We have a motion.

Fritz: Second. Amend it by removing adding \$700,000.

Wheeler: I'll ask you to work with legal counsel to make sure we have the exact language throughout the document. Very good. They are nodding. Yes. That is fine. Let's vote on the amendment, please call the roll.

[roll call]

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

Fritz: Thank you for your work. Aye.

Wheeler: Aye. Great amendment. Happy. The amendment is passed any further comment on the ordinance itself? Very good, please call the roll on the ordinance as amended.

[roll call]

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

Wheeler: Aye. The ordinance is adopted as amended. Appreciate it very much. The next

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item is second reading. Please read 890.

Item 890.

Wheeler: Any further discussion on this item? Please call the roll.

[roll call]

Saltzman: Well, as we heard last week, this funding will provide southwest trails pdx the opportunity to make safe and important safe routes to school for students at Robert gray middle school and others traveling in the neighborhood. Aye.

Eudaly: Aye.

Fritz: Thanks to the staff and volunteers at southwest neighborhood, inc., and all the volunteers of southwest trails. Aye.

Wheeler: Aye. The ordinance is adopted. Thank you, commissioner Saltzman. Last item.

Item 891.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. When I became fire commissioner, about six years ago, my first action was to introduce an ordinance to require sprinklers be installed in all nightclubs, existing nightclubs, in the city of Portland. I did that because I thought why wait until the tragedy occurs and convene as a council at our next meeting and do the same thing? Pass an ordinance to require sprinklers be installed in all existing night clubs. Why not anticipate and try to avoid that tragedy and I believe that's what this council did in adopting the ordinance. Our ordinance was approved by the state fire marshal and now we're being challenged by the building codes division as overstepping our bounds. They are maintaining that we're preempted from the action we took. I should say when we took the action we gave all the companies, all the nightclubs 18 months to come into compliance, so I believe they have all come into compliance by now, but nevertheless this issue persists. The building codes threatening to fine us \$20,000 some other daily fines may be going with that. They are demanding council repeal the ordinance. So to me this is clearly an example and I hope governor brown takes note of the state agency overstepping its bounds and over stepping it in the wrong direction. Not making our public safer, not making young people in nightclubs safer, but instead reverting back to an old standard which could result in a tragedy none of us want to see. So we're here today to urge the council's support on our appeal of this fine by the building codes division and the decision ordering council to repeal the ordinance which I will project not one person on this council will vote to repeal. I think they are running up against a brick wall and I hope governor brown will take note of this because she can make this go away. With that I will turn it over to our assistant fire marshal. Want to add any comments?

Gary Boyles, Portland Fire and Rescue: Mr. Mayor, council, thank you for this opportunity. First and foremost it's about public safety that's what we wanted to do we don't want a station nightclub to happen again anywhere. I support this ordinance and felt like we did everything we needed to do working with our counterparts at the building department and with the state fire marshal's office. It was disappointing to see that bcd thinks we stepped outside of our playground. I would urge council to allow us to go forward with the appeal.

Wheeler: Very good. Any further questions or comments for this panel before we ask for public testimony? Thank you. Thank you for your patience also. Any public testimony on this item?

Moore-Love: No one signed up.

Wheeler: Very good. This is a nonemergency first reading -- this is resolution. Please call the roll.

[roll call]

Saltzman: Aye.

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Eudaly: I'm particularly interested in pushing back against state interference with our local freedom. I'm also very concerned with public safety, but at the same time I would want to make sure that we're not placing an extraordinary burden on business owners, so if that is an issue I would hope we could come up with a way to work with these business owners to get them into compliance. I think we -- I'm a fan of the fire bureau and of chief Meyers and I believe that he's not someone who is interested in creating a hardship and overstepping his bounds. I just want to put that out there before I vote. aye.

Fritz: Thank you, commissioner Saltzman, for your leadership several years ago and again today. It's incomprehensible that the state building people would want to not have sprinklers just doesn't make any sense so I hope the wonderful city attorneys can push the case in court and get it resolved properly. Aye.

Wheeler: This is a head scratcher. Dan, you're right. I certainly would not take a vote to rescind that ordinance. It's in the best interests of public safety and there have been examples around the country where not having an ordinance like this implemented has obviously made a difference in the wrong kind of way. So thank you for your strong leadership on this. Aye. The resolution is adopted. Colleagues, we're adjourned until 1:00 p.m. today.

At 11:53 a.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.**

August 9, 2017 1:00 PM

Wheeler: Good afternoon, everybody, welcome to the afternoon session of the Portland city council. It's August 9th, 2017. Karla, please call the roll.

[roll call]

Wheeler: I won't read the whole statement. I think most people here know the drill. We want to create an environment where people feel safe, welcome and respected as they give public testimony. People here want to hear the city council's deliberations on the matters before us today so we're asking everybody to work with us to maintain decorum and order in the council chamber. As per council rules, disruptions are not allowed. If anybody disrupts, you'll be asked to leave. If you don't leave you're subject to arrest for trespassing. We don't want that to happen. We want everybody to be heard today. So please be respectful of people testifying. If you are testifying, you need only state your name for the record. We don't need your address. If you're a lobbyist, we need to know that. If you're here representing an organization, that would be helpful to know, as well. We try not to verbally express either support or disappointment for what's being said so a simple thumbs up or simple thumbs down helps us keep things moving. So that is that. We have three ordinances that are before us. Karla, could you read all three together, please?

Item 892.

Item 893.

Item 894.

Wheeler: Colleagues and to those gathered here, we're opening this meeting with amendments to the DOJ settlement agreement. This came to the council last week as first readings of three proposed ordinances. The item that's gotten the most attention and to which most of the testimony was related, related to the community engagement piece of these ordinances. I believe we've put together a framework for an effective and credible engagement body. I also believe that it can be significantly improved. As I said the council heard testimony last week. That testimony in my opinion contains some really excellent ideas. I said at the beginning of those first readings that nobody on this city council had come to a final conclusion. I said that we were here to listen to the community and solicit feedback. I want you to know that I heard you and that my colleagues have heard you. And this is the legislative process and this is how it is supposed to work so thank you to everybody who took the time to come in and testify last week. Over the next two weeks with regard to the portion relating to public engagement, my office will compile the information that we have collected both the oral testimony from last week and the written testimony, which we have been collecting. We'll write amendments to the proposal. We'll give the public time to review those amendments to the proposal, and then they'll be brought back to the council for a vote. I think there's more we can do, particularly around the issues of policy review. There's improvements that can be made. There's more that can be done around public meetings and assessment of the DOJ settlement agreement and again, I appreciate the perspectives and the ideas that were brought forward. I think we can make the bodies' work accessible to Judge Simon, and I think we can secure professional independent services to ensure that the board has the training and support to effect true institutional change. I want to thank those who testified, but I also want to thank

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the many people who sent written testimony to my office. I want to thank commissioner Fritz who spent many, many hours going through and being thoughtful about reviewing these proposals and spending a lot of time over the weekend and working with our team on these issues. I look forward to working with my colleagues and the community over the next two weeks. I would like one week to put all of the amendments together and get them out to the public and in week two, we'll allow for public review. I can tell you today that we have a time certain slot reserved at 2:00 p.m. on August 24th for public review of the amendments that we will attempt to get up at least a week prior to that, time certain 2:00 p.m. on August 24th here in Portland city council chambers. I would like to say one more thing on this issue of public engagement. The COAB faced many challenges and I believe that the successor, especially the final product, will address many of the challenges that were raised by COAB members head on, but while the COAB had its ups and downs, it had many successes upon which we can build. Those who participated in the COAB put their time, their effort, and their commitment into the COAB. They owned a process and a body, even when they didn't receive the support they should have from the city and other players. The COAB produced a lot of work. I have here in my hand the recommendations of the COAB. My staff has reviewed all of them. I have reviewed them. There are many excellent ideas contained amongst these recommendations, around mental health, the use of force, bias-free policing and other areas. There's a lot of good ideas in here and I'm going to identify areas of agreement where we can make the changes and implement the recommendations and do so quickly. I want to thank you for your hard work on the COAB. With regard to the 48-hour rule, commissioner Nick Fish and I will offer an amendment to honor the intent of the most recent police contract. This will end the 48-hour rule and allow the city to interview officers involved in use of deadly force within 48 hours of the incident and unlike the current version, will implement a policy now rather than waiting until a court gives us the okay to do so. There is risk associated with this strategy and that risk was clearly laid out by the district attorney and others. But I believe that the principle of eliminating the 48-hour rule, an element of a recent police contract which was hard-fought and hard-won by this city council, is worth the risk and that we stand on strong legal ground to begin with. With regard to IPR, the final portion, there was broad agreement on that issue and it will go forward today so here is the run of show. I will ask commissioner Fish in a moment to please introduce his hard work and I want to thank you commissioner Fish for your hard work and collaboration on this issue in recent days. I think it's been great to work with your team on this and I want to thank you for your leadership in particular. We will take testimony on the proposed amendment around the 48-hour rule so those of you who are interested will have that opportunity. With regard to community engagement piece, I will keep the written record open. There will be an opportunity for public testimony and as I say we will post the proposed amendments in about a week and on August 24th at 2:00 p.m., we will take testimony. We will obviously take written testimony between now, and then and I would encourage communication on that written testimony with regard to the ordinance around IPR, it is my intent that we take the vote on that today. So that is where we are. Commissioner Fish I'll turn it over to you for an amendment on the 48-hour rule portion of the settlement agreement.

Fish: Thank you very much Mayor Wheeler and I will turn my switch on before I'm admonished. Mayor, I will -- I do offer the substitute ordinance, 892 and I ask if there's a second, and then I have an opening statement.

Fritz: Second.

Fish: Thank you, Commissioner Fritz. I am very pleased to cosponsor this substitute with Mayor Wheeler. As the Mayor indicated, last year, we negotiated a contract with the Portland Police Association that included the removal of the so-called 48-hour rule. As a

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result, the city is no longer required to give 48 hours' notice before compelling an interview of an officer involved in a deadly use of force. In March of this year, the district attorney weighed in, expressing concerns about whether compelled administrative interviews could jeopardize a parallel criminal investigation and possible indictment. The city continues to believe that a firewall can be placed between an administrative and a criminal investigation, consistent with the practice in every other state in this country. Originally, the mayor drafted a new policy that reaffirmed our right to compel interviews, but out of an abundance of caution propose we not implement it until the underlying legal question was answered by a court. Based on the testimony last week, and our review of legal memoranda and a follow-up briefing with the city attorney, the mayor and I have concluded that our right to compel is supported by the Oregon constitution and the great weight of case law and that any risk to a parallel criminal investigation is small. Here is some context. Since 2010, there have been 32 officer-involved shootings. 20 of them fatal and during that period of time, a single indictment in 2011. That said, to protect against an incident where an indictment seems likely, we have given the police commissioner in consultation with the police chief and the city attorney the discretion to defer an interview until such time as he or she deems it appropriate. Now in two weeks, the new policy, directive 1010.10, will be brought forward for approval. It will continue to require investigations into all cases involving deadly use of force, affirm our right to compel interviews within 48 hours, establish a strong and constitutional firewall between our internal review and the district attorney's investigation, and protect the constitutional rights of our employees. That directive will be brought forward in two weeks at the time certain that the mayor alluded to and it is getting polished and we want to bring it forward in its final form. Today, we propose to reaffirm our right to compel statements, to provide the police commissioner in consultation with the police chief and the city attorney the discretion to delay an interview if necessary, and most importantly to preserve our right as an employer to investigate and discipline when necessary. The underlying reform was hard fought and one that the community demanded for a long time and the mayor and I believe that today's action is faithful to the constitution and to basic fairness and we want to be crystal clear: We are not picking a fight with the district attorney. Reasonable people can disagree on this question. I want to join the mayor in thanking Tracy reeve and the city attorney and all the lawyers for the assistance they have given us in a short period of time on this important set of questions. We want to thank the American civil liberties union, Oregon chapter, for their guidance. I want to thank the national lawyers guild and in particular I'll refer to the august 2nd memorandum which was submitted which provides a comprehensive review of the current case law and has a risk assessment. And we want to thank all the community members that took the time to come and testify and give us their input. And finally, I want to thank mayor ted wheeler, my colleague, for his deep and ongoing commitment to police reform and accountability. I also want to give a shout out to Amira Streeter who is on my team and I can finally say in a meeting, if it's something that I can't grasp, please talk to my lawyer. With that, I turn it back to you.

Wheeler: So colleagues just to make sure I have my house cleaning in order, I would ask the city attorney, we now have a substitute ordinance on the table. Commissioner Fish has moved, commissioner Fritz has seconded. Do we need to take a formal vote to put the substitute in play?

Lauren King, Deputy City Attorney: Yes, and then you can take testimony after that.

Wheeler: Very good. [overlapping speakers]

Saltzman: So I'm planning to be on vacation, august 27th, 28th. So there will not be a vote on this matter on those dates I assume.

Wheeler: I believe the 24th --

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Moore-Love: You and commissioner Fish are both gone on the 24th.

Fish: I've reversed that vacation day so I will be here on the 24th.

Saltzman: I was talking about the following week, though. The second reading and vote.

Wheeler: The following week would be a second reading, that's correct and a vote.

Saltzman: So I'm scheduled to be on vacation. I would ask for the vote to be put over until the first week of September.

Fritz: Commissioner could you call in?

Fish: It's a vote only.

Wheeler: Why don't --

Saltzman: My experience so far has been sometimes, we think we're doing vote onlys like today and here we are.

Wheeler: I respect that.

Saltzman: I would ask that it be set over to the first week of September.

Wheeler: Let's do this. Do we have to set it over to a time certain today? I'm looking at legal counsel.

King: I apologize because I was not here for the last hearing. You first asked me questions about the substitute ordinance, which is an emergency ordinance but now, it's a different ordinance?

Wheeler: We're talking about what would -- yes because the only one that will be moved over is the public engagement ordinance, so that would be ordinance number 893.

King: Okay.

Wheeler: So that piece we are withholding so that we can put together some amendments.

King: So the question is do you need a date and time certain for when you're going to set that over to?

Wheeler: So my assumption is we'll need two weeks in order to give people ample time to read the amendments we want to put on the table and there's some outreach we need to do with regard to drafting those amendments. We would like to have them public for at least a week, so that the public has an opportunity to weigh in on those amendments. On the 24th, it would be my assumption that we would take testimony on the amendments. We could introduce at the end of that testimony if there's broad agreement an emergency, you know, clause and vote there or alternatively commissioner Saltzman is saying if we go through the usual process and the second reading is a week later, he will not be able to participate. So the question is could we move it two weeks? And give him the opportunity to vote on it?

King: Yes, you could at the -- at the 24th, after you take testimony, instead of moving it immediately to second reading, set it for a date further out and announce when the date and time certain is or the date, doesn't need to be a time certain.

Wheeler: Am I correct that we need to do that today, we need to ascertain those dates today?

Tracy Reeve, City Attorney: If you want to, I'm sorry mayor. It's Tracy reeve, city attorney. If you want to continue it today, and not renote the hearing, you need to have a date certain, you're continuing it to, you can pick a date certain that you're continuing it to and further continue it after that time. Alternatively it can be renoted for a new date, but if it's going to be a continued matter it needs to have a date that it's being continued to.

Wheeler: Let's do this, rather than continuing to confuse everybody. Our office will work with my fellow commissioners' offices. We will renote it on the city's webpage and we will endeavor to get the word out to the news media and other outlets, but assume for right now, that there will be public testimony on the public engagement piece at 2:00 p.m. on august 24th. As the first step and within one week, we will get those amendments up on

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our website and out to the press so that people have an opportunity to digest them. And then what is up in the share when we will take the final vote.

Reeve: You can just continue the matter to August 24th at 2:00 p.m., and then it will be determined after that point.

Wheeler: That is the house cleaning we need to do right now.

Saltzman: Mayor, thank you.

Fish: So thank you, there's a lot of stuff before us, thank you for clarifying what we're doing, what we're not doing and the run of show and since we're about to take a vote, I'm placing the substitute on the table before we take testimony. Again, I just want to be very clear, what the net effect of voting today, on the final vote on this substitute which does have an emergency clause is that we will be affirming that the version of directive 1010.10, which was previously in effect, will continue until we bring the revised version of directive 1010.10 forward and so we'll be maintaining the status quo that existed last year after we negotiated the changes in the police contract for the two or three weeks before we adopt this new directive. We would have had the directive today, except it was the consensus view it needed a little more polishing and we want to get it right but this effectively puts us back to status quo and continues the policy that was in effect before the district attorney opined about his concerns. That's the net effect of adopting an emergency and it's a bridge until the new directive comes forward.

Wheeler: All right. So to remind everybody where we were in the house cleaning process, we now have a substitute amendment on the table, we're taking a vote now to accept the substitute amendment in exchange for what was there previously. Please call the roll.

[roll call]

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

Fritz: I know this is all very confusing, this vote is just to put the substitute on the table as described by commissioner Fish. Aye.

Fish: Aye.

Wheeler: Aye. The substitute amendment is now in place of what was there previously and in a moment we will take testimony on that item. The next piece of house cleaning is formally I would like to continue ordinance 893, which relates to the public engagement part of the settlement agreement to August 24th at 2:00 p.m. Seeing a head nod from legal counsel and after our discussion and potential vote on 892 we'll take up 894. So without further ado, unless my colleagues have anything further to say with regard to ordinance 892 pertaining to the 48-hour rule, we'll open it up for public testimony. Could I see a show of hands in terms of how many people would like to testify on this issue? It looks like we have plenty of time for three-minute testimony. Two and a half minutes and the yellow light will go off. Three minutes and the red light goes off. State your name for the record and if you would like to sign up, sign up with Karla over here and you can read the first three names, please. Very good and colleagues as questions are raised, we'll be taking down those questions, and then at the end of this we'll have the city attorney come up and work with us to answer those questions.

Lindsey Burrows: Hi, I'm Lindsey Burrows I'm testifying on behalf of the Portland chapter of the national lawyers guild and my preferred pronouns are she, her, hers. The nlg thanks the mayor and the city council for listening to the public in last weeks hearing and taking action in that direction. We are pleased that the city is postponing its amendments for the settlement agreement for further analysis and the nlg believes that the latest proposed amended ordinance is insufficient to meet the minimum demands made by the ama coalition and other community organizations and members. We believe that the amended compelled testimony ordinance before you today is an improvement over the former version. The amended compelled testimony ordinance could present good policy if it

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changed the within 48 hours language to by the end of the shift or at least within 24 hours, and two, remove the exceptions stated in paragraph 21. That exception, which gives the city discretion to defer an administrative investigation until after a criminal investigation and any circumstances it deems warranted is overbroad and vague. It creates an exception so wide that it will swallow the rule. We make policy in neutral settings like these where the public has a chance to weigh in. Outside the pressures of an actual use of force incident, so that when incidents do arise, actors can follow the clearly thought out rules and procedures put in place without having to make emotionally charged decisions that have lasting effects and greatly impact community trust. The exception provides no guidance regarding when and how the city will determine whether quote the circumstances suggest a deferral is warranted, end quote. It rests with a few people the discretion to decide when to pursue an administrative investigation, there by subjecting those people to outside influence and pressure which undermines the ultimate policy. It's insufficient for the city to tell this community just trust us. The exception minimizes police accountability by threatening to undo the compelled testimony mandate when it is most necessary in the confusing situations. Instances where the chief of police would feel the need to use the exception are likely the same instances where the administrative investigation is most important. As such, the exception unacceptably fails to address community concerns. Moreover, the amended compelled testimony ordinance no longer mandates as I understand the city to seek judicial review of the deadly force directive. The nlg is uncertain why that change was made and believes it does not serve the interests of finality on the issue. To clarify, you know, we think that the -- that the 48-hour rule substitute should go into effect immediately.

Fish: Can I address that one point? And I have an annotated version of the legal memo that you submitted and I'll tell you what the intent was and we can resolve it today or we could resolve it by the time the new guidance comes back to council in a few weeks we're just talking about a bridge here. There's a reference in your legal memoranda that a court may be reluctant to issue an advisory opinion and that that may not be the most -- so we cannot compel a court to give us in effect, an advisory opinion and so we may not be sort of the masters of the process about how it gets to a ruling. And I think the intent, at least from my point of view was to set community expectations at a certain level so that yeah, obviously, we would like to have a ruling at some point, we would all sleep better, but we didn't want to mandate some kind of process to get that ruling. It could come up if an indictment is collaterally challenged. It could come up in a number of ways and the one wild card is a court may be reluctant just to offer an advisory view on it. We've reviewed the cases, we've reviewed the constitution, we think we're on solid footing. We're not saying we don't want at some point to have a ruling, we're just decoupling the requirement from this process because we're not sure how we're going to get that ruling. So that was the intent and if you have language that you would like to propose over the next couple of weeks obviously I want to sit down and go over it with you.

Burrows: That's great and the point on the court ruling piece is just reading paragraph 21, I mean I understand and I completely agree that the city believes it's on strong legal footing, I certainly believe that, but paragraph 21 doesn't indicate that that's how the city really feels. If it's going to create the discretionary thing, I'm saying if there's worry about the constitutionality, let a court decide, get rid of paragraph 21, yeah --

Fish: And I'm quite confident over the next couple of weeks we can have that conversation. So thank you.

Burrows: Thank you.

Wheeler: So commissioner Fish just to be clear so you understand my intent and it's on the record, I believe absolutely we would seek that judicial clarity.

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Burrows: Great. That resolves that concern.

Wheeler: What commissioner Fish is saying is also accurate. We can't make them do it, but we should absolutely seek it.

Burrows: I agree and in the interim remove paragraph 21 and we'll be on the same page.

Wheeler: With regard to paragraph 21, just so my colleagues know, I'm ambivalent. That's not one I'm going to call on my sword for. I think we've all heard the risk that is there and my only ask here on August 9th of 2017, is if we get five or six years down the road and there's a bad shooting and a judge somewhere throws out a case because he agrees with the political opinion of the district attorney and the attorney general, you'll be standing with us at that time in saying we were there and we agreed the risk was worth taking in order to support the principle of eliminating the 48-hour rule per the agreement we have with the union. Just to be clear. Excellent thank you.

Fish: And if I could make one -- if I could just modify one thing Ted you just said. If -- if it's the legal opinion of the d.a., not the political opinion. We recognize that the district attorney interpreting the law, there are going to be occasions where we have a disagreement, but that disagreement does not prevent us today from confidently moving forward with the policy we negotiated with the police association last year.

Fritz: Bit of clarification for us non lawyers which paragraph 21? I don't seem to have the paragraph.

Burrows: I'm thinking about paragraph 21 in the resolution.

Fritz: Thank you.

Burrows: On page three, the very last paragraph.

Fritz: Thank you.

Jo Ann Hardesty: May I? Good afternoon, for the record I am JoAnn Hardesty and this initial statement will be read on behalf of the Albina ministerial alliance coalition for justice and police reform. The ama coalition for justice and police reform calls on the city of Portland to modify its amendment plan regarding compelling testimony in deadly force incidents. The ama commends Mayor Wheeler and Commissioner Fish for putting forth an amendment requiring immediate implementation of a directive that mandates prompt, compelled testimony from police officers who use deadly force. I guess I should have paused when we say we commend you so you could have that sink in.

Wheeler: I don't know what that means.

Hardesty: You did something good.

Wheeler: Thank you, appreciate it.

Hardesty: I figured I should pause because we normally are beating up on you so we want to appreciate that. It is unclear whether this proposal requires compelled testimony within 48 hours or 24 hours. The ama hopes it's the latter for the sake of obtaining an accurate account in reducing the likelihood of collusion. The ama is discouraged to see that the revised proposal does not direct the city attorney to seek judicial clarification of the constitutionality of the directive. This is especially concerning because the amended proposal includes a new broad loophole for compelling testimony. Paragraph 21 allows the city to defer an administrative investigation until a criminal investigation is complete. Whereas circumstances suggest that such deferral is warranted in a particular case. If the city has a particular concern about compelling testimony, it should seek judicial review of the directive or include only a very narrow and specific exception to the rule that testimony should be compelled within 24 hours. 1:15 left, for the naacp. I'm using my naacp hat also commend you for really hearing clearly from the community last week. It is wonderful to finally get the city council chambers to acknowledge the incredibly hard work that community oversight advisory board members did. I am so proud, Mayor, that you actually have their recommendations and I'm equally proud that you read them and plan to do

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something with them. This is the first time in my memory that anyone from this podium has said anything good about the work of the coab and so thank you for that. I also want to say please remember that there's a reason the department of justice civil rights division was invited to town. What the department of justice suggested at that time, clearly under a different administration, was that after action reports would be written at the end of the shift when a deadly force incident took place. What you are now proposing is instituting the 48-hour rule, even though we paid \$10 million for it to go away. And so I would encourage you to go back, review the settlement agreement, the original one, not the one that's been revised, and make sure that what we're doing is making sure that we can get a statement as soon as possible and the community prefers at the end of the shift. There's no reason why police should have more time than the rest of the public. Thank you.

Wheeler: Thank you, and just to underscore a couple of points you made. I mentioned a moment ago that I was ambivalent on this question of paragraph 21. I should probably be precise about why I'm ambivalent about it so people don't think I don't care about it. I care intensely about it because I am mindful of the d.a.'s interpretation. The reason I'm ambivalent is twofold. Number one, I agree with you, I believe we're standing on strong legal grounds and I've had the opportunity to vet this with a lot of people who have great legal minds. Not me, just to be clear. I am not an attorney, but fortunately, we have access to lots of people who are and we believe, I believe we're standing on strong legal ground. The second one for my own part, JoAnn, I would obviously use that exception extremely judiciously, but I'm also realistic and I understand that politicians saying trust me with this tool doesn't carry a lot of weight in today's society. It's too bad that it doesn't because the truth is I was elected to use good judgment and ultimately, I can be held accountable by the public in my exercise of that judgment either good or bad, but I understand that what I'm setting here isn't a policy that comes and goes in a couple of years. I'm attempting to lay down a foundation that many mayors and many city councils will abide by in the years ahead. So I understand for many people, asking for that opportunity to judiciously use that tool may be going too far. So when I say I'm ambivalent, I want to be clear. I don't mean I don't care, I'm weighing these competing interests and at the end of the day I believe we're standing on strong legal grounds.

Hardesty: If I could respond very briefly. I think the challenges that you are advised by the same attorneys that advise the police officers and so there's no way they're going to give you advice that is in conflict with the advice they're giving to those same police officers. So the fact that you have the same attorney does not make this exception work better.

Wheeler: Well in this case I think you'll find the attorney is actually very clearly in support of what we're discussing here as a legal framework, but I get your point. I do reach out beyond just who is here in the room.

Hardesty: But it's really important that the council really understand that if the police union is seeking advice and the mayor is seeking advice, they're seeking advice from the same attorney right so you're not going to get different advice based on whether there's police involved or not.

Wheeler: I'll let the attorney defend the work of her office.

Hardesty: No need, no need. Thank you. I apologize, I have to leave for a meeting.

Dan Handelman: Again, city council members, I'm Dan Handelman from Portland cop watch and, you know, I had to scramble to rearrange the testimony I was going to give today because I read the draft substitute that was put out on Monday and then another one was put out yesterday that I only read before the hearing. It was my understanding that what you were going to do was implement the rewritten policy that we saw last week right away and that seems to be taken off the table in favor of writing yet another version of the

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directive that's supposed to be happening in conjunction with the DOJ over the next week or two, right?

Fish: There's a reason for that Dan.

Handelman: I understand, I just want to make sure I understand what is happening.

Fish: We are and it's because quite frankly that directive was not ready for prime time and because that directive was not going to be put into effect for a year or two, whenever the judicial process ended, it had not been vetted in my judgment for prime time. So what we've done is we've said let's make sure it's the final version and that we've dotted or i's and crossed our t's. I don't think you're going to see -- I hesitate to say this, I don't think you're going to have substantive objections with the final version and if you do we'll talk about.

Handelman: I appreciate that commissioner Fish, but as one of my colleagues has already -- both my colleagues have already said, what it already says that the compelled testimony should happen within 48 hours and Portland cop watch joins our colleagues in saying "the compelled testimony should happen as soon as possible and if necessary, no later in any circumstance than 48 hours, except that the paragraph 21 should list specific reasons you might exempt the compelled testimony". The only one we can think of that's a good reason is if the officer is incapacitated. You don't want to try to get them to talk from their hospital bed if they can't speak. Other than that we can't think of a good reason why you would delay it since we believe the legal standing is there for you to compel the testimony. The current directive that's in place is silent on what internal affairs does and I should have brought our testimony about how things changed between that and version and the version the bureau was going to implement until this is going to take the bureau's revised version off the table, which we submitted in November of 2015, and then again in early July. I'd also like to point out we could have had this conversation before we got into this point if as soon as the policy that's currently in place got changed without any written notice because as was testified to last time, the officer who shot Terrell Johnson wasn't interviewed for six weeks after that shooting. So that means the current policy allows, unless I'm wrong, allows for them to wait six weeks to be interviewed. So let's hope there's not another shooting in the next two weeks before you adopt a new policy and I just in terms of the changes being made so rapidly, it's like we're on a merry-go-round where you can get off and we're getting thrown off the side because we don't know when it's going to stop. So it's really hard to follow all of this.

Fritz: I would like to interrupt. I'm glad it seems that way and it's because we're trying to respond to testimony.

Handelman: Well, we're very appreciative about what Joann said about the community's impact on this. We could have had the discussion a lot earlier because people knew that this policy change had happened.

Fish: Can I ask you a question?

Handelman: Yes.

Fish: In the original ordinance.

Handelman: Yes.

Fish: The one that was filed last week, in the "therefore" clause, sub-b., the city attorney's office is authorized to file legal proceedings or intervene in any legal actions, blah, blah, blah, to determine the validity of the policy. Just to both you and the national lawyers guild is that the paragraph you would like inserted back in?

Burrows: Sure. And I think our point is that it's unnecessary and maybe not even possible as you indicated to get a judicial ruling, but if there is still concern that's leading to paragraph 21 being in there, then the way to deal with it is through the court ruling, not in adding this discretionary piece.

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Fish: If you would take a look at that language between now and the 24th and if you have any wordsmithing of it, let me know, because I see no harm in putting that back in, but I want to make sure it's written in a way that you think gets at what you testified to.

Handelman: I appreciate that too commissioner Fish, but I don't see the reason why to put it as an option for the city attorney. Why don't you just give the attorney the directive as the original ordinance said to go to the court and ask for a ruling? If the court says no we're not going to rule on it, we're back in the same place, but at least you tried.

Fish: I just read from the original ordinance.

Handelman: You are reading from one that came out on Monday, I think -- unless I'm mistaken. My understanding of the original one was it directed the city attorney to file that.

Fish: We'll ask the city attorney when she comes up.

Handelman: My last couple of points are we know one of the parties that's going to be there, concerned about this is the Portland police association. I don't see them in chambers today. Their concerns when they were brought up very rarely happen in this room and we were tired of that. We want to see them here and expressing their concerns with the community, we can have a dialogue about how we can all move forward together and just as another point, there's been no indictment on a death since 1969 of a Portland police officer. Last point about the pcep, glad you're taking it off the table for now. Our main point that we didn't get to in an oral testimony is that this is beyond the life of the doj agreement so therefore, to make sure that the elements of the doj agreement stay in place, into the future, they should be able to look at whether the implementation is happening. So please don't take that away from them.

Wheeler: And we have heard that loudly and clearly, and we are drafting an amendment in order to honor that exact belief and we're in agreement. Commissioner Fish could I ask you one question? So the substitute ordinance is an emergency ordinance. Is it your proposal that we would potentially vote on that today or no?

Fish: Yes, because precisely because of what Dan Handelman just testified to, we want to make sure that we're operating in the landscape that predates the district attorney's opinion and any changes in policy. I want you and I have agreed that we want to restore the policy that was in effect after we negotiated the police contract and before the district attorney's opinion and when we bring back the revised directive 1010.10, it's my intention to offer an amendment that would provide -- that would direct the city attorney to seek a legal review of that, but we have to have that policy adopted first.

Wheeler: I agree whole heartedly and I thank you for that clarification, that was my expectation. Next three, please. Come on up.

Barbara Bochinski: Good afternoon. I'm Barbara Bochinski with cop watch and I was going to get taken off, but I want to say I agree with JoAnn Hardesty and Dan Handelman I'm also concerned because I don't feel that police departments in general, maybe the city council is, but I have a mistrust of the police departments because when trump made that joke about hitting the heads of prisoners, the police laughed and police chiefs were saying oh, no, no that's not what we do, but my understanding is that none of the police unions have really come out against that. And I think that there's some level of thinking that some of these behaviors are just okay, so that I think it's really important to have a strong wording and I'm not a lawyer at all. And a strong wording so that they can't then synthesize with some police officer who's upset understandably about what he did and then make it okay because he's upset and they know him. So I would like a clear statement.

Wheeler: Very good thank you. We appreciate that. Good afternoon.

Edith Gillis: Hello, I'm Edith Gillis and I'm back to paragraph 21, page 3 at the bottom. I want us to compel testimony within eight hours of the incident and I want us to have that recorded and available. I want to make sure that we specify under what conditions it would

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not happen and that is to be specified as the officer is incapacitated, unable to hear, or read, sign, speak, or write. I want to have all the other witnesses and participants, whether they're city employees or not, who are as contractors or employees of the city to be compelled within that time period, also. I want to make sure that all the evidence is secured, over and over Portland police bureau employees plant weapons at the scene and say oh, it was found, that's an excuse. No. That is a crime, we need to prosecute it as it never has been.

Wheeler: Thank you. Good afternoon.

Shedrick Wilkins: My feeling about the police matter, police should not rule by intimidation. I support Mimi German and stars' proposal of cutting ammunition practice. In practice range the target doesn't move in real life they move around, you know evade a bullet. I don't think you're learning much by -- you feel uncomfortable with a gun, but you don't need to do this all the time. I really support the new hiring of a woman african-american police chief in October. I thought I was dreaming last night when I heard about it. This is good because you might see some sort of sensitivity about what people feel about the police and also to I believe ultimately police should not rule by intimidation, but I do believe we should stop calling emergency response teams, just call it a swat team and the purpose of a swat team is to make sure some guy that buys a bunch of automatic rifles and thinks he's going to shoot up the place isn't going to survive 10 guys with telescopic rifles and it's going to end tight there, you turn yourself in or it's it. It's a swat, it's like swatting a fly, stop calling it something else, the police are swatting you and you know having these kind of guns puts ideas into people's heads. You know and that's the way it must be and again, I do not believe police should rule by intimidation, I don't think we should have mounted police on a horse and I don't think we need to have target practice all the time. Thank you.

Wheeler: Next three, please.

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

Wheeler: So colleagues why don't we invite Tracy back up to the front of the room. You've heard the testimony we've had today.

Fish: So Tracy, I've heard three arguments through the testimony. One is that we should include the directive about your office filing legal proceedings and the like which was in the July 21st draft of the ordinance, Dan is right, so go back to that one. We should include that in any final document that's the judicial review piece. Two, that we should put side boards on this exception that's been carved out under paragraph 21, so it's clear that it will not be abused. And three, a question about whether a compelled interview should occur earlier than 48 hours or 24 hours or prescribing a particular time frame. Those are -- and Mr. Handleman also said in his testimony there's no rush, there's a lot of moving pieces, amen to that. The goal was by today, to have an ordinance that said we're back to where we were last year, and then finalize the directive. In a perfect world, we do it slightly differently, but I think the intent is right. The intent is to put in place our pre-existing policy. Those three issues, judicial review, the time frame for the interview and side boards on paragraph 21, those are all important issues to me and to the mayor. We've done a lot of work to get to today. My question to you is the mayor has said he wants to file amendments next week that people can review, and then come back the following week. Could we over the next week come up with amendments that addressed these three issues, have them it as part of the mayor's package, and then bring that back on the 24th?

Reeve: So... We could include, you know, if you provide staff direction today, we could certainly include in what the current plan is contemplated as, that it is a policy, substantially similar to what people saw, and I would just like to clarify a bit, under the department of justice settlement agreement there's 48 essential policies that before we implement we're

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supposed to negotiate with the department of justice and their police practices experts to ensure that we're implementing best practices because as commissioner Fish noted, the 1010.10 that is not now going into effect, but that was negotiated to recognize the district attorney's concerns had gone through that process. It was intended to take effect simultaneously with a new 1010 policy that has been fully vetted that improves the police bureau's use of force policies. Right now, we're going to have a period of time where the use of force policy is not synced up with the new investigation of uses of deadly force because we're making improvements and responding to community concerns. So I guess my concern is that we not extend that period of time anymore, where we have less than cohesion between the police bureau policies. The department of justice is working on and making some I would say nonsubstantive suggestions to what we're working on so it will be very similar to what people saw. In terms of the directive, it will not be to wait 48 hours. It will be that the interview should be compelled as promptly as possible, just defines the outside edge of that as 48 hours, but there's no reason that those interviews can't occur within 24 hours where that's possible. In terms of the exception, allowing some kind of a discretionary exception in particular circumstances, I'll be honest: That is intended to get to situations and many jurisdictions do this, Seattle after their whole department of justice policy has a policy that does this. They do an initial, very kind of gut check evaluation of whether a shooting looks like it's likely to be put colloquially, a bad shooting, because that's the shooting that has a chance of meriting a criminal prosecution. In those circumstances, Seattle does not compel a statement, it defers to the criminal investigation. So there's a number of jurisdictions that have a policy of regularly compelling statements but have a situation and I'll give an example. We had the shooting luckily it did not result in a death, but it was nonetheless a tragic situation, where we knew right away that the officer had intended to use beanbags and actually shot someone with live ammunition. This is a situation where you might say this looks like there's potentially criminal negligent behavior here and in that situation, the police chief and the police commissioner are going to make a determination we do not want to risk immunizing an officer. From what we look at we take an initial look and say there's a significant possibility at first examination that this is potentially criminal behavior, and because there is a significant risk, we think the better view of the law is that you can wall it off, but there is nonetheless a significant risk of immunizing potentially criminal behavior. So that's the intention, that's ultimately a policy call for the council, but I will tell you that many jurisdictions with 21st century policing policies do have that kind of an escape hatch.

Fish: And then finally, this question about whether you're encouraged to file legal proceedings or directed to, do you have an opinion on that?

Reeve: I do and I would prefer that if you're going to add something back in that regard, that you make it that I'm directed to explore doing it. I'll tell you the reason why. There is a statutory provision for a procedure called a validation procedure. That is what we intended to invoke, had council gone with the option of we're going to adopt this policy but then we want you, city attorney, to go get a court ruling. To use that methodology, the court ruling has to be gotten before the policy goes into effect. It cannot be used to validate a policy that actually takes effect. Any other kind of court proceeding I think we have a very, very high risk --

Fish: In that instance, it would be self-defeating if we went that route. Where I'm seeing our friend from the national lawyers guild nod. So mayor, this is why it's my considered opinion since we've been working diligently to get to this point that we take the time over the next week to craft some amendments that are carefully considered with the city attorney's office and I have learned a lot in the last, you know, four days, two and a half work days and I'm the lawyer on the council, that doesn't count for much. It means I look at

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this through a lawyer's lens and I'm trying to get it right and I'm not entirely sure what the right answer is and there is no reason for us to do the amendments today because this was only intended to get us to the point in which we had a directive that we could adopt because it is that directive which will be subject to challenge, the directive is the actual policy.

Reeve: Correct. What the ordinance does today and what I would urge the council to consider is it directs the police bureau not to implement the 1010.10 policy that has been approved through the doj process that will otherwise take effect on August 21st and that would not compel interviews until after the criminal investigation. If your intent is to not have that directive that is slated to go -- [overlapping speakers]

Fish: And that to me and the mayor is the most important issue on the table. The question of under what circumstances we direct you to seek a judicial decision. The side boards, which I hear the concern I think we should consider how to frame those side boards. I think those for me, because I've been spending a lot of time on this would benefit from another week of working with advocates and the city attorney's office to draft the right language and so that's my suggestion. We adopt this and we bring amendments in two weeks.

Fritz: So could I suggest we remove paragraph 21 today?

Fish: It's of no moment either way.

Fritz: We have heard from the community that they would like that I do respect when you say that there's a significant risk that the criminal investigation could be tainted. However, with only 54 officers having been indicted nationwide since 2004, out of tens of thousands of shootings, about 400 a year, that to me doesn't seem like a significant risk because it just doesn't happen.

Fish: Can I be clear on this as someone who's been putting a lot of time into it? All I suggesting is we make that decision in two weeks. I'm not arguing the merits. I may very well agree with you. All I'm saying is I think the three issues that are before us are important issues, I think they require thoughtful consideration. I would actually like to talk to my colleagues with the city attorney's office, I would like to follow up with the national lawyers guild, ACLU with language. All I'm saying is I think we can resolve that in two weeks. I would prefer not to vote on that today.

Fritz: Isn't it part of your substitute that you're asking us to vote on?

Fish: All we're doing today is saying we're not adopting the revised 1010 and we're going back to the status quo that existed last year, following the police negotiations. So we're going back to the position that we started, that we can compel interviews and there's no 48-hour rule. The additional things that have been brought up I would consider important fine-tuning, but they do not have to be decided today. They can be decided over the next two weeks.

Reeve: And if I may, the only operative portion of this ordinance, the portion that commissioner Fritz is referring to is in one of the findings. It is not in the council directs. The only thing that this ordinance does legally is have the bureau withdraw the 1010.10 that would otherwise take effect, have us and the police bureau work with the department of justice to prepare and it says right now file within one week a revised version. That will be a resolution because it will be an internal policy directing council so that could be amended based on any testimony and still voted upon at the same hearing. And then finally sub-c says until that occurs, the police will use the 1010.10 that's currently in effect under which they can compel and it says they shall compel or take a voluntary statement.

Fritz: That's helpful to me, in terms of the resolved is what we're actually directing, the findings. Do we need to amend the findings?

Fish: No and I say that only because this has a very narrow purpose that directly responds to the concerns raised by the community. It has been vetted for that narrow purpose and it

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may very well be that the council decides to adopt all three recommended changes with some wordsmithing and that would be your privilege to bring those forward, to argue for them. There may be consensus. All I'm saying is I don't think we do our best work on the fly here on that and I would just urge that we take the week to come up with amendments and then debate it when we come back for the second hearing.

Fritz: Thank you, that's much clearer.

Wheeler: And you would strongly support that strategy. There is a timeliness issue and it's been raised previously with regard to the implementation of 1010.10 and so it's my personal preference that we move forward on the substitute ordinance today, take that time, you know, personally I think it's a tough ask to figure out how to narrow that look, get back to that statement I made earlier. It's really an either or. It's not a refinement of, but if people have good refinements I would be happy to listen aggressively to those refinements and I'm very interested in seeking that judicial review. I think we need to have this issue addressed once and for all. I understand exactly what you're saying Tracy and I appreciate what you're saying with regard to the availability of that tool, depending upon how we handle this situation. So if there's no further discussion on this I would like to call the roll on the substitute amendment, 892. Substitute ordinance, I'm sorry, 892.

[roll call]

Saltzman: I want to thank commissioner Fish and mayor wheeler for your work on this. I think it's an improvement. I guess I would want to see judicial review happen in some form or another. I am I guess with all due respect to our city attorney with paragraph 21, I am sort of wondering if we need it or not. And I guess I'm leaning towards maybe we don't need it right now because the exceptions will always sort of drive events and when the events are in the thick of it, in a shooting, controversial shooting or something like that, it seems like the benefit always accrues to the officer and not necessarily to the public's interest. So I think I can live without a section 21 exemption at this point.

Reeve: Just to clarify, I think that's completely a policy call for the council.

Saltzman: So I guess that's where I'm landing right now. I'll wait and see what gets developed in the ensuing weeks and yeah, with that, I'll vote aye.

Eudaly: Well, thank you, mayor and commissioner Fish for taking this on. This is an issue that my office had flagged and it's always nice to have one less thing to do on our to do list. I wanted to take a moment to address something that one of the community members said in regards to recent statements by president trump. It's not surprising that the public is cynical about the police, given that the largest police union in the country endorsed trump. The police take a lot of criticism, some of it is deserved, some of it is undeserved, but I just wanted to point out that police departments across the country spoke out against that statement by trump that officers should be roughing up suspects that they're arresting, including the department where that comment was made. Aye.

Fritz: I also thank commissioner Fish and the mayor for their willingness to engage and thank you to the community members who have given such diligent advice and the city attorney being willing to listen to it with commissioner Saltzman I would prefer not to have an exception. When I was 22 years working at ohsu in psychiatry, I was required to document at the end of every shift what happened. You would document in very objective language and if something went bad you were also filling out an incident report at the end of the shift and I don't see why officers should be any different. I want to put into the record an e-mail I got from professor Daniel riceburg at reed college who's an expert in psychology about stressful events and he's particularly saying that yes, testimony might be better after a few hours to decompress, a day at the most, but otherwise, any claim that any longer than that is going to be better is just false. So I think we are getting there on this and many other things and I appreciate the collaborative way that the council is working

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together in one-on-ones and then coming together and we hash it out in public, which is exactly what should happen. Aye.

Fish: Yeah, I want to thank everybody who has been working on this. It is complicated stuff. We've done a month's worth of work in three days, but we've been clear about our goal and our goal is to go back and affirm a national best practice of ensuring that these interviews occur in a timely manner so they can aid the city in doing its investigations and potentially determining appropriate discipline and we continue to believe there can be a constitutional fire wall, which protects the integrity of the investigations and the administrative review. For those of you who want to do some additional research on this question, for whom this hearing has piqued your curiosity, I would go online and I would urge you to it read the national lawyers guild legal memoranda which has about 50-footnotes and has a lot of sections and it basically walks through the case law, the policy issues, and how they end up landing on this. Everyone's free to reach their own conclusion. I think it's an excellent place to start, if you're not familiar with this question. Tracy, thanks to you and your legal team for the advice you gave the mayor and me. Thanks to my team Amira Streeter, Sonia Schmanski and others. Mayor thank you for the relationship with your office and I want to echo what commissioner Fritz just said. We've had some very complicated issues come through this council that the last month and there's this lore out there that all you need is three votes to move legislation in this building and that's fine. I reject that. Three votes is the minimum requirement for moving something, but what I think we've learned as a body, and I think we've demonstrated in the last six months is that if we take the extra time to engage every single perspective on this council we get a much better outcome and a more sustainable outcome when we get to five because it is respectful of all the perspectives on this council, not just to what three people think on an issue and I will tell you, while getting to three is certainly a path, I view it as more of a shortcut. Getting to five takes more work and it requires more consultations and trust and other things, but I think the more complex issues that this mayor steers to a vote of five will ultimately reflect well on his leadership style. So thank you ted. Aye.

Wheeler: Right back at you commissioner Fish and I've enjoyed working on this council. We have some good discussions, we have disagreements, but at the end of the day everybody up here pulls their weight, puts in their homework, and works hard to come up with the right solution. I want to thank people in the community who took the time to testify on this. It's been really good, important testimony. This is one of those values conversations that's been disguised as a policy discussion or a legal framework and I think part of the reason the public was so aggravated by the approach that I'll just fess up to this, the approach I originally took on this, because frankly, I was looking at the settlement agreement in compliance with the settlement agreement and making sure that we had policies in place that were clear, that were achievable, and would move us towards the stated reforms that I ran on. I think that actually came into conflict with a deeper, more emotional values conversation that we needed to have in this chamber and which we have had and which we will continue to have around these important issues. So I for one thought it was a great exercise, I have to stand it in contrast to a different conversation we had earlier in the day, getting to real estate there's a narrative out there that my.... Is it not working? Did it cut out again?

Moore-Love: They are switching captioners.

Wheeler: This is the exact opposite of some of my earlier council sessions. All right, anyway -- [laughter] I was just going to say there's a balancing act here. I note too many people this feels like we're moving forward at the speed of light, and in many regards we are moving very quickly and there are timeline considerations here that are driving that conversation. So I apologize for that, but it seems like everybody is keeping up and giving

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us good counsel and feedback on this. Without further ado, aye. The substitute ordinance is adopted. As a reminder we have moved item number 893, we continued it to August 24th at 2:00 p.m. We will continue to keep the record open on that written record and there will be testimony on the 24th. We will now -- we have a second reading of item 894. If there's no further discussion I'll call the roll. Please call the roll.

[roll call]

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

Fritz: This is on the amendments to the independent police review code. Thanks to the auditor and director Severe for your diligent work on this it was good that it was universal support for these changes last week. On that issue I have found it so helpful to have had respectful hearings where people were still extremely anxious about what should happen and forceful in their comments but that we haven't had disruptions the last two weeks. That's helped me be able to focus on things that people are saying rather than sometimes where we're in and out a lot. I hope that's mutual respect that continues to go on. Aye.

Fish: Aye.

Wheeler: Thank you, everybody. Aye. The ordinance is adopted. We'll take a three-minute break and come back for the hearing. Thank you for those of you waiting for your patience. We appreciate it.

At 2:18 p.m. council recessed.

At 2:27 p.m. council reconvened.

Wheeler: Folks I will ask Karla to read item 895, thank you all for your patience. We are about 25 minutes late and know people's time is valuable so I want to thank you for your patience. Please read item 895.

Item 895.

Wheeler: Colleagues, does anyone have any new ex parte contacts to declare? Nobody has any ex parte contacts to declare. Does anyone have any questions that they need to ask regarding ex parte contacts? Seeing none, I will ask staff to come up to the table to provide an update. While they are doing that I want to be clear there's new evidence in the record. Participants will be allowed to testify about the new evidence. Typically what we would do is allow three minutes per person or if people feel they need more if people could let us know, and so the run of show will be I'll allow the applicant to describe or testify to the new evidence. I'll allow any other participant to testify to the new evidence and then we will deliberate hopefully come to a conclusion. If I got that wrong I will be corrected by legal counsel at some point. Good afternoon.

*****: Good afternoon.

Grace Jeffreys, Bureau of Development Services: Good afternoon, mayor, council members. My name Grace Jeffreys from the bureau of development services. I have a brief presentation for you today which consists of six parts. Background information, council feedback from the last hearing, revision since the last hearing, how the revisions address council's comments, staff recommendation, and alternatives facing the council. In terms of background summary the pre-application conference was held February 16, 2016 and was followed by the design review application and five design commission hearings and ended in a denial of the application. That decision was then appealed to city council and this is the fourth city council hearing of that appeal. Through the design review process the design commission found that the proposal did not meet all the applicable approval criteria therefore the request is denied. Seven design guidelines were cited as not being met. These included a4, a5, c2, c3-1, c3-2, c4 and c5 under their final findings the design commission identified three major aspects of the proposal that did not meet the guidelines. These include the massing scale and bulk of the side walls, the impact of the open stairwells on adjacent properties and the quality and permanence of the proposed metal

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cladding. At the last hearing held on June 21, 2017 a revised proposal was presented to council with four foot setbacks on the southside, a slightly reduced height for the tower on southeast 12th and addition of wood cladding. Council commented that with the setbacks and wood siding the massing on the south side appeared more contextually responsive however council still had several concerns including contextual response on the north and east property lines. The impact and noise and light from the open stairwells on adjacent residents and impact of construction on adjacent properties as well as challenges ongoing maintenance of cladding on the zero lot line walls. The appellant has submitted a further revised design and as requested a full set of design review drawings was submitted to bds staff review prior to this hearing. This package was forwarded to council, shared with interested parties and uploaded to the city website for public access a couple of weeks ago. As recommended by bds, the appellant also held a preliminary fire and life safety meeting and minutes for this meeting are attached to this memo in front of you, hopefully. This revised design incorporates the changes appellant presented at the third hearing as well as new revisions added to respond to council's comments. This includes setbacks on the property lines on the south, north and east including four foot set back on the south property line with added windows on those elevations, a three foot set back on part of the north property line with added windows and a one-foot six inch setback for the remainder of that property line. As well as a new three foot setback along part of the east property line adjacent to the Sturgis property immediately to the north of southeast 12th avenue lots. It includes the slight height reduction of the tower on southeast 12th and addition of stained cedar wood siding. There's a new provision of a construction management plan and like that offered to the neighbors to the south the neighbor to the north was offered a baseline evaluation of their structure for comparison to the conditions before, during and after construction. So how these revisions addressed the councils previous comments. Setbacks proposed provide the opportunity for a more contextual response to the side walls and massing changes and added windows help reduce the scale of the tall exposed tall side walls. These setbacks also help address construction and maintenance concerns by allowing construction and maintenance to occur without necessarily imposing on the neighbors' properties. These setbacks would have been welcomed by the design commission during the design review process. The stained cedar vertical wood siding will provide a more durable more residential feel for the neighborhood the construction management plan addresses concerns about the impact of construction on the adjacent neighbors. It illustrates how the construction can occur without imposing on the neighbors' properties if necessary and by switching to a less impactful foundation system addresses concerns about impacts the construction might have on adjacent structures. As well the baseline evaluation offered to the immediate neighbors will document existing conditions as well as help the appellant's contractor develop recommendations for protection measures and monitoring if necessary to protect the foundations during construction. The appellant advised that the project will follow the reasonable recommendations of the study. Finally, in response to concerns about the open stairwells several changes were made that flow from the increased setbacks including moving the elevator shaft and adding open walkways on upper floors. Stairwells have been placed behind the walkways as viewed from the Sturgis property to address concerns about the impact of lighting and noise from the open stairwells. The extent of these open areas has increased due to relocation of the elevator shaft however these walkways are set back from the property lines by approximately 12 feet. New screening has not been added to the stairwells in order to preserve the passage of natural light between the building segments which was desired by the adjacent neighbors. So the staff recommendation this site is in central city and has zoning allowances greater than those allowed directly across the street which is outside

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the central city. These allowances allow for larger scale development with potential to have greater impact on the surrounding built environment with these larger allowances comes greater responsibility to design to context therefore design overlay was added in higher density areas. This site is also located at the very edge of the central city plan district and additional guidelines were added here to ensure the transitional nature of the area is considered these include c3-1, which is design to enhance existing themes in the district and c3-2, which is respect adjacent residential neighborhoods. Given a small size of the site, the unusual shape of the lots and ambitious programming from start staff had major concerns with how the proposal would meet the design guidelines. As discussed with the appellant at the pre-application conference with this revised proposal staff would like to have seen further breakdown of the massing which would have in turn allowed for more refinements of the composition. The changes made have helped the design move closer towards meeting the guidelines. Based on these changes staff feels most of council's concerns at the last hearing have been addressed and is now the council's task to make findings on this case. Alternatives facing council include denying the appeal and upholding the design commission decision to deny the proposal, grant the appeal and overturn the design commission's decision to deny the request thereby approving the appellants revised proposal or grant the appeal and overturn the design commission's decision to deny the request with added conditions of approval and/or further design conditions, thereby approving a revised proposal.

Wheeler: Commissioner Fritz.

Fritz: So we would have to add more conditions to the approval if we wanted to do number 3.

Jeffreys: That's correct.

Fritz: Have you drafted those?

Jeffreys: Staff does not have any conditions of approval to add.

Fritz: Okay.

Eudaly: I just need clarity on the second option, grant the appeal because it doesn't say thereby approving the appellant's revised proposal on the screen, which is what you said.

Jeffreys: I guess the third on the third option I mentioned revised because that would be further revised. I guess we are speaking to the appellant's proposal sitting on the table at this moment.

Wheeler: We would be approving the revised proposal.

Jeffreys: Yes I guess I should of said a further revised proposal.

Wheeler: We would be granting the appeal, we would be overturning the design commission's decision to deny the request with conditions of approval or design revisions and thereby approving the revised proposal. Is that right?

Jeffreys: We could add --

Wheeler: That's what I have written down.

Jeffreys: We could add the date of proposal to help clarify that.

Fritz: So if we were to do that I would think we would have to have a condition of approval about the construction management plan and mitigation for that. What happens if it turns out when they are doing the pile driving or the foundation that they can't use the auger, that they have to go to pile driving?

Jeffreys: Well, I think at that point they will have the construction management plan in place, they will be doing monitoring because they had -- if the neighbors so allows them they will have done a baseline for the adjacent neighbors and will be continuing monitoring those foundations. So my thought would be that they would proceed with care. It will be a monitored process, so you could add a condition of approval.

Fritz: It seems like these are fragile very hold houses and I know we had lots of

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discussions at council about central city pile driving and how disruptive that is even to new buildings adjacent to them. So I would be very concerned if they had to change.

Jeffreys: You may want to ask the applicant that as well.

Wheeler: I don't mean to be a stickler but I have been coached that I'm not allowed for us to bring new items to the table other than the design review issues. So the construction issue I think it's appropriate if we want to ask them if they happen to come up I think it's an appropriate question but it should not necessarily be considered in the case of this particular appeal.

Fritz: I would actually maybe argue against that because there are approval criteria on respecting adjacent residential neighborhoods.

Wheeler: Well lets ask them and get them up here. Commissioner Fish.

Fish: I want to foreshadow, I'm ready prepared to cast a vote on this issue and I think it would be helpful to have the appellant tell us, answer any questions council has to see if we're all in accord as a way of resolving that issue.

Wheeler: Legal counsel, to be clear, we still have to stick to the process, which is the appellant gets some amount of time. Why don't we do this. Why don't we give the appellant as much time as they need to make their case then we don't charge them time to ask our questions and have our deliberations. Then we'll give opposing parties the same amount of time. Does that seem like a fair proposal?

Lauren King, Deputy City Attorney: Yes, as long as it's the same amount of time. Might be good to set some limits on how long the applicant gets to speak so that when all of those in opposition start speaking they are not also seeking the same amount of time. I think last time we had ten minutes, then ten, ten, ten and then it got long.

Wheeler: I will invoke the great leadership of former mayor Vera Katz when she was speaker of the house. Do you want to hear yourself talk or do you want your project? As maybe the operative word.

Fish: Did our council just say ten, ten, ten? [laughter]

Wheeler: I don't even know what that is.

Fish: I think we're moving up your vacation schedule.

Wheeler: Any further questions for staff?

Jeffreys: I actually wanted to answer a little bit more to your discussion about the debate. In terms of the construction management plan I think that can't be the basis of the decision, however as policy makers, you can speak to that and talk to the applicant about that.

Wheeler: Thank you.

Wheeler: The appellant. Let's try to stay within fivish minutes just so we all go home tonight, but we want to give you full rein to make your case.

Tim Ramis: Tank you Mr. mayor we have three people to testify and our hope is to stay under ten minutes. For your record my name is Tim ramis, I'm legal counsel for the project. With me is Landon Crowell, the project owner. Jerry waters, who leads our design team. When we last met, we were left with three fundamental questions to respond to, and what our objective here today is to let you know where we are on those. The first was can you do something to soften the design effect of this project on the properties to the north. The answer to that is yes and jerry will go through the changes in more detail, but they are along the lines that grace described. Essentially this project has moved from being a zero lot line project to one that has setbacks. That distinction has allowed us to address things like maintenance questions and the construction issue and those things that were being raised. The setbacks have been added so it allows us also to add windows and create some separation to the properties next door including being able to keep the historic eight foot separation that is typical in this neighborhood between structures. We were able to

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accomplish that. Second question, are you going to be able to build and maintain this building without encroachment. The answer is yes and we have submitted a plan in the record where Vic construction describes how that will be done. They have been constructing zero lot line and close to lot line buildings since 1947 in the city, so we think they are a good, credible source when it comes to designing how to do it. The third question is can you soften the construction impact, the construction period impact on surrounding properties. The answer to that also is yes. While we might not be able to be conditioned involuntarily to address some of these things we volunteer to have the construction plan attached as a condition. So you need not worry about the question of authority but we volunteer that. Essentially there are two key aspects of it. First there will not be any pile driving at all. There will be no digging of a basement so there's no issue of shoring, safety and collapse. There will be no driving of piles because we'll use an auger system where we'll drill a hole in the ground and inject concrete into that. If you want more detail we have someone who can describe that process but there will be no pile driving. That's a nonissue. If we tried to do it, it would violate the construction management plan and a violation of our conditions and we couldn't do it. Also, Mr. Crowell has agreed even though he doesn't have a settlement agreement with our neighbor Ms. Sturgis he will volunteer to extend to her the same protections that are being extended to our neighbor to the south which were negotiated on their behalf by the Schwabe law firm that would include a process by which no construction would take place until there was a survey done of that property to the north including a qualified structural engineer, examining the foundation and making specific recommendations as to the construction techniques that would have to be used in order to protect the properties to the north and the contractor will be required contractually to honor those recommendations to the structural engineer. So that's the process that we'll use for protection. I'll stop there and turn it over to the design folks. Thank you.

Jerry Waters: Good afternoon. I think grace did a fairly nice job of describing where we have come to since our initial hearing before you. The big one being the addition of setbacks on the Ankeny or excuse me on the 12th street property side where we have included a four foot setback on the south in response to some neighborhood meetings and direct negotiation with neighbors on the south. On the north we have extended a three foot setback for over 50% of the building portion. You can see here this piece back here is really actually a void so there's only building from here to here. That portion we're giving an 18-inch or one foot thick setback and we believe we can maintain that. Then along the rear property line of the Sturgis property or east property line on the Ankeny street side we added an additional three feet along their property there again to be able to construct and maintain this building and not cause any interference with the Sturgis property. Here are some changes that we have made since that time. I think grace started with those, but the massing on that north side of the 12th street has increased in its differentiation with volume and mass. The height has come down by more than five feet and we added additional setbacks and notches to increase the windows which was a comment that both design commission and the neighbors had. So here's a view of where we were when we sort of finished up with design commission on the left and the changes that have been made to date. The Ankeny street side other than material changes has really not been an issue, but here's the 12th street side going back to wood siding and the addition of windows, set back and massing changes to articulate that north façade and not have such a blank sheer front.

Wheeler: Could you please point to the wood siding?

Waters: So the wood siding will be from level 3 to ground.

Wheeler: Okay.

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Waters: It's wood on the first three levels then when it steps back that's when we transfer to zinc siding. So the zinc a 100 year material, long-lasting, used on buildings throughout Europe that are very old. Our wood siding we're using a factory applied semi transparent stain that when factory applied with a primer and two coats we can get an industry 25-year warranty on. We feel we're providing both sort of residential feel that has been asked for and at the same time the durability and maintenance issues are being put aside.

Fish: How much more is the setback on the top structure?

Waters: The top is three feet from the north property line?

Fish: From here. From Ankeny.

Waters: This piece is consistently three feet from the property line.

Fish: That structure on top of the square is set back where there's a tree in the foreground. How far back is that?

Waters: Oh, I don't know if I know a dimension off the top of my head. It's at least eight feet I would guess. There's a balcony space.

Fish: There's a courtyard space up there?

Waters: Yes.

Fish: Thank you.

Waters: So I think that pretty much concludes the bulk of the changes we have made in an effort to meet the suggestions and negotiated requirements.

Wheeler: Very good.

Fish: This is not our decision point on this basis, but you've got essentially through a design process by committee where you've heard lots of voices and are making changes responsive to neighbors, I have no standing to say this, but I actually think the revised building is an improvement over the original, very handsome building. I congratulate you for balancing the neighborhood concerns but also having a building that's quite distinctive.

Landon Crowell: Well, thank you. Any time you spend more time working on something in theory it should get better. Although sometimes we worry about death by a thousand -- [laughter] but I also would like to add in all of this we have maintained our desire and goal to be a net zero project.

Wheeler: Thank you. Anything else for this panel?

Fish: I have a question to the lawyer. Just so I'm clear because we have done a lot of work today. I just want to make sure we have our eye on the prize here, what is your recommendation in terms of the action we take and would you wordsmith it for us?

Ramis: We're asking for a motion that would approve the appeal based upon, a, the revised design which we have reviewed today, and b, addition of a condition requiring compliance with the construction management plan.

Fritz: What does happen if you get in there and it turns out you can't use the auger, you have to use pile driving?

Ramis: Because we're conditioned at that point to do the auger, if we wanted to change the construction technique we would have to come back and apply for an amendment of conditions and go back through the hearing process.

Fritz: Thank you.

*******:** I might mention too the structural engineer has already approved the auger cast pile. We originally started with geo piers because it would have saved us \$30,000. Instead of that we're doing \$30,000 more to address the neighbor concerns. I might also mention that we're looking for innovation wherever we can find it because this is going to be the first prototype. We want to be right across the board, so we're considering modular construction too. That will eliminate some of the noise and what have you too.

Wheeler: Good. Any further questions for the panel? Great. Have a seat. We'll be right back.

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Ramis: I would be remiss if I didn't thank staff for all of the work they performed on this and also miss Sturgis, although we haven't reached agreement she was very forthright in letting us know her issues so we could attempt to address them.

Wheeler: Thank you. Next up, I don't know if other participants would like to testify about the new evidence. They don't have to be in opposition. They can be in support of. Is there anyone here who would like to testify in opposition to the revised proposal that's been brought forward? All right, colleagues, that leaves it up to us unless legal counsel am I skipping any part of the process here?

King: Doing great.

Fish: Commissioner Fritz, when I asked the attorney to give his recommendation did he accurately state the position you originally articulated?

Fritz: Yes.

Fish: Would you like to offer that as a resolution.

Fritz: I suppose I have to because the code says this application will be approved if it meets the conditions of approval or if it can be conditioned to meet conditions of approval. I have to say I'm really reluctant to reward a process that's had five hearings at the design commission, five hearings before us. I don't think your bureau has had compensation for every step of the way. So I hope that when future applications go to design commission things will get resolved there before five times. As I say this is not the best use of council's time, this is not the best use of your time either and certainly appreciate the neighbors having been responded to at the ends. It would have been better to have responded at the beginning. That said I move that we approve the appeal with the revised conditions of approval.

Fish: Second.

Wheeler: So we have a motion from commissioner Fritz, a second from commissioner Fish. Legal counsel is giving the head nod. Any further discussion on this matter? Call the roll.

King: You said revised condition of approval, so based upon the revised design and condition requiring construction management plan.

Fritz: And you'll have to come back with revised findings won't you?

King: Yes, it's a tentative revision and we'll come back for revised findings based on the applicant needs to prepare the revised findings I believe the attorney has started to do so. So our office will want to review them as well.

Wheeler: Do we have to specify a time certain today or can we hold off on that and just notice?

King: We should have a date to come back.

Wheeler: Karla's got the book.

Moore-Love: Want to go two weeks out? How long do you think you need to do the findings?

*******:** I can have a draft to staff by the end of this week.

Moore-Love: We're kind of pressed for time here.

Fish: Are we under a clock? I see a nod. You want to bring it back the 24th? We just need five minutes?

Mzoore-Love: You just put the police item to the 24th at 2:00.

Fish: This is five minutes. Let's put this at 2:00 as well.

Moore-Love: We can't do two time certain, we would have to put it at 2:05.

Fritz: Why can't we do it in the morning if we only have five minutes for the vote.

Fish: I will be here in the afternoon. Could we make this at 2:00 in the afternoon and move the police to 2:05 p.m.?

Moore-Love: That would be up to you.

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Wheeler: This is a weighty decision.

King: I would hate to have to renote the police decision by moving it five minutes.

Fish: We're just going to inconvenience people five minutes. They are going to come at five, we take it up at 2:05 mayor you have that discretion.

Wheeler: I don't have a problem with it, I mean legally renoting means sending out another email. I'm okay with that.

Fritz: You're just going to be here in the afternoon, not the morning? Is that the concern?

Fish: If you want me here in the morning you'll have to take it up with my wife.

Eudaly: I'll be gone next week.

Fritz: That's the week after.

Eudaly: I will be back.

Fish: It's my vacation but I'll be back in the afternoon.

Fritz: The three of us will be here in the morning of the 24th. We could do it then.

Wheeler: You just let us design your building. This is great.

King: I'm very sorry I'm getting a message from our chief deputy land use attorney that we would like at least three weeks so our office can do adequate review. So pushing it out one more week leaves us with adequate time to satisfy any statutory timelines.

Wheeler: Great. The 3rd?

Moore-Love: Thursday, the 31st at 3:00 p.m. is available and only commissioner Saltzman is out.

Fish: Does that work with the applicant? Its usually very little drama when it comes back with findings but just in case.

Wheeler: That's my birthday, by the way. I prefer ice cream. Are we good?

Moore-Love: I think so, yes. Thursday, the 31st, at 3:00 p.m. Time certain.

Wheeler: Very good. All right. Call the roll.

[roll call]

Eudaly: I think this was the first land use appeals hearing that I got to sit in on. It feels like that was eons ago, and as fascinating as it's been I'm really glad it's almost concluded. I don't think either side got everything they want and maybe that's the best we can hope for in this process. I just appreciate everybody's input and your willingness to address our concerns. Aye.

Fritz: I made my comments before but I'll stress again thank you Grace Jeffrey and Tim Heron for all the work you've been doing. Thanks to the design commission who obviously tried to do their best to get it to an approvable form. I hope we never again have applications that take ten hearings in order to get it right. Aye.

Fish: Well, first of all I want to say that I think the final result is pretty terrific. If this is built to the specifications I think it's going to be an asset to the community and I love the fact that you're setting the bar so high in energy efficiency. This process is inherently messy as is democracy, but the goal is to get to the finish line and to bring as many people along with us as possible and I appreciate the fact that everybody is stretched. I too would prefer that these things in a perfect world come to us from a design. If there's an appeal that there be narrow issues and that bulk of the work be done at the administrative level because that's how the system was envisioned, but there is this opportunity to appeal to this body. I will say, though, that given the amount of cranes in the air and applications pending before the bureau of development services it's probably unsustainable for us to be spending this much time as I'm sure the applicant in this case is looking forward to not returning to city hall in the near future and focusing on his business, but that said, we are all charged with getting to a result that the code anticipates and I think that this is a pretty terrific project and I thank everyone for guiding us to this point and I'm pleased to vote aye.

Wheeler: I want to thank the applicant and I want to thank the neighbors who spent a

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considerable amount of time going back and forth on this and I think coming to a very solid and amicable resolution. It seems like we have made slow progress at every one of the four hearings but when you compare what has been -- what is in the final proposal versus where it started it looks like there was a lot of motion and a lot of input and a lot of good decision making along the way. I thank all the staff members heavily engaged in this and I'm delighted to vote aye. So the appeal is granted. It has overturned the design commission's decision to deny the request. There are conditions of approval which have been attached, and therefore we have approved the revised proposal. This is a tentative vote and it will be revisited on August 31st at --

Moore-Love: 3:00 p.m.

Wheeler: 3:00 p.m. for final reading. Until then, the appeal is granted. Thank you, everybody.

Fish: Can we take a two-minute break as we get settled?

Wheeler: We have to take a break until 3:30. Because the next hearing cannot start until 3:30, so we will be in recess until that time.

At 3:01 p.m. council recessed.

At 3:31 p.m. council reconvened.

Wheeler: We are back in session. Can you read item 896.

Item 896.

Wheeler: Colleagues, this is a hearing that's been continued from June 22nd. The record is closed. and just to be clear, I have been made clear by legal counsel that if we choose to do other than deliberate amongst ourselves or if we bring staff back up for further discussion that could trigger reopening the record. So I just want you to be aware of that fact council is here to deliberate and adopt a tentative decision. For the record I was not here for the prior hearing however I have reviewed the entire record and I will be participating in today's hearing.

Saltzman: Do ex parte or not?

Wheeler: I don't believe we -- well, why don't I ask just to be on the --

Lauren King, Deputy City Attorney: Mr. Mayor, it also asks because you were not --

Wheeler: I'm sorry. Because I was not at the prior hearing I also want to take the opportunity to declare that I have no conflicts of interest in this matter. I want to ask if any members of the council have any ex parte contacts to declare on information gathered outside of this hearing to disclose including contact that may have occurred since the last hearing. Does anyone have any ex parte contacts.

Saltzman: I just want to clarify as I stated previously I have met with members of the hayhurst neighborhood association or Hayhurst neighborhood I should say about this development. Prior to the appeal being filed by the neighborhood. Subsequently matt grumm on my staff has met and spoken with neighbors as well as the attorney mike Robinson for the developer and I have been briefed on those conversations and in addition I did see a katu story on the news on July 12th about this proposal as it affects safe routes to schools.

Wheeler: Does anyone present in the council chambers wish to ask commissioners --

Fritz: I was gonna put something in the record as well, I need to say Claire Adamsick on my staff has talked with neighbors and has briefed me on this conversation.

Wheeler: Does anyone in the council chamber wish to ask commissioner Saltzman about any ex parte contacts or information he's disclosed? Come on up. State your name for the record, please.

Peggy Hennessy: For the the record I'm Peggy hennessey here on behalf of the hayhurst association neighborhood association, and would like to ask what the applicant's attorneys' comments to your staff were.

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Saltzman: I have to ask my staff that.

Hennessy: You said your staff had briefed you on what he had said to them and we were just curious about what it was.

Saltzman: Generally in the context of trying to find some sort of compromise here. I was interested I think as I stated at the last hearing about the notion of a cul-de-sac, so I'm sure the applicant has provided feedback on that idea. Also agreed upon condition of approval that both sides have agreed to that I want to offer as an amendment today.

Hennessy: Thank you.

Saltzman: Sorry about those deals.

Wheeler: Very good. Would anyone who is in the chamber today like to ask commissioner Fritz about her contacts or information that she has disclosed? I do not see anyone. Have any members of the council made any visits to the site involved in this matter? Since the hearing on June 22nd, the record was held open. I would like to note that the entire record is here and has been placed physically before us. So at this point, colleagues, we are ready to deliberate. We can tentatively deny appeal and uphold the decision of the hearings officer and return with revised findings. We can tentatively deny appeal and uphold decision of the hearings officer with additional conditional approval. We could return with revised findings or tentatively grant the appeal, overturn the decision of the hearings officer and return with revised findings.

Saltzman: As I indicated a minute ago I do have an amendment I would like to offer to the decision.

Wheeler: Please.

Saltzman: This was agreed upon by both the applicant and the appellant and it reads as follows. The applicant and the hayhurst neighborhood association shall agree upon a plan for barricading extension of southwest Pendleton street and such agreement shall not be unreasonably withheld so that the extension may be used only by pedestrians, bicyclists and emergency vehicles, and such plans shall be approved by the Portland bureau of transportation prior to the approval of final plans for the subdivision's construction and any ground disturbing activities except for site testing. So I would offer that as a condition to the approval.

Wheeler: That has been offered up. Is there a second to the amendment? For purposes of discussion I'll offer a second.

Saltzman: I believe this is an effort that will protect what I do think is a safe route to school along southwest 48th. I believe the street is. Also prevent traffic infiltration from southwest Cameron through to southwest -- through southwest Pendleton to southwest 45th or other points. I think it does provide for pedestrian, bicycle access and emergency vehicle access and I think we have done this type of situation elsewhere in our city.

Eudaly: Commissioner, could you explain how it could provide access for emergency vehicles and not regular vehicle traffic? How would that be controlled?

Saltzman: I do believe Portland fire and rescue has situations where they need access to roads that are otherwise locked by gates. So I would imagine this would be either gates or bollards or something to that effect that could be removed in an emergency situation.

Eudaly: Okay.

Fritz: How does that jive with our policy of having connected streets?

Saltzman: Well, I guess it doesn't. It jives with it in the respect in as much as it does provide pedestrian and bicycle access but not jive with respect to vehicular connectivity with streets.

Fritz: We have a transportation planning rule that allows a variation from the street connection standards when the topography prevents such connections but the topography doesn't prevent such connections here.

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Saltzman: Yeah. We have a rule but I guess I also believe we should be mindful of the individual circumstances of each case that comes before us and how those rules apply is up to us to make the decision. I guess my coming down on this type of a compromise reached by both sides has merit and will I think protect safe routes to school and also allow the development to achieve its objectives as well.

Fritz: So I'm really concerned about the precedent setting here. We have had lots of discussion about the southeast 148th subdivision where we're requiring connection against the wishes of the Argay terrace neighborhood association. The recommendations from your staff and transportation is to have the connected street.

Saltzman: Right.

Fish: Perhaps we should test the amendment.

Wheeler: I was going to ask commissioner Saltzman if he wanted to revise that or just call the question.

Saltzman: I'm taking the language that was presented by both sides. I don't necessarily have an alternative in mind. We could call the question if you want.

Fritz: Since the amendment is new then don't we have to take public testimony on that?

Eudaly: I believe that opens the record back up.

Fish: Isn't it a condition?

King: It's being offered as a condition. If you would like to take public testimony you would need to reopen the record. This meeting has not been noticed --

Fritz: Do we have to take --

King: No.

Fish: It's a condition.

Wheeler: Call the question. Please call the roll.

[roll call]

Saltzman: Aye. **Eudaly:** No. **Fritz:** No. **Fish:** No.

Wheeler: No. The amendment is not adopted. So I will entertain at this time, colleagues, if people have a preference any of the three options. I'll accept a motion.

Fritz: At the previous hearing that we just had if we have an application meets the approval criteria or if it can be conditioned to meet approval criteria where we are required to approve it. So I move to deny the appeal and uphold the hearing officer's position.

Fish: Second.

Wheeler: So we have a motion from commissioner Fritz to deny the appeal. Commissioner Fish seconds that. Any further discussion? Call the roll.

[roll call]

Saltzman: Well, I will oppose this motion. I do believe I have been convinced by the hearing and also the record that there are legitimate concerns about people's getting to and from hayhurst school. Legitimate concerns about traffic infiltration into the neighborhood, and so I vote to uphold the appeal. I'm voting.

Wheeler: So you're voting no on denying the appeal?

Saltzman: I am voting no.

Wheeler: To be clear the motion is to deny the appeal.

Saltzman: I'm voting no.

Wheeler: Commissioner Saltzman votes no.

Eudaly: Well I sympathize with the neighborhood, but I feel like our rules and codes are very clear and that the developer is in compliance with it and our bureaus have also seemingly supported that so aye.

Fritz: The rules don't say is it the best that can be done. Certainly if I was starting over on this and possibly if the applicant was starting over on this it would be different compared with after having neighborhood input but the rules don't say it's the best that can possibly

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be done. It's just what the standards are and it's important for people to rely on those standards.

Wheeler: No interruptions during deliberations.

Fritz: The rules are such that reasonable people can disagree and that's the essence of a land use decision is that's why we have public hearing, that's why we have approval bodies and to make a choice. I'll have to say the piece of this application that really disturbs me is the unprotected seeps and springs which I think will be a problem for the house that's very closest to them and may indeed be a problem for the watershed. I had thought in the subdivision process that I was involved in on planning commission we had fixed that and apparently have not so I hope that in the future bureau of planning and sustainability code effort will get changed. I would say to neighbors when I was a land use chair of a neighborhood association, when I didn't get what I wanted at the very least I tried to fix the code so that things didn't happen again that way. That's what we have to do, if the outcome is not what you want, then the rules have not been set up the way you want them. Please continue to participate in the planning processes. Aye.

Fish: I thought in this case the appellant and neighborhood association did an excellent job putting forth its case. Well represented and made a good record. I'm persuaded, though, that based on the code and the record before us that the proper outcome here is an aye vote so, I vote aye.

Wheeler: So I am of like mind to commissioner Fritz in terms of the rules being explicitly clear so that we are agnostic in terms of the players that are involved. I appreciate what commissioner Saltzman is raising as an issue and I think it's a legitimate safety issue. I know that pbob and the applicant are prepared to install mitigation strategies including speed bumps and the like if necessary. That's something obviously we want to continue to work with the neighborhood on. I vote aye. The appeal is denied 4-1.

King: That was a tentative vote.

Wheeler: Thank you. Final decision will be on -- we'll go to the calendar, Karla. Sorry.

Moore-Love: How long do you need to come back?

King: So that applicant will need to prepare revised findings and prepare them for staff in our office to review.

Fish: Are we on the clock on this? We have a very busy august. Shall we push this out sometime in September?

King: Early September. It should be a five-minute item.

Moore-Love: I would say 11:00 a.m. On the 6th, Wednesday the 6th. That's the first week in September.

Fish: Which for those of you who may be coming may be closer to 12 but scheduled for 11:00.

Moore-Love: September 6 at 11:00 a.m. Time certain.

Wheeler: September 6, 11:00 a.m., Portland city hall chamber, time certain. That will be the final vote on. We are therefore adjourned until tomorrow, Thursday, August 10, at 2:00 p.m. Thank you.

At 3:48 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.

August 10, 2017 2:00 PM

Wheeler: Good afternoon everybody this is the afternoon session, it's a hearing of the Portland city council. It's the afternoon of August 10. Karla, please call the roll.

[roll call]

Wheeler: The standard statement on decorum, please do not interrupt people testifying, please do not interrupt deliberations. Anyone who does will be asked to leave, if you do not leave when you're asked to do so you can be arrested for trespassing. I don't think that's going to happen. I don't want that to happen but those are the council rules. When you testify please state your name for the record and we'll get to the rest later. Karla, please read the item for this afternoon.

Item 897.

Wheeler: Thank you. First off legal council will make some announcements about today's hearing.

Linly Rees, Chief Deputy City Attorney: Good afternoon. I'm Linly Rees, chief deputy city attorney. I have procedural announcements before the beginning of the hearing. First this is an on the record hearing which means you must limit testimony to material on issues already in the record. The order of testimony goes as follows. We'll begin with a staff report by bureau of development services staff for approximately ten minutes. Following the staff report, we will hear from interested persons in the following order. The appellant will go first and have ten minutes to present his case following the appellant persons who support the appeal will go next. They will each have three minutes. Then the principal opponent, in this case the applicant, will have 15 minutes to address city council and rebut the appellant's presentation. If there's no principal opponent council will move directly to testimony from persons who opposed appeal. After that council will hear from persons who oppose the appeal. Each will have three minutes. Finally the appellant will have five minutes to rebut the presentation of opponents to the appeal. The council may close the hearing, deliberate and take a vote on the appeal. If it is a tentative vote council will set a future date for adoption of findings and final vote on appeal. If the council takes a final vote today that will conclude the matter. There are several guidelines for an on the record hearing that I would like to announce. First the evidentiary record is closed. This is an on the record hearing and the hearing is to decide only if the design commission made the correct decision based on the evidence that was presented to them. This means you must limit your remarks to arguments based on the record compiled by the design commission. You may refer to evidence previously submitted to the design commission. You may not submit new evidence that was not submitted to the design commission. If your argument includes new evidence or issues you may be interrupted and reminded you must limit testimony to the record. The council will not consider new information and it will be rejected in the council's final decision. Second, if you believe a person who addressed council today improperly presented new evidence or presented a legal argument that relies on evidence not in the record, you may object to that argument. You may object to that by coming and talking to me or to staff and we'll address it with council. Finally, under state law only issues raised before the design commission may be raised in this appeal to council. If you believe another person has raised issues that were not raised before design

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commission you may object to council's consideration much the issue. Finally, the applicant must identify constitutional challenges to conditions of approval today. If they fail to raise constitutional or other issues relating to conditions of approval with enough specificity to allow council to respond, the applicant will be precluded from bringing an action for damages in circuit court. That concludes my remarks.

Wheeler: Very good. Do any members of the council wish to declare a conflict of interest? No council members have declared a conflict of interest. Does anyone present in the chamber wish to -- never mind. Nobody did. Do any members of the council have ex parte contacts to declare or information gathered outside of this hearing to disclose?

Fritz: I walked past the site on multiple occasions.

Wheeler: Commissioner Fritz has walked past the site on numerous occasions. Does anyone present in council chambers wish to ask commissioner Fritz about the ex parte contact or information she has disclosed? Doesn't look like it. Have any members of the council made any visits to the site involved in this matter other than what commissioner Fritz has just declared? Do council members have any other matters that need to be discussed before we begin this hearing? Very good. First up is the testimony of the -- we'll take staff report first. Good afternoon.

Jeff Mitchem, Bureau of Development Services: Good afternoon, mayor, commissioners. My name is Jeff Mitchem bureau of development services staff. Sorry biker breathing too much smoke lately. Should have brought some water in. I have a brief presentation for you today that consists of the following. I'm going to talk about a regulatory framework, the proposal summary -- thank you. Project context, appeal summary and finally appeal response. This is an appeal of a type 3 design review with modifications --

Wheeler: Is the screen intentionally blue or do you have something we don't?

Mitchem: It should have a blue backdrop.

Moore-Love: You don't have anything on your screen?

Wheeler: Its just a blue square.

Moore-Love: Okay. Let me try this again.

Wheeler: There it goes thank you.

Mitchem: Okay. So our approval criteria that were found to be met and exceeded by the design commission are the central city fundamental design guidelines, the goose hollow design guidelines and modification criteria and adjustment criteria. Council must find a nexus between the appeal findings and these approval criteria. It's worth mentioning there was a concurrent central city parking review rendered the approval rendered June 16 by the hearing officer. That allowed motor vehicle access within 75 feet of a light-rail alignment. This project was heard four times before the design commission, two design advice requests and two land use review hearings because this is a on the record case, only the evidence entered into the record at lur1, land use review hearing 1 on March 23, and lur2, May 4, can be discussed today. The approval was granted unanimously on May 4 by the design commission. The block and a half site is located in goose hollow across from providence park it's also fronted by a max alignment on Yamhill street and southwest 18th. It drops roughly eight feet to the north, it supports two Oregonian buildings which will be demolished to make way for the project. It's worth noting there is underground parking that underlays both blocks some of that will be retained for the project and as the image shows it's got frontage on Yamhill, Taylor, southwest 16, 17 and 18th avenues. We have a three-building mixed use development consisting of market rate apartments, so this was pre-i.z., so there's no affordable housing to this. It's got office and retail on the ground floor, retail everywhere then office on the two smaller buildings. The residential tower in red is 250 feet, the plaza building is 55 feet and the office tower 136 feet. There's a public

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plaza and a mid block pass-through which is fully publicly accessible and that totals about 10.5,000 square feet of open space and on site below grade the project parks approximately 500 cars and 700 bikes. Zoning is central commercial with design overlay and floor area ratio 9-1 max. That's 6-1 on the base then a bonus of 3-1 which they are able to achieve through residential bonus, their coming in around the max of 9-1. Height is a total allowed of 325 feet. That includes 250 feet at the base, 75 feet of bonus, they are proposing 250 feet of height. The image on the top of your screen is a bureau of planning and sustainability rendering showing a height massing. So the red is what's allowed and the blue on top is what is available through bonuses. This is an interesting image I bring this only because this is from the 2035 central city concept plan, the point is the site lies in red within area outlined in yellow dashes is an area of more change meaning that in short, there will be proposed policy changes as part of 2035 to precipitate development much like the one under appeal today. That is transportive, mixed use, amenity rich and mid- to high rise in character. You'll be seeing more of this next month into the first quarter of next year. Here's a view of the site looking at the relatively brutalist buildings that exist at southwest Yamhill and 16th, southwest Yamhill and 17th, one block west, then finally a further one block west on 18th looking south on Yamhill or south on 18th, excuse me. In short, the appellant asserts that there were six guidelines that were not met. Those are a2, which is emphasized Portland themes. Guideline a5-1, which is strengthen identity of the civic station area. B-1, which is to reinforce and enhance the pedestrian system, Guideline b6, which is to develop weather protection and guidelines c2, which is to promote permanence and quality in design and finally c4, which is to complement the context of existing buildings. What I'll do quickly is to walk through how the final findings and decision on the part of the design commission found that the project as proposed met these guidelines. On the top of the screens I have summarized the guidelines say and then below are excerpts and page number from the staff report. Guideline a2 is intended to encourage design responses that manifest context whether it's indirectly, directly, literally, figuratively or even metaphorically. In the case of the applicant, this project, the applicant has derived context from three conceptual sources, historic use of the site, which is newspaper making; materials of neighboring buildings, which is brick, concrete, steel, glass and wood and a rich sequence of public activities, focal points, pathways, water features and landscapes prevalent throughout the district. Guideline a51 is intended to encourage identity making through a variety of building massing and scale to accentuate station area focal points which gose hollow the civic station area is a primary focal point for the gose hollow area and to enrich local character with diversity of building character, design detail. In this case the three buildings, a low-rise, mid rise and high rise palate, the pervasive public amenity at the ground level and a rich materials palate are how we're meeting this guideline. Guideline b1 regulates space the space outside of the building walls. This is primarily a public realm guideline ensuring that sidewalk improvements, sidewalk zones and additional access is provided on site to enhance public safety and connectivity. In this case, the project is dedicating two feet on southwest 18th and all standard pbot required frontage improvements are to be made. Additionally there will be on site access routes provided as well. Guideline b6 seeks to ensure the ground level of buildings be designed to protect pedestrians from the elements. In this case ground level is wrapped with not only canopies but there are recessed building components at primary entrances which accomplishes guideline effectively. Guideline c2 requires that buildings be made to last with materials that meet standards for permanence. It is again on page 23, the findings are clear in that the standards are met for permanence with the project mixed materials of brick, cement panel and accent materials of aluminum storefront, steel and stone and wood. Finally, guideline c4 encourages design responses that are complementary to

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context. While adding to the local design vocabulary so it allows you some flexibility and creativity to make a new place, to do it creatively but to weave in some of the existing context. The project has done this nicely in staff's opinion and in conclusion final findings and decision through a substantial and diverse amount of human activity brought to a neighborhood focal point, the civic stadium stationary in this case. The developed reinforces variety and scale and activity and is richly detailed in construction details. Your choices today are to deny the appeal and uphold the design commission's decision to approve the press blocks. To deny the appeal and uphold the design commission's decision to approve with conditions added, noting that those conditions must be derived from evidence on the record and two land use review hearings or finally to grant appeal and overturn the design commission's decision to approve the project thereby denying the project. That's the end of my presentation. Do you have any questions for me?

Wheeler: Not at this time. We may have further questions. We'll hear from the appellant, please, for ten minutes. Good afternoon.

Jerry Powell: Good afternoon, mayor, commissioners. I'm Jerry Powell. I'm the planning chair of the goose hollow neighborhood and apparently the sacrificial lamb here. I have had a handout being given to you that contains most of the text of what I'm going to tell you but also some illustrations of what it is that I'm talking about. This appeal is really about a single issue. Supported by several of the design guidelines a2, a5, b1-1, c2, c4 of the most of them have to do with the way the project fits into the community. Not just the immediate community but into our community of central city. Some also deal with the design concept that the architects used. Now, that's an area that a planner goes very cautiously, but in this case, the design concept, a folded newspaper, seems to have become a driving force for this slab of 200 foot by 250 foot spandrel and glass. I don't have anything against spandrel and glass, but when it takes an acre out of the near view from downtown as well as from the west hills, that's something that this neighborhood could get concerned about and in fact has. Neighborhood testified repeatedly that the residential tower was inconsistent with the developed environment in its immediate neighborhood. Some of the design commission took issue with that, but in the meantime, three buildings have been approved within 250 feet of the base of this tower that are less than 100 feet tall, and cut back from the site, at least from the site property lines. In other words.

Fish: Karla now its blank. Are we going to come back to him?

Moore-Love: There's no picture?

Wheeler: No.

Fish: Its just a blank screen.

Moore-Love: He doesn't have a power point.

Fish: So are we going to have the camera on the gentleman to specify.

Moore-Love: I'm not sure what its on right now ours is showing him.

Powell: Thank you, commissioner.

Wheeler: We can see him, but if we get back to power point we want to be able to --

Moore-Love: It's on him right now.

Wheeler: How does he look?

Moore-Love: Great. [laughter]

Powell: The take-away here is that while, yes, it's an area that's in transition, it's not in a transition away from that sort of midrise human scale neighborhood that goose hollow has in many ways grown to be. The Oregonian building itself, which was a light industrial kind of use, was actually an anachronism born of the old federal aid secondary highways that bisected goose hollow on 18th. That area was supposed to be the light industrial feeder for the businesses in downtown. Well, that never happened. So this is I think one of the last probably the last post 1950 building that was built under that old concept of development.

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We pointed out that the building because it went to the edges of its site and because it was slab sided and so tall -- well, height is really not an issue. Once it got above the skyline, who cares? I didn't say that. The point is that the part that is in front of you is the part that makes the impact. The bearing of the building is simply out of context for the neighborhood that's the point. The architect's adheres to the folded newspaper seemed to blind them to the public impact of that imposing structure all of that is in the record. We are also on record as liking the project overall, the three-building project is a great thing for the neighborhood. Are we a little uneasy about some aspects of it? Sure. That's always the case in new development. Do we like the way it confronts the street? Other than the facade of this building that seems to loom over the street, very much. The federation brings this or foothills league rather brings this appeal to the council in our belief that the design commission erred in its failure to consider the importance of neighborhood context, permanence and design concept. That has to do with the design concept, and the impact of the proposed development on the very fundamental goals of both central city fundamental and goose hollow design guidelines. Arguably, it's to protect a Portland personality. Hard to define but it does involve elements of not just built environment but the natural environment and our community, our social environment. To illustrate that because it's not an easy concept, okay, what is the impact of that square thing have to do with anything?

Rees: Mayor, can you stop his time, please? I apologize, I had hoped to wait until the end to raise this. It's been brought to my attention that the three photographs in the material that you've presented are new evidence, and the problem with that is they are pictures of representations of the building which the applicant doesn't have the opportunity to rebut because it's new evidence. We're not reopening the record, so unless you can demonstrate that those pictures were in the record, one, they need to be disregarded by council, and two, you need to not refer to them in your testimony.

Powell: I did my thing verbally which is what I did in front of the design commission.

Rees: I'm sorry to interrupt but I think it's important. We're trying to keep this on the record.

Powell: Okay.

Wheeler: To be clear, just so I understand, I want to make sure we're all in agreement here, you have referred to this verbally previously. You just haven't provided this particular set of photographs in support of what you've said verbally in is that a fair statement of your position?

Powell: Correct.

Wheeler: He may continue to refer verbally, he just can't refer to these photographs but he can talk about the massing that he described? Is that okay? Just so I understand what is not okay? Sorry. This isn't taking from your time.

Rees: As long as you're not referring -- these are not just photographs. There's renderings that are supposed to be representations. As long as you're not referring to those representations of what the building would look like based on these photographs you're fine. If you're talking about the neighborhood concerns related to those design guidelines I think you're fine.

Wheeler: Thank you. Thank you, sir.

Powell: Okay. Then not referring to the photographs --

Wheeler: What photographs? [laughter]

Powell: No photographs here. The proposed residential powers is 250 feet in height, 200 feet wide at the east and west elevations. Nearby buildings ranges from 40 feet or less to 75 in height, parapets, setting an effective base from which the proposed residential tower protrudes about 50 feet. The east elevation in particular will be a very large mass about 200 feet square. That's what you see from downtown. The reason i'm landing on that is

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that there's a value there. There's -- you could look at it as a piece of commons. You could look at it as a piece of economic externality that adds to the value of this city. We do a lot of marketing of downtown Portland as place to go and open a business. Part of that that we market is a relationship between our built environment and the natural environment that surrounds it. If we lose that access, access to that natural environment, we're giving away public dollars, really. Certainly public value of some kind that's a lot harder to quantify. We can say something also about giving away height at the bridge heads, but not going to go there.

Fish: Mr. Powell can ask you a question?

Powell: Sure.

Fish: Does your concern about height and scale with these three buildings, do you have the same concerns about the civic being a tower with affordable housing development adjacent to it and i'm guessing the civic is more than 250 feet although I don't have a map but would you have the same concerns about that development that you do about this?

Powell: It actually is somewhat lower in height. It is a very big slab, and yes I have some concerns about it. There was something that happened in the course of the approval of the civic. That was that because it was proposed by a public agency it got a lot less review than it might have had otherwise. That's probably regrettable but it's done; it's there. Is it going to be the start of a new paradigm of -- I think it's actually a 200 footer. I kind of doubt it. There are not that many opportunities. Development opportunities for very tall buildings. Some of those that existed at the beginning of this year have already been approved for buildings that are less than 100 feet tall. Four buildings that are -- have passed through the land use reviews and are under permit stage, one is actually under construction, are in that class of building. Human scale has seemed to be the dominant characteristic of new development in goose hollow.

Fish: That's helpful. My second question, sir, is i'm sure the mayor will -- this is not being counted against your time. Thank you. In the opening presentation it was noted that this development replaces three brutalist buildings, that's a euphemism, that were actually dead buildings, in the middle of an area that is being developed and revived, and now we have the prospect of new development in spaces that were dead and frankly eyesores from my perspective. If you had the only vote that mattered on the design review commission and you could dictate a different outcome, how would these three buildings look? I read your testimony. I appreciate the concerns you've raised even though you say you concede it easily meets the objectives of the two applicable sets of guidelines, but how would it specifically look different? If this was sent back and the view that you have articulated governed the design, what would be different?

Powell: The office building would probably look just exactly the same as it does now. The commercial part of the whole block development probably not change a bit. We like those buildings. We like the ground floor of the residential tower. How it would change or how we would like to see it change would be to see that tower achieve a bit more grace. Two or three times in its height. It may even be -- I would be lynched if I said it may be higher but that could happen. The developer could conceivably capture some of the lost revenue from lost floor area by stepping it in a couple times and making it less of a profile in your face when you're viewing it by the increased value of the rentable areas that's gained.

Fish: I apologize for interrupting your flow. This is enormously helpful for me, mayor. Just to be clear though on that question, you're not objecting to the height.

Powell: No. No. We aren't.

Fish: 250 feet.

Powell: That's fine. Is it tall? Sure, it's tall. Is that a deal breaker? No. It's the mass. It's the bulk of that -- think about 200 by 200. Those are the dimensions of a city block. Think

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about taking pioneer square and putting it on edge and putting it in front of you. That's a big thing.

Fish: Thank you, sir.

Powell: And that's it. Thank you.

Wheeler: Very good. Thank you for your testimony. Next up we'll hear from supporters of the appeal. And people have three minutes to testify. If people could just say their names for the record and if you would like to sign up Karla is the right place to sign up. The first three, please.

Moore-Love: I have only one person. Mr. Powell signed up on the support side.

Wheeler: Very good. Then we'll get to the principal opponent of the appeal. I know this gets confusing pretty quickly. If you could come up you'll have 15 minutes according to the protocol. Again, for everybody who is testifying I want to assure people that if we interrupt to ask questions the clock does stop. That doesn't take away from your time to testify.

Good afternoon.

Margaret Schroeder: Good afternoon. Do you have the presentation on your screen?

Wheeler: Yes.

Schroeder: Good afternoon my name is Margaret Schroeder. I'm an attorney with Black Heltterline located at 805 southwest Broadway, suite 1900, Portland, 97205. We represent the applicants. Urban renaissance group and security properties. I would first like to introduce the member of the project team who are here with me today to help present the project to you and to answer any questions. On my left is Michele Scholls with gbd architects. On my right is Heidi Oien, with Mithun, the two firms who designed the project. In the audience are tom kilbane and john morocco with security properties. For all of the reasons set forth in the design commission's May 4, 2017 final decision the design commission unanimously agreed that the project meets or exceeds all applicable approval criteria and design guidelines. Michelle and Heidi will first describe for you the key features of this project and how it complies with all of the design guidelines that are the subject of this appeal. After which I will discuss the factors you should consider in making your decision. Michelle?

Michele Scholls: The existing concrete Oregonian buildings have provided no pedestrian engagement in the goose hollow neighborhood since --

Wheeler: I'm sorry to interrupt. Do you have something on your screen? I don't why we're getting this problem today.

Schroeder: We got a warning that it was out of memory. This computer may not support the graphics.

Fritz: Have all of these been shown at the design commission?

Schroeder: Yes.

Scholls: We have hard copies of our presentation in case there was a problem or we have a different laptop.

Wheeler: These documents have been provided previously on the record is that correct?

Schroeder: Yes. All of the images in that have been presented to the design commission.

Wheeler: Great. Looks like it's working now.

Fish: This is an exceptional handout. I think the council would be perfectly pleased to go off the handout.

Wheeler: If Karla wants to keep working on that, go for it. Meanwhile just tell us which page you're on so we can follow your presentation.

Scholls: Easy to figure out where we're at. The existing building. I think page 3.

Wheeler: Thank you.

Scholls: I'll let you know as i'm moving to each slide.

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Wheeler: You can continue. Legal counsel, do you have any problems switching to the hard copy? Very good. Please continue.

Scholls: Starting with page 3, the existing concrete Oregonian buildings have provided no pedestrian engagement in goose hollow neighborhood since 1972. Creating a desolate streetscape along the two blocks. Next page. The press block development replaces the desolate streetscape with a transit development that focuses on creating an active streetscape filled with retail and a mix of uses that will create 24/7 activity. Our design opens up the streetscape with a lush mid block connector that leads you to a much needed open plaza space in the sunny southwest corner. Next page. As Jeff noted in his presentation, the city's maximum allowable height model illustrates the intended future density of goose hollow modeling height densities adopted for this area in 1996. The press box project maximizes the development to align with the city's vision for the future of goose hollow without asking for bonafide allowances. Next page. Although the press blocks project maximizes the development density in direct response to the half block and quarter block context typical of goose hollow neighborhood the design team made the decision to break the massing into three smaller buildings. Next page. The design team studied the material character of the goose hollow neighborhood noting the eclectic variety of punched openings, smooth concrete and stucco as well as smaller corbel brick. The varying materials used in the press blocks development were deliberately chosen to relate to the material context of the goose hollow neighborhood. Next page. The development is broken into three separate buildings that are all tied together at the ground level by the retail base that exceeds the active use requirements for this site creating an engaging pedestrian realm. Next page. The proposed massing fits well with the existing context and aligns with the city's vision of the future of goose hollow. The press blocks project was designed to reinforce the design guidelines to create a synergistic development that strengthens a rich pedestrian friendly environment that has been devoid of these two blocks for so long. Next page. The press blocks eight story office building sits directly west of providence park at the corner of southwest 18th and Yamhill. The office building design draws from the simple punched openings buildings seen throughout the goose hollow neighborhood with large open window bays, that visually connect the building occupants to the surrounding goose hollow neighborhood. Permanent high quality materials of thin pre-cast concrete, metal panel and large fiberglass windows reinforce and enhance the material context of goose hollow. Next page. The northwest corner of the building has been designed to enhance the strong connection to the adjacent providence park plaza and stadium area with large windows and outdoor gathering spaces. Next page. The base of the building at the northwest corner has been pulled back to create a more open and inviting plaza space for pedestrians as well as give additional buffer from the adjacent max train turning on to Yamhill. Next page. A strong retail base wraps the ground floor providing an active environment for pedestrians to enliven the current remote providence park max station and bring additional clientele to foster stronger business commerce. We have positioned the main office building entry off the center of southwest Yamhill drawing people into this nonvehicular access street. Next page. The infusion of retail activity, lush landscapes and friendly pedestrian environments will create vibrant pedestrian activity and engagement along Yamhill reinforced with a fun new custom painted Portland themed pedestrian crosswalk that provides a much safer street crossing at southwest 17th as you move to the east of the press blocks plaza building. Next page.

Fritz: Did you have to get special permission for the different colors in the crosswalk?

Scholls: From pbot, yes.

Fritz: And that was that part of the design review?

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Scholls: It's not part of the design review. It's part of our permit review with pbob. So we just submitted our 60% review with pbob. We have been talking with them.

Fish: Karla is a miracle worker. Thank you for bringing the backup power point and also thank you for blowing it up so that people with my eyesight can take full advantage of it. So thank you.

Heidi Oien: No problem. Good timing we can move to the plaza and residential buildings in this view you can see the new green space of the plaza and scale and material diversity that the three buildings bring to the neighborhood with the office building just off the screen to the left. This plan shows the highly active uses throughout the block which include publicly accessible sunny southwest facing plaza, the creative office and retail structure called the plaza building, the residential building containing amenities and retail on the ground floor, and the pedestrian only mid block connector that activates even the middle of the block with small live-work units. We should be on the north view now. So from the north you can see both buildings are no bigger than a half block and you can see down the full length of the publicly accessible mid block connector. A raised terrace on the office level of the plaza building looks down over the open space and activates it. The residential building features a signature roof form that steps down on the west for an amenity roof deck reducing scale of the building.

Wheeler: When you say activates, what do you mean?

Oien: Activating the mid block connector service -- let me go back. Are your screens up?

Wheeler: Yes.

Oien: Off of level 2, the office building, we have terrace. It's just about 20 feet or 16 to 20 feet off of the mid block connector so that activity that's happening on the terrace kind of spills into the mid block connector. So even though it's -- it's kind of double height active to the mid block.

Wheeler: Thank you for the clarification.

Oien: Then the corner of Yamhill and 17th has a double height and storefront marching down 17th with two levels of creative office above. Then this view that we have shown before shows all three buildings along Yamhill. The residential leasing office is on the corner and has an entry from Yamhill that will be active use open seven days a week. The retail space on Taylor is typical of the storefront design on the block with deep set windows and canopies that help encourage a vibrant public realm with cafe seating and other retail uses to activate the sidewalk. Looking north along the mid block connector shows live-work spaces with garage doors allowing activity to spill out. These small spaces with separate living units above can support a variety of small businesses like dance studios or maker spaces and then this view also has a water themed art space that i'll talk about later then you can see that second level office terrace there. The plaza buildings ground floor restaurant terrace and balcony reach out in to the plaza to further activate the public realm and this would be a great spot for pre-or post-game festivities. A little about orientation, the top row shows the wide shadows cast by an east-west oriented residential building while the bottom row shows in gray the shadows cast by our proposed north-south oriented building. The red areas indicate the difference of those shadows, so basically showing the areas not in shade compared to the top version. Then after showing these an exhaustive use studies and early meeting with the design commission they agreed that the building as designed is in the right orientation and that it doesn't block any protected views. So now i'll go through each appeal design guideline and describe how we meet or exceed requirements. We have an error, but that's okay we'll keep going, you should be on a51. A51 and c4 are similar guidelines in that they require new buildings to complement their context and design vocabulary proportion, scale, rhythm and materiality. A51 requires new buildings respect the mid- to high rise area of the stadium area. To complement this variety

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of scale we have designed three buildings of differing heights, vocabulary and materials with no building being larger than a half block. In our last design review hearing design commission chair Julie Livingston specifically mentioned we meet this guideline saying the project is a sophisticated addition to goose hollow. Next page. The guideline also explicitly mentions precedent buildings representing a variety of different era's and styles such as the Scottish wright building, the hotel deluxe, the Mack and the civic. These buildings and other in goose hollow have a variety of punched openings, brick texture, horizontal shadow lines, articulated bases as well as predominance of brick, stucco and concrete. These neighborhood elements influence the design of all three of our buildings but specifically the residential building. There's a consistent metal band about 20 to 30 feet above the sidewalk. This is one I wish I could point to but this differentiates the retail base from the residential above and we find it in a lot of neighborhood buildings. The retail openings are recessed two feet and wrapped with high quality metal plate. We're also breaking up the retail openings with vertical and horizontal members similar to neighborhood storefront and on upper levels punched window openings and horizontal texture in the cladding compliment the neighborhood.

Fish: Excuse me one sec I think we have lost the power point. Why don't we just bring them back up so that the public can see the presenters. There we go. Not this presenter. There we go.

Oien: I'm going to move to b1 and b6 now, so that first page. These guidelines talk about creating a vibrant pedestrian experience. B1 requires convenient access for walking and differentiated sidewalk zones. Not only have we provided interest along the sidewalk, we have widen the sidewalk along 16th and added the pedestrian only mid block connector with even more activity for pedestrians. Next page. Technically, goose hollow design guidelines b1-1 replaces the b1 central city guideline. More specific to the neighborhood it calls for providing human scale and interest along walkways as well as sensitive detailing in spaces like porches or balconies. Our buildings incorporate all these elements with canopies, over hangs, balcony's and a high level of transparency's at store fronts on all streets. Next page. The b6 guideline requires the integration of weather protection. In our designs steel and glass canopies occur roughly 12 feet above the sidewalk to make the scale more intimate to protect from rain and wind and to encourage activity on the sidewalk. We consulted a wind expert during design and they concluded that wind will not be a significant issue. Primarily because it's just not an issue in the goose hollow neighborhood, really a concern since balconies, canopies and trees would slow any wind that does come down the facade. Next page, c2. This guideline requires high quality durable materials that promote a sense of permanence. It specifically mentions brick, stone, concrete, metal and glass. Following neighborhood precedents we have proposed high quality materials on all three buildings. The residential building is clad in ultrahigh performance concrete and high quality window wall and stone at the base. The plaza building is clad with brick with fiber glass windows as well as durable metal cladding along the mid block connector. The office building is clad in pre cast concrete panels, high panel infill and aluminum store front windows at the base. These buildings will play off each other and bring diversity to goose hollow but they also share steel and glass canopies and metal storefront to tie them together. Chair Livingston also complimented us on meeting this specific design guideline saying our design work is sophisticated with great materials and strong façade patterns. The last guideline, a2, on the next page, the last guideline is about emphasizing Portland themes including water and natural environment. We have incorporated a water themed art piece in the plaza inspired by the historic flow of tanner creek which meandered around the site. The design of the open space on the block responds to this water feature in the form of occupiable seating at ease for the public. Also

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picking up on this theme is the roof of the plaza building which will be planted with various colors of sedums and meandering pattern. It also follows guideline a2-1 recognizing tanner creek.

Fritz: This walkway that's currently in the middle of the block. You own it, right?

Oien: Yes.

Fritz: You're going to put a pedestrians easement on it? A public easement.

Oien: It's just open to the public. Private space but absolutely intended to be open to the public and it would have access to the publicly accessible live-work units within it as well as entry to the plaza building itself.

Fritz: Is that element specifically clear in the application, that it's open to the public?

Oien: Yes.

Fritz: An intricate part of the concept I'm just thinking in the future when somebody would say this is a private space.

Oien: We called it the public accessible open space throughout the proposal and the way the live-work units and plaza building enter off of it it's absolutely intended to be public.

Fritz: Thank you.

Oien: So we have one last page. It's the image you've seen in the past and we really think these new buildings and large amount of publicly accessible open space will become a complementary and vibrant transit oriented mixed community that exemplifies the goals of not only the current 2035 plan for the neighborhood but also the original goals established in 1996. At completion it will bring 850 jobs and over 500 new residents to goose hollow with a wide range of new community amenities and open space that currently doesn't exist. Margaret?

Schroeder: This case demonstrates that the city's design review system works. The project team met with the neighborhood, participated in two design advice meetings and two design commission hearings and spent countless hours at the design desk responding to concerns and improving the project. The result is a sophisticated design that will transform the press blocks, enhance and embellish the providence park max station area and build density where it has been planned since the 1980s back when bud clark was mayor. The appeal purports to be about the design guidelines but really it's about height. The reason appellants don't say this oh right is because height is not something they can appeal. Both parcels have an outright available base height of 250 feet with additional available bonuses up to 325 feet but this project, the residential tower, is only going to go to the base level. The reason these heights are allowed is because this is an area that has been targeted for growth as the design commission's decision explains, it says, "key visioning attributes for the civic stadium area within which the subject site lies includes up zoning the core of the station area including the subject site to the most urban and intense in goose hollow and the central city creating the largest maximum heights and floor area ratios in the goose hollow neighborhood and establishing required residential areas". This means that building height is not something that must be preserved when considering the character of the goose hollow neighborhood. We are then left with a design guidelines that the appellant claims were not met but those claims are not supported by the record. The design commission's 38-page decision includes detailed findings on each and every one of the design guidelines cited in the appellant's appeal form. For all these reasons we respectfully request the city council unanimously deny the appeal and affirm the design commission's unanimous decision.

Wheeler: Thank you very much. Does that complete your testimony? That's 15 minutes. Good. Thank you. Next up, opponents of the appeal. Is there anyone who would like to speak for three minutes?

Moore-Love: I show nine people signed up.

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Wheeler: Nine people. Very good. First three, please.

Fish: Mayor, can I make a comment? There may be nine or 10 or 15 people or whoever. We would urge that the testimony avoid duplicative comments. I think in a hearing like this if there's new information but if it's duplicative we would urge people stand and acknowledge that they all share a similar view than to hear the same testimony nine times. Particularly in the nature of this hearing where we have heard from one person who is an opponent and we have -- are poised to move at some point to council discussion.

Wheeler: Very good. Again, name for the record. I want to remind everyone i'm mindful of what commissioner Fish said and i'm certainly supportive of it but this is a legal hearing and you're entitled to three minutes to be very clear. We'll start on that side. Good afternoon.

Tina Wyszynski: Hello. Thank you for the opportunity to testify today I'm Tina Wyszynski, thank you for the correct pronunciation from the land of my polish people. I run the stadium district business group which is located in goose hollow but touch the edges of nob hill area and the pearl district as well as the 405 which we will one day cap. Hello once again this letter is to strongly encourage approval for the proposed project for the Oregonian press blocks. The project more than meets the needs and requirements set forth in the design guidelines and meets the density requirements as well. Compared to the prison like cement structure building currently covered in graffiti as it stands today the proposed structures and use would be a most welcome improvement. As the founder and president of the stadium district business group I communicate and deal with residents, business owners and their various staff members every day. Every individual human I have spoken with regarding this project is in favor of it. It will improve streetscape, provide housing and add value to the neighborhood that cannot be quantified. This area is zoned for this and we need the housing that this project will provide. The stadium district in goose hollow is home to three max stops. Few if any other neighborhoods have this much concentration of mass transit. Compared to other high density zoned locations where development is occurring such as southeast division and north Williams for example there are few to zero max stops this is a perfect addition to the area, a needed and long approved usage and the size of the building will fit nicely with the fabric of the neighborhood and business district than currently exists. I would like to add, this looks like a ream of paper but really it's just all the letters that we have collected over the last four design review meetings that I have attended and testified at. These are from members, from neighbors, from people doing business. We need this building. We want this building. Please approve it.

Wheeler: Thank you. Good afternoon.

Thomas Carrier: Good afternoon. I'm Thomas carrier. As someone who lives in the goose hollow area and someone that has lived here my entire life I would like to share a few thoughts and opinions today. A few ideas have been brought up, one mainly that this building and set of buildings will affect other areas, not just goose hollow, I do agree with that. I also think that this development will affect different areas including central city, in a positive way. The second thing I would like to say is that there was an idea brought up about affecting the views. Maybe from the west hills, affecting the views from the goose hollow area. I'm not disagreeing with the fact that that will happen if it is developed, but I will say that just as stating a question maybe that the views might affect that 500 people that might be living there in a positive way. That number might be greater, have a more positive effect than the 500 than it would for the amount of negative effect that it would affect in the west hills or goose hollow area. Lastly I think Portland personality is a big deal here. In my opinion if this development and future developments aren't put through and are not developed I think that the goose hollow area would be falling behind in comparison to other areas within Portland. That's all i've got.

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Wheeler: Thank you, sir. Good afternoon.

Chelsea Riedel: Good afternoon. I'm Chelsea Riedel I'm the gm at civic tap room which is about a block from the press blocks. I heard the arguments they are trying to preserve the social environment with how it is now, but my argument is that there is no social environment there. We would like to establish that social environment are people will both commute to and the people living in the area will have places to hang out and just like a more lively area to hang out in. Personally I would love to hang out in goose hollow after I get done working but besides the tap room that I work at there's nowhere to really go and hang out compared to other parts of the city close by such as going off on 23rd or hanging out in the pearl. I think the nicer max station will promote transit more so people that are commuting want to stop there instead of going past an old, run-down station with a building that's full of graffiti. Speaking of the civic building which we talked about a few times today, we have one of the only tap rooms in the area and that came because of the civic building as well as the three food establishments and retail shop that's there. Think of what awesome things could happen because of the press blocks. That's pretty much all I have to say.

Wheeler: Thank you for your testimony all three of you. We appreciate it. Next three, please.

Patricia Gardner: Hi. Patricia gardner. I'm going to make this short. I'm here to deliver a letter from ben Kaiser which I just gave to the recorder so I won't waste your time reading it but she will hand it out to you and you can read it.

Fish: Does he own property in the area?

Gardner: No. He was on the design commission and is very for many years he's also interested party to development in the central city.

Fish: Thank you.

Wheeler: Good afternoon.

Whitney Woods: Good afternoon. I'm Whitney woods, and I'm submitting a letter on behalf of Adrienne hill, who's a resident of southwest kings court. I'll do the same and give it to council for distribution.

Wheeler: And legal counsel I want to make sure we're not creating any problems here.

Gardner: Adrienne has written letters before and so she's not adding anything else to it.

Rees: I just got two copies of the same letter. I'm sorry, the question is --

Wheeler: So the record is closed but we're still accepting testimony.

Rees: You can accept testimony from additional people. They just can't raise new evidence or issues. As long as if Mr. Powell would like to see the letters he can confirm whether he agrees there's information already in the record.

Fish: These are letters in the nature of testimony that are submitted for the record.

Woods: Correct.

Fish: This letter from Mr. Kaiser just seems to track what we have already discussed about the benefits of this project. Thank you.

Wheeler: Thank you very much. I appreciate it. Sorry for all the technical stuff. I just don't want to end up in court. Good afternoon.

Tad Savinar: Good afternoon I'm tad Savinar, I'm the vice chairman of the design commission. As you witnessed yesterday in these chambers with the discussion about the Ankeny L apartment project it's clear that city is changing. The city is much like an awkward adolescent trying to figure out just who they might grow into as an adult. Much like the parent of that teen who hopes that under all of that awkwardness there are values and ethics that are products of good parenting, we too as citizens hope that our city grows up with the same values that we as citizens currently hold dear. That is essentially what the design commission is challenged with pulling off in our hearings every couple of

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weeks. It is our charge within current zoning designations and guidelines to try to ensure that new buildings enhance what we currently hold dear and what is new that could improve the intangible dna of what Portland is to become. It is the decision of the design commission that the press blocks project fit that dna. With multiple reviews the press blocks the commission was impressed with this project's ability to include places for culture, places for social intimacy, places for dining, attention to detail, and an exuberance of architecture which when combined with the dynamic design for the expansion of providence park across the street and what will come in planning for the redevelopment of the Lincoln high school site that will evolve into the vision our planners have planned. Some facts. As you've heard, the project is 250 feet tall at its highest point with an allowable height of 325. Two, the commissioners voted 6-0 in favor of this project. Three, there was agreed upon by the commission an exceptionally strong response to the following central city guidelines. A8, contribute to a vibrant streetscape. B1, reinforce and enhance the pedestrian system. B4, provide stopping and viewing places. B5, make plazas, parks and open spaces successful. C7, design corners that build active intersections. C9, develop flexible sidewalk level spaces. C2, promote quality and permanence in development, and c5, design for coherency. Finally, this goose part of the goose hollow neighborhood that includes Lincoln and some of the new projects, the deluxe hotel, does have a very fascinating intimate scale on a social level in terms of the uses and services that go on there and I think that the project really enhances that by developing a number of public open spaces that encourage people to enter them. This is not merely a building that comes down to the sidewalk. This has quite a bit of amenities surrounding the buildings that are very valuable to this neighborhood.

Fish: May I ask the commissioner two questions? He was kind enough to join us the other day and now today. You do a lot of work in your official capacity, then to come here and testify is an honor for us. Thank you. Two questions. The hearing we had I think it was yesterday was the culmination of a process where council had four or five different hearings on a matter that came out of design review and I think you were here when you heard comments from the council that we want to avoid that in the future.

Savinar: Absolutely.

Fish: We want to make sure that as much of the good work is done at the commission level. What makes this -- why is this so starkly different from what we addressed yesterday? What was the key difference from your point of view? This is a public forum.

Savinar: I think I can speak --

Fish: Empty cup half full, whatever.

Savinar: The project that was before you yesterday, there were infinitesimal incremental if that changes from hearing to hearing. Our message was completely consistent from the first time we heard that project all the way through the process. The applicant just didn't move, they did move a little bit when you went into mediation. This project that we're reviewing today, the press blocks, was extremely receptive to a working relationship in meeting the guidelines with the commission on multiple cases and really heard what we were saying and understood what we were saying and altered their designs to fit the guidelines.

Fish: That's very encouraging and my second question, sir, is some of the guidelines that you have identified seem to me to be more of a sort of objective nature or closer to an objective nature, but some are more on the subjective end of the spectrum. Since Mr. Powell in his testimony kind of got at this subjective question about faithfulness to neighborhood character and how you define character, i'm curious as you looked at this project how did you reconcile this proposal with the surrounding neighborhood character?

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Savinar: This is a really interesting little part of town. Especially when it's noon or 8:30 and the drop-off, noon, lunch hour then after school there's athletes, there's parents. It can be active and it's with kind of a ant hill or beehive activity, it's all over the place. What's fascinating to me is that this project actually designed that opportunity for that kind of activity within the grounds of its properties. So the open areas, the maker spaces, the nonvehicle access, all of that is I think really trying to encourage and enhance the activity that's already there. So that's why I think it's outstanding.

Fish: Thank you.

Wheeler: Thank you. Good afternoon.

David Wark: David Wark, design commissioner, ex chair of the design commission as I transition away from my responsibilities, but I felt it important to come today to support what was as has been stated a enthusiastically approved project by design commission and why was that? I think it accomplishes or meets the guidelines in three significant ways and i'll just go through those three. In terms of context and massing, it's basically a new and clear template for developments to follow in goose hollow with this three-part composition of a 250 foot tower, as Tad mentioned it's 75 feet lower than allowed, combined with 55 foot tall sidekick building and its publicly accessible alley, the result of this massing is that over half of the block's perimeter is defined by open space and 55 foot tall building so it gives a lot of real estate and concentrates it in the tower sometime under the allowable height. In terms of public realm, it not only easily meets the guidelines for active storefront along established streets it also provides open space and plaza at the southwest corner and the alley through the middle of the block. Then in terms of quality and permanence, it's rare to see a design concept that is so clear and also one that's derived from the median context which we felt really embraced the Portland personality and also embraced the area at the street level. So in the end, with materials and the quality of those, brick, stone, glass canopy, pre-cast concrete and high quality storefront impart a sense of permanence to the building and the project. As a result, as I said, it was the 6-0 vote and i'll just close by saying in my nine years as a commissioner, reviewing hundreds of projects, the press block stands out as one the most distinctive and memorable.

Wheeler: Thank you, sir. Good afternoon.

Scott Langley: Scott Langley, 1211 southwest 5th avenue, suite 2230. I grew up in the goose hollow area, went to high school in the goose hollow area, I own property in the goose hollow area, we have a project under construction right now at 1501 Taylor and we have another project at 1500 Taylor that's been approved by design review. We're ready to break ground, I sit on the board urban renaissance group, one of the developers of the press blocks. I have sat through all the owner architect contractor meetings, I have sat through all the design review meetings. I thought the design commission did an excellent job and as Mr. Savinar said this project is really in play to help goose hollow come out of the back water and grow. In that regard I would also like to say that I think this project in activating the street in goose hollow is also going to from a taxpayer standpoint help enhance the value of the investment that the city has in the stadium. I think that's a big play. We know that the timbers are behind this project as well. So thank you very much.

Wheeler: Thank you, sir. We appreciate it. Is that all of the folks who would like to speak in opposition to the appeal?

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

Wheeler: Very good. If he so chooses jerry has an opportunity to rebut for five minutes. Welcome back.

Powell: Mr. Mayor, commissioners, not so much rebuttal as a reinforcement. The single thing that we're really objecting to is the mass of that slab sided building. Yeah, the idea of

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a folded newspaper is something that probably no one will recognize in ten years. A folded newspaper? Really? It's like designing a building after a dial telephone. That itself is not so much of a problem except that if you start into a project with a vision in mind that that design concept is going to come through, then you blind yourself to alternatives that may take you away from that design concept. The neighborhood put a great deal of thought into taking this position and we took it not at all lightly. In spite of the fact that everyone else seems to be on vacation here. The idea that this project contributes to the neighborhood is not only valid, we wholly subscribe to the idea that this is a good project. We would like it a little bit better, we think that the design commission has the capability of doing that. We would like to see you send it to them to do that. Thank you.

Wheeler: Thank you, sir. Very good. That brings us to council discussion. Commissioner Fritz?

Fritz: Could I ask staff to come back up, please?

Wheeler: Please.

Fritz: One of the pieces I think is really important in this design is the plaza. The public will be allowed into it, but the business owners, the residents will control what happens in there is that correct?

Jeff Mitchem: There is two sides, both edges of the plaza have private space, that is interior space, in one case the tower side has live-work units, two level of live-work units. They have area that is dedicated primarily to spilling out of that space into the edge of the pass-through. Same with the other side. The small brick building has similar conditions. There is a permanent pass-through if you will that's not gated, plans to show no gate, show no direct express privatization means nor any sort of implied privatization. It's pass-through all the way. So that's where we stand.

Fritz: That's what I read. I also see that we did, the design commission did allow some adjustments on window and ground floor activities that's less than standard. So what I'm concerned about is it gets built, it seems like a lovely project and then the people who live and work there, own that, might decide that they don't want to have anyone else coming through their space. Do we meet with conditions of approval on that it would have a public easement?

Tim Heron, Bureau of Development Service: I don't know that we could do condition of approval for public easement but if the applicant were, say, to propose a condition that, that space would remain ungated, I think it might satisfy where you're going, commissioner. Just also to clarify clearly, the modifications that are requested had to do with ground floor windows does not applied toward this ped activated space it's actually for the half block office building. That was a function of making wording fit.

Fritz: I understood that it's just that I think this piece is part of what makes this project particularly special and I have been in a situation where in a subdivision everyone thought the trail was going to be public and then it's not. I'm wondering if the applicants can help me out with this particular concern. I see that the attorneys all are huddling even as we speak.

Rees: It's been brought to my attention that the issue of public accessibility or continued public accessibility was not an issue raised at the design commission, so it's not something that's been discussed.

Fritz: It is in the application that is going to be public.

Rees: It is in their application. The challenge is that --

Fritz: They just gave us all these nice pictures showing the great public use of it.

Rees: Part of it I guess is we would have to determine what approval criteria that relates to as opposed to our desire to have it.

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Fritz: As I was suggesting I think it's to do with modifications or be it on a different part of the project it seems to me that, that. Could it be not a condition of approval, but as part of the property owner's something, covenants?

Fish: Can I ask a question? This is new for me. I want to be careful about not setting a precedent here. This is property, they are not required to have this particular walkway, correct?

Mitchem: No.

Fish: So they have done so as an amenity. It's privately owned. Therefore the city has no obligation to maintain it, correct?

Mitchem: Yes.

Fish: Now the question is since they have in effect chosen not to develop the full site and have created this right of way, I want to be cautious here that we do not in effect punish an applicant for doing something they are not required to do over which we have no responsibility by imposing a condition that in effect in the future discourages someone from doing this. So I would -- my bar would be very high in terms of setting a condition. In addition I have not heard anyone say that there was in fact an adjustment that is related to this right of way.

*****: That's correct.

*****: Right.

Fish: Is there an adjustment that was made that is directly related to this right of way?

Mitchem: No. It's worth mentioning that in the record clearly has been a discussion between commission and applicant throughout the course of the project in refining the width of the pass through space at the first land use review hearing it was determined that pass-through was a little too narrow, that it didn't feel as inviting as it could otherwise. For the second land use review that was opened up some to in part encourage that public perception that the public is welcome in the space.

Fritz: And there is the design guideline b5 make plazas, parks and open space accessible and in the analysis it talks about orienting the building elements such as entry ways, walkways and balconies to face public parks, plazas and open spaces. It is discussed throughout the application.

Mitchem: The design is proposed not only for b5 but b1 as well which is to simply reinforcing and enhancing the pedestrian system which was one of the assertions by the appellant not being met. I think again the refinement through the course of review on the record was clear in the final findings and approval that that continuity, that connectivity for public access be maintained and the applicant responded willingly to design it accordingly.

Fritz: I think it's part of the whole application, the whole project being welcoming and absent that, if it wasn't there and it was just has been objected to in the appeal, the 200 by 250 wall with no mitigation for that. Can you help me out here?

Heron: I'll take a shot at it.

Fish: Name in the record please.

Heron: Tim heron, bureau of development services. Part of the design that precipitated I think during the process of the commission not considering condition or nongated condition I think was how thoroughly programmed the design was. That is notwithstanding if changes in the area or whatever make that an attractive nuisance. The applicant probably wanted to keep their rights outside of a level of type 3 condition of approval requirement to change it vis-a-vis no fencing. The other aspect is alterations in this area are subject to design review. It may not be a type 3 design review it may trigger a type 2 design review process in which case we have the evidence of the type 3 process and a very thorough conversation about public access and openness that could become a part of a conversation if additional alterations want to be done to that space such as enclosing and

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so on. I think in an effort -- not trying to kick the can down the road but my point is alterations in the future are still going to be subject to review. That could be an opportunity in hearing testimony today both from you, commissioner, but also frankly from the design commission through the entire process that this is intended to be a publicly open and activated space. Future changes would -- have that in mind.

Fritz: That makes me feel more comfortable, so if it were suddenly appear to be gated somebody could then object and it would have to go through a review.

Heron: Potential, yes.

Fritz: Ok that's fine. Thank you. That did help Mr. Heron thank you very much.

Fish: I appreciate that conversation. It falls into a gray area. If we had given someone a bonus for a public plaza that's a clear one but in case like this where we are encouraging developers to create these kinds of human scale amenities like walkways I want to make sure that we're finding the right balance between creating this incentive and not punishing someone for doing it and I don't know where that line is but commissioner Fritz has established to my satisfaction that the record was made here about the benefit of this open space, and if there is a change in a substantial way someone could come back and raise a concern.

Wheeler: Very good, colleagues. I'll entertain a motion.

Fish: I move to deny the appeal and uphold the design commission's decision to approve the proposal.

Fritz: Second.

Wheeler: There's a motion commissioner Fish, a second commissioner Fritz. Any further discussion, colleagues? I want to be -- I have to say this for the record. This is a tentative vote. We will come back for the final vote on --

Moore-Love: How much time do you think we need for this?

Rees: What do we have in terms of a 120-day clock? Mid-september. If we could at least three weeks just because we have had two other appeals that we have findings review. This should probably be simpler.

Moore-Love: First week in september? That be okay?

Wheeler: I think that's fine if we want to do that.

Moore-Love: 3:05 on august 31st.

Wheeler: Alright good, so we have a motion on the table to deny the appeal and uphold the design commission's decision to approve the appeal. Any further discussion? Please call the roll.

[roll call]

Fritz: Well thank you this has been a very constructive hearing. Thanks Jerry Powell for your usual thorough examination and bringing these issues to light I do think it's important that we do things mindfully. Thank you to the design commissioner who came and explained and also of course to staff and to the applicant for what looks like a very exciting project. Thank you very much. Aye.

Fish: Well, this area is changing quite dramatically. Last weekend my wife and I went to the iconic restaurant that bud clark started 50 years ago. Which is the goose hollow inn, which is now surrounded by new development that is changing the scale and in some ways the character of the goose hollow neighborhood but I think for the better and is pointing us towards meeting a lot of very important goals around density and urban vitality. I want to start by thanking Mr. Powell for his presentation. I think at some point he referred to himself as a sacrificial lamb. He put forth his position clearly and succinctly and while he seemed to be a little outnumbered in the room our process allows for a single person or a neighborhood to come forward and make a record and raise concerns and we appreciate the time he took to do that. I want to do a shout out to the design review commission, we

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have a lot really wonderful people who give a lot of time to serve and the anomaly is when we get an appeal and then we have to have multiple hearings. The typical case is one like this where the applicant spends the time with the commission trying to improve the product working within our guidelines and we're just very fortunate to have people who volunteer their service to help us get it right. To the two commissioners here with us today, thank you very much. It is not material to my decision, but I will say that in reviewing the materials that we got today, and the pictures, this is I think just a spectacularly beautiful development, and I as a resident of the city appreciate the fact that there are developers willing to go the extra step to bring quality design and materials to these kinds of developments. Clearly this is built for the long-term, and will be a long-term asset I think to this neighborhood. I am reminded they are replacing three egregious eyesores, and while I regret what the replacement of those buildings means to the future of the printed newspaper, I also appreciate that we are as a city growing up and the area between the stadium and 405 is going to see a lot of change, and I hope this sets a standard for design and context going forward. I'm very enthusiastic about this project, and I am very pleased today to vote aye.

Wheeler: I am very much convinced that the design review commission got this right. A very compelling case was made that this project meets or exceeds the guidelines, and I think it lays down a very solid foundation for the future in terms of the kind of development that we would like to see in this particular area. And, again, this isn't something that was just decided this continues a planning process that was started a long, long time ago. So I absolutely support the motion. The appeal is denied. This is a tentative vote. The final vote will be on August 31st at 3:05 p.m., in this chamber. So this issue is resolved. Colleagues, I would like us to take a couple-of-minute break if we could. We have one more item.

Fish: I think Dan pulled that back.

Fritz: Don't we have to read it and then pull it back?

Wheeler: Let's do it. Let's go ahead and read it and get it done and then we'll adjourn.

Item 898.

Wheeler: Very good. So commissioner Saltzman has requested this be pulled back to his office. Was it for a time certain?

Moore-Love: They haven't chosen a reschedule to date.

Wheeler: Very good, so without further ado, we are adjourned.

At 3:37 p.m. council adjourned.