



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **6<sup>TH</sup> DAY OF DECEMBER, 2017** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

On a Y-4 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>1277</b>	Request of Injured and Pissedoff to address Council regarding Hope in Motion documentary (Communication)	<b>PLACED ON FILE</b>
<b>1278</b>	Request of Mimi German to address Council regarding the right to petition my government (Communication)	<b>PLACED ON FILE</b>
<b>1279</b>	Request of Josh Maurice to address Council regarding strategies for constructing optimal futures (Communication)	<b>PLACED ON FILE</b>
<b>1280</b>	Request of Joe Walsh to address Council regarding communication (Communication)	<b>PLACED ON FILE</b>
<b>1281</b>	Request of Neal H. Walker to address Council regarding Portland Police idea about sidewalk safety (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>1282</b>	<b>TIME CERTAIN: 9:45 AM</b> – Adopt the allocation methodology for the Local Transportation Infrastructure Charge; establish a maximum fee; amend Charge Required Code; and direct staff to develop additional components of Neighborhood Streets Program (Ordinance introduced by Commissioner Saltzman; amend Code Section 17.88.090; amend Policy TRN-1.26) 45 minutes requested <b>Motion to accept substitute Exhibit A:</b> Moved by Saltzman and seconded by Fritz. Vote not taken.	<b>TO BE CONTINUED DATE TO BE ANNOUNCED</b>

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*1283	<b>TIME CERTAIN: 10:30 AM</b> – Approve funding recommendations made by Children’s Levy Allocation Committee for November 1, 2017 – June 30, 2019 (Ordinance introduced by Commissioner Saltzman) 30 minutes requested (Y-4)	<b>188708</b>
1284	<b>TIME CERTAIN: 11:15 AM</b> – Accept Portland Utility Board Annual Report (Previous Agenda 1267; Report introduced by Commissioner Fish)	<b>RESCHEDULED TO DECEMBER 13, 2017 AT 11:00 AM TIME CERTAIN</b>
<b>CONSENT AGENDA – NO DISCUSSION</b> <b>Mayor Ted Wheeler</b>		
1285	Extend term of Street Closure Program in Old Town/Chinatown for a period of one year (Second Reading Agenda 1248) (Y-4)	<b>188696</b>
<b>Bureau of Planning &amp; Sustainability</b>		
*1286	Approve annexation to the City of Portland of property within the City’s Urban Services Boundary in case number A-1-17, on the southwest edge of the City on west side of SW Terwilliger Blvd south of the Terwilliger Blvd/SW Iron Mountain Blvd intersection (Ordinance) (Y-4)	<b>188697</b>
1287	Consent to the transfer of Mel Deines Sanitary Service, Inc. residential solid waste, recycling and composting collection franchise to Kahut City Sanitary Service Inc. dba City Sanitary Service (Ordinance)	<b>PASSED TO SECOND READING DECEMBER 13, 2017 AT 9:30 AM</b>
<b>Office of Management and Finance</b>		
*1288	Pay claim of Madonna Kelsey in the sum of \$7,786 involving the Portland Water Bureau (Ordinance) (Y-4)	<b>188698</b>
*1289	Authorize a Special Appropriation grant agreement with the African Youth and Community Organization in an amount not to exceed \$27,800 to expand the youth coordinator position (Ordinance) (Y-4)	<b>188699</b>
*1290	Authorize a Special Appropriation grant agreement with Champions Barbering Institute, Inc. in an amount not to exceed \$41,400 to provide access to post-secondary education for low-income and underserved residents through the art of barbering (Ordinance) (Y-4)	<b>188700</b>
*1291	Authorize a grant agreement with Janus Youth Programs, Inc. for \$67,716 to help sustain the Village Market in Portland (Ordinance) (Y-4)	<b>188701</b>
1292	Extend term of franchise granted to Sprint Communications Company, LP to build and operate telecommunications facilities in City streets (Ordinance; amend Ordinance No. 172141)	<b>PASSED TO SECOND READING DECEMBER 13, 2017 AT 9:30 AM</b>

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<b>1293</b>	Authorize an Intergovernmental Agreement with the City of Gresham and Multnomah County for the City of Portland to conduct transient lodging tax audits on Gresham and Multnomah County's behalf (Second Reading Agenda 1250) (Y-4)	<b>188702</b>
<b>Commissioner Chloe Eudaly</b> <b>Bureau of Development Services</b>		
<b>1294</b>	Authorize an Intergovernmental Agreement with Portland State University to conduct customer/community and employee surveys and provide related services, for an amount not to exceed \$75,000 (Ordinance)	<b>PASSED TO SECOND READING DECEMBER 13, 2017 AT 9:30 AM</b>
<b>Commissioner Dan Saltzman</b> <b>Bureau of Transportation</b>		
<b>*1295</b>	Amend an Intergovernmental Agreement with the Oregon Department of Transportation for local agency certification (Ordinance; amend Contract No. 33000146) (Y-4)	<b>188703</b>
<b>*1296</b>	Amend Intergovernmental Agreement with the Oregon Department of Transportation for Foster Road Streetscape Project: SE 50th - 92nd Ave to update the project scope and budget (Ordinance; amend Contract No. 30005488) (Y-4)	<b>188704</b>
<b>*1297</b>	Authorize a contract with the lowest responsible bidder for the Foster Streetscape Project, SE 50th to 92nd Ave (Ordinance) (Y-4)	<b>188705</b>
<b>1298</b>	Authorize a contract with the lowest responsible bidder for the SW Vermont Street Pavement Rehabilitation - SW 65th Ave to SW Capitol Hwy (Ordinance)	<b>PASSED TO SECOND READING DECEMBER 13, 2017 AT 9:30 AM</b>
<b>1299</b>	Amend contract with Central Parking System of Washington, Inc. to extend contract term through March 31, 2019 and replace the contract incentive fee with a management fee for parking garage management service (Second Reading 1257; amend Contract No. 30001972) (Y-4)	<b>188706</b>
<b>City Auditor Mary Hull Caballero</b>		
<b>*1300</b>	Assess property for system development charge contracts, private plumbing loan contracts and safety net loan deferral contracts (Ordinance; Z0826, K0168, T0185, T0186, W0055, Z1203, K0169, T0187, Z0827, W0057, P0147, P0148) (Y-4)	<b>188707</b>
<b>REGULAR AGENDA Morning Session Bureau of Development Services</b>		

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<p><b>1301</b></p>	<p>Authorize contribution to the Northwest Transportation Fund to satisfy requirements found in Portland Zoning Code and qualify for a floor area Office use bonus for the ESCO property prior to submittal of a land use review application or building plans (Ordinance introduced by Commissioners Eudaly and Saltzman; C-10049) 30 minutes requested <b>Motion to amend title to add project number C-10049:</b> Moved by Saltzman and seconded by Fritz. (Y-4)</p>	<p><b>PASSED TO SECOND READING AS AMENDED DECEMBER 13, 2017 AT 9:30 AM</b></p>
<p><b>Mayor Ted Wheeler</b></p>		
<p><b>1302</b></p>	<p>Reappoint Kelly Sweeney, Laura Young and Ron Schmidt to the Citizen Noise Advisory Committee for terms to expire October 2020 (Report) 20 minutes requested <b>Motion to accept the report:</b> Moved by Fish and seconded by Fritz. (Y-4)</p>	<p><b>CONFIRMED</b></p>
<p><b>*1303</b></p>	<p>Authorize a grant agreement with APANO Communities United Fund not to exceed \$100,000 to support a part of the capital campaign to build a cultural center and permanent home for APANO (Previous Agenda 1246) 20 minutes <b>Motion to accept substitute agreement:</b> Moved by Fish and seconded by Fritz. (Y-4) (Y-4)</p>	<p><b>188709 AS AMENDED</b></p>
<p><b>Bureau of Police</b></p>		
<p><b>1304</b></p>	<p>Authorize disposal of surplus Taser X26 Electronic Control Weapons, holsters, cartridges and batteries and authorize the Portland Police Bureau to proceed with donation and/or sale of the property (Second Reading Agenda 1261) (Y-4)</p>	<p><b>188710</b></p>
<p><b>Office of Management and Finance</b></p>		
<p><b>1305</b></p>	<p>Accept bid of McClure and Sons, Inc. for the Columbia Boulevard Wastewater Treatment Plant Renewable Natural Gas Facility Project for \$9,679,676 (Procurement Report - Bid No. 00000685) 15 minutes requested <b>Motion to accept report:</b> Moved by Saltzman and seconded by Fritz. (Y-4)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>1306</b></p>	<p>Accept Guaranteed Maximum Price of \$17,885,767 from Balfour Beatty Construction LLC dba Howard S. Wright for the construction of the 10th &amp; Yamhill SmartPark Garage Project (Procurement Report - RFP No. 00000423) 15 minutes requested <b>Motion to accept report:</b> Moved by Fish and seconded by Saltzman. (Y-4)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>

At 12:33 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **6<sup>TH</sup> DAY OF DECEMBER, 2017** AT 2:00 P.M.

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

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

<p><b>1307-1310 TIME CERTAIN: 2:00 PM</b> 2 hours requested <b>Central City 2035 Plan items continued from November 29, 2017</b> For more information see project website <a href="http://www.portlandoregon.gov/bps/cc2035">www.portlandoregon.gov/bps/cc2035</a> <b>December 6 amendment motions below.</b></p>	<p><b>Disposition:</b></p>
<p><b>1307</b> Adopt the Central City 2035 Plan Volume 2A, Part 3, Environmental and Scenic: amend the Portland Zoning Map and Portland Zoning Codes for Environmental Overlay Zones and Scenic Resource Zones (Previous Agenda 1272; Ordinance introduced by Mayor Wheeler; amend Code Chapters 33.430 and 480)</p>	<p><b>CONTINUED TO JANUARY 18, 2018 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>1308</b> Adopt the Central City 2035 Plan; amend the Comprehensive Plan, Comprehensive Plan Map, Transportation System Plan, Willamette Greenway Plan, Willamette River Greenway Inventory, Scenic Resources Protection Plan, Zoning Map and Title 33; repeal and replace prior Central City plans and documents (Previous Agenda 1273; Ordinance introduced by Mayor Wheeler)</p>	<p><b>CONTINUED TO JANUARY 18, 2018 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>1309</b> Adopt the Central City 2035 Plan Action Charts, Performance Targets and Urban Design Diagrams (Previous Agenda 1274; Resolution introduced by Mayor Wheeler)</p>	<p><b>CONTINUED TO JANUARY 18, 2018 AT 2:00 PM TIME CERTAIN</b></p>
<p><b>1310</b> Adopt the Central City 2035 Plan Green Loop Concept Report (Previous Agenda 1275; Resolution introduced by Mayor Wheeler)</p>	<p><b>CONTINUED TO JANUARY 18, 2018 AT 2:00 PM TIME CERTAIN</b></p>

**Motions for Items 1307-1310 No Council votes taken.**

1. **1308 Accept amendments and discussion items:** Moved by Fritz and seconded by Saltzman.
2. **1307, 1308 & 1309 Accept Minor and Technical Amendments package including N-1:** Moved by Fritz and seconded by Saltzman.
3. **1308 C-1 View from I-84 overpass:** Moved by Saltzman and seconded by Fish.
4. **1308 E-1 Volunteers of America:** Moved by Wheeler and seconded by Fish.
5. **1308 M1 Maximum Building height within 150' of top of bank:** Moved by Wheeler and seconded by Fritz.
6. **1308 O1 Flexible Building Design policy:** Moved by Wheeler and seconded by Saltzman.
7. **1310 O2 Green Loop Resolution with modified resolved clause to read "authorized to continue to work with community partners":** Moved by Wheeler and seconded by Fish.

8. **1308 N2 Define parking structures 3a. modified to change "nothing above it" to "no gross building area above it":** Moved by Fritz and seconded by Fish.
9. **1308 N3 OHSU/PSU parking ratios:** Moved by Fritz and seconded by Fish.
10. **1308 B5 RiverPlace height and master plan amendments:** Moved by Wheeler and 2nd by Fish.
11. **1308 L2 Sharing /Consolidating Resources:** Moved by Wheeler and seconded by Fritz.
12. **1308 G4 Allow FAR transfer from OS:** Moved by Fritz and seconded by Fish.
13. **1308 Motion to continue discussion of FAR Bonus transfer within a subdistrict:** Moved by Fritz and seconded by Fish.

**REGULAR AGENDA  
Afternoon Session**

**Mayor Ted Wheeler**

**Portland Housing Bureau**

**1311** Establish annual sale price cap of \$375,000 for the Homebuyer Opportunity Limited Tax Exemption Program (Resolution)  
15 minutes requested  
(Y-3; Fritz absent)

**37335**

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<p><b>*1312</b></p>	<p>Approve Portland Housing Bureau to participate in the Home Purchase Assistance Program, a Freddie Mac pilot mortgage loan product that provides down-payment and closing cost assistance to low and moderate-income homebuyers through approved participating mortgage lenders (Ordinance) 30 minutes requested (Y-4)</p>	<p><b>188711</b></p>
<p><b>*1313</b></p>	<p>Authorize acquisition, construction and permanent funding not to exceed \$21,700,000 using North Macadam Urban Renewal Area funds to acquire certain real property located at 2095 SW River Parkway for the development of a 203-unit affordable rental housing project and authorize a 99-year ground lease to RiverPlace 3 Housing Limited Partnership, or another BRIDGE Housing Corporation affiliate (Ordinance) 30 minutes requested  <b>Motion to amend ordinance finding 15 to reflect current approval status; swap in correct Exhibit A:</b> Moved by Wheeler and seconded by Fish. (Y-4)  <b>Motion to amend ordinance finding 7 to prioritize finding funding for vouchered units:</b> Moved by Fish and seconded by Fritz. (Y-4)  (Y-4)</p>	<p><b>188712</b>  AS AMENDED</p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman</b></p> <p style="text-align: center;"><b>Bureau of Transportation</b></p>		
<p><b>1314</b></p>	<p>Amend the boundary of the NW 20th Ave Local Improvement District to accept \$500,000 in funding from Esco Corporation, include and assess property at 2141 NW 25th Ave to fund traffic signal replacement and intersection improvements to the NW 23rd Ave and NW Vaughn St and U.S. Hwy 30 intersection (Hearing; Ordinance; C-10049; amend ordinance No. 187244) 10 minutes requested</p>	<p><b>PASSED TO  SECOND READING  DECEMBER 13, 2017  AT 9:30 AM</b></p>
<p><b>1315</b></p>	<p>Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the St. Johns Truck Strategy - Phase II project, through the exercise of the City's Eminent Domain Authority (Second Reading Agenda 1268)</p>	<p><b>CONTINUED TO  DECEMBER 13, 2017  AT 9:30 AM</b></p>

At 4:17 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7<sup>TH</sup> DAY OF DECEMBER, 2017 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney and at 2:50 p.m., Jason Loos; and Mike Miller and John Paolazzi, Sergeants at Arms.

The meeting recessed at 5:06 p.m. and reconvened at 5:15 p.m.

		Disposition
1316	<p><b>TIME CERTAIN: 2:00 PM</b> – Amend street vacation ordinance to replace certain conditions and add conditions applicable to the vacated portion of SW Madison St between SW 10<sup>th</sup> Ave and SW Park Ave for the Rothko Pavilion at the Portland Art Museum (Ordinance introduced by Mayor Wheeler and Commissioners Saltzman, Fish and Eudaly; amend Ordinance No. 127882) 2 hours requested</p> <p><b>Motion to amend ordinance to state days and hours of public access year-round in finding #7 and directive a(a):</b> Moved by Saltzman and seconded by Fish. (Y-4)</p>	<p><b>PASSED TO SECOND READING AS AMENDED DECEMBER 13, 2017 AT 9:30 AM</b></p>

At 5:33 p.m., Council adjourned.

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



By Karla Moore-Love  
Clerk of the Council

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

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

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

**DECEMBER 6, 2017 9:30 AM**

**Wheeler:** This is morning session on december 6, 2017. Welcome, everybody. Karla, please call the roll. [roll call]

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

**Wheeler:** Good morning, everybody. The purpose of council sessions is to hear items and hear from the public. The watch word is respect. You will hear opinions up here that don't necessarily agree with your own, but we ask everybody to listen, and I have found many times when I listen to opinions that are different from my own I learn something, so let's treat everybody with respect. Let's have everybody have the opportunity to hear and be heard. When you come up for public testimony, you will have three minutes to testify, unless we have to shorten it for any reason. I don't think we do today. And when you are two and a half minutes into your testimony a yellow light will go off in front of you. When your time is up, we will ask you to stop at that particular time. Anybody who disrupts the council session will be asked to stop doing so. If you continue to do so you will be asked to leave and if you don't leave you will be subject to arrest for trespass. There is a lot of interesting items on the agenda. If you are a lobbyist we ask that you disclose that per council rules. If you are here representing an organization, that's also helpful to know. We ask that people not shout or yell or clap or things like that, just a simple thumbs up if you support something or thumbs down if you don't like it, that tends to work. And so with that we will get to our first item. Our first items, communications, to address the council on any items that they would like to do, and later on you will have the opportunity to sign up to testify today on first readings of reports -- excuse me, resolutions and ordinances if you feel so compelled to do that, you can see Karla and she will direct you on how best to be signed up. You don't need to state your address for the record. Simply state your name if you are so inclined. With that we will get right to communications. Good morning.

**Item 1277.**

**Injured and Pissedoff:** My name is injured and pissedoff, and i'm here to talk about the documentary that christopher reeves made before he passed away. It was called "hope in motion." he stated there is 100 million people that have incurable diseases. I don't know if people had heard that before, or not, but it's a dvd that is for sale on line, or I assume still so, because I was able to find two copies of it. 100 million people that have incurable diseases are like 60 million plus that's mental illness, and the rest of the 40 million supposedly of course. The movie was made quite a few years ago. I don't know when he died, but i'm sure that there has been more people with mental illness and other incurable diseases since then, and of course to have an incurable disease, well, it's got to be diagnosed by medical doctors and not just one, but more than a few, and his -- if a man ever spoke anything that was honest or truthful, his words -- people didn't know, his wife died also from cancer, talking about christopher reeves' wife, and then of course one friend of his, they commented about robin williams, why he killed himself. It's one in three people in the united states that live with an incurable disease. I wish nick Fish: was here to hear this. I'm assuming that he will find out eventually. That's the purpose of this. Robin williams, while he killed himself, he wasn't i'm sure the only one that knew christopher

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reeves. That's a terrible situation to be in of course. And there is another 10,000 people a year that have spinal cord injuries, which figures up if you do the math that -- it figures up to more than 200 people a week, and we have had spinal cord injuries, mr. Mayor. I've got two fractures to my spinal cord. There is another they call -- they call them incomplete fractures. Those total from 2000 to another 10,000 people a year. Thank you.

**Wheeler:** Thank you, I appreciate it. Thanks to bringing the documentary to our attention. I look forward to seeing it. Next individual, please. Good morning.

**Item 1278.**

**Mimi German:** Hi. My name is mimi german and I would like to state for the record that chloe Eudaly: is not here for my testimony. I have two poems in honor of chloe Eudaly: since she loves my poems so much. The first one is called mr. Wheeler:. I send him poems to remind him that reality lurks between the silences of words. He reads them, says thank you, that he likes them. Outside the hungry huddle, wondering if this day will succumb them to death forever night. I send him poems about the earth, farming, love, the heavens, gods and disbelievers, anything to remind him to inhale the acrid sense of silence, to touch the solitary icicle tears on park benches. He reads each word, each poem, and dutifully with the upbringing that old money buys he says, thank you. Stranded shadows in the doorways haunt and discarded blankets on benches beseech. Help me to understand why you carry guns and you carry blankets, or why cops murder children and cities murder the unhoused. Help me understand why you have a roof while others get an overpass or while simple existing with no place to go warrants arresting the houseless. Help me understand why money flows for coffers yet not for shelter for people or why black is to fear and white is to embrace. Help me to understand the hatred that pours from these halls drowning the soul of this city in poverty, or why your garden grows cured obsessions while ours, toxic compost from your unsustainable incompetence. Help me understand why the fabric of the flag hasn't burned beneath your feet, or how one values money but never a poem. Help me to understand how you are mistaken and dilutional thinking that we elected you kings and queens. Help me to understand why chloe Eudaly: platformed white supremacist twice but calls herself an activist, or why she berates us for not doing our homework about her nephew whom she says was shot by cops, although there is no information on him and we are told it's none of our business. Help me to understand why Eudaly: can walk out or not show up repeatedly for public testimony denying us of our first amendment rights to petition our government, our entire government, or why she can bully and intimidate constituents through facebook yet still sit in that chair. Help me to understand why the city attorney is protecting Eudaly: by denying public record requests or allowing chloe Eudaly: to walk out, play hooky or disappear during public testimony on a routine basis. Help me to understand why commissioner Eudaly: is still a commissioner on the city council.

**Wheeler:** Next individual, please.

**Item 1279.**

**Josh Maurice:** Good morning. I'm josh maurice. Last time I gave a communication, one of these three-minute communications, was two years ago at the other meeting place across the river where they have it on thursdays and I talked about what i've now been calling -- well, sometimes referring to as the cooperative tiny home village phenomenon. At that time two years ago a third village had just started, and now we have four in Portland. Um, and I have personally over the last six months or so had the great fortune to be able to be really personally involved in this, and so I want to express and testify that I find this very, very significant and hopeful, positive, a trend and phenomenon which can hopefully be expanded upon expeditiously. We have a very interesting little ecosystem of villages now with these four there. They each have their own kind of unique character and we all learn

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from each other and share information and resources. I really want to thank everyone who's helped make it possible. You know, my fellow villagers, all the volunteers who come and lend their time and resources and know-how, and city people who have helped a lot with sanitation, reducing fire hazards, clearing brush and so on and so forth. Um, it's still I think to some extent a fairly controversial phenomenon in many ways. Um, but I think -- well, it helps to have an idea of where this is all going. People are a little uneasy about where it's going, you know. It's fairly new and different, and there is so much more to say about it, but the last thing I will mention is if we would like to have a framework for a future paradigm that this may be kind of prefiguring. There is a website I would like to mention that does that in a way that I think is pretty robust and salient. I will spell out the address. [Zhergish.wixsite.com/zherg](http://Zhergish.wixsite.com/zherg). Yeah, I could go on and on. But that will have to do it for now. Thank you very much, everybody.

**Wheeler:** Thank you for coming in. Next item, please. Good morning.

**Item 1280.**

**Joe Walsh:** Good morning. My name is joe walsh. I represent individuals. I would ask a little patience. I am having a lot of trouble with my throat. Good morning. I am joe walsh and I represent individuals for justice, and we take no money from this body or other government bodies. We think you should require all people that represent nonprofits to make that statement or explain how much they do take from you so we know what's what. And what the agenda is. So our agenda may be hostile, but it's honest, no money involved. We come today to talk about the abuse of office, and not telling the truth. We have been criticized by commissioner Eudaly: as being unprepared when coming before this council. We strongly disagree. Timing does not allow us to list all of the suggestions that we have offered, but here is just a few. For the cold weather, we ask the mayor on a number of occasions to get warming buses to put outside this building. If you had two warming buses out there, you could probably seat a hundred people. I don't think that would happen, but the really neat thing about warming buses is you can move them. So if the first couple of terms you don't get a lot of people, you might pick another spot like the county building. Those buildings, these two buildings that I am talking about, are centrally located on the eastside and the westside and people know where they are. We suggested that and it was rejected, over and over again. It's amazing. When I talk to people about that, they say that's a good idea, so simple. Hey, tri-met, how about putting a couple of buses over here? Have the police and fire department make up a current list of where people can go to get warm. We had problems on the street last year when the cops wouldn't get out of their damn cars. Not only did they not have a list and they weren't helping people, but when the cameras were there they were sure out of their cars, and they had really good stuff in the back. Photo ops. Attending city council meetings, we suggested that you extend the time to sign up, and mary, who is here today, mary and I disagreed on a lot of stuff, but she suggested a really neat thing. How just expanding it to ten people? 30 minutes, that's all we are asking the citizens. So you say you can't. Hey, you are not giving us any suggestions. Because I could go on for a half hour, but I would go to jail. Because republicans send people to jail, mayor, and you are a republican, right?

**Wheeler:** That's not correct.

**Walsh:** I know. You changed it to democrat to win this office, but you are a republican, is that correct.

**Wheeler:** I was in 1995.

**Walsh:** Once a republican, always a republican and you act like a republican. Why don't you meet with us and ask us for some more suggestions. You ran away --

**Wheeler:** Mr. Walsh, you have made your point. I got your e-mail. Thank you.

**Walsh:** Oh really

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**Wheeler:** I was in Chicago, but they have e-mail there, too.

**Walsh:** [indiscernible].

**Wheeler:** So let me please respond to a couple points you made because you have made some good ones. You made some I don't agree with, but you made some good ones. First of all with regard to the warming buses, last year we did in fact have an agreement with TriMet that if the warming buses were needed as a result of us not being able to get shelter space, they would be provided.

**Walsh:** [indiscernible].

**Wheeler:** Excuse me. I listened to you. Now let me --

**Walsh:** Then don't bullshit me --

**Wheeler:** No. Please sit down. I am trying to respond and you are not letting me. Please sit down. You are done. Next item, please.

**Walsh:** Republican

**Wheeler:** Thank you. While he is coming up I will remind people we have a no turn-away policy during severe weather issues. That was true last year. It will be true this year. If you come across somebody who is outside during a severe weather incident, call 911. Please stay with them. If they are not -- if it is not a severe situation but they are cold and they would like to come inside, call 211. 211 --

**Walsh:** [indiscernible].

**Wheeler:** Mr. Walsh, please, let me finish. I listened to you. If you don't stop I am going to ask you to leave.

**Walsh:** [indiscernible]

**Wheeler:** At any rate. If you want to know where the shelters are there available call 211. We will have a complete list during severe weather situations. If there is somebody who needs to be checked up on, please call the non-emergency police number. That's 503-823-3333. And, again, this year we will have the same policy, and we will just take a moment while Mr. Walsh calms himself down.

**Walsh:** [indiscernible].

**Wheeler:** Mr. Walsh, we want you to be able to stay, so please. Next individual, please.

**Moore-Love:** He does not appear to be here, Mr. Walker.

**Wheeler:** Is Mr. Walker here? If he is prepared to listen, yeah, absolutely, he can stay, but if he is not going to listen, he can't.

**Walsh:** I will listen.

**Wheeler:** Okay. Great. Item 1282. We don't have enough people, 1282, please. Very good. Commissioner Saltzman.

**Item 1282.**

**Saltzman:** Thank you, Mayor. With Portland growing and the unimproved streets increasing, it was clear to transportation staff and the past city council that policies around building complete and connected improvements were not keeping up. For perspective, 50 miles of Portland streets are dirt and gravel, and another 200 miles are underimproved streets. And these problem streets are located across the city. So this is not an eastside or a westside problem. It is a Portland problem. And something that needs to be addressed. To that end the city council adopted a long -- a local transportation infrastructure charge in April of 2016. And directed staff to come back to council with a methodology on how to spend those funds. In the subsequent year and a half the work -- it became clear that the real-world situations were making it unreasonable in certain situations, and therefore some type of cap or maximum charge was needed. Therefore, council is being asked to consider three things this morning. The first is to adopt a maximum charge for the local transportation infrastructure charge. The second is to adopt a methodology for the local, and the third is to direct staff to continue to develop the neighborhood streets network, streets

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framework. So it's important that we take time to review the effectiveness and rationality of the proposal, and over the past 18 months transportation staff have been doing exactly that and are now before us with an updated rate and methodology for our consideration. Staff will give us a short presentation, and it is a bit dense, but I feel it is appropriate as it is such an important program and interested members of the public should understand all the thinking and analysis that went into the proposal. And following that we will open it up for testimony and I would also -- I will turn it over now to Ann Hill and Kurt Krueger who will make the presentation, but I also wanted to move an amendment that will provide an exemption for affordable housing. We somehow got it left out of the mix, so I would now move.

**Fish:** Can we suspend the rules for a second? I apologize -- I had a doctor's appointment. I walked in here, I understand this will be about an hour, hour-and-a-half, can we suspend the rules.

**Wheeler:** Any objections. First of all, are there any items pulled from the consent agenda?

**Moore-Love:** I have no requests.

**Wheeler:** Call the roll. [roll call]

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

**Wheeler:** Consent agenda adopted.

**Saltzman:** Again, I'll turn it over to Anne Hill.

**Fritz:** I'll second the amendment so it is on the table.

**Ann Hill, Bureau of Transportation:** Thank you, commissioner Saltzman and the mayor and the rest of the city council. My name is Ann Hill and I work for the Portland Bureau of Transportation as a program manager. Today I will provide some background, review the ITC collections and maximum proposal, provide fundings from our outreach that perform methodology and additional neighborhood street framework elements. I will close the presentation and open it up for questions. So how big is this problem? This map right here that you have on your screen shows the red are those street segments that are ITC eligible, meaning this is where the charge occurs. It has been decades in the making resulting from annexation. Large portions of the city were built many decades ago when local street standards may have been different and most of these areas were unincorporated county land. As the land was annexed into the city these rural county roads were inside city limits, but no decision on if they should be improved and who should pay for those improvements. There has been a longstanding policy that frontage improvements are the responsibility of property owners. This has resulted in a development process where new development must build their own street improvements consistent with city code. This development driven nature of the city code did not align well with development. Many developers said it didn't make sense for them to build a 30 or 50 foot long segment of road or sidewalk in the middle of a paved or graveled street. In certain situations the city agreed with the developers. While Portland has had these 250 miles of unimproved residential side streets for decades, there has always been a desire to see these streets improved, but the city has historically not allocated significant resources to these projects. That's because the cost of the city's backlog of transportation projects is far greater than our available funding. This requires the city to prioritize transportation investments and the city has done so with grants and opportunities that prioritize projects that carry more people, shift modes and achieve the goals of vision zero. The ITC was developed to specifically address one aspect of the city's problem with unimproved residential side streets. The fact that development was occurring throughout city and in many situations was not contributing anything to solve the city's infrastructure problem other than signing waivers. The ITC guaranteed all new development would contribute to solving the problem through paying a fee unless frontage improvements were made on the site. It is not an in lieu of

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fee. It is not a tax and not an sdc. Instead the Itic is a transaction fee. Applied to single dwelling zones on local service streets, the charge of \$600 per linear foot based on the total linear footage frontage of the property adjacent to the local service traffic street. Adus, disaster replacement, alterations and property lean adjustments are exempt, and we have as commissioner Saltzman introduced, we are including affordable housing to exemptions. How much have we collected? So since July of 2016, we've collected this map shows 1.8 million has been collected since July and as of this morning 2.2 million has been collected, which is an average of about \$122,000 a month. The estimated cost to improve all 250 miles of unimproved local residential streets is \$1.5 billion. That calculates to 6.3 million per mile. Thus the Itic revenue by itself will only be sufficient to address a very small fraction of the city's unimproved local service streets. When the city adopted the Itic the city council directed that all revenue be held in a lockbox until the council approved the allocation methodology. To specify how decisions will be made on the expenditures of the Itic. That's why we are here today. So before I talk about the allocation methodology, I do want to touch upon the Itic maximum. Based on a review of building permits sub secretary to the Itic, a financial impediment to residential development with abnormally large frontages on unimproved streets, especially corner lots. It establishes zone-specific per lot maximum numbers to the Itic. While it is anticipated that revenue could be impacted by approximately 25%, projects are on hold resulting from this fee, we anticipate some of those projects neutralizing this impact maximum. Upon your approval beginning in January 2018, the Itic maximum would be as we show on this chart, there would be no maximum in our 2.5. Our 5 would be \$30,000.

**Wheeler:** For people watching this, who aren't necessarily down with the lingo, could you just add one more sentence and explain what is difference is between these zones? So people understand?

**Hill:** Sure. That's why my friend is here, who is development permitting so he can translate.

**Kurt Krueger, Bureau of Transportation:** Good morning. From the office of transportation. An r5 lot is 5,000 square foot single family dwelling lot. R7 is roughly a 7,000 square foot, and 10 is a 10,000 square foot and we have a few r20 and rf, which is much larger, but all single family dwelling parcels.

**Wheeler:** Great. Thank you.

**Hill:** So now we are going to switch gears a little bit to the public outreach and engagement. So moving on from the maximum, I am going to touch on what we have been doing with public outreach, the process on our results. As I said with only Itic funds we can only improve approximately a quarter mile of the street each year city wide, and even if we just did sidewalk improvements, pedestrian improvements, again, we wouldn't be able to make much of an impact when we are looking at 250 miles of streets needing to be improved. With so many streets and such limited resources, the team completed a year long public involvement process to better understand what Portlanders think about residential unimproved streets and how best to improve them. The results of this public involvement process underpin the recommendations for the allocation methodology in front of you today and the neighborhood streets framework. The team set out to involve the community in developing a program with goals for the process to be equitable, transparent and value based. It centered on providing access to decision making by directly engaging persons with disabilities, communities of color and those who speak other languages than English. So as you can see on this slide, or for those of you who are not looking at the actual presentation, we not only did we do the traditional outreach of neighborhood meetings, coalition meetings, appearing at modal committee meetings and stakeholder groups, we engaged 30,000 individuals using Facebook with our survey. We mailed to all

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28,000 residents that live on these unimproved streets inviting them to focus groups where we had people sit in groups of 12 so that we could ask questions to them and get their feedback. We got an additional 3,000 community survey participants, including translating the survey into five different languages. This meeting says 17 briefings. That number is actually I think 20. In the month of October we did do a final round to key coalitions, the bureau budget advisory committee of pbOT and we also presented to the Portland disability commission. And then we also had 131 participants in the focus groups. So through these objectives we engaged thousands of Portlanders. The proposed program is a direct reflection of the community's values, concerns and priorities.

**Fritz:** How long has this proposal been out for public review?

**Hill:** The proposal has been out since September.

**Fritz:** This version of it?

**Hill:** Yes.

**Fritz:** That's what everybody reviewed when they went to the meetings?

**Hill:** Right. The allocation methodology has been a three-step methodology, which you will see, which we have been showing people since June.

**Fritz:** How did their turning up to the meetings make any difference if it's the same proposal that was on the table in September?

**Hill:** People ask questions, depending on the neighborhoods. I mean when we get into the methodology we can talk a little bit about that. The biggest impact was how we looked at the framework for the additional neighborhood streets program elements. Because there is not enough money to really make a substantial impact in any of these neighborhoods, we do have a proposal here for the council to direct pbOT to look at, for example, how we can maintain the 50 miles of gravel streets, how we can continue to look at neighborhood collectors to provide sidewalk, pedestrian improvements, how we can make the lids something that would be more accessible to Portlanders, so those proposals really came out of the feedback that we got.

**Fritz:** No changes based in this proposal based on what's been discussed in the community?

**Hill:** No. But quite honestly we didn't -- I mean the suggestions we got were keep the money in the geographic areas, so that was one proposal we have gotten. The other one was spend the money on collectors. That was the second one. And the third one that we've heard is make sure that we're doing -- we are making pedestrian improvements. So we are using alternative street standards to encourage pedestrian improvements. We are - - we haven't said that you can't do neighborhood collectors in the allocation methodology, but we also know we need to put more money towards the program itself. In terms of the geographic allocation, the way the money was collected, that wasn't something that was prescribed, but in the end the way that we have allocated our proposal for 2018 would actually allocate the money geographically. So we have met those -- the feedback that we have heard.

**Fritz:** Okay. Thank you.

**Hill:** So this is a little bit about what we've heard on the side. We've heard that local streets provide city wide benefits, that the city should pay, not homeowners. We heard actually that stormwater is the number one priority for these streets. Second is streetlights. So sidewalks is not in the top two. It was a priority, but not the number one. We must protect low and fixed income households when we look at how we are going to both allocate the funds. We have to support alternate street standards.

**Saltzman:** Can we pause? I want --

**Hill:** Sure.

**Fish:** I want to know you will be responding to the office of equity?

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**Hill:** That was direct response to the Itic maximum. If we would like to talk about that more.

**Fish:** At some point I mean I will ask you at the appropriate time.

**Hill:** Sure.

**Fish:** To summarize the concerns that were raised and then how this proposal addresses those concerns, including the hardship waiver.

**Hill:** Sure. Well, I am going to defer to kurt to answer those questions because I know that gets technical in terms of the administrative.

**Fish:** I want to know at some point that will be addressed and you will give a response.

**Hill:** Absolutely. I am going to quickly complete this slide here. So we wanted to prioritize those underserved communities where we have directly not made the investments. If we are going to improve these streets, we need to make sure there is traffic combing elements on all of these street improvements. And we need to invest in the existing dirt and gravel roads. So today we are asking support again for three different pieces. One is the Itic maximum, so commissioner Fritz that was one thing you just asked about. The second is the allocation methodology for the funds themselves. And then we staff are adding the neighborhood street framework, which I will talk about in a bit. So if we start with the neighborhood streets framework here to just sort of ground what we are going to be talking about for the rest of the presentation, we really have four elements which we think will cohesively address the 250 miles of streets. The first of course is the blue area, which I am going to talk about. The second one, if we go clockwise is an ongoing maintenance program for grade and gravel streets. The third one is to really focus on the neighborhood collector pedestrian improvements, and finally the residential lid enhancements. If we begin with the Itic-financed improvements, as we develop the allocation strategy the team used the outreach process to answer a series of questions on your screens related to finance and budgeting, what types of streets they wanted to live on, so pedestrian treatment, traffic calming, and how to select the projects themselves. Their feedback was used to develop a set of clear and equitable principles on street standards, along with the allocation methodology for the project selection. So quickly I just want to touch on the financing and then also the street standards before we dig into the allocation methodology. So beginning with financing and budgeting, in recognition of the magnitude of stormwater volume that originates from streets, the portion of capital costs for local street improvements related to stormwater management and the limited availability of these Itic funding relative to the total costs of improving the unimproved local street network, the bureau of environmental services is partnering with pbob. Any funding contributions would be directed toward stormwater system benefits. This includes a finance structure that will accelerate project timing and provide long-term program certainty and will not require property owner contributions. By partner with bes, combining resources city wide rather than geographically segregating pots of money, the city may be able to improve 1.5 to 3 miles of streets every year. Once it is approved, bes and pbob and omf, we would select the projects, and then return to the neighborhood affected to make sure those were the best use of funds. We would then select the best financing option. What we are currently looking at is potentially looking at a bond, so \$10 million worth of improvements that we would use the Itic and the bes revenues to pay off. Once it was paid off we would select another round of projects and finance those. That way we could get \$10 million worth of projects out the door instead of waiting for this money to slowly collect. That proposal to come back, we would of course come back to council with that bonding proposal in the future, so we are not going to talk much today about that piece. The second piece that we did talk about with the community was the types of streets that the city would complete. So since council has adopted alternate transportation and stormwater standards to be used on select streets and community feedback supported a desired flexibility when addressing

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safety, mobility and feasibility, the Itic funded projects will use a standard strategy adopted from the tryon-stephens neighborhood plan to match the best option to the street segment being reviewed. After all not every street needs two sidewalks and a traditional street standard however stormwater and traffic calming elements are the priority. Note that this is only the first page of a two-page flow chart that you see in front of you where the second page determines what stormwater conveyance method should be used for each street. And finally with the financing model and street standards matrix in place, the third leg was the design of the allocation methodology for project selection. So this approach is proactive. Allowing the city to identify and implement where those high priority improvements should be. The methodology is intended to be repeatable anticipating recurring rounds of capital investments in future years as funding is available. This methodology will stay consistent with the city's equity goals, ada requirements and adopted transportation and stormwater plans. It responds to public input, seeks to leverage other available funding sources and uses the best available data and methods for identifying high priority transportation and stormwater improvements. Again, once the methodology is applied, pbot and bes will side where within the Itic fund budget to fund missing links in connectivity to enhance the other capital projects occurring in targeted areas to be considered such as greenways or safe routes to school investments. The Itic methodology establishes three funding criteria to determine the short list of highest priority to be funded. The first criteria is equity. To prioritize improvements in areas with high concentrations of underserved populations to ensure that everyone has access to opportunities necessary to satisfy their essential needs. Advance their well-being and achieve their full potential. Portlanders supported prioritizing projects in underserved communities. This was reinforced of results of the community survey and especially true for Portlanders who responded in languages other than english.

**Fritz:** I just have a question. The city's equity policy address race and disability. Does this take into account also areas where there are more people with disabilities?

**Hill:** When we looked at them -- I can get into how we were looking at equity for the 2018 proposed allocation, but, yes, when I talked to the disability -- the commission on disability, we did discuss this. Currently the three steps that we are using for equity, for 2018, would be income, communities of color and renters, because those are vulnerable communities, those three. We did talk about how currently right now we don't have data that actually shows where those -- the disability community lives. As I talked to the commission they also talked about how well -- there are places where people are live, also where people are moving around the city, so we really needed to focus to make sure all of the projects that we work on, make sure that we address accessibility, not just the ada requirements, but that we really look at what does accessibility mean on an alternative pedestrian treatment, for example, that there might not be a requirement, but we need to make sure that it's something that will meet the accessibility community's needs.

**Fritz:** Okay. That's one of the concerns I have, so I want to discuss that more. Thank you.

**Hill:** Sure, sure. The second criteria is effectiveness. Prioritize projects that support connectivity and fill critical gaps in the city's transportation and stormwater infrastructure. So residents on unimproved streets that participated in the focus groups placed a high priority on projects that will make the most positive impact on the transportation and stormwater systems. So effectiveness for transportation emphasizes connectivity, roadways that can serve as safe ada accessible, connection to neighborhood parks, schools, transit and near by amenities. And finally the third criteria is efficiency, consistent with adopted plans, cognizant of other related improvements occurring in the city, and that make efficient use of limited resources by leveraging other funds. So to make this three-step process make a little more sense with context, we decided we would show you how

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we would plan to do this for 2018. This is what the next slide shows you. What you see on this slide right now is the allocation methodology establishes the long-term guiding principles for project selection. So when you look at number one, which is equity, the shaded areas on this map, the dark gray shows the three criteria that I just mentioned. We use those criteria from the transportation system plan, so that was income, communities of color and renters. And we did this at the block data level, not at the census tract data, because we heard at neighborhood meetings that a lot of times the census tract data, water is down because the -- it waters down some of the equity of the underserved communities, so we used block data so it was more granular. The darker areas on the map, the dark gray shows where it has two or three of those equity factors, and the areas that are the lighter colors shows either zero or one equity factor. The second -- so we took that, and on top of that we overlaid --

**Fritz:** Before you go on, please.

**Hill:** Sure.

**Fritz:** For instance for the tryon-stephens southwest block, it's obvious the most vulnerable people are not in the proposal. I do appreciate you showing parts of southwest Portland, however where the plan was done for tryon-stephens was not the highest concentration of most vulnerable people are.

**Hill:** When we get to the tryon stephens map there are two segments within tryon-stephens in that plan that do meet that criteria, but we can absolutely discuss that more in a minute.

**Fritz:** Yes. This is actually not necessarily showing efficiency. This is showing where we've got the planning maps, where we have done a study.

**Hill:** Sure. So the first step was equity, and the second step we used was effectiveness, and what we did with the effectiveness is we selected four connectivity factors, so safe routes to schools, bike routes, pedestrian routes and proximity to transit. So specific metrics for determining stormwater priorities are yet to be determined, awaiting the refinement of new spatial datasets for stormwater infrastructure on residential side streets. So we scored this segment that you see there, zero to five, based on the number of effectiveness factors they meet. Proximity to transit, a street is awarded one point of proximate to a non-frequent transit stop or two points if proximate to a frequent transit spot. It must score a four or five to be considered. The darker segment would be the ones that would be considered in this round. And then finally -- so once we did the first step and the second step, we still had way more streets than we could ever invest the resources that we have available in, so we had to figure out how can we further narrow the lens of where we can actually look at where we make some of these improvements. So together with the community pbob had developed three neighborhood street plans. Cully, division midway and tryon-stephens. Focusing on quiet residential streets. These plans were unique in that they developed strategies for improving local traffic streets rather than arterial streets in single family neighborhoods. These three neighborhood street plan areas have a concentration of unpaved substandard streets. All three contain multiple miles of unimproved residential side streets that are also high priorities for transportation connectivity. So long-term multiple recurring rounds of capital projects will be selected using a three-step methodology. However for subsequent rounds the metrics for each steps, so the criteria we would use for equity or efficiency would be determined at that point in time, because ten years from now we might have a completely different way we are looking at equity than we are today. We didn't want to become so prescriptive in what specific metrics we would use. We instead wanted to say you have to first start with equity and then move to connectivity and finally how you would select the projects.

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**Fritz:** If you have all three of those, is there anticipated to be enough money in the funds to do them all?

**Hill:** I actually have these maps that can actually look smaller. When we look at cully, one would be the equity score, so the gray, the darker area there is within the boundary of that cully plan, that area scored 2-3 on equity, and you can see all the different street segments within there in that area. Again, we have a lot more streets than we could do, so we would then have to further work with pbot, bes and the neighborhood to determine which would be the most optimal segments and how much money we had to actually make key improvements. Moving to division --

**Fish:** Can we go back to cully for a second?

**Hill:** Sure.

**Wheeler:** Just looking at this map here, efficiency is obviously part of the game. How efficient is it to not do an entire area? I assume beyond the orange here there are a number of unpaved streets that don't meet the other two criteria, so you are effectively creating islands in an area that you are rehabilitating. Is that effective as a strategy?

**Hill:** Right. So in cully I believe there is 15 miles of unimproved streets, so at \$6 million per mile, right, there is not enough revenue to complete all of the streets. So that's why this approach says if we look at this network here and then we sit down with pbot and bes staff and say, where is there a fix our routes project, a safe routes to school funded project, where are we already making improvements with safe routes to school or with stormwater, and are there pieces that we can use these funds to actually connect, like make the connection and complete?

**Wheeler:** Let me give you a silly example. North killingsworth, you have a street that scores certain high except for one block. Under this formula isn't it possible you will leave that one block as an outlier?

**Hill:** It depends. The reason that might not be scored there that could be zoned as multi use or multifamily and not residential and that's why --

**Wheeler:** When you are doing construction, I could be totally out to lunch here, but it seems to me there is efficiencies and economies to doing the whole area as opposed to picking and choosing. And I am concerned that the strategy that you have laid out incentivizes little pieces here and there rather than a comprehensive strategy in an area. Am I wrong?

**Hill:** I think what we are proposing is that we would sit down to actually make sure that we would do exactly what you are saying, a comprehensive investment, so if that area was identified the team would sit down and say what's happening in that area.

**Wheeler:** In terms of stretching our extremely limited resources, isn't that the right strategy?

**Hill:** Yes. We can absolutely emphasize that we would make comprehensive, complete investments on segments.

**Wheeler:** Thanks.

**Fish:** I had two questions.

**Hill:** Sure.

**Fish:** On thanksgiving morning I actually drove the length of northeast killingsworth and my son and I did a community service project, so I am pretty familiar with this. What's interesting is a lot of the development is happening on northeast killingsworth. There is an elementary school on northeast killingsworth. Many of the organizations that we are putting a lot of resources into right now, whether they are oak leaf, the trailer park, hacienda, latino network, and even the habitat homes are in this stretch, and so I am sorry if this is redundant, but are we making sure that as we look to create -- to take these unimproved streets, we are also creating safe routes where the kids are able to go from their homes to

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these various places? Because the community center, the school, a number of other things. Are we making sure there are safe routes that are also being contemplated, so not just the unimproved streets, it's a whole connected passageway from a home to a school or a community center?

**Hill:** Yes. I would say that because we are using these priorities are based on safe routes to school routes, and pedestrian and greenways, that we are absolutely looking at where those connections are to make sure that those are the priority in terms of where we would make investments so that we are creating those safe opportunities off of the main -- those main arterials into where the schools are. We can make a note to make sure we prioritize that as well.

**Fish:** I am guessing that pbot wants to see this, too.

**Hill:** Yeah.

**Fish:** Make sure there is a safe route for the kids to get to the elementary school this way or hacienda this way.

**Hill:** Sure, absolutely. Let's move on to the division midway. I wanted you to see all three of these. This is just for 2018. Once we potentially made the investment, we would go back to the drawing board where more funds were available to select another set of areas which could be based on different sets of metrics and criteria. As you can see in division midway we have a larger area when it comes to equity, we have more limited number of streets. But, again, there is plenty of streets for the amount of money that we are potentially talking here to make a meaningful investment.

**Fish:** A question to that, maybe rehashing the same question I asked earlier, but why not do more in a given area in one year and then move on to the next area the subsequent year and move on to the third area the third year? People have waited two and a half decades for this anyway, why not be a little more comprehensive in a given area and spread it over three years?

**Hill:** Sure. Actually back to what commissioner Fritz: was asking at the beginning about neighborhood feedback, because we heard loud and clear that people wanted this money to be spent geographically. We would trying to figure out where we could make investment, they were focused on residential streets and there was clearly need. We could bond \$10 million and say for the first ten years we are going to do cully and the second ten years, ten years from now, we are going to do division midway. And the third we would do tryon stevens or some inverse. That's a 30-year investment. It was -- again, it's been really --

**Fish:** What I am looking at is just the 2018 allocation.

**Hill:** Sure.

**Fish:** Couldn't you just do one year in one area, division midway, and the next year go to cully and the next year go somewhere else?

**Hill:** Sure, sure. The issue we have is that we could do it in that -- I mean if we are going to -- it depends how much money we want to put towards this issue.

**Fish:** You are assuming the bond is up front.

**Hill:** And we could identify the projects. We could identify \$10 million worth of projects in these three areas. I think I hear you saying we could focus on one area first.

**Fish:** Can I add to that? The mayor is suggesting just for this conversation, what if we targeted a neighborhood. Because this is a bes-pbot partnership, there is another potential benefit of doing that that is not apparent from these slides, which is -- I lead the bureau of environmental services. We have our own list of cip projects and we have our own list of other work we are doing. When you look at division midway, this is going to end up being very disruptive. There is going to be impact on residential neighborhoods. One of the whole purposes here is link up pbot and bes to work more effectively so that we don't

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come in and disrupt the neighborhood and the other bureau comes in, we do it together. To the mayor's point if we were directed -- if the council -- I am not advocating. I am just saying. If the council said take cully and go deeper and do that first, then you could direct bes and water to come in and show us all the other lines where we are doing capital projects, and the neighborhood might have a slightly different view if we get it all done in a concentrated way rather than thinning the soup over time. It's just another consideration.

**Hill:** Absolutely.

**Wheeler:** I think there is some real logic to that and making sure the pipes go in before the streets.

**Hill:** Right, yes, absolutely. As I said unfortunately we don't have the bes maps.

**Fish:** We are directed by council before the next hearing to do that, we could take these maps, do our overlay of the work we are doing and the council could have that as a data point.

**Hill:** Absolutely.

**Fish:** Potentially be less disruptive.

**Hill:** We would be happy to do that. I want to show you finally tryon stevens. I wanted to be able to get to each of these areas. Again, I was actually -- I lift in the southwest. I was actually heartened to see when you use the black level data you see some areas here that do meet that equity, our equity score.

**Fritz:** You didn't start with the equity score because it hasn't got the darkest equity area in there.

**Hill:** It's communities of color, income and renter.

**Fritz:** On your first slide that you showed the area that scores the three on that is not in the tryon-stephens area. That's not saying first looking at equity.

**Hill:** We said we would do the equity first, then we would lay the streets on top of it. The effectiveness. And then on top of that we would lay these boundaries to see if within these boundaries did we still -- were there opportunities there. Because if we don't use the boundaries, then we are back to -- there is still too many areas.

**Fritz:** That's using efficiency first and then the effectiveness and then equity score, so that's not what you've proposed. Actually, I have a suggestion because I know I am asking a lot of questions and I have a lot more. I know people are waiting to testify, we're already over the time allocated for this, so I'm personally going to be quiet and I'd like to get to testimony when we can and then discuss how to move forward.

**Hill:** Sure. When you look at that first snap, there are many more areas of equity scores than there are both money, and we are back doing disparate [indiscernible]. Any advice, support, direction you can provide we would be happy to hear. It's just hard because we don't have as many resources.

**Fritz:** We should comment on that before you move forward. If you start with equity there was the only area in southwest that has an equity score of three that also has the library, Jackson middle school, Malcolm elementary school and two of the mosques in Portland, so -- plus it's a much smaller area. You could actually do most of the area. It's my neighborhood, I am hardly ever there, but if you start with equity which is what you say you are, you would get a different answer than if you actually start with efficiency and go backwards.

**Wheeler:** Commissioner Saltzman.

**Saltzman:** This is going to take more time than we have budgeted today, that we complete the presentation, take the testimony and then we continue the hearing to sometime in january or february.

**Fritz:** Thank you.

**Saltzman:** We will have more time to think about the questions you have asked.

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**Hill:** Absolutely. So we are going to quickly move on. The neighborhood streets framework, so I just talked about the blue. Quickly I want to talk about the other three components. To grade and gravel, we have here another map. This map represents the 50 miles of dirt and gravel roads that are those Itic streets. So dirt and gravel streets, quality of local access, property values and traffic management. These are the weak links. For or networks this includes all modes of travel, particularly pedestrians. Good street connectivity depends on public rights-of-way that both exist and are improved. Mile maintaining the 50 miles of dirt and gravel streets is not a long-term situation, providing grade and gravel on an annual basis will improve safety and mobility. Planning to develop a maintenance program for ongoing grade and gravel streets and in the 2018-19 budget. We are going to complete a pilot project to validate the traffic calming elements and a permanent pedestrian facility while applying gravel to a 10-block section of southeast cooper street. This capstone project was developed for the neighborhood association with participation from neighborhood residents, pb and bes. Moving to neighborhood collectors. Neighborhood collector streets lacking sidewalks are unsafe for pedestrians. They are the back bones of our communities. When they don't have pedestrian treatments they limit mobility and decrease safety. The city wide pedestrian plan that prioritizes sidewalk and crossing improvements, the plan does identify the key strategies and tools pbot will use to make Portland a truly great walking city. An incomplete pedestrian network limits the cities ability to absorb growth and meet the livability and access needs of residents, including safe walking access to public transit and essential services. The 1998 pedestrian master plan has served inner Portland well but has struggled to provide adequate guidance for areas of east Portland and southwest Portland. Pbot is of committing to identifying a funding mechanism for neighborhood collector pedestrian enhancements. Upon council adoption of the plan projected to be completed in 2018. Lids, the project team did explore the potential for coordination between the Itic program and efforts to organize local improvement districts to insure maximum efficiency of public funds for unimproved local residential streets. The team examined 24,000 home sales in the city of Portland over a two-year period. The study found that improving a dirt or gravel road increases property values of an average of \$18,000 per home. So the estimated average cost to improve a local street to the traditional standard is currently \$3,000 per home. Thus on average the value to adjacent homeowners is less than the cost of making the street improvements, which is why we don't see very many lids. When we talk about equity and which communities are the most organized to actually go out and do the lid, we see barriers that are worth us looking at to make these more accessible and affordable. So because of the cost of infrastructure improvements has been a barrier to the forming of residential lids, pbot is going to explore financing for options of property owners utilizing the approved alternate street standards and track the outcome of the proposed aerial heights lid. That proposal is currently looking at alternate street standards and financing. Now we are done. We are almost done. So I just covered the three pieces of the presentation. We of course ask for your consideration and I do understand that we are going to not look for approval right now, but to continue direction and invite direction from you as to how we should proceed. I just want to say that this concludes my presentation, and we do have pbot staff christine, rich, jody, bes staff, jonas and ivy along with nick, depending on what questions come up.

**Fritz:** Thank you very much. I have a comment. This issue has been a problem for 40 years or more and this is moving the ball forward in a significant way. Thank you. I apologize for asking so many questions. I appreciate the discussion and I think we are all ready to continue working on it. Thank you.

**Hill:** Thank you.

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**Wheeler:** Good work. Thank you. How many people do we have testifying?

**Hill:** 15 signed up.

**Wheeler:** Oh, boy. Let's try and do it in two minutes.

**Hill:** Okay. First three please come up.

**Hill:** Good morning.

**Wheeler:** Would you like to start us off?

**Hill:** Good morning.

**Wheeler:** Thank you.

**Hill:** Sure. Left to right.

**Wheeler:** I know some people probably planned their testimony for three minutes, so I am not going to be too hard core about two minutes, but I want to be cognizant of the number of people that signed up. Thank you for being here.

**Claire Carter:** My name is claire carter. I submitted a letter of testimony, so my oral testimony will be somewhat different, but also quite short so I hope that it will be the most efficient use of your time. I am here to testify about the draft ordinance that proposes the methodology to allocate fees from the and to further to develop a new program for improving neighborhood streets. I sit on the development review advisory committee. I am a member of the southwest in motion stakeholders group and have been following the Portland pedestrian master plan update group as an observer. As I explained I submitted a letter of testimony that explains my perspective. Maybe I can answer a few questions if you have read that letter. But in a nutshell, when the initial proposal for the Itic fees was presented in 2016, the drac was in support of the program. Sips paying the fees was easier than requesting a waiver. And generated income for future improvements rather than letting developers pocket the costs of sidewalk construction and walkway. The last presentation to drac from pbot, at the november meeting after the presentation drac did not provide -- making the develop process more efficient and quicker. However, I did raise the issue in the group that I think that it's poor public policy to take funds that are intended for sidewalks, pedestrian improvements, and roll them into a proposed full street auto oriented program. When I raised this during the last meeting, two members agreed and they were probably the two members that had the most understanding of what policy would be, what policy issues would be. My letter and my testimony is to pose the use of the Itic funds in the neighborhood streets program. I support the use of the funds for pedestrian safety and improvements. Our best use for pedestrian safety and other improvements, which align most closely with 20 years of city planning to make Portland a walkable city. In addition the allocation methodology as I reviewed it is flawed, due to biases in the survey distribution and in the interpretation of how the strategy meets -- the overall shortfall in this methodology the street improvement program really favors property owners and car owners over renters and carless households, and I think that is a big thing to think about when you look at the amount of these fees and what it could do for the pedestrian environment, and how far they will go and in actually improving streets in Portland to full city standards.

**Wheeler:** Very good. I am going to have to ask you to wrap it up. Thank you. Good morning.

**David Martin** Good morning. My name is david martin, and I chair the sweeney transportation committee and I offer this testimony on behalf of sweeney. I intend to speak to motions that have been passed by the sweeney board. My involvement with Itic goes back to 2015 when I sat in on the first meeting of the Itic stakeholder working group. For the past three years pbot has been repeatedly asking us what we want from Itic. The answer hasn't changed. We have consistently said we want the funds to remain in the coalition area where they are generated. Southwest Portland has both the highest

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percentage of streets without curbs and the lowest percentage of streets with sidewalks. So on the infrastructure side sweeney finishes last. But on the funding side, we finish first because to date 43% of the Itic funds have been generated in the sweeney coalition district. Unfortunately we have absolutely no assurances that those funds will remain within the coalition for the long-term. Having some of the worst street infrastructure in the city while generating the most Itic revenue to date, you can see why we put such a high value on keeping the funds within the coalition area. Personally I have two children who are unable to walk or bike to schools because of this situation. That I find to be an equity issue. And the second answer to pbot's question, what does sweeney want, we want to see the funds that are generated to be available to be used on adjacent streets. The whole point of the Itic program was to shift funds from building sidewalks to nowhere to providing street improvements the neighborhoods wanted. And while instead the neighborhood street program is focused on primarily addressing unimproved streets, and while that is a legitimate issue, neighborhoods find it bordering on the illogical to take the limited funds that we have generated and using it on the least used streets in a neighborhood. Our neighborhoods are the ones that are feeling the impact of the ongoing development and we need the ability to direct the revenues to where -- we need to direct the revenues where they will have the greatest impact, not the least. Unfortunately what has been designed provides no assurances that and almost seems to guarantee the improvements will have the least impact possible. I thank you for your consideration.

**Wheeler:** Thank you, sir.

**Rich Hannah:** My name is rich hannah. I am recently a developer here in Portland, a residential developer, just two years into this. I was surprised in october to learn that I owe about \$180,000 in Itic fees, representing 10% of the overall collected city wide. If I were to pursue the project that I have purchased. I have been encouraged to testify by a couple folks that I have been talking to in the city. Very simply, I paid for and attended an ea meeting as part of a diligence activity that I was pursuing prior to the purchase. This ea meeting happened prior to the ordinance being approved. It happened on -- the ordinance was in april of '13. It post dated the approval, so your ordinance was approved, april 2016. My ea meeting was april 26th, and the notes were published on may 25 of 2016. In of the subsequent 18 months or so that have passed since my ea meeting and the subsequent cost of development meetings that I have attended with the city, right from the start there has been total consistency required for this particular development, but no mention of Itic in any written or oral correspondence. I was notified that yes in fact sidewalks are not required but you do need to pay Itic. My issue is one that I would like the city's guidance, which is primary to the diligence that I did acquiring this property to be allowed to sort of carry the day on this particular matter. I have no issue with Itic in general. I have no issue with paying Itic or paying for sidewalks if they are necessary. I have only an issue making sure the rules and enforcement are communicated adequately at the time that one is doing diligence so the overall project can be calculated properly. Thank you.

**Wheeler:** Thank you. Next three, please. Good morning.

**Chelsea Powers:** Good morning.

**Wheeler:** Please start.

**Powers:** I am chelsea powers, from the darlington neighborhood association, the chair. I wanted to make sure that we were included in this project and as I was looking at the three areas I can see once again we are left off the map. We are included in some pilot programs, which is great, but when you look at the criteria that was discussed regarding equity and need, our neighborhood was just as dark gray and just as orange as southwest and cully, but no little blue box. So part of that I think is the criteria of using transit as a factor. Our neighborhood is extremely underserved for transit, so that affects our score

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greatly. And I just want to highly support grading and graveling unimproved roads because our neighborhood is home to over five miles of them that literally trap our neighbors in their homes in poor weather, with potholes the size of a sedan, and I am not exaggerating. We need to make sure that our neighborhood gets on the map, and I also support keeping the funds in the neighborhood coalitions because as you see both southwest coalition and the southeast uplift coalitions had the highest funds brought in from these fees, and that's where they should stay. Thank you very much.

**Wheeler:** I appreciate your testimony. Thank you. Good morning.

**Willie Dean:** My name is Willie Dean. I own property at 4233 Northeast Ainsworth Street, and I am building a house there and I was given a check sheet that said I owed ITC fees of \$23,700. I had gone through a land use review previously where it said that improvements weren't going to be necessary. My basic point is that through dealing with the situation that I have been -- that I am in, that there is no way to appeal the ITC or the parallel improvements, and at my property I had already gone through a process with PBOT where we decided that the improvements would be sort of misguided based on the strange frontage that exists in front of the property that I own. And so I'm here to recommend that there would be an appeal process for this if a person owns a piece of property that PBOT itself has said should not or could not receive the improvements. You know, the check sheet you get an either/or. Either pay ITC or make the improvements. It doesn't seem equity to require a person to still pay because, you know, if there isn't even a hypothetical situation where the improvement could happen in front of the property, then making somebody pay for the improvement doesn't seem fair. I think there needs to be an appeal process put into this for, you know, non-conforming pieces of property.

**Wheeler:** Thank you, sir.

**Ken Paulsen:** My name is Ken Paulsen. I am requesting you reconsider or consider waiving the ITC fee environmentally sensitive lots where skinny streets have been encouraged. The one size fits all philosophy is not appropriate for every circumstance, particularly in the case of a lightly used street such as our dead end right-of-way. Which can never extend more than 400 feet maximum. My son and daughter-in-law want to build a house on a lot we have owned for 25 years, and in a meeting they were told that they would have to pay a \$90,000 fee because the 150 foot frontage to extend the substandard street incidentally more than half of that frontage is in the environmental protection zone. In other words, we can't use the land, but the fee still applies. In fact it's odd that the restricts our property, but on the other hand the P zone doesn't restrict the fees that are levied for that same restricted area. Yeah. The ITC fee, as described, is fair. I want to talk about fairness. We need to find a way to fund road improvements but how can it be fair to single out a person to carry an unjust portion of the burden. We are told we must pay for someone else's street and also pay for our own street. How is this fair? The ITC fee provides no improvement to the street we need. The funding problem for street improvement should be shared by all, not just a select minority. Granted there is a proposal to limit the 90,000 fee to 60,000, still it's unfair. It's like being told -- it's like saying we are only raping you a bunch instead of a lot. Any fee required to fund the street for someone else and we must still -- still must pay for our own street. The ITC proposes to double this, and there are other fees, too. Since we have owned this lot, permit fees have already risen by a factor of more than 30 fold. How is this possible? This proposal before you will not allow an appeal. I want to emphasize the point by my previous friend here. It is -- it subverts the process. And if we were -- we would have no opportunity to appeal either the ITC fee or the standard street improvements, which are an impossible to meet. In other words, we are held hostage to pay the ITC fee because it's impossible to meet --

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**Fish:** Since the time is up, can I ask a question? First of all on systems very many charges as you already know, if you moved to hillsboro you would pay a lot more. Our charms are lower than regional partners. The cost of the dirt is more, but thank god you own the dirt, but I am very interested in what you said about e zones and frontage. E zone is a zoning overlay which restricts your use of the land in order to protect it. And I can think of a lot of examples where we do that. We put easements on it, many instances where through our zoning code or elsewhere we put a restriction on the property for the broader public benefit. But your point is if that's part of the frontage you are being charged for that for something that you can't get full use out of that, and you find that inequity?

**Paulsen** I do.

**Fish:** We will ask staff to follow up.

**Paulsen:** I appreciate that.

**Wheeler:** Thank you for your testimony. Next three, please.

**Fred Buller:** Morning. I'm Fred Buller. I own a corner lot and so my fee, this is redundant from some of these other people, I have 275 lineal feet times 600 is 165,000, add a building permit to that and you're 200,000 into the program before you turn dirt. I really agree to a certain extent what the new proposal is. I think the way I understand it, I'm R7 so 7 times 600 I would pay approximately \$40,00 so I would save \$120,000. Thank you!

**Garrett Stephenson:** Good morning. My name is Garrett Stephenson, I'm an attorney with Wyatt. I'm here today representing Dr. David Ferris, who is going to talk shortly about his own experience with the Itic. I've also submitted written testimony that you should have before you and I am going to encourage you to take a look at that. I am going to try my best to not repeat any of the details I've got in the written testimony. First I want to say that we appreciate staff's willingness to suggest an Itic cap. We certainly support, in concept, a cap on the Itic for a lot of reasons you've already heard. What I want to do today is recommend that that cap be \$30,000 for any single family home. I'm going to briefly explain why that is. In our view it's subject to a takings analysis under the fifth amendment of the constitution. This means the city has to first demonstrate an essential nexus between the charge and the government interest but also that the city has made an individualized determine that that the fee being charged is roughly proportional to the impact of that home on the infrastructure it's affecting. In this case when dealing with single family homes it would require the fee has to be roughly proportional to the impact of a new single family home on street system. It's not clear how this satisfies either requirement. To the extent it adjustments to the amount of frontage by being calculated on a per foot lineal basis we believe that justification fails. There's no guarantee that the money paid will actually be used to construct a sidewalk on that frontage. We believe imposing a \$30,000 blanket cap would go a long way to getting this program a lot closer to meeting these two requirements. That's because each single family home and concept generates roughly the same impacts on the street system in terms of vehicles, pedestrians, bicycles and so on. The fact that the zoning in certain cases may be lower density does not in our view mean a reduction in trips that would justify or an increase in trips that would justify higher fee. I will note that I heard earlier staff say that the average per dwelling lid fee is about \$30,000. That's what we would recommend. That concludes my comments. I'm happy to answer any questions.

**Wheeler:** For the record we have also received your letter. Thank you for sending that.

**Fish:** I appreciate that your memo cites to cases like dolan that has raised every time someone is claiming the possibility of a taking in connection with any regulatory action we do. You have specific case law in Oregon that's on point?

**Stephenson:** Well, I mean as a game changer for dolan.

**Fish:** I understand dolan. People raise it repeatedly.

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**Stephenson:** To my knowledge this fee has not been challenged on a takings basis to my knowledge. The case law that we cite in the letter cites a more recent case. I imagine you're familiar with it. Basically it used to be under dolan if you're paying fees that's not really taking of private property. Really our intent is not necessarily to threaten a takings action it's to explain why we believe having a substantial reduction in that cap is appropriate.

**Fish:** Thank you.

**David Farris:** Good morning. I'm david farris, a physician in town. We own my wife and I own a single family lot zoned r10 on fairmont boulevard. We purchased it in 2004 with the intention to build on it. It's right above markham hill on a steep slope meaning construction costs for a future home on the property will be relatively high. Under the regulations i'm obligated to build a sidewalk or pay the fee if I want to develop the property. Our letter has details. With respect to your time i'll be brief. There's no practical way for us or the city to construct a sidewalk and to our knowledge the city has no plans to do so. So someone wishing to build on our lot would have to pay the fee. Our fee would be \$182,400, almost 60,000 more than we paid for the property. This in addition to stc fees which we estimate would be between \$40 and \$50,000. This means that the city fees for our house for any house on our lot would be in excess of \$230,000. We want to sell our lot, we are not going to build. Every potential buyer has walked away because of the amount of the ltec. It has rendered our property unmarketable. It would be used to construct in other parts of the city. It needs to be reduced by orders of magnitude. At this point it kills project on our property. As garrett explained it must be reduced to a rate where it has some rough proportionality to the impacts. The city's proposal for our zone would cap this at \$60,000. While this is a step in the right direction, we believe that the rate should be a maximum of \$30,000 for all single family homes. Thank you.

**Wheeler:** Thank you. Appreciate your coming in. Next three, please.

**Tim Lamers:** I'm tim lamers, a property owner in southwest Portland. I'm facing a charge in excess of \$120,000. I'm facing a fee of about \$120,000 on a property that I wish to develop. This property also includes restoration of a farmhouse on it. I'm encouraging you to consider some rule changes that would allow appeals. I think it is unreasonable to have rules that cannot be discussed. Also I do support the idea of some cap relevant to the value of the property discussed. Thank you.

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

**Star Stauffer:** Good morning. Star stauffer. I have a few concerns about this project. One is that it seems that none of these property owners are quite in understanding with how the ltec fees are being applied to their property which means lack of transparency here. Not surprising considering that according to their presentation this really was just made public and available, you know, through public outreach in september. We just got out of november. That's not enough time going out to these neighborhoods, coalitions, flyers, door to door, whatever it takes to really get neighbors involved in what this actually means for their properties and their streets. I understand that you may have consulted the pdc on how some of these improvements are going to be made and how those funds will be allocated, however i'm with that person that testified before that they have got potholes the size of sedans. That's the same thing with north Portland. They are at the end of the road. Some of the neighborhoods don't even have sidewalks and there are several people with disabilities living in those neighborhoods that don't have access to the property that they own or the street they live on because there's no sidewalk and yet I didn't see that on the map. So how are these funds -- who are these collectors? That's vague. Who is doing the collection? How are these fees that are being assessed to these property owners, nonstanding residents of this community, actually being assessed, who is doing the

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assessment, why is there no appeal process and why is everyone in so much confusion about this? Why did they have a whole slide with numbers, 131 people in a focus group? They said something about a year then said they made it public since september. Those two things don't add up. 131 people? There are 650,000 people that live in Portland and you asked 131 people. That's not enough. There needs to be more time for the communities to get involved with this project because clearly a lot of this is way too in the dark.

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

**Paul Grove:** Mayor, members of council, i'm paul grove with the Portland metro home building association. We testified previously at the rollout of the program and frankly we had members that served on the advisory committee and were supportive of the program an its roll-out. I think as we have seen through the presentation by pbob and conversations with others there certainly have been some unintended consequences that were realized by the program. And I know this has been a long-standing issue for the city. I'm here today and i'll be brief to talk about a couple of items. First the cap is an important step in the right direction. What that looks like is subject to some potential discussion and refinement but I know that is something that our membership had expressed concern about and so I think we're moving in the right direction. I think the reporting requirement that's outlined also stresses degree of accountability that is important for membership as well in terms of how we're using the resources and where those will ultimately be deployed. Couple of items for consideration as we move forward I don't want to restate other people's points but as noted before in the pbob presentation around alternative streets I think there are some opportunities for examination and refinement in terms of the proposal and what that looks like, how it would applied and deployed rather than having an either or option. Second look at a potential cap. There have been outlier examples and commissioner Saltzman's office has been helpful but I think we should have connecticut sip and certainty in that process. The last thing is I think it's in the spirit of partnership we were partners in the beginning, we'll be partners moving forward. I think there's opportunity to convene folks from the original working group or adirondack to employ them and get their feedback moving forward.

**Fish:** One question while you're here. From your point of view and from the point of view of your organization does a reasonable cap on any single family property resolve any of your questions or concerns about nexus or proportionality under the applicable case law?

**Grove:** I appreciate the question. I think a cap is an important step. I'm not a legal expert to talk about the applicable case law here today with you. I'm happy to maybe poll some of our members and go from there.

**Fish:** To be fair you have not raised a legal challenge to the Itic under proportionality or nexus and you have been at the table. Can we assume you're satisfied that with reasonable caps and other protections this is otherwise constitutional?

**Grove:** I am not in a position to speak to the constitutionality of an issue but we did not raise that issue during the work of the work group.

**Fish:** Are you planning to raise it in the future?

**Grove:** Has not been discussed amongst our membership.

**Fish:** Thank you.

**Wheeler:** Thanks all three of you. Next three, please.

**Wheeler:** Good morning. Thanks for coming in.

**Rick Bartko:** Mayor wheeler, commissioners, i'm rick bartko. I live live in the mill park neighborhood. I'm representing myself as a citizen but more importantly midway division alliance basically centered on the boulevard division in the neighborhood of 112th to 148th. We have a vested interest in getting some clarity on the proposals that pbob has made

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about our neighborhood. Division midway alliance is a neighborhood prosperity initiative. We are the people that will be advocating for equity. Hopefully most aggressively in this session. We had a neighborhood street plan put together by pbob with the expert help of april bertelson a couple of years ago called vision midway neighborhood street plan. I would ask for clarity on which portions of that street plan -- I couldn't see the specific map that was shown, had not seen it before. If we get some clarity from pbob as to what areas would -- geographic areas of east Portland railroad involved within the context of the street plan. I have a specific example of developments going on right next to me, one property being developed, one property potentially to be developed. Those two properties in aggregate one single family residential, smaller lot, a larger lot are going to be about 150,000 under the existing lot. But I would like some clarity with pbob on what issues may happen on that street segment and I would just ask for basically collaboration between pbob, bps, and all the folks involved to make sure that things we talked about coordinating projects goes on in a timely, effective fashion. That's all I have.

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

**Laura Young:** Good morning. So it's a little serendipitous we sat down together and I'm Laura Young, the collie association chair and district manager of a neighborhood prosperity initiative. We also in Cully have a neighborhood streets plan put together by W. Bishop, the Cully main street local street improvements plan and we back in 2012 participated in the out of the mud and dust initiative and enthusiastically supported that. Unfortunately since 2012 not a single alternative street has been built in Cully. There's a number of issues I'm really pleased to hear after hearing the testimony this will be coming back in January to give more time for folks to iron out details. Just briefly you have my comments there but I'm very much in favor of a cap and appeals process for folks so that all of these property owners here today are really able to stand behind this program and feel that it's equitable, not creating a burden to them to the extent that they are not able to develop a property. The three neighborhoods that were identified in this plan all have street improvement local street improvement plans in place and that's why they were identified. It's not to say that there are not other neighborhoods just as much in need, particularly Brentwood Darlington. I would say, however, that of the annexed neighborhoods that have dirt and gravel roads that have been annexed since 1985 not a single one has received a funded street improvement or graveling or regrading or maintenance of a gravel road in those 32 years and I can personally tell you there are 35 foot trees in the middle of 70th Avenue two blocks from my home. So there needs to be some sort of systematic and equitable method of addressing these issues. Grading and graveling of all of the neighborhood streets seems to be a step in the right direction.

**Fish:** Can I just pose a question since we'll have more time to think about this?

**Young:** Sure.

**Fish:** The mayor I think put a provocative question on the table and you're uniquely qualified to give us feedback, which is if in this process Cully was one of the communities singled out and prioritized but the city came back and said if we delay a year or two we can go deeper and bigger by bringing utilities and others to bear and therefore attempt to minimize the cumulative exact of all this work, is that tradeoff worth slightly delaying the work and I am not expecting an answer now but it's a provocative question we need to ask because it's very disruptive when we go into these communities and do this work, and if we coordinated it differently and gave you the promise of a bigger impact, would you be willing to trade off a little delay for that? Is that a fair tradeoff?

**Young:** I think that is a provocative question. My personal opinion is we want to create the greatest amount of efficiency possible get the most bang for my buck but I would defer to my neighborhood and invite you all to talk with them about it.

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**Wheeler:** Thank you very much.

**Saltzman:** That completes the testimony. As I said we will take everything under advisement and come back either january or february for hopefully a revised proposal addressing many of the concerns raised today.

**Wheeler:** Thanks to everybody who testified today. Next item 1283.

**Item 1283.**

**Saltzman:** Thanks again, mayor. We're pleased today to highlight a few early childhood programs that will serve additional children and families throughout the city of Portland with new support from the Portland children's levy. Since 2002 the Portland children's levy has strengthened our community by helping thousands of children from birth through college reach their potential. We have done this through increasing children's access to proven programs that provide positive early development, school engagement and academic achievement, high school graduation assistance and family and stability safety services. We have meg McElroy here to ask council to approve new two-year investments in early childhood programs made by the levy's allocation committee. The committee consists of a city elected, a county elected, a citizen representing the county, one representing the city and Portland business alliance appointee. This is a \$1.6 million additional investment to provide additional child care availability for working families, quality support for in home child care providers, and two new early head start classrooms and training for community education workers. I'll turn it over to meg.

**Meg McElroy, Assistant Director, Portland Children's Levy:** Thank you, commissioner Saltzman, and thank you for having us here today. I'm going to run through a rather brief and quick overview at how we arrived at these funding recommendations, allocation committee arrived at the recommendations and we have some guests that would like to testify on behalf of the projects. As commissioner Saltzman said funding decisions are made by a five member oversight committee for the Portland children's levy which is part of what is required in the authorizing language that goes to voters and the five members include commissioner dan Saltzman, chair kafoury of the Multnomah county commission, julie young, a city appointed representative, serena wesley, a county appointed representative and mitch hornicker a representative of Portland business alliance. Voters have approved the Portland children's levy beginning in 2002 it's a five-year local option levy renewed twice most recently in may of 2003. 95% of revenue goes to fund programs in our community through the beltline ridge that authorizes the levy only 5% of the revenue can be spent on administration.

**Fish:** Mayor, we're an hour behind. This is scheduled for 30 minutes. I'm guessing we'll go over that and we have a full afternoon. I just need to coordinate something I have scheduled over lunch. What's your pleasure? We will go until when?

**Wheeler:** So --

**Fish:** We haven't reached our regular agenda yet.

**Wheeler:** I think we'll lose our quorum in an hour and ten minutes and the only space that I see looking at our weekly scheduled, which is crammed, is meeting early on thursday at 1:00 p.m. Or extending beyond our current thursday time certain item from 4:00 to 5:00. Those are the two options that seem to make the most sense looking forward.

**Fish:** We'll be losing our quorum in an hour and ten?

**Wheeler:** That's my understanding.

**Fish:** Is it your instinct to start an hour early tomorrow?

**Wheeler:** If we can do so I would like to do that.

**Fritz:** that's the human rights commission awards from noon to 1:00, so I wouldn't be here by 1:00.

**Wheeler:** Sounds like 4:00 to 5:00 assuming our hearing accident take more than two

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hours and I wouldn't anticipate that it does. I would request that we extend until 5:00 p.m.

**Fish:** Thank you. Excuse the interruption.

**McElroy:** I understand. On that note I'll try to make my comments brief. I think the most compelling thing is from the people who have taken time to speak on behalf of programs being considered for funding. Levy audited annually. All are available on our website. The allocation committee adopted in this levy period three goals that inform its investments based on extensive public input, extensive local data on children's needs and a view of national research and best practices. Goals include preparing children for school, supporting their success inside and outside school and reducing racial and ethnic disparities in children's well-being and success. The levy makes funding recommendations based on revenue projections from the city economist on an annual basis and investments in multi-year grants through a competitive process. During this five-year levy period we have experienced higher than projected revenues for each year, the first three years of this five-year levy and it's those funds being considered for investment today. The allocation committee has looked at several policy objectives to make decisions about how to invest the additional revenue. It exceeded city economist projections. Mainly looking at expanding existing grants to serve more children with the good work that's happening in those programs and doing some new grant making although minimizing that because of the impact on administration of running additional competitive grant processes most recently new grants were made to additional after school programs and you all approved that this summer. Prioritizing effective programs that are performing well with current levy funding and finally most recently with these additional funds allocation committee considered the state funding situation in this upcoming -- recent biennium as it would impact levy funded services particularly in early childhood. So the recommendation that are before you today include this is all of these recommendations include funding that would begin november 1 through the end of the current five-year levy period, june 30, 2019. It is the first three on this list are an expansion of services already being funded by the levy, so the first is a 1.1 million dollar expansion to the community child care initiative which is operated by child care resource and referral of Multnomah county, a program based at mount hood community college. It provides additional children and families with access to affordable high quality child care in Portland. It also provides some support for in home child care providers to increase their quality and involvement in the state's child care quality effort, the spark program. Next two investments are for each of the local head start and early head start providers albina and mount hood community college. Additional investments to allow one more early head start classroom with each provider. Those would each serve eight additional children each year for the remainder of the funding period. Then finally, a work force training investment to replicate some of the training work that's happened with a new program, the community education worker program, based on the community health worker model but focuses specifically on early learning and development with children and families. And to create a pilot training opportunity for more early childhood work force professionals to experience the type of training opportunity that these individuals have had with a specific focus on culturally specific communities and building capacity within those communities to do more advocacy and services for their own communities based on their own identified needs.

**Fritz:** I'm sorry, I missed the beginning. Is this per year or is this five years?

**McElroy:** It's neither. It's from november 1 of this year through the end of the current levy, june 30, 2019. We're in year four of the current levy.

**Fritz:** Thank you. Just doing the math between 250 and eight children and got worried.

**McElroy:** Understood. Those are I should clarify early head start services are a full day child care service with meeting all of the federal head start performance standards.

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Operates as a full day child care for infants and toddlers for families with incomes at the federal poverty level.

**Fritz:** Good program. Thank you.

**McElroy:** Thank you. I would prefer to turn it over to the folks who have come today in the interests of your time and agenda and also theirs.

**Saltzman:** Sounds good. We'll hear from some of the recipients of the new funding. We have some providers and a parent from the community child care initiative and a few community educational workers who obtained the community education worker certification. So to start I would like to invite the community child care initiative providers. Shannon aden and karen messner along with parent olivia ramirez. Will you please come up. Thank you for your patience today.

**McElroy:** No, thank you.

**Saltzman:** Welcome.

**Saltzman:** Who wants to start?

**Shannon Aden:** Okay. Hi. I'm shannon aden. I run a family child care program in southeast Portland. I have been a child care provider for 30 years. I'm a five star spark care provider and work with the rdc and the ccip program. Just a few statistics to let you know what my program has done since the year I have been involved with ccip. We have 19 children in care. Of those there's 15 families we care for. 12 of those children receive subsidies from ccip and erdc. So in southeast Portland very low income family child care program and servicing the needs of the community. My first point is that how ccip has stabilized these families. We have had no drop in care this year with the extra coverage. So 15 families in care have stayed in care providing consistency of care and continuity of care for those families and children. We have added toddler spots to our program because they have been able to make the difference between cost of care and what is covered. We have two in our program that would not have been there before. We have also stabilized our staff. We have had no staff residential tension because we have stabilized the care and have the extra income we have applied two more staff to our program so we are on a one-to five ratio, which is above the state and close to our national standard which we're proud of. Because of that we have increased our payroll increase. Our staffing is between 12.50 and 18.50 an hour. Over all we have made great improvements.

**Saltzman:** Sounds like it. Thank you.

**Fritz:** You said you are a five-star spark, that sounds really impressive. What is it?

**Aden:** It's the qrs quality rating improvement program. I'm an advocate for high quality child care. I like to say i'm a leader so I was one of the first providers in southeast Portland to receive or in Portland to receive the five star. Means I meet very high standard of quality. My portfolio is a stack about that high. I have documented and basically follow a high ethic of standard, national standard and exceeds our state standards for child care.

**Fritz:** What entity is it that goes through all that and decides that you are a five star spark?

**Aden:** About a year's worth of putting together a portfolio --

**Fritz:** Who is it?

**Aden:** Well, Portland state has the money now. Western Oregon is overseeing this project. I couldn't give you all the specifics about --

**Fritz:** You apply to west Oregon to get your five star rating

**Aden:** Absolutely. I work with mount hood child care resource for all. Sent my portfolio off, got it approved, had a class evaluation. Took about a year to prove our competency.

**Fritz:** Thank you for your work. At \$12 an hour up to 18 is better than it has been before but still a lot of work for the pay. Thank you for all of your work.

**Aden:** I'm a big supporter of the minimum wage going up and I think in child care it will make a huge difference in programs like this will make a big impact in what we can do and

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keep staff and our quality.

**Saltzman:** Thank you. Next.

**Elydia Ramirez:** I'm elydia ramirez. I'm a parent of cci. I have three children enrolled in the program, an 11-year-old, five-year-old and nine month old. I have recently been accepted into the program because of changes that allowed self-employed parents on to the program. Before I got any subsidy help from these resources I did not have stable daycare. Being self-employed my hours are absolutely -- I don't have a regular schedule. From opening to close, day in and day out and now having suitable daycare not having to worry about carrying such a heavy financial burden towards daycare i'm able to work. I'm able to provide, i'm a little nervous for when the programs are going to end because i'll be taking that back that other cost that right now are being gifted to me. I am truly grateful for this because I will be successful in my business. Karen is my daycare provider. I have worked with her on which and on for about ten years. This is the most consistent I have been able to keep my kids there. I have watched her program grow. She's a spanish immersion, has hired two certified daycare providers, teachers, one for each of her homes. It's amazing to see the development in my children. Just what she has been able to help with. When i'm not there, when i'm at work providing for my family. Karen can tell you more about how it's benefited her business.

**Fish:** Apologize, did you say there's spanish immersion in the child care --

**Ramirez:** In the entire daycare is.

**Fish:** Both my kids went through spanish immersion through high school. It's a wonderful program to get in early. The other secret is the kids in spanish immersion pick up other languages so much easier.

**Ramirez:** I wish it was available for every child. I think that if you teach a second language at an early age they are able to learn a whole lot more and even excel in our english language, just having all these different --

**Fish:** Congratulations. The cultural enrichment. My son who is in eighth grade says it's a snap now to pick up french because of the similarities.

**Ramirez:** Unfortunately for my children we didn't get into spanish immersion to continue so i'm really hoping my nine month old who has been with karen since six weeks old will be able to get into a spanish immersion. Technically she would be considered bilingual. They only speak spanish at her daycare. I'm hoping she can get in. My other two didn't.

**Karen Messner:** Hi. I'm karen messner. I have been doing child care for 13 years. I have two child care homes in child care. This is helping a lot. Just being able to hire, like, two teachers like lydia said for each house. More staff. I can see the difference now we have more stable kids in the daycare, they are coming like before when the parents can afford the whole daycare they have to be jumping kids around with family members to be available to afford some of the daycare. This program is really good program. Really nice, helping a lot of the families which we have around 39 kids on the program in both houses. You know, all this time we can see the difference now with the teachers. We also are participating on the spark program for the spanish network where we send the portfolios. We get interest and we just working on the education to go to five star with the high quality. For us for the spanish speakers we just started a program with spark. It's a really nice and we're making a lot of improvement in daycare with the families we have appeared all the kids.

**Saltzman:** Congratulations.

**Messner:** Thank you.

**Saltzman:** Thank you all. We have finally a few of our community education worker group. I guess I don't have their names. They can give us their names. Oh, I do have their names. I'm sorry.

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**Tamyca Branam Philips:** Thank you, commissioner. Good morning.

**Saltzman:** Did I get that right? Close?

**Philips:** Thank you.

**Saltzman:** Go ahead.

**Philips:** Thank you. Good morning, commissioner, mayor, city council, i'm tamika and i'm a certified community health and education worker. Family advocate with urban league of Portland. I work mainly with african-american families and others with children raising from ages zero to six. What I learned most about the community education worker training is how to really meet families where they are at using my own life experience, popular education and decolonization models. This was a new concept for me and looked different from my 20 years experience through traditional education, military and former health care career. One of my many hats I wear is providing home visits and parent classes using the popular education and decolonization model. Popular education can best be described as people's education, or street smarts. It is knowledge that is passed down and presented in many forms. Music, stories, dance, traditions and experience are just a few examples. Decolonization allows people of color a way to view ourselves through our own lens rather than the way we're viewed, taught or organized by people outside our community experience with power or privilege. Getting parents involved in the community education worker certificate program will benefit the children, schools and families within their homes. When parents are in the schools they bring home the school's expectations and culture. School work and assignments are better understood, this will help both children and parents improve their literacy and skills. Younger children are exposed to educational norm and have a high higher readiness. Older children feel more connected to their parents and I believe school issues such as boli and educational challenges could be better understood and better problem solved. Since the culture of children are brought to the schools through their parents disruptive behaviors resulting from cultural and communication misunderstandings would be decreased. Helping children stay in the classroom out of disciplinary actions or special education classrooms they may not need. The ripple effect is significant. When members of our community see parents getting involved in the school system and getting a career path -- others will get curious and want to be involved. Children will talk and share their experiences as well. Kids, parents and the community members alike will look to more career paths in education. The excitement of being a teacher as a career path will be restored in our culture.

**Saltzman:** Thank you.

**Winter Rose:** Good morning. I'm winter rose and i'm here to talk a little bit about our training. When talking about the training I can speak from my own experience working with the native american community which has face add high level of system is intergenerational trauma and being a service provider that has participated in numerous other training in my career I can briefly touch upon what sets our training apart. In these training when presented in a way that really speaks to the participants and a lot of times can help them find their voice. The model in which information is presented not only empowers participants but places a strong value on people's lived experiences in the way people have or can overcome adversity. Our training is not only information but gives us it many ways to convey this to communities which we serve. A different approach is that we are taught in these training are very different than the classic western style of delivering information all culturally responsive. We're able to tailor these ways of conveying information specifically to the different communities in which we serve. I personally have been given many tools from these training that help me unpack some of the trauma my community has faced and a lot of times continue to face in their daily lives. These approaches allow participants to come up with out of the box ways to convey information

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to different communities and really work with the communities in a way that can help those communities feel truly heard which otherwise they may not have. It's important when moving forward with trauma and working with communities helping them heal that we come from a place ready to meet them where they are and release our interactions with them in a place that not only empowers these communities but is tailored to meet the needs of different communities. I really feel like cew training is just that.

**Saltzman:** Thank you, ms. Rose.

**Aym Amir:** Thank you. Good morning, mayor, commissioners. I'm sorry, i'm not familiar with your names. My name is Aym Amir i'm currently working at irco house as a community education worker. Before this role I used to work as a community education worker. I worked with newly arrived african-americans to support them and teach them about their children's growth and brain development. In 2016 I was trained as a community education workers and I was exposed to new skills, knowledge and resources that were greater benefit of the needs of population. The program empowered me to have a better understanding of how to guide newly arrived family with their children and lead a better life. The cew program exposed in eto a culturally specific model that relates to connect our families and our african families to resource here in Portland and the state of Oregon. A case in point is in working with a child with autism and delayed speech development before the cew training I focused on the child's brain development and well-being but after the cew training I realized the mother was highly stressed and did not spend much time to talk with her child. When I focused and connected her to community resources and the child's speech improved greatly and both mother and child are very happy now. This gives me a joy and professional satisfaction as a cew.

**Saltzman:** Thank you. Thank you all. Two more people. Welcome. If you could each give us your name.

**Laura Peraza:** Okay. [speaking in foreign language]

**Melissa McCoy:** This is lara and she works at latina network. She's a community education worker who works with early childhood. I'm be interpreting on her behalf.

**Peraza:** I am here to talk with you today about all the training that I have had. One of the trainings recently that I have had that has had the most impact and greatest impact is -- navigating the school system. Our latino community this is not something that's very common. We have the idea that the system begins once our children enter the school system. And that this is something that the teacher, the principal, the institutions themselves do. They have the obligation to do that. But here in this country we have seen that it's different and that we as parents need to be more present and that our children's education. But we have noticed that we have encountered many barriers. One of them not being english. So how are we going to work with the system? And many of us have not been in schools. So with this training we have noticed that it's important to let the parents know about the pta and how to be involved. And that as parents we have the right and the obligation to be involved in our children's education. And working together with the school we can also provide academic excellence for our students. And through this work teaching parents to be activists and having them work with their students and their schools to therefore make a change in the school. And we notice that now our children, our kids are now graduating. She's noticed within her own neighborhood school even three years ago where students were not graduating and leaving school at an earlier rate. So that's why this work for parent advocates is so important so they recognize they can go to the school and ask for a room and have a space to meet with other parents and talk. I can ask for an interpreter. And I can ask for a meeting with the principal as well. And the principal has an obligation to listen to me. And I can go to the school district and advocate for my child's school. And also the board of each school district are parents. And that anyone can

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become part of that board of the school district. And if i'm not heard at the school district board then I know I can go to the capitol and speak for the needs, wants of my child. And that's what they are currently doing is taking parents to the state to be able to advocate for the children. Thank you for listening to me and have a great day.

**Saltzman:** Thank you.

**Fritz:** A quick question, Which school district are you in?

**Peraza:** Portland Public Schools and Reynolds and David Douglas.

**Fritz:** That's really interesting.

**Ramirez:** Yes.

**Fritz:** You do my heart good as being the old parent activist. I remember when I had similar training when my first born started to kindergarten. I'm so happy that you're participating.

**Ramirez:** Thank you.

**Saltzman:** That completes our testimony. Ready for a vote. I guess we should probably -- is there any public testimony?

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

**Wheeler:** Call the roll.

**Fritz:** Thank you, commissioner Saltzman, for your continued leadership on this and everyone who is here today, certainly the personal stories make it real and help us understand why this program is so important and with all the worries coming down from the fed federal government it's good to know that Portlanders voted to tax ourselves to make these kinds of services available. When people say, well, the government wastes our property taxes, actually look at what's being done in this program. It's an investment in this generation as well as the next generation, so thank you for your leadership. Thank you to Portland taxpayers for supporting this. I hope we'll continue to do it and expand it in the future. Aye.

**Fish:** Thank you, commissioner Saltzman and thanks to our honored guests. Aye.

**Saltzman:** Well, I want to thank our guests for being here and thank you for your patience. You've demonstrated to us this is money that's well investment vested in helping children to be safe and successful and to help you to be good parents and to work with good parents who are doing their best to raise their families. So thank you all for your work. Aye.

**Wheeler:** Well, we heard impressive testimony today that really gets at the human side, human equation of the work that's done in this fund. I also just want to point out as having long ago served on the distribution committee as the then county chair, there are lots of discussions about making sure that we're prioritizing the right things, that we're investing the funds wisely, that we're keeping the administration under the 5% cap as commissioner Saltzman identified early on, and over the years I have watched and have been impressed with how this program has expanded and expanded responsibly and continues to be responsive to the highest needs in the community. So I thank you, commissioner Saltzman, for keeping this on track. Year after year. I thank everybody who testified. I vote aye. The ordinance is adopted. Colleagues, i'm going to do a little skipping around so bear with me. I have had some requests here and I want to take advantage of the fact that we have certain people in the room. I would like to start with 1302, please.

**Item 1302.**

**Wheeler:** It was organized in 1998 as an official part of the Portland of Portland advisory committee on aircraft noise issues, local jurisdiction ass pointed a 15-member committee of community members to represent residential and business concerns. Members developed ideas, recommend proposals and partner with other committees to promote citizen understanding of airport noise issues. To tell us a little bit more about cnac-- do you call it that? Just wanted to make sure I wasn't making that up. We have with us from the

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port of the Portland phil Stenstrom and Jerry gerspach. We also have our three reappointees, kelly sweeney, laura young and ron schmidt. Good morning.

**Wheeler:** Thank you for being here. I don't know if my fellow commissioners have any questions or if there's anything you would like to say.

**Fish:** My only question is how many hats to you wear? I think you're going to set a record.

**Laura Young:** It's just my day.

**Fish:** Thank you for all the service you give us in so many ways.

**Young:** Absolutely.

**Wheeler:** I want to thank you all for coming in, for being interested in serving on this commit committee and particularly understanding that all of you know what you're getting into. As reappointments. This is a very important committee and we hear noise issues not only through our own noise control office but directly from the folks who live in close proximity to the airport in particular but elsewhere. It serves as very important liveability function in our community and by extension a public health function as well. Thank you for your service. I don't know if there's 30 seconds you want to add to the record --

**Ron Schmidt:** Mayor, i'm ron schmidt. I live on only inhabited island in the entire city of Portland which is right up there, hayden island. Just yesterday I had a business conversation in my floating home that was disrupted by aircraft noise. I moved here in 1987 like most people in north Portland we are aware of what we were moving into. But we have three people here who have good balance. There's infrastructure that no one wants in their backyard whether it be airports or our sewage system in north Portland or whatever it might be. But I have been impressed by my colleagues with the balance that they have taken working with the port of Portland, with the Oregon air national guard, and the fact that we do live in the area, we do believe in our city and we believe in commerce I think will represent the citizens well and give a balance into the future. We appreciate the reaffirmation.

**Wheeler:** Thank you very much.

**Kelly Sweeney:** If I could add one point, kelly sweeney, 1,000 yards sought of the airport tower. All three of us represent impacted noise areas. We are all wanting to get you to reaffirm our status. We're indebted to ours neighbors to get the noise out to the community and back into the port of Portland.

**Fish:** I move the report. [audio not understandable]

**Fritz:** Did you have anything to add, Laura? Second.

**Wheeler:** Motion and second. Please call the roll.

**Fritz:** Thank you not only for serving. It's a very important committee but for being here today. Aye.

**Fish:** Thank you very much for your service. Each of you is engaged in so many other endeavors so to have that expertise on this body is important. I used to live in the grant park beaumont wiltshire neighborhood so the airplane noise tobacco particularly at night was very noticeable. I now rent an apartment in goose hollow, and i'm woken up every morning around 5:00 by the trains that run through the central east side blasting their horns and the sound echos off my building, which is the sinclair, which is interesting. Since I happen to face south and east I get woken up every morning at 5:00. I'm not entirely sure why they have to blast the horns so robustly. Maybe that's something we can look at on your agenda. Thank you very much for your scientists. I'm pleased to vote aye.

**Saltzman:** Thanks for agreeing to serve again. Aye.

**Wheeler:** I just want to share my appreciation. So many of these committees are dependent upon volunteers who want to step up and have a level of expertise and interest in the issue. That not only lends accountability to the process that you're engaged in, I think it's fantastic that we have people who live here who want to be engaged at this level.

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Thank you again. I vote aye. The report is accepted. Please call 1305.

**Item 1305.**

**Fish:** Mayor, the utilities have a lot of capital projects understand way. We'll be building a filtration plant just outside the bull run, we'll be doing a substantial upgrade to the columbia wastewater facility plant. Planning a new pipe under the willamette river. We're working on two historic reservoirs and big projects and given congress' appetite for new regulation who knows what lies in the future but we have a lot of work going on. One of the projects that i'm especially proud of is before us today. This is the next big step in what we have called poop to power, a project that we brought to council a little while ago. As you may recall, you authorized the bureau of environmental services to move on a plan to convert the balance of our methane waste from the sewage treatment process into natural gas. To put it plainly instead of burning that excess methane which goes against all of our environmental principles and goals as we have done the city will capture this methane and convert it into clean fuel taking us to 100% recovery. This project is a triple win for Portland, we're cutting greenhouse gas pollution, we're replacing dirty diesel used in trucks and generating and most important we have the potential to generate substantial revenue for our ratepayers. The contract will build out the core infrastructure to make the project possible. With us to give us a very brief presentation is larry pelatt and paul suto, manage of of this project for bes, who will give us a little historical background.

**Paul Suto, Bureau of Environmental Services:** Good day. Morning, afternoon now. Seems like we're right at noon. I'm interim principal engineer with bes. We are excited to come before you for this contract award which you might recall the project has kind of a three pronged approach building the facility at columbia boulevard to take waste gas produced in breaking down the city sewage into renewable natural gas. That's what this contract is for. We have two other key parts. One to have an actual fueling station at the columbia boulevard wastewater treatment a plant so we can use this locally. The other part to connect the northwest natural system so we can distribute this fuel within the city or even beyond the city boundaries as a revenue source. Our kind of message for that has been it's a fantastic revenue opportunity for a city worth spending \$3 million net revenue per year appeared reducing greenhouse gas emissions by about \$21,000 briefly we're on track with this contract award and the fueling station at columbia boulevard is currently under construction. We expect to have that operational by sometime in january.

**Fish:** Larry, welcome.

**Larry Pelatt, Interim Chief Procurement Officer:** Good morning, mr. Mayor, commissioners. I believe this is the first time I have actually had a project with the word poop in the title but that's fine. I did catch your reference to brief. I will be. You have the report before you recommending a contract with mcclure and sons for the facility 9,679,676. The engineer's estimate was 9 million. That makes this just about 6.8% over the engineer's estimate which on something this new and this different probably is pretty -- it's pretty good. Portland bureau of environmental services and procurement services identified at our standard 20% goal. There's currently a total of 818,048, 8.45% dmwesb certified contractor participation, lower than we would like but the work is very, very specialized. It's the makeup of the participation is a dbc at \$683,718. One esb at just short of 80,000 and mbe at 15,000 and dmw 40,000. Mcclure and sons is in Portland. They are not a state certified contractor but they are in compliance with all of our contracting regulations. If you have questions about the process I would certainly be happy to answer them.

**Fish:** Just one comment. I'm pleased there is so much money for electrical and something what we often get is just hauling or some other function. I will say this, colleagues, we do have a couple of projects in the pipeline like with the willamette river pipe which are such

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highly specialized work in terms of who can do the work and under what circumstances that it's going to put a strain on our hitting our utilization goals. Not an excuse and we'll try to do better but the more specialized the work, it's more complicated unless the prime contractor unless we are working with prime contractors that have done a better job developing those strategic partnerships in their work. I think that's something we need to continue to look at.

**Pelatt:** I agree, commissioner. We're working at this. We have had some conversations with mcclure. Mcclure found this -- esb, which may or may not be a minority firm, they found them on their own, the piping piece at 80,000 wasn't identified so they are working at it. We're seeing if we can nudge this up in a couple of other areas but there's very little in this of the standard trucking hauling grubbing kind of work. This is pretty specialized certified work. It's good stuff.

**Fritz:** Will there be opportunities or requirements for apprenticeships?

**Pelatt:** Work force rules apply to this, yes.

**Fritz:** Hopefully that will train up folks, women and people of color who may be able to bid in the future.

**Pelatt:** It does lend itself to that and our past legislation by your group, the 1% fees and things is going to blend into that very nicely.

**Fish:** I did a back of the envelope rough estimate and given the new guidelines updated community benefits agreement that we passed and the hard trigger above 25 million we estimate that somewhere between 400 and 500 million of projects are in the pipelines with the utilities. One of the reasons we have asked the mayor to convene a high level group of people internally cfo, cao, people like that to make sure we're getting it right. Because it's going to mostly fall within the utilities in terms of implementation and we want to be faithful to what the council has directed.

**Fritz:** Thank you.

**Fish:** Thank your, gentlemen. Any more questions? Is there any testimony?

**Moore-Love:** This is a report. We don't set up a signup sheet.

**Wheeler:** Please call the roll.

**Wheeler:** I'll take a motion

**Saltzman:** Motion to move

**Fritz:** Second

**Fritz:** Thank you for the presentation, commissioner Fish, if you have not already I encourage you to trademark poop to power. I think like the Portland loos you may be able to sell the concept elsewhere and cash in on it because it certainly catches the attention. Thank you for this really innovative program which I hope will catch the attention of the nation. Aye.

**Fish:** I wish you had not said that, commissioner Fritz. It was the inspiration of my then 12-year-old. I prefer not to share it with him. We'll take this out of the official record. No need to tell chapin. We're very proud, mayor, to do our part to advance the climate action goals of the city. A lot of work had been done with methane gas. This is the last chapter of the stuff that was burned off. The fact that we can use it to put clean renewable energy into our system and then sell it in the marketplace and generate return for ratepayers is great. As larry said, the low end is we're looking at maybe 3 million but if the market for this resource stays strong it could actually be substantially more than that. We're being cautious in our estimate so we're not overselling. Thank you for your presentation. Aye.

**Saltzman:** This is great work, commissioner Fish. Bes, everybody involved. It really is taking a resource that's otherwise causing climate change and putting it to a productive use for all of us. Good work. Aye.

**Wheeler:** This is definitely number one for number 2. [laughter] I vote aye. We're skipping

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around here. I still think i'm actually very optimistic. Can we go to 1303 next?

**Saltzman:** There was 1306 right behind this.

**Fish:** That's the smart park garage. That's not us.

**Wheeler:** You want to do 1306?

**Saltzman:** Pbot is here and if it pleases you guys --

**Wheeler:** Let's go to 1306. We'll get to 1302 in a minute.

**Item 1306.**

**Wheeler:** Hello again, gentlemen.

**Larry Pelatt:** Good morning.

**Dave Benson, Bureau of Transportation:** Good morning.

**Pelatt, Interim Chief Procurement Officer:** Larry pelatt, procurement services. Hopefully the short version of this is the report for the gmp contract to howard s. Wright for the 10th and yamhill smart park garage, 17,767. August 2016 you approved the ordinance for us to do a competitive -- an alternative contracting solicitation. We have done that. The proposals were received, evaluated by a five-member committee including a member of the mep program. Portland bureau of transportation and procurement services looked at the standardized aspirational goal of 20%. Pbot increased that to 23%. Currently there's an identified total of certified firm subcontracting at 3,510,866, which actually fully and loaded up is at 24.76%. Dbe, 82,000, esb 216, mbe, 1.4 million. It's located in Portland. They are not a state certified firm. They have a currently business license and in compliance with all our requirements. Questions about the process. Otherwise dave Benson is here from pbot.

**Benson:** Good morning. I can give you some brief information if you'd like or in respect to your time I could just answer questions.

**Fish:** I would have one question. We have been getting a lot of community feedback on the 10th and yamhill garage project about what potentially happens down the road to the commercial properties. I assume that this in accepting this report and moving forward with construction that is completely distinct from whatever prosper Portland decides --

**Benson:** One of the goals of the project was to create a downtown retail hub with high quality affordable spaces for local Portland brands and offer their wears in the central city. So as part of that we have engaged in a mass -- mass release agreement with prosper Portland so they can ensure that that happens. So there's access to these spaces by local brands.

**Fish:** Just to be clear we're not settling that question today. This is simply for the construction.

**Benson:** Yes. That is going to be ongoing question moving forward. That's not settled here today.

**Fish:** Thank you.

**Wheeler:** I'll accept a motion.

**Fish:** So moved.

**Saltzman:** Second.

**Wheeler:** Call the roll.

**Fritz:** Thank you. Aye. **Fish:** Thank you, aye. **Saltzman:** Thank you, aye. **Wheeler:** Aye. Call 1303, please.

**Item 1303.**

**Wheeler:** This is funding for a grant agreement that was passed earlier during this year's budget process for an affordable housing and community project in the jade district for apano. This is a project that I believe the council strongly supports, however, we have amended the agreement to clarify that apano will report back to us the results of their investigation into allegations of discrimination. Something that we as a council take very seriously. I want to thank apano for taking the right steps to address these allegations and

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I want to ask mr. Duncan long to tell us a little more about the project.

**Kara Carmosino:** For the record i'm kara carmosino i'll be subbing in.

**Wheeler:** Welcome.

**Carmosino:** Good afternoon. I'm kara.

**Wheeler:** I'm sorry, I just remembered something. A little house-cleaning before we get to this. I need a motion to substitute.

**Fish:** So moved.

**Fritz:** Second.

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

**Fritz:** This is to add the extra clause?

**Wheeler:** To fix exhibit a.

**Fritz:** Aye.

**Fish:** We're just conforming the grant to existing city policies and setting up a reporting requirement. I join the mayor in complimenting apano on the investigation. Aye.

**Saltzman:** Aye.

**Wheeler:** Aye. The substitute is accepted. Sorry to interrupt.

**Carmosino:** No problem. Good afternoon. I'm kara carmasino with my colleague colin crader and our board member jean yamamoto. We'll be brief in our presentation. I currently work as the director of programs at apano communities united fund. I also live just east of the jade district in lents so I see every day the pressures facing these neighborhoods as public and private investment set the stage for rapid change. 82nd avenue where the jade district is located is on the forefront of this change so we're here today to thank you for your investment in the ritz to rides campaign which will support a 48 unit affordable housing complex as well as a community cultural center on the first floor. This development is the result of four years of community led planning and multilingual outreach. At the current site is the old furniture store which apano has been operating as a defacto cultural center for a few years. In just the last year we have had 25,000 people come to the building for various events illustrating the need for a community center in the area that's permanent. When we talk about neighborhood investment I want to be clear about what they mean to us. They are not just the streets but people who cross them. Not just the businesses but the communities that they anchor in place. Likewise this is not just an investment in a building but the people who will inhabit it. People like jessica, a tenant in the neighborhood who recently spoke at our groundbreaking who sees this project as one solution to reduce some of her worries about being able to afford to stay in the neighborhood if her rent in her current building increases. When completed, this building will be a safe space for neighbors to gather to organize, plan and be in community just as people dreamed about four years ago during the community visioning process. This space will continue to house cultural events and community gatherings. It will also be a hub for crucial community services. This will include tenant protection services in partnership with community alliance of tenants and work force navigation services in partnership with southeast works. Small immigrant owned businesses will also have support through the prosper Portland inclusive business network. It's not really just a building but what that building makes possible. Family stability, community, art, learning, leadership, entrepreneurship, access to resources and community connections. We know there's no magic bullet for addressing problems that residents face throughout east Portland but we can begin to address these issues together guided by community vision. Thank you for your support.

**Wheeler:** Thank you.

**Jean Yamamoto:** Sure, i'm jean yamamoto, a member of the apano and the apano community united fund. We take very seriously some of the allegations on discrimination,

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and we do have a process in place to take in any concerns with the staff which goes to the executive director, concerns about the board, that goes to the board chairs. The extra step that we have taken in hiring an outside independent community liaison is something we put in place because we take the allegations very, very seriously. As a board we do have an obligation, a responsibility to ensure that governance of apano is strong and we have oversight over the executive director and his actions and so we have opened up the separate process to not only take in community concerns and issues but she's also charged with reaching out to those who have expressed some concerns. She will be conducting a full investigation including interviews, review of our internal policies and procedures, and make a recommendation in a report to the board in executive session in January. We have been asked about why this is such a quick process and we felt that there is an urgency to complete the investigation. She will be accepting input from the community and through the end of December, the report in January and reporting back to the board by the ends of January.

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

**Yamamoto:** One more thing to add, the board has not had any preconceived or pre-determined outcomes of this report. We are open to any and all recommendations and we will take appropriate action.

**Wheeler:** That's the right attitude to have. Good morning.

**Colin K Crader II:** Good afternoon. Give a brief update on the capital campaign status on the financial side. So we're about to close on the cold shell, basically the foundation and the walls, and that's 1.2 million and we're ready to write a check within the next week or so. We're very excited to move forward on the project. For the total construction cost for the capital campaign will be roughly \$2.1 million. We have currently about 1.5 million in commitments. Another 1 million or so in current outstanding asks to funders and community partners. In you have any questions I'm happy to answer them or field them as best as I can.

**Fritz:** Where is apano going to be located while the building is being done?

**Crader II-:** Currently we're still in our current offices. The jade apano multi-cultural space is a furniture store, so it's two separate sites. The redevelopment of the current furniture store doesn't interrupt our current operations. It does disrupt the accessibility of that space during construction so we're looking into alternative resources to support the community in that regard.

**Fritz:** Thank you.

**Fish:** I just want to comment on the next step that you're taking in terms of the investigation. Apano is highly regarded by this city and it's reflected in the appropriation in the mayor's budget, special appropriation and then the additional resources and commissioner Eudaly is not here but she was obviously a very strong supporter of this grant. We have a process in place under 2.02, the city policy that governs alleged workplace misconduct. I urge you to take a look at that because one of the things that your outside council is going to do is determine the adequacy of your existing policies and procedures. One of the testifiers noted that staff complaints and concerns will be reported to the executive director. One of the things 2.02 makes clear that is there has to be multiple layers of opt out. I'm not saying there's a specific I don't know whether there's a specific concern about the executive director but someone has to have the option of going to someone else if they choose to. 2.02 is the most comprehensive policy of its kind of any municipality so I urge you to look at that. I appreciate that the report you're going to get from Ms. Desono, distinguished lawyer from a distinguished family, I'm hoping that a version of that report that takes out anything that would otherwise violate privacy rights of people who brought complaints. That has to be balanced carefully but that portion of the

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report that addresses your policies, procedures, what you have learned, the remedial steps if any, I think that is exactly what the council will want to see coming out of apano. How you address this matter. This is a timely issue. We are all learning new things about these issues. I want to say i'm pleased that you're dealing with it in a forthright, public way. We look forward to the report.

**Yamamoto:** Thank you very much for that. May I clarify as well? The report that she will be presenting to the board is the first step, and that is pretty much the factfinding piece of this. And the recommendation which does the review of our personnel policies and other procedures in place, she will then be recommending other action steps which we will be considering. We're also very committed to hearing the voices of our community and so there will be another step taken to open it up for a process that will restore the trust back in apano and to make sure that all were heard equally and give people the opportunity to come back together.

**Fish:** That sounds great. Again, just to be clear about what our requirement is, in the grant agreement we're going to need a report to show compliance with the nondiscrimination provisions and contractual requirements and you're well under way.

**Wheeler:** Is there any public testimony?

**Moore-Love:** Miss collin crader --

**Crader II:** Those three names are us. I'm colin.

**Wheeler:** Please call the roll.

**Fritz:** Very exciting project, that's what we've got to focus on. This money is going to help the community and in building that center. Thank you. Aye.

**Fish:** Thank you for being here today. Aye.

**Saltzman:** This is a great project. Good location for the community but also much needed affordable housing too. Aye.

**Wheeler:** Aye. Grant agreement is approved. Thank you all very much. I'm told 1301 and 1314 will not take long. Call those two, please.

**Item 1301 and 1314.**

**Wheeler:** I want to ask legal council a question that you can think about. Obviously 1301 is a nonemergency first reading of an ordinance and the appropriate action at the ends is to move it to second reading. 1314 is indicated as a hearing ordinance and I just want to make sure that -- do we take a provisional vote on that or do we also move that to second reading? I don't need an answer right now but when we get to the end if you could let me know I would appreciate it.

**Andrew Aebi, Bureau of Transportation:** Good morning. I'm Andrew Aebi district administrator. Joining me is matt wickstrom with bureau of development services.

**Aebi:** I think the internet is first reading on both then pass to second reading next week. We had 40 minutes allocated on the agenda for both items. I'm going to aim to wrap it up closer to 40 seconds. We did not receive any remonstrances against the expanded lid boundary and I just passed out a letter of support to karla from esco corporation. They are pleased to be part of this. The business case is that we're working very hard to try to keep the northwest 20th avenue lid within budget. Council approved a traffic signal replacement this summer. The additional funding from esco allows us when tearing up a very high profile intersection like the off-ramp from i-30 allows us to fully complete the improvements in one fell swoop and not leave something undone so that when esco might come in later to redevelop that they would be conditioned to make further intersection improvements to that intersection where we already have a lot of delay. It's just basically front loading escrow money so we can do the intersection properly first time around. Matt will share with you this doesn't waive any land use requirements or anything of that nature, just a pre-finding of the infrastructure improvements. The one amendment I would like council to

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consider is I was wondering if we could simply on agenda 1301 pen the auditor project number to the ordinance title to make it easier to pull it up after adopted by council so that would simply be appending the c1094 project number which is on 1314. If that would meet with pleasure of council it would be good.

**Saltzman:** I move that amendment.

**Fritz:** Second.

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

**Fritz:** That's a very good amendment. Thank you. Aye.

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

**Fish:** I can make an observation? We have a letter from christi white, and i'm looking at her signature on the letter. It actually reminded me it looks like a series of curly queues. No discernible definition. I could not make out her name. I also saw a formal document the mayor signed that looked like a fence holding back the beach. It had a series of vertical lines that they didn't seem to have any relationship to each other. They had a curl at the ends. I think christi white and the mayor could have a competition for the most creative use of signatures.

**Wheeler:** Commissioner Fish has gotten to a really interesting trivia matter. I actually don't sign the documents ted wheeler, I sign them edward wheeler because that's how I learned how to sign. Even though my official title and name is ted wheeler i'm signing it differently. That's why the letters look different. That's my excuse at any rate.

**Fish:** I don't mean to rain on your parade, but I couldn't discern a ted or an ed.

**Wheeler:** Pretty awful. [speaking simultaneously]

**Aebi:** I would be happy to buy both you and christi some arby's curly cue french fries.

**Wheeler:** That would be fantastic.

**Fritz:** Moving back to the matter at hand, are we prejudging whether the land use application will be approved or not?

**Matt Wickstrom, Bureau of Development Services:** No, good question. There's a line in the ordinance that says there's no guarantee that the land use application would be approved.

**Fritz:** What happens if it's not?

**Wickstrom:** Then the ordinance also specifies the funds can go toward other improvements that would be required as part of the project.

**Fritz:** Under the current zoning.

**Wickstrom:** Exactly.

**Aebi:** 1301 spelled out all the frontage improvements subject to in the future. I think I would like prospective guidance. Everyone is going into this with guidance and I think helps that stage for a more successful transportation land use process down the line.

**Fritz:** Is the zone change coming through the quasi-judicial process or through the comprehensive plan?

**Wickstrom:** The comprehensive plan update is changes the designation and the zoning map would be changed through a quasi-judicial process.

**Fritz:** Thank you very much.

**Wheeler:** Any public testimony? Legal Council, did you come to a conclusion? Do these both pass to second reading?

**Ben Walters, Chief Deputy City Attorney:** First reading of a non-emergency reading, this moves to a second reading. Item 1314 also moves to second reading.

**Wheeler:** Our last business is a second reading, call item 1304. Unless there's other questions? Is there anything else you'd like to say?

**Item 1304**

**Wheeler:** This is an item which we had taken up previously, we received extensive public

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testimony on this. Unless there is other questions I will call

**Eric Daniels, Portland Police Bureau:** Commissioner Fritz asked if we destroyed them, and I contacted axon and they said no, the internals are bonded to the external part of the handle, and we can -- they offered to ship them back at their expense and they would dispose of them, ship them back at our expense.

**Fritz:** Thank you for finding out. I really appreciate that.

**Daniels:** The only other issue was there was some concern about what happens after we donate them if council approves. We can certainly add language to our hold harmless they will be destroyed or disposed of appropriately.

**Fritz:** Thank you very much.

**Wheeler:** Please call the roll.

**Fritz:** Thank you for being here today and for being patient. Aye.

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

**Wheeler:** Thanks for your patience and being here. Aye. [gavel pounded] ordinance is approved. With that we're adjourned until 2:00 p.m.

**At 12:33 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.

**December 6, 2017**                      **2:00 PM**

**Wheeler:** Good afternoon everybody this is the Wednesday, December 6 afternoon session of the Portland city council. Karla please call the roll.

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

**Wheeler:** Karla could you please read items 1307 through 1310.

**Item 1307.**

**Item 1308.**

**Item 1309.**

**Item 1310.**

**Wheeler:** Colleagues today is a continuation of the central city 2035 matter. The central city will be the first amendment to the new comprehensive plan. As i'm sure you all recall we have held public hearings and took testimony on central city 2035 on september 7th, 14th and 20th. We held deliberations sessions on October 18 and November 29th. All the items that we moved and seconded during those days will be in the amendments report that's going to be a subject of a public hearing here on january 18th. Today we're going to continue to discuss items of interest to council members and decide if we want to move and second additional amendments to include in the amendments report. There will be no public testimony today. Just as a reminder for those of you who are following this process and I know there's many, the public record is currently closed. That means we are not accepting written testimony at this point either. However, the record will open up again on january 5th in preparation to the january 18 public hearing on the central city 2035 amendment report and Sallie, I assume you'll want to walk us through today's agenda.

**Sallie Edmunds, Bureau of Planning and Sustainability:** Yes. Thank you very much, mayor, members of city council. We've organized the agenda today into two parts just as we did last time. The first part includes items that staff believes council should discuss or council has indicated that they would like to discuss and the second part of the agenda is a package of amendments that we believe are minor or technical amendments that council could move and second as a package. So before we go further i'm just hoping that council can let us know if there are any items on that list of technical amendments that they'd like to pull for discussion but there's one other item that we were hoping to pull back into that minor and technical group and that is parking and loading on southwest 1st. That's item n1. We were hoping to include as part of that package.

**Wheeler:** So council, looking at the blue page are there any items you would like to discuss or that you're comfortable moving and seconding or are you comfortable just moving and seconding those items as a group? Right before the full business there's a blue sheet and it's listed as amendments and discussion items and the exception being of course n1 down to the minor and technical amendments.

**Fritz:** And that's n1 you wanted to move into that, is that correct.

**Edmunds:** Yes please.

**Fritz:** Yes, I'm fine with that.

**Saltzman:** Me too.

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**Wheeler:** Do I have a motion to move the minor - first of all, we need a motion and second to accept the amendments and discussion items is that correct.

**Edmunds:** That's correct.

**Fritz:** So moved.

**Wheeler:** Do I have a second?

**Saltzman:** Are you moving on the parking?

**Wheeler:** Just the amendments and the discussion items,

**Saltzman:** Oh ok, second.

**Wheeler:** So we have a motion and second for the discussion items. Do I have a motion to move minor and technical amendments package?

**Fritz:** Including n1, yes.

**Saltzman:** Second.

**Wheeler:** We have a motion and second on the minor and technical amendments package including n1. Ok, so now those items that have been moved and seconded will be moved to the amendments report that's going to be subject of the January 18th hearing.

**Edmunds:** Ok, that's great. So we will follow the same process we've done in the past and staff will introduce the items and most of the items on the agenda today are actual proposed amendments, they're just a few discussion only items. And then once staff gives a presentation the council member who sponsored it can begin the discussion.

**Wheeler:** And just to be clear as per usual if there's no second the proposed amendment will not be part of the amendments package that will be provided to us on January 18.

**Fish:** Mayor can I address that for a second? Because that's a slightly different process than we normally follow and I want to offer the public my perspective on that. By seconding an item we are ensuring that we will have a further conversation about the item. We are not signaling that there is council support for the item we are not locking in future action. In my view having watched this unfold for a while is that if one of my colleagues strongly is interested in further assessment of an item I think it is good form to second it for the purpose of having a further discussion, but that does not mean that either the second or the rest of the council is in accord with the direction of that policy, it just means we want to have further discussion. I think that's important that people hear cause I think it comes close to being disrespectful not to push forward to the next phase, something one of my colleagues thinks is of sufficient importance that they want follow-up further discussion. That's how I look at it.

**Wheeler:** Yea and commissioner Fish I would like to agree with that philosophy and sometimes there are conversations that we need to have where people want to ask for more information, so I certainly concur with your viewpoint. So we're now looking at what we have in our packets as these very large foldouts we are not going to go through them exactly in order. We're going to start with the table c item, so those are the scenic view items. We've had a lot of discussions about resources, scenic resources in the central city. Views of Mount Hood, Mt. St. Helens and the city's skyline have been discussed and they certainly contribute to our city's identity and there has been a strong consensus that protecting many of those views is important for future generations. We obviously need to balance protecting views against our city's stated objectives around housing, jobs and transportation as well. So not all 153 views across the central city can necessarily be protected given that. Personally I'm committing to finding the best mix possible that we can so that residents, employees and visitors all have access to what I believe are some fairly unique views to our community. So Mindy I guess you're going to start our conversation today with regard to the c items.

**Mindy Brooks, Bureau of Planning and Sustainability:** Yes, good afternoon commissioners Mindy Brooks, planning and sustainability. We've just got two items to

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discuss today the first one is a view of the city skyline from Sullivan's gulch. This is an existing viewpoint on the 12th avenue overpass over i-84. There are height limits today that have been in place since 1991 to protect this view. And the staff recommendation from planning and sustainability commission is to move the viewpoint from 12th avenue to a yet to be constructed bike and pedestrian bridge that'll be between 7th and 8th, about, and then move the viewpoint and the heights accordingly. At the October session there was a concept proposed to retain the existing viewpoints and the existing heights and then based on additional conversations with commissioner Saltzman's staff we have looked at three options, which are the three in front of you I'm going to walk you through them. Before I walk through them I just want to point out on the screen they are also in your packet if you want to fold them out and mark them. The gray dashed area is the full area where change can be considered and there are different mixes within that gray dashed area. So option 1 is the recommendation that came forward, this moves the viewpoint to the new alignment of the bridge and it puts the viewpoint in the center of that alignment and changes the heights accordingly. Option 2 is the existing heights that are in place now. So, it would keep the viewpoint at 12,000 where it is now and keep the heights as they are today. Then option 3 is to move to the new bike-ped bridge alignment but move the viewpoint slightly south of center and that will change how the properties are impacted so let me show that. So, this is a image that shows all three of those options on top of each other. The red line or maybe it's kind of brown on the screen now, but the red outline is the existing view corridor with the existing heights. The blue is the recommended view which is the center line of the new alignment and the yellow is the alternative which shifts the viewpoint to the south of the alignment. What I want to point out first by moving it from 12th to the new overpass less of the properties on the north side are impacted, more to the south are more impacted by the view corridor, but between the two options, the blue and the yellow, the blue has more impacts to northern properties and the yellow more impacts to the southern properties there. The reason my staff chose the center line is because we don't know where a bump-out, a viewpoint would be design on the new bridge it hasn't been designed yet. So we figured center is a good place to start from and we can make adjustments later after there is a viewpoint. I want to point out on this, and maybe my cursor will work a little bit -- so this line here, this blue line here hopefully you can see that is where the recommendation is. The yellow line is the new. So, there are a number of properties that have never had height limits that if we choose option 3 would have height limits applied to them.

**Fritz:** But none of the properties are currently developed would interfere with the views in any of those blocks or not.

**Brooks:** We have tried very hard to avoid to make this based on what the development looks like now to the extent that we can. Things keep developing, so we keep working on it but we're trying to avoid properties that are already fully developed at a height. So i'm going to take it back to just this. I can flip back and forth but these are the three options again set against themselves and I will turn it over to you, commissioner Saltzman.

**Saltzman:** Thank you. So, I do support the relocating the viewpoint to the new bridge, 7th avenue bridge I guess I'll call it and shifting the point of measurement to the south. So it was my understanding if we did that we would not impact southern properties any more than they are impacted by the current view shed though so that's I was perplexed by your coloring diagram there.

**Brooks:** Yes, they would be.

**Saltzman:** They would be impacted so it's not the same as lining up on the blue line.

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**Brooks:** It's not. If you shift the whole viewpoint from the center to the south then that bottom line is where the view would come across the properties. So, it does have more impact on the properties on the south to shift it that way.

**Wheeler:** Could you go back to the last slide options one, two and three. So, commissioner Saltzman is the proposal you're discussing now option 3 the alternate view?

**Saltzman:** I believe that is option 3.

**Brooks:** That is option 3 correct.

**Fish:** One of the things that's hard to assess, the next slide if we can go forward, that does a really good job visually showing us the impact but it doesn't really tell us what the true impact is because we don't have information about underlining zoning, intentions with regard to the impacted property. So, what is your guidance to us for how we make this decision since again you've done a very good job showing us the impact, I mean visually how the site line would change, but it doesn't really give us information about how it would impact future development or existing property owners.

**Brooks:** Sure. So staff recommendation would be to leave it at the center for now which would be the blue area with the blue line. That has been the proposal all along so all the property owners that were impacted by that have been noticed and have had an opportunity to come forward. When the design is done for this bridge and I understand that it's moving along, the new bridge will be coming along, once we know where a viewpoint will actually be designed we can make changes to this. We can come back and actually change it based on the view, the actual viewpoint and view itself. That would be the recommendation.

**Fish:** And my only concern with the alternative view currently is what Dan alluded to a second ago which is the expanded impact on properties and not knowing really what is the consequence of that.

**Brooks:** Right.

**Saltzman:** Although in looking at the properties, if i'm not mistaken, that big shaded area northeast 3rd and Burnside, wouldn't that be the building that was just built, the high rise there? I mean there's nothing we can do that's going to impact its height.

**Brooks:** Right. Are you referring to the yards building?

**Saltzman:** The yard's right. I think that's what that big block is there. Right there.

**Brooks:** Right this right here this edge where can you see my cursor, that is the edge. So the, even moving it to the south the yards building would be just outside of the view. That was intentional when we drew it to begin with because the yards building blocks that side of the view so we wouldn't want to include.

**Saltzman:** Right.

**Fish:** Where is hooper detox on this just to be clear?

**Brooks:** I'm not sure.

**Joe Zehnder, Bureau of Planning and Sustainability:** It's between couch and Burnside and mlk.

**Fish:** Ok, so it would, a bit of.

**Brooks:** So that's out.

**Saltzman:** Yeah ok.

**Brooks:** That would be out. So this couch, this is Burnside.

**Fish:** Move a little north from there for a second on your cursor, keep going. What's that building? Cause that's clearly impacted by the expansion.

**Zehnder:** I think that's stark vacuum's.

**Brooks:** Maybe stark vacuum? No?

**Fish:** No, they're on the west side I think.

**Brooks:** On the west side of Davis.

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**Fish:** Maybe you're right.

**Saltzman:** I think that I guess the point I was trying to make is and maybe it's the wrong point, but it looked like a lot of these properties already been redeveloped already at their new heights. They're not likely to be impacted, but if that's not a true statement then maybe we should carry it forward. I guess i'm reluctant to sort of leave uncertain for a long period of time where that view shed is going to fall because people don't like uncertainty. Property owners don't like uncertainty. I'm not sure, I know the 7th avenue bridge is under discussion and all that and it's been funded by this council. So it may be relatively quick, but then.

**Brooks:** Yes.

**Saltzman:** So I guess if I would like to see us carry this forward to January 18th discussion and vote. My homework assignment would be to find out more about the schedule for the 7th avenue bridge

**Brooks:** Ok.

**Saltzman:** and when we could actually, but I do think 7<sup>th</sup> avenue bridge is the best point to measure the view shed from. It's a question of whether we move it south or not.

**Fish:** And Dan may I ask may I add a homework assignment? Could we get an annotated map with the impacted properties?

**Brooks:** Absolutely.

**Fish:** And just let us know cause there could be some winners and losers here. I would like to know how it works.

**Brooks:** So, let me just be clear, commissioner Saltzman, you are recommending option 3.

**Saltzman:** Correct.

**Brooks:** And commissioner Fish, you're asking for when we come back to you with the hearing that we bring you, well in advance bring you the information.

**Fish:** Who's impacted by the different corridor.

**Wheeler:** Do you want to forward that as an amendment then for discussion?

**Saltzman:** I just don't want to foreclose moving the viewpoint south.

**Wheeler:** Let's go ahead and move that is there a second?

**Fish:** Second.

**Wheeler:** Ok, so moved by commissioner Saltzman and second by commissioner Fish. Moving on to the next one Mindy I believe that's c7, the view from upper hall and I believe that's just being offered as a discussion item as opposed to anyone proffering it.

**Brooks:** Correct. So, this is the view from upper hall. It's as you can see on the screen a panoramic view of all three areas mountains and the central city skyline itself. This is actually one of two locations in the central city where you can see mount Adams and where we protect the view of mount Adams, the other is from the rose garden where we protect this view. The testimony -- i'm sorry, the maps on the screen are the existing and the recommended heights and so the recommendation was to leave the base height alone but that the bonus height would need to come from 460 to 410 in order to be protective of that view of mount Adams. And I think I'll leave it there unless there are questions about that.

**Saltzman:** And that is the block where the food carts are presently located on 10th and Yamhill?

**Brooks:** Yes.

**Fish:** So the recommended maximum heights, but you're not asking us to do anything on that?

**Brooks:** There was no amendment offered, there was just a request that you discuss this one.

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**Wheeler:** 410 is what's already proposed.

**Brooks:** Yes. That is proposed as reducing the bonus height from 460 to 410 to protect this view.

**Wheeler:** Can I ask a question that's not necessarily related to this zoning question? The view you showed us on upper hall, where is that from? Is that from a sidewalk?

**Brooks:** It is.

**Wheeler:** and is that view in any way protected from adjacent private property owners?

**Brooks:** Do you mean from development?

**Wheeler:** Yes.

**Brooks:** That would block adjacent property lines.

**Wheeler:** Protected by as opposed to protected from.

**Brooks:** Yes, it is today that is a protected view. There's actually a height limit just in front of the view that doesn't extend very far, it's a 30 foot that protects the immediate view itself. Most of it is actually right of way because upper hall is a hair pin turn so a lot of that height limit is actually sitting on right of way.

**Wheeler:** I'll just throw out a marker for further discussion that has nothing to do with zoning and that is sometimes I trudge up that thing on my bike. People have gotten very, very creative with plantings in order to block those views from the public and if we are going to take the time, energy and resources to protect these views as a public asset then we need to talk about planting strategies.

**Brooks:** Absolutely.

**Wheeler:** I didn't even know you could get those things to grow 30 feet tall but people managed to figure it out. Alright so.

**Fish:** May I ask one question on this on the recommended height. The two properties to the east, are those the two structures which are now being renovated to hotels? Is that one of those the historic building on the corner and the other one the building that used to be office but they are both now being turned into hotels? Am I in the right --

**Saltzman:** The wood lark building?

**Brooks:** I'm seeing general nods from my colleagues.

**Fish:** And those are being renovated one of them is a historic structure being renovated. They are not actually going to be built any time soon. We're just talking about the empty lot.

**Brooks:** Right.

**Fish:** And a modest reduction to protect the view corridor.

**Brooks:** Correct.

**Fish:** Okay.

**Wheeler:** Very good. We don't need an amendment on that item we're going to shift gears and go over to item e1. This is volunteers of America, troy, I believe you're going to give us some background on this one.

**Troy Doss, Bureau of Planning and Sustainability:** I am mayor I'm troy doss with bureau of planning and sustainability. You may recall when we took public testimony the volunteers of America came in and they requested that there be a zone change for a property they own on the central east side. The property is currently zoned ig1, it's an industrial zone. Actually falls in the industrial sanctuary classification but on that site is a preexisting women's treatment center that's been there really since 1930s and then daycare was added approximately 1990s. They'd like to redevelop the site with the same use and expand it modernize it, but this current zoning doesn't allow for that. So, they're request was can we rezone it to ex which is an excuse zone, it would remove it from the industrial classification. The central east side industrial council was concerned about the loss of industrial land there. We tend to agree with them on that and so we were directed

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to try to find a way to allow the use in this situation that wouldn't completely change the base zone. So, what we've done is we've proposed an amendment for the central east side that basically would say if you're established existing use on the central eastside and you already have group living, community service or daycare uses you can redevelop on site and you can redevelop to an far floor area ratio of 3-1. That gives them approximately 120,000 square feet of development potential. It's consistent with the current approach towards industrial office uses in the district and volunteers of America said this would work perfectly for them and is consistent with the central eastside industrial council has asked us to go.

**Fish:** This would be as of rights, so its not a conditional use?

**Doss:** As of right.

**Fish:** So its not subject to a 10 year renewal.

**Doss:** No.

**Fish:** If you follow these guidelines unless you discontinue the...

**Doss:** If you discontinue the its we go back to the industrial use classifications primarily they have to go through that process.

**Fish:** You know just by way of history volunteers of America acquired a lot of property in this corridor at a time when it wasn't deemed to be very attractive -- not the most valuable dirt in the city, but from donors and people through their estates who gave land so they have some sites, and they held on to them and now of course it's a very desirable area with access to transit. So, I think that's why there's strong sentiment on council to allow them to develop a public benefit like this.

**Doss:** So, I'll turn this back over to the mayor I believe.

**Wheeler:** Very good. Certainly i'll move it.

**Fish:** Second.

**Wheeler:** We have a motion and a second so we'll continue that. I believe we're all very supportive of this. I want to thank you for working with the central eastside industrial group to forge what I think is a really common sense proposal here. Voa has done a lot of great work in the community over the decades and we certainly want to see that to continue.

**Fritz:** Its also brilliant solution well done. Thank you.

**Wheeler:** Very good thank you, next up is table m, south waterfront. Troy, can you walk us through the potential amendment?

**Troy Doss, Bureau of Planning and Sustainability:** This one there was a request from zidell, they are putting a master plan together for the zidell yards and one of the things that this proposal and eventually ohsu is likely to find as well as is, when we adopted the south waterfront plan we established a greenway setback. And we do want development to be set back from that, but on top of that there was a height setback that was applied. When you look at how it's applied to the district it works really well when you're measuring east to west from the edge of the greenway setback but when you look at how the greenway comes in around the barge facility it really starts to impact properties much further into the district and affects three primary development parcels, two of which are currently in play. They had asked that we finds an approach that would allow them to go forward. What we've proposed is that although we would maintain the greenway setback exactly where it is and around the barge way we would straighten the line for the height setback so that really you still have the setback for development but in terms of taller buildings, in this case 150 feet as opposed to 125 feet, they would not be affected by this provision.

**Fish:** What's the difference between the two slides?

**Doss:** The one to the left is showing how the height setback is kind of following the contours of the districts along the top of the bank that's more so associated with the greenway setback. And what we've done is we've straightened that line out to be more

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specific to just height. Again, the greenway setback has remained so what you see on the left is really showing that setback. On the right you're seeing what would be the height setback.

**Wheeler:** It's hard to see, but there's sort of a little divot about halfway down on the left there and what that represents is the bottom of their spillway and that's why it dipped in the way it did.

**Doss:** In fact you see another one that comes up here and that reflects actually an old culvert that used to be in the greenway that's no longer there. It's been restored, but anyway we were showing – we were contouring it based on the contours we had in 2003 things have changed. Regardless for this situation, though, the going in around the barge way itself if you apply that same logic it really starts to push back into development much further into the district than was anticipated so we recommend straightening the height setback and leaving the rest of it the same.

**Wheeler:** Well I like this solution. I think it's a good solution to the height issue without complicating the south waterfront setback issue which the greenway requirements which this council obviously supports. So I'd certainly like to move this as an amendment.

**Fritz:** Second.

**Wheeler:** Motion and a second, any further discussion on this item? Very good moving on to o1, flexible building design policy. Troy can you walk us through the amendments?

**Troy Doss, Bureau of Planning and sustainability:** Yes, there was discussion and testimony regarding primarily focused on parking structures can we if we have city owned parking structures that are developed can we create them in such a way they can be repurposed later on for other uses. This started to strike a chord we remember other people saying this during the development of the concept plan several years back saying why not have that similar approach to all buildings really to the extent possible. So, rather than creating a policy statement that really focuses exclusively on parking structures we put this together that says we want to encourage building flexibility for any structure including parking structures so that it might be repurposed over time.

**Wheeler:** I think you biased the conversation by showing a photograph of that particular structure. I'll certainly move this as an amendment if there's a second.

**Fritz:** Second.

**Wheeler:** Great gots of interest. Next up is o2 the green loop resolution. Mark, you want to come up and join us, please? Thanks Troy.

**Mark:** Thanks, mayor, commissioners. So this amendment came out of testimony received on the green loop resolution specifically from a letter from the climate justice collaborative and thinking more broadly about the city wide system of city greenway in the comprehensive plan and how to sort forward other projects around the community. So the green loop is definitely part of a system of the, the city greenways throughout the city, we've been working with the Lents community, green Lents and forwarding Lents greenway specifically also add some other projects to think about city-wide not just in Lents, but also in north Portland and potentially in Sullivan's gulch trail as well. This amendment would sort of give the authorization to city staff to raise their level of engagement sort of city-wide to forward these kinds of projects is holistic sort of effort to improve parkways and these greenways throughout the city. As we work on the green loop we can forward other initiatives as well that's sort of the bulk.

**Fish:** Mayor if I could make a comment i'm going to support this, but I think it's redundant for a couple reasons. One is we're doing central city 2035, and if we take everything that -- if we take this to its extreme everything we're doing in 2035 someone could say we want some consideration for something outside of central city and by definition we are limited in our focus to the central city. Number 2, this says we're authorizing people to work with

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community partners. I don't want there to be any doubt that we are currently engaged in those conversations in fact the north Portland greenway has been a long-standing priority of this council. The completing the 40 mile loop, figuring out this vision, linking it to Sullivan's gulch I mean these are all bedrock city policies. So, I just want to say i'm happy to support this, but technically we're talking about central city 2035. I don't -- I think we shouldn't just take each of these up each time because some group feels like we haven't given adequate weight to something that's beyond the scope of the project, but I don't want the "you are authorized to work with the community", to be interpreted as we're not already working with the community. These are things that the council is deeply committed to and technically don't need an amendment to reaffirm what we're already doing.

**Wheeler:** Could we do a friendly rewording of this? Cause I'm compelled by what commissioner Fish has said. Could we say are authorized to continue to? Cause I agree with you. This sounds like we're starting something new, but in fact we're continuing an established policy. We're clarifying it and codifying it in the 2035 plan that commissioner Fish is right if somebody just picks this up and reads it one could get the impression we're just starting from scratch and we most certainly are not. Is that acceptable to everybody? To make that wording change.

**Fish:** Yeah, I think that's better and I think the legislative history is clear now, but again, I don't think it's necessary but i'm happy to second it.

**Wheeler:** Good, then I'll move it. Very good. Parking. Mauricio, do you want to come up and walk us through some of the proposed amendments with regard to parking?

**Mauricio LeClerc, Portland Bureau of Transportation:** Yes, Mauricio LeClerc with pbot. We have two and two and three. So jumping right in, on the first one we owe our thanks to our staff at bds and bps they highlighted the potential loophole in our language our intended law may backfire on us. So, basically we define structural parking – sorry surface parking a certain way and since the 70's we have been trying to minimize the amount of surface parking and we regulate parking policy in central city by limiting the amount of surface parking and by limiting the amount of parking that can be done with a new development. With this code does both for the limitations to surface parking as well as more limits as to how much parking you can build. Well, it has come to our attention thanks to bds and bps staff that you could interpret surface parking as you can have surface parking lot and put a carport on top, a light roof, and suddenly that becomes structure parking that's exactly what we don't want to do. To preempt that sort of interpretation of the code we want to clarify what it would mean by that. Basically it says it has to have a building on top to be surface parking -- structure parking. I'm sorry. Here. So, that's the language basically says surface parking and structure parking with no gross building area above are prohibited. So, just a little thin roof over a parked car is not structural parking. Likewise, we want to clarify that if you're on top of a building you could park there like we have in some smart parks that is ok. So long as you have a full building below it or a building above that would be considered structured parking, if not it's just surface parking I think that clarified.

**Fritz:** So, I'd like to move a second surface friendly amendment which I just noticed in part a, it says but nothing above it. Could we perhaps say no building area above it because we wouldn't mind if there was -- [speaking simultaneously]

**LeClerc:** Build area above it, yeah. I think that clarifies it even better.

**Fish:** So let me ask you another question. Today's Willamette week had a suggestion that we tax the hell out of surface parking in order to encourage development and I'm reminded that Charlie Hales' chief of staff Josh when he ran for council in 2002 ran on a platform of taxing the hell out of surface parking lot and I think John Russell was a big booster of that and there might have been strong opposition from another developer at the time. I'm just

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reminded of it. I'm not going to put you on the spot. It's been something that has been kicked around as changing our tax code to tax impervious surface differently as a way of encouraging development. It has nothing to do with this. Withdraw my comment.

**LeClerc:** But it does support the idea that we have been trying so hard since the '70s to redevelop the surface parking lot and we don't want to actually encourage more by not clarifying what the code means. This one requires somebody to introduce an amendment.

**Wheeler:** Alright so commissioner Fritz found a friendly way to change that. Do you want to take that as a motion?

**Fritz:** Yes please.

**Fish:** Second.

**Wheeler:** We have a motion, we have a second for and 2 and 1 and of course we move to the technical package so next up is n3, ohsu parking.

**Mauricio LeClerc, Portland Bureau of Transportation:** So on that one --

**Lauren King, Deputy City Attorney:** So, with parking because I don't have the entire code language in front of me it's hard to know exactly how that technical amendment works, so it would be our recommendation to check in with the code writers and see the full context so there might be after we have had a chance to look at it there might be a further clarification.

**Wheeler:** Ok, can somebody work on that while we're in session and bring it back to us before we leave?

**King:** So, its the three we have a, but not b and c. Yes, we can do our best.

**Wheeler:** Let's see if you can get it done so we don't have to revisit it.

**LeClerc:** You're not addressing any of those, right?

**King:** We're just changing the word nothing to no built area.

**Fritz:** I'm not changing anything in b and c.

**Wheeler:** So, we'll let, you'll just make sure there's no lack of parallelism. Whatever the word is. Ok good so we are at N3.

**Leclerc:** The second one is ohsu sent a letter, also psu signed it, basically said that they are okay with the work we have done on parking. We have actually limit further limits how much you can build in south waterfront, but they are explaining a concern which is valid according to staff that the rules for preservation parking, which is basically parking after your building has been built you can build more to meet your entitlement. The way we wrote the code doesn't quite work to how their master plan is being implemented so basically they want a little bit more flexibility to be able to do the things that are in the master plan basically. The idea would be to be -- they don't want to -- they haven't been building parking with each building, they have been trying to bank it so that like a campus, a normal campus has buildings and parking is grouped in a special place. They have been doing that by what this new code does is provide a trigger you need to have less parking than a certain amount to be able to qualify. That would disqualify many of their buildings from getting the parking that they have accounted for in the master plan, so a long story short this gives them the flexible to keep doing what they are doing to create parking that they need and to continue to create the master plan.

**Fish:** I have been spending a lot of time down there lately, and the parking, the existing parking is beyond capacity. I think with the new buildings online it's going to continue to -- the beauty of the way they have configured their parking is to get it off the streets and to places as quickly as possible which I think is important. Is there a downside to this? Are we opening the door to something that's unintended?

**LeClerc:** Well, we're trying to avoid -- in terms of total amount of parking not necessarily because we are actually lower how much they can ultimately get and we're trying to avoid an adverse effect, which would be if we do not adjust what we're trying to do now ohsu

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would be forced to build parking with every new building and actually try to build as much parking with every building as possible to compensate for what they cannot do according to the code. So in a way we're trying to avoid overbuilding parking and allow them to build in what they need in a more specific manner. So, I don't think there's much of a downside and we're limiting this to medical offices and colleges and to the south waterfront area which already has a unique circumstance of having the established campus and it's very hard already to build parking there. There very expensive to build especially underground so I think we're not under the danger of overbuilding parking in this district as a result of this change.

**Wheeler:** Commissioner Fritz did you have a question?

**Fritz:** I just was willing to move it forward for the point of discussion. I do have concerns about whether it overly broadens it.

**Fish:** I'll second it.

**Wheeler:** We have a motion and second on n3. That takes us next to height and far. Rachel, do you want to come up and walk us through some of these proposals?

**Wheeler:** Joe. Thank you.

**Rachel Hoy, Bureau of Planning and Sustainability:** Good afternoon Rachel Hoy with the bureau of planning and sustainability. So the next table that we're going to walk through is table b, so that should be at the front of your packet these are the two items that we're going to talk about. Tso this first item, this is a discussion item, so no amendment has been put forward. The request is to increase the far on the half block at 87 southwest stark. So the current far on this half block is 4:1, request is to go to 6:1. This I will point out that this whole area from the markham bridge to the Broadway bridge along the riverfront, the far is 4:1. So, staff's recommendation has been to maintain that far at 4:1. Generally we have lower fars along the waterfront to align with lower heights and this I would just point out the site can receive bonus far up to 3:1. So, I just want to turn that over if there's further discussion that you would like to have about this particular item.

**Saltzman:** It can receive bonus 3:1 on top of the 4:1?

**Hoy:** That's right. These are their base fars. So, all of these sites have the ability including this one to get an additional 3:1 bonus.

**Fish:** Trying to just remember what's there. Is it like a record store and tattoo parlor?

**Hoy:** That's a parking -- i'm sorry, that's a surface lot

**Fish:** A service lot.

**Hoy:** At this particular site and it is again the way we've outlined it it's request is for that half block. To the north is within the historic district.

**Fish:** What rationale has been put forward for this increase?

**Hoy:** Part of the rationale was the proximity to just to the west the far is 9:1. So an interest in having an far similar to the adjacent sites. So I guess our rationale has been it's also this is a kind of a narrow area along the waterfront and we have typically the pattern we have maintained is 4:1 pattern along our riverfront.

**Wheeler:** Alright good, I don't sense any urgency to put forth any amendments on that. Is there any further discussion anybody want's to have on this particular item? Very good, b5. River place height and master plan adjustments. Joe, I think you're -- Oh I'm sorry commissioner.

**Saltzman:** I have to excuse myself due to my family's ownership interest in properties that could be impacted by changes in this height for this amendment, I will excuse myself.

**Wheeler:** Duly noted. Don't go far. So next up the 5 river place height master plan adjustments. Joe or Rachel I'm not sure?

**Rachel Hoy, Bureau of Planning and Sustainability:** I'm just going to start out and I wanna recapping a little bit. We did talk about a river place testimony that was received,

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and through that testimony the owner of the site had requested additional height allowances at this location as you can see highlighted in red on the map. They did not request any increases to density and I just want to point out this is a different proposal than the one that went before the planning and sustainability commission. A little background on the site as you can see on the slide the current heights are mostly at 125 feet. There is some area at 150 on the existing floor area ratio, at this site is 4:1. The map to the right shows the planning and sustainability did vote to increase the maximum heights from 200 on the western edge of the site and it's slowly decreases from 150 to 125 approaching the river. The psc also raised the far on the site from 4:1 to 5:1 for this area highlighted in red. Their rationale there was to maximize redevelopment potential of the site and its inclusion of affordable housing in the future. The property owner request -- is requesting basically the same building height limits common to the adjacent south waterfront sub district and those heights range from 325 to 150 as you approach the river and in addition the request was for one iconic building up to 400 feet within the redevelopment area. The owner suggested that the need for this additional height was to help meet public objectives especially in the case of the concept they submitted. Their concept included a publicly accessible park that combined with access ways is close to two acres of the eight acre site. They also proposed a taller building as a way to achieve allow densities while still including these additional public benefits. So I'm going to turn this over to Joe.

**Joe Zehnder, Bureau of Planning and Sustainability:** Joe zehnder with the bureau of planning and sustainability. So, I just wanted to walk us quickly through the rationale that we brought to building the recommendation that's in front of you today or proposed amendment. When we looked at the height allowances on this site the proposal and the current owner who started this discussion with the planning and sustainability commission has particular idea in development program. When we're setting allowances we're setting allowances for that, but also in case another developer is ultimately and another plan is ultimately going to be what's built here, but we wanted to put in place allowances that make sense with the location and with our approach to height in the central city and on the waterfront. So these seven sort of considerations that are on the slide here are versions, of the same ones that we have been talking about for a while now that we've used elsewhere in the central city. Principle number one is that height increases in central city 2035 are only coming through a bonus and that is true of this case. The current base height limits would stay the same but we're talking about allowing more height but only through a bonus and that bonus is our inclusionary housing program to start with. Secondly, we're continuing something that you've talked a lot about, which is to protect public views and here we have public view from Terwilliger of mt. St. Helens and it's from a full on public view with a viewing area. When you look at the proposal that's why there's this lower height swath cutting through the center of the site so we managed to do that. Part of what we see in talking with the particular proposal that's on the table now is that indeed for the amount of development that we would like to see on the riverfront and in river place, to bring it even up to what is allowed today because in that first generation of the development this site it was built at a lot lower density than is actually what is even allowed because it was built in the '80s and '90s. When you allow buildings to go vertical you open the ability to have more open areas, circulation area and these open spaces. You have more options to get a better design to introduce a relatively large precinct, a new large development into our city and our waterfront. So, that was a compelling argument and one we have used on the Broadway corridor and the post office, this is not new thinking, it just was compelling when applied to here. So, when we thought about those approaches we have a precedent that we have already negotiated and deliberated through for an extended period of time and that's the rules we use in south waterfront. We looked at

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those in addition to the height allowances and we're going to bring those up and apply them to the site as Rachel will explain next. We have a precedent and a set of approaches that talks about how close towers can be together. How do you get visual and physical permeability so it doesn't just become a wall? How do you look at shadows? How do you look at the public realm? Those we're bringing up into the proposal as well so we have that precedent to use here. In that precedent like I said and elsewhere in the central city we considered the impact of where we allow more or less height on adjacent parks. In this one we have an interesting situation where it's adjacent to waterfront park and if we're able to get by going vertical more open space on the site and it'll arrange that so it's next to the waterfront park that could be one of the biggest additions to that open space system that we have made in a while. We want to leverage major transit investments. We have streetcar. We have already invested. It's up the hill but near our extension of the max line as well and the whole discussion started possibly even at the psc, there was enthusiasm for reinvestment of the waterfront. Doesn't take necessarily this scale to do it but when we step back and look at what was right for the site and consistent with our plans that's the basis on which we made the recommendation that Rachel is going to give you.

**Hoy:** I am going to walk you through a couple of slides to further lay out the proposed amendments. This is the view corridor that we're talking about from Terwilliger parkway, view of mt. St. Helens that central city 2035 preserves. Here is another aerial showing you how the view corridor crosses the site. So just to talk through some of the proposal for height here we'd like to propose the base height remains at 125 across the entire site. The red arrows point to two areas. These red arrows point to two areas outside of the view corridor that may go up to 325 feet. This height is the maximum that can be achieved in south waterfront. As joe mentioned also similar to what south waterfront staff has put together some code language that's in your packet for additional standards that would be required that these be narrower towers should the project want to go to these heights. Other proposed heights within the site within the view corridor itself in this area, the proposal is up to 250 feet and this goes down as you approach the river to 150 feet. There are also proposed additional standards that would apply to the entire site that will require special building spacing so as joe referred to, to avoid these kind of long walls through the development so special spacing between buildings, special orientation of buildings so we have better visual permeability through the site. So here is another picture of what the view would look like with these potential height opportunity areas as I mentioned --

**Fish:** Can I ask you a question? Given that you've made a lot about narrower buildings to protect site lines, why did this picture look like co-op city?

**Hoy:** So this is just the way that we do our modeling. We haven't sculpted these buildings at all. It simply is to show.

**Fish:** Just to be clear listening to joe understand the view that he expressed, there would be lots of separation between buildings and discrete corridors, it would not be a wall like this.

**Wheeler:** These are not buildings. It's important -- this is the far --

**Hoy:** Correct.

**Zehnder:** It's important to note we don't want to misrepresent either way by designing something that is our fantasy. The design review process and rules we put in place is going to make this work no matter what the development team proposes to move forward.

**Wheeler:** Just by way of an interesting exercise for some other day. Do this exercise on the south waterfront as it is allowed versus what is actually built and you'll see that actual results may vary considerably from the envelope.

**Fritz:** And also mayor there concisely fought was expected cause I was on the planning commission when we heard similar arguments, that would be plenty of views down the

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green streets and that really there would be a lot of ways to see through because of the sculpting of the buildings and my impression is that really hasn't turned out so well. So i'm quite concerned about this one.

**Hoy:** So, this is the slide interesting showing you a cross section from downtown park avenue down to the waterfront. This actually cuts straight through the building that we're in, the 1900 building. So, it gives you an idea of what we have done here in gray and black are its a profile of the existing buildings, the orange line shows you the recommended heights that are in the recommended draft. So, you'll see from the transit mall at 460 the gradual stepdown to the river in heights. The area in green are proposed amended heights for the river place area.

**Fritz:** So it would go up to 325 even though its behind it is 250.

**Hoy:** Yes. This is to show you, yes, the area in green would be if those -- that would be the amount that they could go up to, maximum amount as proposed up to 325.

**Wheeler:** Is the 250 means sea level or is it above ground? Where is the 250? So in fact it's stair stepped up.

**Fritz:** Yes, if we were to approve this amendment it would step up.

**Wheeler:** Did my point make any sense or is it one of these things where I am cartooning something --

**Zehnder:** It does stair step up and this diagram shows how that works with the grade differential between the top of the hill and the waterfront.

**Wheeler:** Got it good thank you. Just checking.

**Hoy:** Sure. So just to summarize there a set of five proposed amendments to put forward so I'll walk through those. So, the first one is to apply a height opportunity area, so the areas in red on the map would be considered height opportunity areas. In these areas bonus height may go up to 325. There would be additional standards that would apply similar to south waterfront for the building massing that would result in narrower towers with these areas should a project decide to go to those heights. The other heights on the site would range from 250 to 150 as you approach the river. Number 2, there would be a requirement for additional standards that would apply to the entire site that would require spacing between special additional spacing between buildings and orientation of buildings to allow visual permeability through the site. Number 3, require a master plan for the site. So joe talked a bit about this. This is a new tool new tool that we have revised in the central city plan that would provide an urban design and development framework for the site. It would address site elements for example the location of open space, connectivity through the site for public and private streets and access ways as well as requiring shadow studies to preserve light and air on parks and adjacent open space and the waterfront. Number 4, this is also an element of the master plan. There is as I mentioned an open area requirement within the master plan for this particular site. We have proposed that there would be open area adjacent to south waterfront park and that is the open space just adjacent to this property. It is adjacent to the waterfront and they would be required to have some level of open space to improve access to the waterfront. Number five is a minor technical amendment, but one that we do need to correct that corrects the view corridor that you saw mapped of the Terwilliger parkway and it's updating our scenic resource protection map to align with the correct more correct elevation for the site. So, those are the five amendments on the table and I would like to turn it over to the mayor.

**Wheeler:** I want to hear from commissioner Fish but can we move these as a package?

**Hoy:** That was our thinking.

**Wheeler:** Commissioner Fish?

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**Fish:** Mayor I just to clarify this before we move anything, joe, I got a couple letters from people saying shouldn't do this because it's spot zoning. So could you address that for me?

**Zehnder:** Right and spot zoning its I'm not 100 spot zoning has a bad name when in the cases where it's applied for particular benefit of a particular property and in the past it may have been for a particular property owner outside of the context of the overall plan. That's sort of the baggage that that concept carries. So when you consider your major rezoning you want to do it in the context of the area around it and that makes it not a spot zone but full on contextual thinking. And that's in part why we wanted to go through those considerations cause I wanted to show you, yes, this is a property, a big property, but the way we're thinking about it is consistent with the rest of what we have tried to reason through in 2035 and we're doing it as part of 2035.

**Fish:** Thank you. Second question, is the only -- you said this is subject to the bonus to get the height. Is the only trigger for the bonus inclusionary housing?

**Zehnder:** Correct.

**Fish:** So you couldn't get the height because you want to add commercial space.

**Zehnder:** The only way to access the bonus system in this location is to use the inclusionary housing program. Once you've satisfied that you could move on to transfer provisions that are available in the code, but the threshold is inclusionary housing.

**Fish:** And so that's from your point of view part of the public benefit.

**Zehnder:** Correct and that's even when we did this in -- that is the heart of the public benefit, yes.

**Fish:** My final question is, since we're talking a lot about design, how it looks, master plan, could you just give me a quick reminder what the council's role with respect to either design or the master plan? If at some point we go forward with this plan.

**Zehnder:** I'm going to make sure the master plan is a new provision. The master plan requires that the phased development of the site be thought through at a public process that's overseen by the design commission. Upon appeal I believe that master plan process will end up in front of city council if we're not --

**Fish:** That is baked in as a safety valve.

**Zehnder:** It is. Yes.

**Fish:** And does the design that's and you anticipated my final question. The design review commission would oversee the master plan process. Are there specific design guidelines that can be applied to any tower above a certain height? Do we have that option to put that requirement in?

**Zehnder:** Well we've baked those into the rules that we have imported from south waterfront.

**Fish:** So that would go to design review?

**Zehnder:** Yes, that actually sits in the code and we have added some of the amendments that you're making add guidance to the design review process as they look at the master plan.

**Fish:** Thank you.

**Hoy:** If I could make one clarification to add to what joe has said, commissioner Fish, you asked about the triggers for the bonus and if it would be inclusionary housing. The only just to be clear so the proposal we received was for the concept for residential development and certainly that would trigger affordable housing. If there was a building that came in a straight commercial, no residential development, they would have the choice of going to the affordable housing fund or they could go to the historic resources transfer. They have a choice if they are purely commercial building.

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**Fish:** I would want to know more about that because the whole thing has been framed in terms of a benefit around affordable housing, and one of the things I don't fully understand is what the off-ramps are that could result in height without that benefit and while we can't - it may be that for market or other reasons it never gets built if we proceed with this but I want to make sure there are not other ways around it, because to me that's one of the few compelling parts of this.

**Hoy:** Again that would be a straight commercial building which is somewhat -- we see mostly a lot of mixed use now. So, most of our projects are triggering affordable housing. You build 20 units or more and you've triggered affordable housing.

**Fish:** Couldn't we just say that there is no bonus for a commercial building?

**Zehnder:** One could, but just to be clear even if -- how many acres is this?

**Hoy:** It's an eight acre site.

**Zehnder:** So, even if it was eight acres of strictly commercial building, if it meets bonus floor area to build out its program it will need to participate in the inclusionary housing program and just for strictly commercial building the approach is not to build units but to pay into the fund, and that we have structured so it still is part of the inclusionary housing program but it might not necessarily have housing on the site if there is no housing on the site. We haven't seen eight acres of exclusively commercial development in the central city I think almost ever.

**Wheeler:** Very good, well first of all thank you for doing the work. Thank you for making these amendments that I think address some of the public interest issues that have been raised, open space, access to the river, making sure tower width and spacing requirements are put into place, protecting the view corridors, the visual permeability issues that commissioner Fritz has raised. With that I would like to move it.

**Fish:** Mayor, I have some -- unresolved questions about this but I think it is worth continuing the conversation and so I will second your amendment.

**Wheeler:** Thank you, commissioner Fish. I appreciate that. Next up master plan L2. Sharing and consolidation of resources. Rachel, I think you're up.

**Rachel Hoy, Bureau of Planning and Sustainability:** This is again dealing with our new master plan provision for the central city. This is a new approval criterion that we're proposing this is coming from a working closely with bds as we're finding that some of our master plan sites are beginning to do their own master planning and getting ready for the city submittal. We're finding that this is a new approval criterion that would be very beneficial. It is in the vein of let's have these projects show us how they can efficiently use resources and their space on site and how they can consolidate. For example, consolidate parking and consolidate access to parking. Their mechanical equipment, trash and recycling. So it's also a way to show how we're going to maximize the use of ground floor for more active uses.

**Wheeler:** I would like to move this. Colleagues for any further questions.

**Fritz:** Second.

**Wheeler:** Any further discussion or questions for Rachel? Very good. Now we're to bonuses and transfers part 2, our next item is g4, to allow far transfers from open space. Rachel?

**Rachel Hoy, Bureau of Planning and Sustainability:** This proposed amendment to allow far transfers from open space staff supports this amendment as it will provide additional pool of far for the bonus and transfer system. It offers another option to meeting development and density goals in the central city. The slide before you provides the necessary code updates that would be needed simply by adding open space or o.s. to the list and I'd like to turn it over to the commissioner Fritz and if there's any more discussion on this amendment.

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**Fritz:** Very basic thing so I move the amendment.

**Fish:** I'll second it. Seems very straight straightforward.

**Wheeler:** We have a motion and a second any further discussion on that particular item? Moving on to item g3, that's transfer within a sub district sometimes known as the seu proposal. Joe, do you want to talk about this?

**Joe Zehnder, Bureau of Planning and Sustainability:** Yes, thank you, mayor.

**Wheeler:** I understand nobody has offered an amendment about there was a request for discussion on this?

**Zehnder:** Correct.

**Fritz:** yea and I was not thinking of offering an amendment but as time has gone by and I've looked at the complexity of this I think there might be merit in moving it forward for discussion.

**Wheeler:** Joe.

**Fritz:** I didn't tell you that yesterday cause I've only just thought about it.

**Zehnder:** Great, so the proposal that was considered by the planning and sustainability commission and then considered again in the city council process from seu is to change the transfer from within a sub district, one of the two transfers that the new central city plan would allow and make it a transfer that with certain triggers would only make transfer floor area available for commercial development of a certain scale if service workers working in that building make 50% median family income. The way that the transfer would be administered and recorded is that and to get the transfer the building, the developer would have to provide building development services with a covenant that records that this condition is in the property's records, in the property's deeds. As the building is built and the building is operated, if at any point in that time this condition is not being met, that enforcement mechanism would require -- would create the opportunity to be enforced through court action by a third party. So this is something new, but not just through a zoning enforcement action but it could be raised through a court proceeding and historic property transfers would still be available that was the idea. The planning and sustainability commission and staff considered the notion of finding means to promote living wage jobs especially in the service sector, especially in our central city where so much of those jobs exist is, you know, worthy goal and like many worthy goals the zoning code in this particular zoning provision we don't think is a workable or effective or appropriate place to try to do that. Let me just explain.

**Fritz:** Actually Joe if I could cut this short I share many of your concerns and I'm not convinced this is the entirely the right way to move it forward either but I don't want it to get lost because I think it's a very important concept. So, rather than going into all of the pros and cons now, this is one I would like to continue discussion.

**Fish:** I would like to explain while I'll second this with a condition. We put strings on all kinds of actions we take, discretionary actions. We say an opportunity zone you have to meet certain wage goals. We say in grant agreements you have to meet city policies. I can go chapter and verse. The principal objection on this is that you have made an argument that the zoning code is not where we should address this. That it may be an otherwise laudable goal. I'm not sure when and how we're going to address this if we don't at least seize this moment to say let's keep it on the front burner because I think what we're talking about is justice for janitors, let's be clear here. We're talking about a discretionary act of the city in which we're saying as some kind of condition we don't want you degrading area wages and exploiting people. Now we already do that in all kinds of ways. We recently adopted a statement of principle on a community benefits agreement. We say in all our affordable housing you have to meet a prevailing wage. I agree it may be that the zoning code as an instrument is not ideal and there may be particular reasons why it would be

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difficult to enforce, but along with commissioner Fritz, I see this as an opportunity to frame the issue and ask you not just to come back and tell us why this doesn't work but to give us options for something that's a first cousin that gives us some leverage through this discretionary act to maintain area standards in the service sector. Again you may come back and say we have looked at it, we still can't find an answer but all we're saying is we want to continue the discussion in January and so I will second the proposal.

**Wheeler:** So its moved by commissioner Fritz and seconded by commissioner Fish.

**Saltzman:** This would be for commercial buildings only?

**Zehnder:** You all should tell us, but this was the proposal just commercial?

**Rachel Hoy, Bureau of Planning and Sustainability:** Yes, its just for commercial.

**Zehnder:** Just to put it in a framework -- [speaking simultaneously] we're glad to bring this back. I'm sure it will recommend a policy statement about where the city is in a contractual or development agreement kind of thing.

**Fish:** Can I make a suggestion Joe? Cause we've found your office to be incredibly creative even where you disagree with the premise of the question. I would say a follow-up meeting with commissioner Fritz's office and my office to do some brainstorming and still you may at the end of this come back and still say we're barking up the wrong tree but we want to have that conversation.

**Fritz:** That's my intent too certainly don't go home tonight and start working away at it.

**Sallie Edmunds, Bureau of Planning and Sustainability:** So mayor we don't actually have an amendment on the table at this point so we would have to come back with an amendment sometime in the future. We could either come back on January 3 we have that date penciled in as a possible date, or we could bring it back on January 18th and you could consider it before --

**Wheeler:** I suggest to meet with commissioners Fish and Fritz and between the two of them they can make a recommendation to council.

**Edmunds:** But I believe we have to announce that meeting at this meeting. Isn't that right?

**Fish:** I would say let's tentatively say it will come back January 3<sup>rd</sup> because I really want to keep this on track and that can change but you need a placeholder.

**Saltzman:** Can't we take the language that was proposed to the planning commission and advance it?

**Zehnder:** This has never actually been -- there's been no language. The planning commission did not recommend for this at all.

**Saltzman:** I thought they had an amendment they rejected though or something.

**Zehnder:** No, they discussed the issue its similar to the discussion we're having now commissioner.

**Fritz:** Are there other items that would be heard on January 3?

**Edmunds:** We don't have anything else on the list for January 3<sup>rd</sup> at this time.

**Fritz:** If we put it then cause I agree commissioner we want to kind of keep working on it. Do you have a suggestion?

**Lauren King, Deputy City Attorney:** I think you're heading in the direction -- you're coming back for the amendments package on January 18th. So we could bring language at that meeting. You can introduce it then so that you don't have to have a separate hearing.

**Fritz:** I would I think given the holidays and everything I think the 3<sup>rd</sup> is acceptable.

**Fish:** Mayor is that acceptable

**Wheeler:** That's acceptable.

**Fish:** 18<sup>th</sup>.

**Wheeler:** Let's plan on that so Sallie, tell us where we are and what the schedule is going to be going forward.

\*\*\*\*\*: Great. Okay. On -- excuse me?

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**Edmunds:** First of all we have to go back to the parking item. When Mauricio was up here you asked for an amendment to the parking item.

**King:** So just to clarify commissioner Fritz's amendment was to add no building area above it let's I recommend that you change it to no gross building area above it and that's a standard scrivener, so it's consistent. As far as the seu thing, I just want to clarify it sounded like there was a motion and second but that was just for the concept, so there's not an actual amendment. Just want to be clear on the record.

**Wheeler:** That was clarified subsequently, that there was no formal amendment on the table so that's withdrawn.

**Fritz:** And that we might bring something on the 18<sup>th</sup>.

**Wheeler:** Hearing no objection to the scrivener error on the parking issue.

**Edmunds:** So we don't need to move and second that again.

**Fritz:** That was actually what I said in the first place.

**King:** I heard building, I apologize.

**Edmunds:** Great so the power point slide that we have up shows January 3 at 2:00 p.m. We do not need that meeting. We have just decided. So we are not going to have that.

**Fritz:** I think you're probably quite relieved to have a bit of time off.

**Edmunds:** So we will be publishing --

**Fish:** It's going to be eaten up by five today so hold that data I put first dibs on it. Thank you.

**Edmunds:** So on January 5th we will publish the amendments report based on the feedback we have gotten from you at the last three meetings and the items that you brought forward prior to beginning the hearings and then we'll have our hearing on January 18 and take it from there.

**Wheeler:** Very good, that concludes the central city 2035 discussion for today. We're going to continue the conversation on January 18th at 2:00 p.m. Time certain. Next item, 1311.

#### **Item 1311.**

**Wheeler:** Colleagues, the home buyer opportunity limited tax exemption otherwise known as holte program includes a 10-year exemption to low to moderate homebuyers purchasing new construction homes making homeownership more affordable for families in Portland. The Portland housing bureau is required to establish an annual sales price cap for the program by January 1, 2018, which may be up to 120% of the Portland median sales price for the 2017 calendar year. So that's January 1, 2017, through November 30, 2017. The Portland 2017 median sales price as provided by the Multnomah county tax assessor's office is \$375,000. The eligible income of homebuyers must be below 100% of ami, \$74,700 for a family of four. Currently. To maintain the affordability of the holte units for low and moderate home buyers, the housing bureau is proposing to set the sales price cap at \$375,000. That represents a 7% increase from the current 2017 sales price cap of \$350,000. This is an annual administrative action for the implementation of the program that requires council review and approval. Today we have Portland housing bureau program manager Andrea Matthiessen here to discuss this further and answer any questions that you may have. Are you coming up too? Not yet? Okay. Very good. Hello. \*\*\*\*\*: Hello.

**Wheeler:** Thank you for your patience.

**Andrea Matthiessen, Portland Housing Bureau:** Thank you. Good afternoon, mayor, commissioners, Andrea Matthiessen, Portland Housing Bureau. Thank you for that very thorough introduction of this item. The only thing that I would add an addition to reinforce that this is an annual administrative step required for the program by state statute. The current sales price cap for the program is \$350,000 for the 2017 calendar year. We

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reviewed the actual sales prices of the homes that sold within this calendar year, and although the sales price cap is set at \$350,000, the average sales price in actuality has been about \$315,000. So we do set this cap. 315,000. Yes. We do set this cap annually at about 100% of median county sales price. We have generally not gone up to that maximum allowed 120%, but we don't typically tend to see the actual sales prices being maximized at that amount. I do want to share that information and ask if you had any questions.

**Wheeler:** Very good. Are we ready for public testimony? One moment.

**Fish:** Karla has just recused herself. [laughter]

**Fish:** We have done this on consent in years past.

**Wheeler:** Any public testimony?

**Moore-Love:** One person. Jennifer James.

**Wheeler:** Is Jennifer here?

\*\*\*\*: I just thought I had to sign up to come in.

**Wheeler:** You don't need to sign up in the future to come in. No worries. No problem. Please call the roll.

**Fish:** Thank you Andrea for your typically crisp and to the point presentation and you do a suburb job at the housing bureau. It is a pleasure to have you before the council. Aye.

**Saltzman:** Aye.

**Wheeler:** Thank you. Aye. Resolution is adopted. Item 1312. My understanding is commissioner Fritz will be back in time for the vote on this.

**Item 1312.**

**Wheeler:** Colleagues, one of the biggest obstacles to homeownership is savings to cover the down payment and closing costs. We have heard a lot about this as of late. Home purchase assistance program is a new program proposed by the Portland housing bureau to help families cover these upfront costs. The home purchase assistance program provides low and moderate income homebuyers in the city of Portland up to 8% of the mortgage amount for a down payment and closing costs associated with the housing purchase. This program is being piloted by Freddie Mac, the government purchaser of mortgage loans, and Portland has been selected by Freddie Mac as one of only five governmental jurisdictions to participate in the initial rollout of this program. Assistance provided by home purchase assistance program is provided by first mortgage lenders in exchange for charging a slightly higher interest rate on the mortgage and does not require city funds to implement the program. The home purchase assistance program is targeted to families who can afford the mortgage loan necessary to own in the city of Portland but exceed income limits of programs that can provide assistance with down payments or closing costs. Today we have Portland housing bureau program manager Andrea Matthiesson, still here, and coordinator Ira Bailey available to discuss this further and answer any questions. I see Director Creager is here as well. Thank you.

\*\*\*\*: Thank you, Mayor.

\*\*\*\*: Welcome back.

**Kurt Creager, Director, Portland Housing Bureau:** Kurt Creager, housing director, I know Ira is on his way. You've gone so quickly through your agenda I suspect he thought he had more time.

**Wheeler:** I can't take the vote until commissioner Fritz returns so I need you to stall.

**Creager:** Wonderful. To frame the issue, when I came to Portland we had an excellent history of home buyer assistance down payment assistance within the urban renewal areas and we were capitalized within the interstate corridor urban renewal area but we really had nothing available for someone living outside of an urban renewal area and as you well know state statute limits the city to some 15% of the land area to be designated

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urban renewal area so we were missing out on a huge swath of the population. Knowing that we couldn't really justify using ongoing general fund revenue for down payment assistance city-wide we decided to tap the hydraulics of the private sector to recognize that long term lending presents an opportunity if people are willing to accept a slightly more debt over the lie of the loan we could essentially generate for themselves down payment and closing costs. I think it's an elegant solution to a long-standing problem. We're honored that freddie mac has the confidence in Portland. This has taken a few months to put together but andrea and ira have run it through the community based review process and we're very excited about this.

**Andrea Matthiessen, Portland Housing Bureau:** Thank you, kurt. Again, mayor wheeler, commissioners, andrea matthiessen, Portland housing bureau. We could dive into the technical mortgage lending requirements but we're not going to do that today. Instead I did just want to provide a very high-level example of what the program can offer. So for a household that is looking to secure a mortgage of about \$300,000, this program could provide them with cash for closing costs and prepaid mortgage insurance to the tune of about \$18,000. So that is very helpful to the households, particularly because their ability to pre-pay that mortgage insurance lowers their monthly cost in a significant way. The amount of cash that \$18,000 that the first mortgage lenders are providing is placed as a lien on the property for ten years. There's no interest rates, no payments and it is forgiven if the property owner remains in the home for ten years. The income limits for this program are being proposed at 140% of area median income. That's about \$104,000 annually. Those are consistent with some of the other low and moderate income homeownership programs administered by the housing bureau. We attempted to structure this in a way that would work with other programs that we're currently offering. The mortgage credit certificate program, for example, this program works nicely with that. So that homeowners can leverage all of the available homeownership assistance to overcome challenges that exist in the homeownership market currently. This program does also require education first time homeownership counseling, so homebuyers are aware of what this product requires of them. It requires lenders to also provide them an analysis of what that increased mortgage interest rate means over the 30-year life of the loan if they were to stay in the home for the full 30 years. I think one other additional thing that I did want to clarify is that we anticipate based on information from the mortgage lenders that we will be piloting this program with an estimated 100 to 200 homebuyers may utilize this program annually and of course that's just a projection. That's not something that's been available previously. I just wanted to ask if you had any other questions about the program as it's currently proposed.

**Wheeler:** On what basis was Portland selected?

**Matthiessen:** You know, I think that's a good question. I would defer to director Creager. I believe that he held some relationships with freddie mac and under some of his previous employment that allowed Portland to enter into conversations with piloting this program.

**Creager:** I would like to say that this is probably the power of networking. Indeed, freddie mac is based in mclean, virginia, fairfax, where I last came from. Their director single family has a long history, long time associate of mine who is in the audience. Jim streth. She was his director. When she went to freddie, freddie mac, they continued a very strong working relationship and jim approached me after I had become bureau director with the concept. I did immediate with freddie mac a couple of times in Washington d.c. As I discharged my duties as a board member in the national association of local housing finance agencies, so it's been maturing for about the last year. We're pleased that they have the confidence in our market they wanted to make sure they had a west coast market partner.

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**Wheeler:** Thank you for reeling this in. We appreciate it very much. Is there public testimony?

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

**Wheeler:** Please call the roll.

**Fritz:** Thank you for explaining it to me. Aye.

**Fish:** It's an incredibly innovative program which addresses the barriers some people face to homeownership. So hopefully we'll be able to demonstrate through this pilot that it works in Portland as well and build on it. Thank you both. Congratulations. Aye.

**Saltzman:** Sounds very exciting. Good work. Aye.

**Wheeler:** Excellent. Again, director Creager thank you for your significant efforts. You have my gratitude. Andrea, thank you. I vote aye. The ordinance is adopted. 1313.

**Item 1313.**

**Wheeler:** Colleagues, the river place parcel number 3 development is another example of the great partnership between our office, the housing bureau, joint office for homelessness and prosper Portland. This project will be 13 story entirely affordable building with 203 multi-family residential units. Our commitment to develop deeply affordable units continues with this project. It will include 90 units for households at or below 30% mfi. 20-units will be for supportive housing. 10 are vouchered set aside for veterans. Portland housing bureau's investment committee approved the project based upon new criteria after requesting that the bureau adjust the proposed terms. We have a couple of amendments, one to update the Portland housing bureau approval in section 1 finding 15 and include the correct exhibit a, and another from commissioner Fish around finding 7 language regarding funding for permanent supportive housing units. To tell us more about this development opportunity we have the housing bureau's kurt creager,.

**Creager:** Thank you very much. I'll be joined by Cynthia Parker, president and ceo of bridge housing. I think it would be fine if she came up. We have a power point presentation spooled up for you. Thank you. Wonderful.

**Wheeler:** Good afternoon.

\*\*\*\*\*: Hi.

**Creager:** We have two presentations. One sort of a backgrounder since we have two members of council that may not have been on council when the north mcadam urban renewal area was last recalibrated, then specifics about river place parcel 3. I will provide a bit of history here. The river place parcel 3 came to council last -- excuse me, the ura, came to council in 2015 and there was a careful discernment by the city council to evaluate the ura, and to ensure that family housing was part of the development going forward. Up to that point only the gray's landing project undertaken by reach with phb support had been constructed. So the council passed a resolution which stipulated several things which needed to happen. The affordable housing set-aside was increased from the long standing 30% to 42% for the life of the district. The rights for the development of a site within the north mcadam urban renewal area was identified and prosper Portland and phb were directed to work together on procurement of a developer for that site. This map shows generally -- it shows the entire boundaries including the merged adjacent education ura, and when we under undertook this project it was a prosper Portland owned site. They led the procurement effort. But phb was joined at the hip to make sure we had at least 200 units of affordable housing with at least 62 affordable to people with incomes from zero to 30% of ami. It's worth mentioning commissioner Fish was very directly involved in the negotiation for that deep investment in affordable housing.

**Fish:** Can I add one piece of history? I wish we did an historical slide on every project because we forget our history then council turns over and history begins with the closing documents. I want to take a moment to acknowledge two events which predated 2015 that

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are critically important. One was demise of the education urban renewal district and its replacement with an expanded urban renewal district in south waterfront. I won't go through all the details but that was a very contested discussion, lots of moving pieces. The demise of a freestanding education ura created an opportunity to expand the existing boundaries but I want to pay particular tribute to a former commissioner and former nonprofit leader who in either 2014 or 2015 commissioner Fritz my memory is cloud cloudy but one of the two, gretchen kafoury, the founder, the commissioner who actually founded the housing bureau and literary rarely the mother of the cdc movement with susan emmons, one of our most respected advocates, came to council and I didn't mean to put it this way, raised their voices loudly at this council and said that the council, and it wasn't directed at any member, it was the council generically, had not in their view met its promise to the community around south waterfront. This predated kurt, the mayor. This was -- there were some other people at the table who had been involved for years around this and I don't remember, commissioner Fritz, a hearing in which there was more heat generated from activists even today where we're used to lots of activists. When gretchen kafoury raised her voice it got everyone's attention. What she did she challenged council to not only honor its commitment but to double down. As a result of that, and partnerships and conversations, a lot of work, we got the second site and additional resources, the bump in the set-aside. Dan Saltzman and a whole lot of other people deserve some credit. But I want to acknowledge gretchen kafoury, who is no longer with us, because she was a singular voice that got our attention and set in motion a number of things. Fair to say we would not be here today had she and susan emmons not educated council about where they felt we were lacking so I honor both their work in this regard.

**Creager:** Thank you very much, commissioner, for that background. The next slide talks about the contours of the procurement itself. April 9, 2015 rfp was put out on the street with a minimum expectation of 240 affordable units and at least 90 of those affordable to people between zero and 30% of mfi. As you found in many other projects that's a particularly deep dive, deep investment in equity. Bridge was in heavy competition with two other very worthy contenders but they ultimately prevailed. And they prevailed with an initial plan of 365 units. It's been modified slightly. Cynthia will discuss some of the permutations. They had a particular interest in an anchor grocery of 30,000 square feet. They spent a lot of time working with about 20 different grocers to try to secure that but prosper was not in a position to provide financial assistance since they were investing in 4th and harrison so that ground floor retail has been right sized to available resources. Parking is provided and 203 affordable units from zero to 60 proposed. 90 units would be from zero to 30 and they break out into three categories. There are 70 housing choice vouchers provided by home forward, 10 veterans affairs supportive housing vouchers and ten units affordable to net operating income of the over all project. So 90 units in total. Under commissioner Saltzman \$19 million was set aside for our portion of this project. With all that the bridge housing proceeded with the option to purchase with prosper and design the project. They got notice to authorization to proceed in april of 2016. On november 9th of 2016 we had a gaping hole in the budget because the value of tax credits was diminished by the promise of lower corporate income taxes so we worked throughout the winter and spring of last year to fill that hole and bridge through the resourcefulness which is why we selected them was able to commandeer other resources to enhance the capital stack. We authorized them to go into full construction, drawings in august which they did do. We have been as you know in a very tight labor market and materials and labor have been going up about 1% a month so when they initiated final design development and construction specifications in august it took five months and we experienced 1% a month inflation over five months, a \$4.7 million gap. Cynthia came back

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to the housing bureau with her partner Williams and Dane to try to partner resolution of this problem. They were willing to cover half of it but they needed some assistance. The housing bureau showed a willingness to provide 2.7 million of additional revenues available at the conversion of the loan to a permanent loan. But we also needed additional public value. You had previously approved your permanent supportive housing resolution. We asked for at least 20 units of the vouched units to be provided with services to be fully robust permanent supportive housing units. We also felt that it was a necessary to secure the public interest in the land. We initially looked at ownership of the land under the west tower, the affordable tower and I took that proposal to the housing investment committee. They had a split vote on the issue. We continued to work the issue between November 28 and December 1<sup>st</sup> last Friday. Since then Bridge has consented to buy the land from Prosper at a discounted price to sell it at the same discounted price for \$2.7 million essentially and we will then lease back the property to them to undertake the project. Prosper procured one project with two towers and it's important to recognize the prosper intent in that regard, so we have negotiated a provision that says that they will undertake the second building, so-called east building, no later than december 31 of 2020 or the housing bureau can replace bridge with a replacement developer. We have every reason to believe they will perform. It's to their best economic interest to do so, but we also want to make sure the entire property gets built. Before you today are approval of two loans, one is \$19 million of north macadam tax increment and one for \$2.7 million over and above the baseline of 19. It's \$21.7 million. We are asking for your approval of the execution of the purchase and sales agreement in substantially the form provided in replacement exhibit a which the mayor explained. And a ground lease between the phb and riverplace three housing ltd partnership, the ultimate borrower. I would say that the appraisal for the underlying tower has been performed. And we're essentially getting a piece of land valued at \$4.7 million for \$2.7 million and we are I turn leasing it to bridge for 99 years to ensure permanent affordability. I want to assert that the public value is very strong and it actually got stronger as we negotiated longer and this is a project that does need to close by the end of this year because tax credits will be valued lower with the lower tax rates. So, with that, I do want to recognize that Siobain Beddow has worked through the thanksgiving holiday, including weekend. And javier mena and the housing finance manager Karl Dinkelspiel have been very deeply involved with this project all along, so without them, it would not have gotten to this state of readiness. Cynthia?

**Cynthia Parker, President and CEO, Bridge Housing:** Thank you. I'm cynthia parker and i'm the president and ceo of bridge housing. With me is Nicole Peterson, vice president and director of Bridge Housing. I wanted to comment on commissioner Fish's recollection and tribute to the two women who had spoken so early on. Gretchen was a friend of mine in the 70s. I think it's fitting we're here today to continue to move on with this doubling down and hopefully build this housing. So, having said that, i'm going to briefly run you through this project and talk about some of the challenges we've had. Frankly, we're very challenged in the housing world right now. Some of the proposed changes with the tax reform act the house version promises to eliminate the volume cap bond program which is paired with the 4% tax credits. If that version of the bill does pass by christmas, as promised, then we will have all of the taxes and bonds issued under volume cap and the tax exempt status will be terminated on 12/31 of this year. Thanks to the bureau for their speedy help in trying to help this along and we certain appreciate the staff working through the holiday and helping us get this moving.

**Fish:** By the way, in plain english, if the price drops to 80 cents on the dollar, we would not have been able to do gray's landing and that's what curt eluded to. Those changes at a time when we're getting so little support from the federal government, it's really a one-two

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punch.

**Parker:** Absolutely. It threatens to reshape the -- with this tool right now, we're -- we're working very hard with a number of people, including our friends at the bureau, to try to issue any lobbying to our congressional members. Get your voices out and let people know this is going to be a real problem. So, with that, let's prove on to this particular project. Basically, you see in front of you, the project itself, which as proposed is a phased develop. The first tower, which is 103 units, is 100% affordable and the second building, 177 units wood-framed, would be phased and also be affordable and that's what we plan on doing. The project team is hoffman construction. We have -- we have dan -- sorry, I dan, I was thinking of his grandfather. They are here to talk about construction costs, which has gone crazy here in Portland. We have the architects. They were the architects of the sitka and ramona. And dane has been our advisor. The project, itself, was awarded to bridge in 2015, back in july and we have worked quite diligently and spent a great deal of money to move it through the processes that are in front of us. Both sites, both projects are moving along at exactly the same level. They are both permitted and shovel ready, the financing for the 100% affordable building that's located in the tower is the one that has the planner finance incomplete. The 203 units consist 90 units below ami. 70 are supported by project-based vouchers that are provided by home forward. 10 are veteran voucher units and as mentioned earlier, 20 are permanent supportive housing and then 111 units are at 60% of area median income, two managers units. I note that bridge is very involved with supportive housing. We have developed over 12,000 units of housing. We have 2,000 in our pipeline, under construction right now. But of those units that we've developed, 1,040 are permanent supportive housing. We know what it takes to provide the services and really to be successful, those two can't go without the other, really, to make them effective. I would also add we have 1,020 supportive units in our pipeline right now so we in tend to complete those in the next couple of years. The tower is about an \$86 million project. Of that, the construction costs are about \$54.7 million. Roughly equals about \$250,000 a unit of which \$100,000 would be supported by funding from the bureau and the city of Portland. So, one of the reasons you see such a high price tag is that this -- Portland is beginning to become quite a high-cost area. You know that. You're rapidly moved up against seattle in rental prices. I was comparing some of those from the seattle market, where I have a home and just came down from this morning. One of the techniques we've used into inject tax credits is to use the irs allowance of developer fees to increase it to \$8 million of which \$5 million will go back into the project in order to get tax credit investment dollars back into the building and not use the city. In the capital, they partnered with us on the abigail and a project out in hillsboro, will be the resident service provider. They are a provider of veterans services and some of their programs will include financial literacy and management, parenting and services that are helping to coordinate the vouchers and the veterans who will be living in the building. So of the city's funding, about \$19 million will come from the north macadam ura. \$2.7 million from the north macadam ura, as well. There's a waiver of \$3.3 million in system development charges, which is very much appreciated on our part. Both of the loans will close simultaneously, as well as the debt financing. As said, we are using the -- we will purchase the land using bridge funding, then move that back immediately into the city of Portland's hands and you will lease it back to us for 99 years, so that's essentially how that deal will work. I really don't have much else to say. I think that this has had a long and challenging road. First, with -- at the beginning of the year with -- following the election and the promise of impacting price and now as we're moving ahead and looking at this additional threat of eliminating the program, we know we have to move quickly if we want to save this housing. So, thank you.

**Creager:** I just have a couple of final comments. We talked a little bit about block 45 last

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week and there are some differences between the two. Block 45, on grand and holiday, is in a qualified census boost. So, in this instance, the leverage ratio is 3:1, \$3 of outside leverage. And those partners include national equity fund, key bank. This was the first and only project in the city of Portland to use department of justice settlement money because fanny may and freddie mac had purchased some mortgages that were bundled and they were found to be defective so we benefited here in Portland from that. Bridge has put in their own cash and there's a \$40 million permanent loan on the project. So, it's important to notice we're leveraging a significant amount of outside resources. It will meet the long-term permanent affordability, but they'll be contracting with 20% women, minority and small businesses.

**Wheeler:** We need to put the amendments on the table. How many people do we have signed up to testify?

**Moore-Love:** I show two.

**Fish:** Let's put them on first so they can testify to them. One question, curt, you kept talking about leverage. My understanding is that the public investment, per door, if you will, is about \$100,000. When we're talking about the public's return on the investment, we're about \$100,000 a door. So that's a pretty attractive ratio in terms of leverage.

**Wheeler:** Colleagues, I move the mayor amendment to update the Portland housing bureau approval in section one, finding 15 and to include the correct exhibit a.

**Fish:** Second.

**Wheeler:** Commissioner Fish has an amendment.

**Fish:** I have an amendment, which we've cleared with your office, which would amend the ordinance, section one, finding is seven, by striking and replacing the second sentence as follows, of the vouchered units, 20 will be permanent, strike if no service funding is available then the requirement for said units is terminated and replaced with the following. The city, county and our partners will prioritize finding the funding and services to remain consistent with the stated goals outlined in 37323.

**Fritz:** Second.

**Wheeler:** Any other amendments to put on the table at this time? We'll go ahead and leave those amendments open. We'll take public testimony and then vote.

**Moore-Love:** Tim davis and shannon milligan.

**Wheeler:** Come on up, three minutes. Name for the record. If you're a lobbyist, let us know. Thanks. Good afternoon.

**Shannon Milligan:** Good afternoon. Hello, my name is shannon milligan. I'm a resident of the abigail, it's an affordable building in the north pearl district, it's built by bridge housing. I'm a single mom of two kids, a small business owner. I'll tell you about how it's changed my life. Before I tell you how great it lives in the abigail, i'll tell you background history leading to our residence at the abigail and bridge housing. Seven to eight years ago, not once, but twice, we were displaced from our home. As the Portland housing market began to change, two go-arounds of packing up our things and we moved into the same exact storage unit. We were unable to call a place home. We couch-surfed. We stayed with friends and relatives while we looked for rentals and went to work. I don't know if you've ever lived with your daily items stored in the trunk of your car, but it isn't easy. And like I said, we did that twice. I wasn't willing to change schools for my kids. My kids, they were stressed. My son was struggling in school. It was out of their control and my control as well. Each time we looked for housing, the prices climbed higher. The inner city had very little amount of family-size rentals. We couldn't compete with other renters, they presented two incomes and were more stable. We landed a new rental. It was well beyond our budget. It was substandard in many ways, but we stayed there for five years. I told others that I experienced renters ptsd. I would worry about my lease and around renewal time, i'd

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worry that my landlord would raise my rent higher, impacting my already-high budget. And he did. Would he want to sell it? Would we have to move again. Should I ask for necessary repairs? And again, raise the rent? If we were to move again, the market prices are even higher. Although we had a place to live, I was anxious with the what ifs. I began to research affordable housing and read plans for the abigail. It wasn't far from our home. I watched it big built and I dreamed of living. On day one of the open day application, I went in and turned in an application. In august of 2016, my two children and I moved to the abigail. We moved into stability and I took a deep breath and was able to relax. Our building is diverse. We have varying income levels, ages, races and backgrounds. We were flourishing and we don't have to worry about how to safely live. It's safe, it's energy efficient. We have support services from impact northwest with financial classes and events that bring all the neighbors together and I feel more connected in this building. It's near where I can work, I can focus growing my business. My kids can focus on school without distraction. And, I can, once again, return to contributing to my own retirement funds. Living in affordable housing has changed my family's life for a better. I desire you all to take this into consideration. Thank you.

**Wheeler:** Thank you. Excellent testimony.

**Fritz:** Thank you for coming and taking the time to tell your story.

**Wheeler:** There was one other gentleman? Please call the roll on amendment one, pertaining to the section one, finding 15.

**Lauren King, Deputy City Attorney:** And exhibit a.

**Wheeler:** And exhibit a, it's part of all the same amendment

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

**Wheeler:** Aye. The amendment is adopted. Commissioner Fish's amendment.

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

**Fritz:** I imagine there's lots of people terrified not knowing what's happening with the federal tax code changing and this is a bright light in the midst of all that darkness that people did work all the way through the thanksgiving weekend and up to this very minute and just, we're absolutely determined to get this done by the end of the year, so, thank you director creager and bridge meadows and everybody involved in it and thank you for coming to tell us, shannon, why we're doing this. You put the face on it. So, thank you. I'm proud to leave on a city where people try to do the right thing and can do so very quickly and the needs arise and I have to say, i'm sure that gretchen is here today. I love you, gretchen. Aye.

**Fish:** Saltzman Fish, i'm open to being adopted. [laughter] I want to -- I want to echo what amanda just said about gretchen. She mentored both of us and most of the times she summoned me to her apartment was where she thought I was falling her short. We miss her and she lives in through her daughter. You know, once upon a time, she shaped the editorial policy of the Oregonian. I honor both of them. Dan, you launched this process as the housing commissioner and curt and the phb team really brought it forward, so congratulations to you. And, mayor, a lot of good ideas come to council, but unless there's a closer, they don't get done. By my count, in the course of a week, you have closed 443 units of affordable housing in our community, which is probably a record. One is the largest housing development we've ever done, of its kind. And i'd have to go over history. When I look over the numbers here on 0 to 60 and zero to 30, I don't think this was comparable. So, I congratulate you for meeting the needs of people desperately shut out of the private markets and who desperately need our help. I met bridge housing when dike brought folks over to introduce me and was his vision to bring them into the river district and I think they have fully-met the trust, which we placed in them with the abigail, which both is a standout project and the testimony speaks to how successful it is beyond the beauty of the building,

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but the services and the way it's run. This took a lot of creative financing and we're up against a clock and a gun, so congratulations with that. Mayor, I think the 20 units is a hell of a down payment on the policy, which you have helped lead. And we will work with you to find that funding, with the county and our partners because it's a shared obligation. I have the same sense of pride that commissioner Fritz does that we live in a community that can achieve something like that and I'm proud to cast my vote as an aye.

**Saltzman:** Thank you, everybody, that pulled together to keep this project alive and it really -- it's a mind-boggling -- to those of you who -- for those of us who don't speak the language of housing, it's really mind-boggling to see all these numbers tossed around and all these different sources of funding that somehow magically some together. I'm sure it's not magic, it's a lot of hard work. I want to thank the housing bureau and Cynthia, bridge housing, prosper Portland. It will produce a lot of -- a lot less PTSD on people like Shannon, who are going to be living in this new development. You referred to bridge housing as bridge meadows, I thought, gee, what a great marriage that would be. So, that's going to be one of my goals in my final year here is to maybe forge that relationship better. I'm very proud to have had some association with this project and I'm pleased to vote aye.

**Wheeler:** I certainly see my role is to continue to excellent leadership that started this, commissioner Saltzman and commissioner Fish reminded us again it's appropriate to do the history that brings us here and the approach to housing is unique. We are not Tokyo. We are not Montreal, we are not Singapore, we are Portland. We have our own issues, our own obstacles, our own desires around development. We know we need more workforce and affordable housing. Commissioner Fish -- or if I can call him Mr. Commissioner Saltzman Fish, that sounds nice. [laughter] I want to echo all of those who said you used a lot of creativity, director Creager. It is thoughtful given the resources we have. Your leveraging resources in a really responsible and creative way and it's important to combine those two things when you're talking about finance. I also just want to put an admonition out there. Things change, on January 1, with the passage of the tax act. And it will have implications for our ability to develop these kinds of projects. The costs will go up and some of the tools currently available to us may not be available to us in the future and that's just a reality in which we have to operate and we'll continue to be responsible and creative in our approach. So, thanks to everybody who worked on this. Thanks to folks, you guys who took your Thanksgiving weekend and took time away from your families and other opportunities, to help make sure that we got this done. I vote aye, the ordinance is adopted, as amended. Thank you. One last item and it's a fast one, folks. Item number -- 1314, we covered this morning and that was noticed in advanced so that leaves us with 1315, please, Karla? [reading 1315]

**Item 1315.**

**Wheeler:** We had a first reading recently. We had a presentation. We took extensive testimony on this item. This is a second reading. Is there any further discussion?

**Fritz:** Yes, I believe what we did, Mayor, was to ask transportation to talk to the property owner for exhibit 25, to come up with a resolution to the concerns that were raised so could I get an update with that and whether we need to amend the ordinance to make it clear that we're -- we're not going to be exercising the purchase eminent domain.

**Marty Maloney, Portland Bureau of Transportation:** Marty Maloney, pbOT right-of-way. So, we did meet with Mrs. Hayes. We were able to work the sidewalk away from her property, so no permanent rights will be acquired. We will need temporary rights from her. We're not positive what we need, quite yet, on the temporary construction easement, but the area that we have -- I would recommend not changing what we have. We can actually acquire less than what is needed with the dedication, but --

**Fritz:** The problem is, though, it does say we're going to take a permanent taking there.

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So, I would not be comfortable -- you've come to this agreement, but it means that what we would be voting on is not what would actually happen.

**Maloney:** If you would like, we can go back and change it to show a temporary right. In the past, if we've needed any less rights, we could actually do -- get the temporary construction. If we had a temporary construction easement, we wouldn't be able to get a permanent right. But we can go back and actually just amend it.

**Fritz:** I would feel more comfortable, if that's okay with you. Thank you very much for your patience.

**Maloney:** No problem. It was good to meet with her.

**Fritz:** I heard she was pleased with the responsiveness.

**Wheeler:** Procedurally, are we continuing this?

**Fritz:** Should I move to change the easement from permanent to construction and move it over to next week?

**Fish:** If he brings the substitute next week, we can adopt it with an emergency clause.

**Maloney:** We can switch out the exhibit just to show a temporary easement. That would be easy.

**Wheeler:** This item, item 1315 is continued to next wednesday. Very good. So, done. We are adjourned. Thank you, everybody.

At 4:17 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.

**December 7, 2017                      2:00 PM**

**Wheeler:** This is the afternoon session of the Portland city council December 7, 2017. Karla, please call the roll. [roll call taken]

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

**Item 1316.**

**Wheeler:** Before we begin today's session, commissioner eudaly has been previously excused from this session. She asked if we could start this session by having her chief of staff marshall runkel read a statement into the record.

**Marshall Runkel, Commissioner Eudaly's Office:** Thank you, mayor. For the record i'm marshall runkel, chief of staff for commissioner eudaly. I'm going to read this in the first person but it's chloe speaking. I apologize that I could not attend the hearing today. I'm in Washington d.c. On city business. I will listen to the entire hearing before voting on this issue next week. I supported introducing this measure because it provides a pathway forward for the Portland art museum proposed addition. To be clear, the city council is not considering a specific development proposal today. It is simply amending the terms of a previously granted street vacation. The alterations to the terms of the vacation that are being considered today will preserve public access through the vacated area during hours that a previous city council set, 7:00 a.m. To 11:00 a.m. Bike riding is not allowed in sidewalks in most of downtown so the amendment will not affect access currently allowed by bicyclists. If approved people with bicycles and pets will still be welcome to pass through the area. If this approved it will enable the Portland art museum to submit formal development proposal. The proposal will be subject to detailed technical analysis and will offer opportunities for public consideration and input. In addition to that process, I have asked the Portland art museum to consult with the commission on disability about its proposal to make the buildings as welcoming and accessible as possible. I'm a strong believer in the principles of universal design, designing buildings to be accessible to the full spectrum benefits all users. If the cities council approves this amendment i'll commit to working with city staff, Portland art museum, commission on disability and public to ensure that the needs of our entire community are thoroughly considered during development review process.

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

**Runkel:** Thank you.

**Wheeler:** The Portland art museum has a long history of providing access to art and culture. Acts as regional hub for our community. As many of you know I have not been shy about saying i'm very excited about this opportunity to expand the museum and provide better access. I want to thank the Portland art museum for taking the time to thoughtfully respond to the testimony that was received previously and I understand you're going to be sharing some of the results of your efforts today and I want you to understand that i'm grateful for the additional time that you took to find compromises and react to that testimony. I'm particularly pleased that ada access can be made much better than it currently is and that you've agreed to extend hours to ensure the community can still use the existing public easement. With that I would like to pass this on to commissioner Saltzman.

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**Saltzman:** Thank you, mayor, thank you to everyone here today on this important item. As we all know the Portland art museum is engaged in an effort to stitch their two buildings together and create a much more accessible art viewing experience for the public and to that end they need clarity from the city on whether they can enclose the eight foot easement currently in place between their two buildings. The ordinance before us today does that. In april when I first brought this item to council I was clear with the museum that it would be controversial and cause concern about access for many members of the public. That did indeed come to fruition. I have pulled the item back to my office and support was tepid at best. In the ensuing months, the museum has done a great job of taking what they heard at that april hearing as well as listening and reaching out to members of the public and have come forward with an amended proposal that includes extended hours of operation for the rothko pavilion from 7:00 a.m. To 11:00 p.m. Seven days a week. And the museum is also clear that all members of the public are free to access the easement regardless if they are walking their dog or walking their bike. So without further ado I will turn it over to the museum and let them give us a brief overview of the plans. We do have at council's disposal caitlin reff from pbot to answer questions and matt grumm from my office as well. Without further ado we can turn it over to the museum.

**Pat Ritz:** Thank you. Mayor wheeler, city councilors, i'm pat ritz, current chairman of the board of trust PAM

**Wheeler:** Could you hold up for one moment? I'm not sure we're coming through there.

**Fish:** Just move it a little closer.

**Ritz:** I got it.

**Wheeler:** If you wouldn't mind starting over so we can get the closed captioning.

**Fish:** I'm sorry, pat, your time is up. Thank you for being here. [laughter]

**Ritz:** Mayor, councilors i'm pat ritz chairman of the board of trustees of the Portland art museum. I have been and my family has been involved in the art museum since day one, 1892. I'm not that old, but my ancestors were around in those days. One of them was one of the citizens of Portland that started the Portland art association as its previous name was in 1892. My grandmother's sister henrietta failing was the first director of the museum in its first 16 years. Many of my relatives served on the board. Much of the family wealth resides within its walls. I tell my kids that if they want to get a touch and flavor of the wealth of the failings go to the Portland art museum and observe some of the 700 objects. I will say that my parents always told us that set of lawn furniture in the backyard is what they got out of the failing estate. In the period between 1932 and 1970, as the art museum grew from 22 paintings and 133 graphic arts to thousands, the museum had to be expanded. It was expanded in 1932, 1938, and 1970 to house not only a growing collection and growing services but also an expanding art school. I came on the board in 1994, and during my tenure on the board we have done already three major renovations. One dealt with redoing a space that the art school, which was then known as the Portland -- pacific northwest college of art when it separated from the museum in 1994, so we did a major expansion then. We also in the early '90s acquired the has sonic temple. In the early 2000s it became necessary to expand the museum into that space as we had outgrown room for administration and also gallery space. That project was completed in 2005. So here we are in 2017, and we have some of the same issues that have dogged us over the last 25 years. That is our collections keep growing. Our attendance this year will be 350,000 people including highest monthly number of 50,000 in november, and of the 350,000, fully 100,000 of those are children, which by the way if they are under 18 they are able to come to the museum free. At any time. But again, we keep acquiring works of art. People keep donating works of art. We now have 50,000 art objects at the museum. And so there's always an ongoing need for more gallery space, and as I know full well because I

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participated in the committees that both worked on the funding and the design of these expansions, we were never able to get enough money to do what we really needed to do. So what we're talking about now is a lot of things in connection with doing things right that we didn't necessarily do right the last time around. The problem with the connectivity and accessibility is a big part of what we're talking about today and probably will go into the details. In closing just a couple items. This is a town that is trying to build its business reputation in the creative industries. And if you're going to be a town that professes that, having a viable art museum for education of its people and to support the creative arts which these days are of multiple expansions with days of just oils on canvas are behind us. It's many more things, it fits. This is a tremendous economic engine for the city of Portland, and it's almost entirely funded by private donations. So I would like to turn this over, thank you for listening, to brian.

**Wheeler:** Thank you.

**Brian Ferriso, Director and Chief Curator PAM:** Thank you, pat, mayor, commissioners. I'm pleased to update you today and i'm so appreciative of your leadership, commissioner Saltzman, in helping us move this forward. I'm appreciative of all those in attendance, a good sign people care about their art museum in this cultural community in which we live. I'm excited by that. I would like to show some slides. If they work. There it is. Okay. Thank you. This is a picture of the newark museum in newark, new jersey, founded in 1909. It gave me my first opportunity. I was an intern here and eventually led to a job. What this experience taught me is the importance of the role of an art museum in providing the community with hope and aspiration. This museum provides incredible anchor for the city, a city that's gone through great turmoil some of the when I looked at this opportunity in 2006 to come to Portland, I saw an institution based downtown, integrated within the community, and a museum that had so much potential to generate and gain community access that was so important to me. Some of the first things we did when I arrived was make sure the children 17 and under are free. We made sure that programs are connecting with a diverse community in this situation we can see our partnership with Portland state, middle east program there, we have also been making sure that the museum has images and works of art on the wall that reflect the changing demographics of our community and provide further insight into the great world in which we live and the creative energy. I think moving forward the next thing in our vision, I think this is working pretty well -- working okay? Okay. The next aspect of our vision is to make sure that our facilities reflect the expansion of the access that we have created previously, programatically and also with admission policies. So we have been working to find a solution for physical accessibility issues within this museum for a number of years. We are seeking now approval with a solution that will make access to and throughout the museum better nor everyone of all ages and abilities including those with disabilities. Just to reflect briefly, I think, mayor, you touched on this, and commissioner Saltzman as well. In 1968 the city of Portland vacated the street between southwest madison and between southwest park and 10th avenue. That vacation had multiple requirements. An eight foot easement to be illuminated, area to be used as an open mall and ownership transferred to adjacent properties. In 1984, as you noted already, the ordinance was amended to allow the museum to close the area between 11:00 p.m. And 7:00 a.m.

**Fritz:** It actually said it's a pedestrian sculpture mall for the display of outdoor sculptures. It's more than just an open mall.

**Ferriso:** Yes. Thank you. I just want to reflect and show you what we have now at our museum. If you entered or tried to enter the museum at this stage, this is the 1932 building designed by pietro belluschi, and you are facing with significant challenges if you have a disability. If you finds the access ramp to the right of the institution's main entrance you

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would find it perhaps hidden behind multiple stairs as well as this grade change. If you enter the museum the access is very difficult as has been noted but these are just recent pictures. This is a picture of our two buildings being constructed in 1970 and you can see the various stairs. Just last month we had someone in a mobile device come around this corner and almost went down the stairs, which was quite scary. If you find your way into the mark building or the center you're faced with a number of stairs as you can see here. This is our invitation and I say invitation somewhat sarcastically because I don't think it's a very inviting experience to go see some of the great masters that we have in our collection. This is the underground passage way to the mark building or the jubitz center. If you finds your way to the center and the mark building you're faced with a number of stairs as evidenced by these images. So when we looked at this several years ago we were thinking about making sure accessibility across the campus and throughout the museum was successful we had this brief analysis. This is where we started our plans. I think this is really telling. This is where the architects and internal team looked at. We saw the belluschi building designed in 1932 and 1939 attached to a school in yellow and going across to the mark building, built in 1927. The orange line south to north is the only connection across the campus. You see the vertical red lines between the main buildings and also in the jubitz center which show the barriers. Those barriers are distinguished by shares and elevation changes throughout the campus. The goal has always been very clearly how do we do this? How do we connect across multiple levels? The architects we worked with initially came up with this brilliant idea that if we can raise the main level floor of the jubitz wing one floor we would have one ground floor level throughout the campus of one dimension. It would be consistent throughout the campus. This is a very important aspect of this plan. Also, if we are able to connect through these designs we would also have one new accessible connection that links the second floor galleries improving way finding and visitor experience throughout the building. Another very important aspect of this project is visible elevators. To easily access elevators from the entry pavilion that connect all floors. You can see them here. If we were able to create a ground floor structure at the location that we're proposing one you entered if you look left you could see an elevator and right you can see an elevator. Very important component of what we're proposing here because right now if you enter the museum there's no sense of vertical circulation. Also we have always been very cognizant and we want to make sure we continue to be very respectful of the easement that's currently in place to allow access throughout the space. So right now we just have a general idea, an envelope of a building but are committed to certainly keeping access throughout that space going from the park blocks westward. We're very excited about some of the initial designs and ideas because as we know, the streetcar stops in our museum to the west. This is very exciting for us and right now we really want to create an invitation to move into the space, ground floor, one consistent floor plan into the museum as well as into the park. This is very important and an invitation to the west side of the museum. That ability to perhaps energize that part of our campus and that part of the city is really exciting for us right now. This could be an entry also coming from the park blocks so we would have two entries, east side and west side. These images are just concept drawings and these will certainly evolve if we move forward if given the opportunity to continue to have conversations with the community to make sure it meets the community's needs. This is what a space could look like inside. Again, as I indicated by having one consistent floor plain our museum is transformed throughout the campus is transformed. Of this would be a space where people can go north, south, east, west, all free of charge. Ultimately, this is our goal. One of the things that I think we weren't able to communicate last time was to show this image in particular. This is a very extensive project. It starts with the loading dock on the left, a new gallery,

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transferring all the way into new rest rooms. You can see there are no rest rooms on the first floor of the institution now. Going into the pavilion that we're proposing which would have a community commons, education center, outdoor space, also moving deeper into the mark building creating new gallery space as well as a new library which would be moved to the first floor. More accessible. It's a very big project. It's a project that reimagines the entire institution. Ultimately these are some of the goals moving from south to north across the campus as well as I mentioned vertical transportation. Visible stairs, visible elevators to make sure if you entered the facility you could see how to go across and up and down. This is also important. This is an image that would be transformed library perhaps. I show this image because right now if you go into the mark building and public galleries there are no rest rooms. By transforming this into gallery space we now have accessible rest rooms for the entire wing, which is very significant for a number of reasons. Since our last city hall presentation we heard excellent feedback. I'm so pleased about people speaking up, giving their thoughts. It's very important for us as a museum committed to the public good to hear that. We're listening and we continue to listen but right now we have proposed initially to the city that we would remain open from 7:00 a.m. To 3:00. I must add an edit, however, we have heard additional comments from the community and I think it would be really exciting for us to align our hours being open in the space to the streetcar hours. So perhaps even expanding those hours. I think that would be significant and supporting the city's efforts to make sure that public transportation maintains a foundation in our city. We want to be part of that. We would add security and lighting to enhance the safety of the interior and exterior spaces. We would allow pets and bikes to go through, again, very much part of the fabric of our city and very much important to making sure this museum is engrained in the fabric of the city. We're working with accessibility and inclusive designers to make this one of the most accessible institutions on the west coast if not the united states. That's very important to us. Thank you.

**Fritz:** I have a question. I think I want to state at the outset that everybody loves the art museum. I haven't read or heard a single thing from anyone that said this is a terrible institution. It should just go away. Could you go back to the image with the streetcar and the one before that, please. So I understand about the elevators on either the side. Why can't you keep the bottom, the plaza, as is and -- you're going to be doing a lot of removing of steps for all the accessibility reasons you mentioned which we all support as well. Why can you not have those people being able to enter the art museum from either side which would then keep the madison street area open and free?

**Ferriso:** Great question. We really want the floor plan to be flat across the space. We also feel that it's really important to be able to move the loading dock and also provide entry space for a lot of our school children among others and enclosed spaces is really important to that.

**Fritz:** But you could do that with having the level of that floor -- you said you're going to be elevating one side four feet.

**Ferriso:** Yes.

**Fritz:** That doesn't really answer my question. Why could you not have the plaza and then entries to either side clearly showing the elevators?

**Ferriso:** Right. So again i'm not sure completely of the question but as I think I understand it we want a central entry way and a space that's enclosed to make sure people can navigate and use our facilities in that space as they enter.

**Fritz:** Even if the counter to that is it looks like your space rather than everybody's space.

**Ferriso:** I think our goal is always to serve the public and having this free I think our goal is to make sure like other museums across the country have public spaces either exterior or interior that can be used for various programs.

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**Fish:** I have a question if I could. As someone who comes to the museum a lot of I have always found the current entrance very confusing. I am able able-bodied person but still trying to navigate downstairs, coming up and around and the like, it did seem like a particular defect of the vision for the mark building, lack of connectivity. I can't imagine if someone had some disability or impairment that they also had to navigate. We have been working, Brian, on upgrading our rest rooms at the city level and I have gotten a crash course in rest rooms. Commissioner Leonard did the loo. Now we're doing rest rooms. We're looking at accessibility, making sure there's a changing area. And by the way, not just a changing area for a child but I have a colleague, for example, that has an adult child an adult -- yeah, child, that requires a changing area. So there are some particular design accommodations. I assume that as part of your accessibility vision that will translate to the rest rooms and you will be open to some feedback from our commission and other advocates about how to make those rest rooms as accessible as possible.

**Ferriso:** Yes. A number of the rest rooms will be new so it gives us a great opportunity to create up to date spaces for the needs of our community at this stage and I think that's exciting. The older ones we would certainly look at retrofitting. Again the project is quite extensive and it gives us resources to make sure that happens.

**Fish:** Just an anecdotal thing, just a tiny space where a parent can put a child and change a diaper, which does nothing for that parent if they have an adult child in a wheelchair that needs privacy. That requires a screen and a larger space. So if this thing does move forward we would look forward to sharing some of what we have learned about accessible rest rooms.

**Ferriso:** I think that's the beauty of this discussion now. I think the museum can learn a lot through this conversation and the feedback from the committees that the city has and some of the insight they have. That would be very important.

**Saltzman:** Before we move to public testimony I would like to offer an amendment that would match the hours of operation of the pavilion to those of the Portland street car. As was just suggested by the director. I'll read it out loud. The pavilion will continue to provide ground level public access and connectivity between southwest park and 10th avenues between the weekday hours of 5:30 a.m. To 12:00 a.m., Saturday hours of 7:00 a.m. To 12:00 a.m., and Sunday hours of 7:00 a.m. To 11:00 p.m. Excuse me. Access will not be blocked in any manner and adequately illuminated for use in hours of darkness.

**Fish:** I will second that.

**Fritz:** I also had a motion. Maybe you accept a friendly amendment. 365 days a year.

**Saltzman:** Okay.

**Fish:** Currently I thought the proposal was seven days a week. What does --

**Fritz:** It means even when the museum is closed the easement has to be open.

**Fish:** Would that not be the original proposal?

**Ferriso:** We're proposing seven days a week for those hours. 365 days a year.

**Fritz:** Thank you.

**Wheeler:** Somebody who follows the movement of the sun and the moon will note that we just created a loophole if we say 365 why don't we just say year round.

**Ferriso:** Year round.

**Wheeler:** Very good.

**Wheeler:** I assume the commissioner made the motion and the commissioner who made the second are okay with those.

**Fish:** Can we just check with our esteemed counsel for a second?

**Ferriso:** This is an amend amendment to section 1, finding number 7? Just a point of clarification.

**Saltzman:** My amendment is a replacement for number 7 in the ordinance.

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**Fritz:** That is in the findings, though. We need something in the directions. I think it's a change to a, in the directions.

**Ferriso:** I'm hearing commissioner Fritz say that she would like that amendment to be both to finding 7 and also additional language to be included in directive a, sub a.

**Fritz:** Thank you. That's correct.

**Saltzman:** Sounds good.

**Wheeler:** Commissioner Saltzman, we can either call the roll or keep it open until after testimony.

**Saltzman:** Why don't we keep it open until after testimony.

**Steve Janik, Attorney:** I'm Steve Janik, an attorney at 101 southwest main. I have just some brief comments to offer you to put an appropriate legal framework around the decision in front of you. In the public discussion about this there has been some suggestion that there are legal policies that may be at issue. My purpose here is to try to clarify that for you. This is not a land use hearing. It is a hearing simply amending a condition of the original street vacation ordinance passed in 1968. The effect of that ordinance was to make the land in question privately owned subject to an easement in favor of the city. It is no longer public right of way even though some writers have stated that this action today would do what was already done in 1968. Accordingly, the city council has unfettered discretion to amend that ordinance as requested by the art museum and as amended by the council. If this was a land use decision, state law would establish and require that you follow several requirements such as in advance of the hearing mail notices within so many feet. A specific statement at the beginning of this hearing would state the land use criteria a staff report delivered a number of days in advance. None of those things have happened. Correctly so because this is not a land use proceeding. Nonetheless, some have raised concerns based on a few policies in the June 2017 recommended draft of the central city portion of the draft 2035 comprehensive plan and I want to address those. First, it's important to note that the new central city plan is not yet legally effective, and won't be until it's been finally adopted by the council and subsequently acknowledged by the land conservation and development commission. Just the other day to the staff acknowledged that it takes a final order of the commission under state law. So none of that has happened. But nonetheless, I want to address the policies that some have raised. A couple of these were raised by commissioner Fritz's office just recently. One of them is policy 3.6, street diversity. I'm quoting. Differentiate the character of key streets to offer diversity of urban experiences and connections. Reflect the character of the unique districts, and expand open space and recreational functions in the right of way where possible. So this policy simply doesn't deal with activities that occur on private land rather directed to opportunities that may be illuminated in the future to deal with public rights of way. While it is inapplicable, parts of it such as unique districts like the cultural districts and expanding recreational functions like a pavilion of art, all of which are consistent with this art museum proposal. The second policy that's been raised is policy 5.8, and again I'm quoting, enhance the character and function of the public realm through design standards, guidelines, amenities and land uses that activate the pedestrian environment and encourage community gathering. Again, nothing here applies to private property. It addresses the public realm, in addition the policy is specifically directed to design standards and guidelines and not to any current or proposed regulations. Again, within this policy, it does talk about promoting amenities and land uses that encourage community gathering. Such as a clean, well lit, accessible public space that will be created within the pavilion. There's one or two other policies that are worth noting. Some have commented on these. Policy 5.10, this deals with streets, and it proposes a street hierarchy and a development character for certain streets and it establishes three

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categories of streets. One of which is called flexible. The definition in the policy of flexible means due to their flexible character of these connections, the ground floor responses of adjacent buildings varies considerably. Now, what does all that mean? On page 93 of the urban design concept diagram that shows the area that we're talking about today, the easement itself, and it characterizes that as a pathway of flexible character. Meaning its relationship to the adjacent buildings is important. That would certainly allow and even encourage the pavilion given its relationship to the two other art museum buildings while maintaining that pathway as it is today but simply enclosed. If you read the entire document, you will find nowhere the assertion in the Sunday letter to the editor claiming that the plan specifically refers to this easement area as a potential new open space. In the hierarchy of land use regulations as we know the zoning code is to implement the admittedly and appropriately ambiguous policy statements in the plan. So if you take a look at the companion new zoning code that goes along with this framework plan, there is nothing in the new code that would prohibit or limit the proposed pavilion. In more detail the new code does not change the allowed use, does not change the floor area ratio nor does it change the height. Those are all the same as they are today. So finally again this is not a land use case. If it were, there are no policies directly address this site and no policies that would logically prohibit the pavilion. There are no legally effective policies or land use regulations today to apply and again the decision to modify the street vacation ordinance is entirely within your discretion unfettered by those claimed policies.

**Wheeler:** Thank you.

**Fritz:** I have a question. It says in the findings that we no longer need an easement for utilities, number 9 of the findings, that we had a blanket easement for utilities and says the city has no present or future need to locate public facilities in this area. Are we certain that there are not any utilities, sewers, whatever, underneath the street there?

**Janik:** To our knowledge there are none.

**Fritz:** Okay. So do we need to move that over to the finding to the directions as well?

**Janik:** We have no objection.

**Wheeler:** Karla, how many people do we have signed up for public testimony?

**Janik:** Thank you very much.

**Moore-Love:** 66.

**Wheeler:** We have a lot of people signed up. Two minutes. It would be really helpful if I don't have to stop people. I don't like doing that because I assume everybody is here because they wish to be heard. So I'm going to ask you to be as concise as possible. The way it works is if you just state your name for the record you do not need to tell us your address. That's not necessary. If you are a lobbyist we need to know that per council rules. We ask everybody to please be respectful of people's opinion. It's a rare day when everybody agrees with everything that is said at these microphones, so some you will probably hear views that are different than your own. That's good. That's what we want in a chamber like this, so please no shouting, no interrupting of people's testimony or the council deliberations. We don't want to have to ask anyone to leave and I don't anticipate that will be the case. Come on up, name for the record. Two minutes. The yellow light will start flashing and there will be a beep when you have about 30 seconds left. When your time is up the red light starts flashing and when you get about 30 seconds over your chair electrifies. [laughter] if you wish to sign up and you have not done so you can still do that with Karla.

**Moore-Love:** I have it here.

**Wheeler:** They are by Karla's desk. Traditionally we offer folks who have little kids or disabilities or other special needs to please work your way to the front and Karla will

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accommodate you quickly at the front of the pack. Otherwise she will just call out people's names as they signed up.

**Moore-Love:** If there's anyone with a special need that would like to come up now, please come on.

**Wheeler:** Hi. How are you today?

**Moore-Love:** Then we'll do the first two people, tom nelson and wendy rahm.

**Wendy Rahm:** I got daily emails from the museum. Earlier and earlier. I thought, oh, my.

**Fish:** I would like to go to a system where you can come early and just get a number so we don't make people stand in line.

**Rahm:** That would be wonderful.

**Fish:** Then allow you to go for two hours to go get a meal or something and keep your place. I hope that's something we can consider.

**Wheeler:** Or we could at least provide pancakes.

**Rahm:** I'll take both.

**Wheeler:** Would you like to go first?

**Angel Ray:** Me?

**Wheeler:** Yes, please.

**Ray:** Hello, commissioners and mayor, I don't know if you recognize me, i'm a member of the Portland commission on disability. However today i'm here to represent myself. I'm very excited and pleased to hear of all of the possible improvements that the art museum is proposing. I am wondering, I heard a lot about physical adjustments and accessibility measures in this proposal. I am wondering how much has been considered for people who are visually impaired and blind. This pavilion has been open and if i'm walking up to this pavilion to try to cross and there's a building there now, what am I going to do? I would not know. I would not see the signs that say welcome. I would not see through the glass. This is a barrier. This is a physical barrier that was not there before. I feel like I would like to discuss more about the access from a blind person's perspective. Also, if this was closed in, imagine i'm imagining there will be a lot of people milling around in this area. If I do happen to find the door that was not there before and go in, it's very difficult for a person with a -- that's blind and vision impaired to get through crowds. So there's going to have to be something that's going to help me get through this crowd or these people or even the art sculptures. One last question I have is the timing of this proposal and all these accessibility suggestions. They seem to be coming and I just hope that it's not being proposed on the backs of people with disabilities. Was this ever considered, all these accessibility changes, were they ever considered before this pavilion was wanted? That's all.

**Wheeler:** Before you leave could you state your name for the record? We didn't get it.

**Ray:** Oh. Sorry. I'm angel ray.

**Wheeler:** Very good. I don't want to slow this down. There's still 67 people who want to testify. Thank you for your testimony. I think it is completely and excellent suggestion that you have raised with regard to the design phase of this. Thank you for making the effort to be here today. Good afternoon.

**Rahm:** Good afternoon. I'm wendy rahm. You're next. Sorry.

**Tom Nelson:** That's all right. I'm tom nelson. My wife and I are strong advocates and patron levels of the art museum. We also live across the street from the museum and are keenly aware how important keeping the public passage way across the plaza is. Almost two years ago in april of 2016 I had the opportunity to attend a presentation by the art museum at the rothko pavilion project. The plan today is essentially identical to the plan presented two years ago. At that meeting and two years ago and during at least three following presentations with pam, I along with others reinforced how important keeping the

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public passage way open was and asking that they go back to to share chicago architect and have them develop a plan b concept that would keep at least an eight foot wide passage way across the plaza us a spelled out in the current easement creatively solving a plan b is doable but the museum never took the request seriously. There's been no indication that the chicago or any other architects have been challenged to develop a plan b concept. Now we're to believe they are listening and that they have decided to allow the public passage way through the glass pavilion between the 7:00 to 11:00 p.m. Every day including bicycles and animals. This means instead of staffing the 48 museum hours open hours per week the pavilion would need to be staffed 116 hours per week. By simple calculation assuming two staff would be needed to secure the pavilion keeping the pavilion open as a passage way will cost the museum well over \$200,000 per year. Once the glass wall is built across the plaza how long will it be before the museum comes back claiming hardship and requesting easement revisions because assuming the potential issues of relating to animals, bicycles and passers through can all be contained and managed, the added expensive securing the pavilion during the extra easement hours will be much greater than presented. I want to support the project but cannot in its current form. I still believe there's a plan b design that would solve the issues and be less burdensome on the public and the museum. Council should require the museum to pursue an alternative design before approving this project. But if council were to move ahead and prove it today they should not without reconfirming the easement conditions and making them permanent and requiring a significant level of public education and signage.

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

**Wendy Rahm:** Hi. I'll try again. I'm wendy rahm. I'm a museum donor and supporter. I support the museum's interior concepts and upper floor connections between the buildings. But I do not support the ground floor concept especially the taking of a public easement without having had an open public process with nearby residents. The museum has listened but not heard calls for a sky bridge to save the passage. Boxes have been checked. That's all. So-called concessions of hours and so forth are red herrings. A distraction away from the ground floor public easement. If council decides today to accept these ordinance changes it will be a give-away. It will subvert your constituents by gifting the museum negotiating advantage in future discussions of the ground floor passage. The process has been both rushed and flawed. Even the museum's lobbying firm advised having a stakeholders committee which should have happened long before coming to today's public hearing. Afterwards it's pointless the give-away will be done. The cart is in front of the horse. Contrary to assertions of improving accommodations for those in the disabled community, a trip from park to 10th will be severely degraded. Today from park to 10th the passage has no obstruction, is nearly flat, easy to push a wheelchair. Instead the proposal forces all to mount a ramp or stairs, pass through one door through an enclosed lobby with guards through another door before continuing to the streetcar stop on 10th. The degradation is confirmed by matthew denny and bob junepos disability rights lawyers. At least recognize that when you cast your vote. Finally this taking is contrary to the central city 2035 and comp plan walkability goals that you have approved. The two madison easements are mapped as key pedestrian ways in the central city plan. The Oregonian quoted one commissioner saying i'm tired of setting goals and then falling short. So are we. After spending years on central city and comp plans why disregard the conclusions so quickly? Thank you.

**Wheeler:** Thank you both. Next three, please.

**Wheeler:** Good afternoon. Would you mind starting, please?

**Mary Loos:** Me?

**Wheeler:** Yes, please.

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**Loos:** Mary Loos. I'm a resident of 12th and Jefferson. I oppose the ordinance changes. Well, agree with Wendy's testimony. Because if that whole block were closed off it would make it harder for people to get around. I have lived here since '72 and we have always been allowed to walk through that space without it being considered a trespass, and I worry that it's too much change. I wouldn't mind like the ground, the sidewalk level of it staying and putting a sky bridge above it, which I heard was in the plans. I wouldn't oppose that, but closing the bottom as Wendy described is -- would put difficulties up to a lot of people. I don't know what my time is doing.

**Wheeler:** You have 39 seconds.

**Loos:** I'll stop now. Thank you for your time.

**Wheeler:** Thank you for coming in. We appreciate it. Good afternoon.

**Suzanne Lennard:** Suzanne -- mayor, commissioners, I do not object to the museum building a link the second, third and fourth floors if the street level passage through is hospitably designed and kept open, however I strongly urge city council not to change the wording of the ordinance that requires Madison Avenue from the Parks to 10th Avenue to not be blocked in any manner and to not be used for any purpose other than an open mall. This wording ensures that those of us living on the east side, I live in the Ambassador, elders, people in wheelchairs, people with strollers and all those with mobility challenges can easily access the streetcar stop northwest of the museum. Portland is renowned as a unique city of small 200 by 200 blocks. This is what makes the city walkable. The streets belong to all of the people. It's the responsibility of city government to protect this valuable public heritage and not give it away for private profit this. Taking of the common wealth needs to stop. If you allow the wording of the ordinance to be changed the museum could at a later date decide to close the passage way entirely. For this reason I strongly urge you not to change the wording of the ordinance that requires the passage way not to be blocked in any manner and not be used for any purpose other than an open mall. Thank you for caring about the well-being of your constituents and protecting the public right of way.

**Wheeler:** Thank you.

**Fish:** I'm compelled to ask one quick question. You're the second person who has implied either bad faith or that there's a potential bait and switch going on. I just want to better understand that because the proposal before the council is that we change an easement. That easement could not be changed subsequently without council approval. So what's the basis of your concern that the art museum could unilaterally close passage way in violation of whatever action the council takes?

**Lennard:** Well, I'm asking you not to change the wording --

**Fish:** I understand that. You raised the specter of them closing the passage entirely. You're the second person. What's the foundation of your concern that they can take an action contrary to what council has directed?

**Lennard:** No, I'm concerned that you do not allow this particular wording to change in the ordinance because that's what maintains it as open for the public.

**Fish:** Thank you.

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

**Walter Weyler:** Ladies and gentlemen of the city council, thank you for your time, your energy and your service. It's appreciated. Glad to be here. I'm Walter Wyler, condo owner and resident in the Portland Art Museum neighborhood. I live in the Elliott. I urge you to approve the ordinance before you however with the provision that the design, the resulting design of the Rothko Pavilion include an unblocked, open pedestrian easement that is a walkway with no doors. The original 1968 ordinance required the pedestrian easement not to be blocked, that it be open. This ordinance was an early realization of Portland's

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determination to be a pedestrian friendly city. Retreating from these standards would be a regrettable loss. If the rothko pavilion includes a walkway with doors, it may well leave a long-term resentment in the neighborhood. However, if an open walkway is included without doors, I predict it will sustain a groundswell of neighborhood support. That's my one-minute story and i'm sticking to it.

**Wheeler:** Thank you. We appreciate it. Next three, please.

**Robert Wright:** I'm wright. I live in the west end in the elliot tower. Mayor, commissioners, good afternoon. Stewardship of public property for the common good is your fundamental responsibility as elected officials. Stewardship of a vacated block of southwest madison street was demonstrated in 1968 and again in 1984 by city councils at the time. The street was lightly used by cars but the sidewalks were very much used by pedestrians. The ordinance ensured pedestrian passage through an open mall and extension of park blocks. This provides much needed above ground connection between the two buildings however ground level design is restrictive and closing a space intended to remain an open mall both in fact and appearance. Stewardship is needed for what was once a public street. The needs and desires of an iconic private wealthy institution must be balanced with the needs and expectations of the public. There is a balance solution. But the approval process is backwards. Changing an ordinance should come last based on approved design. The art museum seems to be saying change the ordinance then trust us to work out the details and open mall is much more than a detail. First do not consider changing the ordinance until formal reports on the design received from city bureaus, design commissions and stakeholder advisory group. Request the art museum submit a revised alternative design, one without an enclosed entry level. In every other aspect the same with elevators in both buildings and glass walled overarching connecting spans accessibility for people of all ages will be improved as attended. Why a ground floor wall is needed is certainly not clear. If the mall is enclosed the pavilion will eventually appear to be a complete completely private space where the public is allowed to pass through, not an open mall where pedestrian access and passage is guaranteed by right. Your stewardship will be precedent setting. What public space will be next?

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

**Dan Bergsvlk:** Good afternoon. Mayor wheeler, commissioners, i'm dan bergsvlk. My husband and I are members of the art museum. I'm speaking in favor of the proposal. You have been to the museum. You know from the outside it's not very welcoming. If you're a person with mobility issues like my husband over there who now has arthritis it can be a challenge. When you manage to find your way inside and get through admissions you're immediately confronted with stair ways. Given the chopped up floor plan it's not clear which way you would like to go. If you'd like to see the impressionist or modern and contemporary galleries good luck. The museum estimates half of their attendees never get to the mark building. You have to go down the stairs, down a hall, another flight of stairs, a longer hall, up two flights of stairs and you're back where you started on the first floor and there are more stairs to get to the galleries where you would like to go. The proposed pavilion would address these problems. As it stands the museum is two brick boxes with no windows. Not particularly inviting. The pavilion would allow passersby on park and 10th to see into the museum to see what's going on. It will be a picture window inviting you inside. My own feeling is that it's somewhat like the apple store downtown. You can see what's happening. It draws you in. Best of all the interior layout will be more coherent and you'll be able to move between the two buildings without changing floors and more bathrooms. Which is a plus. It's been suggested the museum build a sky bridge between the buildings instead. To my mind that just replaces one maze with another. A maze with a view but still an impediment. Plus without a new pavilion the problem of overcrowded

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access would remain. The pavilion will provide a spacious entry. It will be meeting place for docent tours, for film festival attendees or school groups. Currently they all jostle for space in the entrance.

**Judith Marks:** I'm Judith Marks. I'm an art museum fan. I approve the plan to make the inside of the buildings barrier free. Leveling the upper floors and linking them will make visits more convenient. But I still have strong reservations about closing Madison. I chose my residence after reviewing the city's future plans with the idea that my deteriorating breathing would best be managed by living near the streetcar and having access to a car and pollution free Madison and park blocks. I may be handicapped but my COPD has not made me stupid. I'm concerned that once Pam has their building it will only be a matter of time before they are complaining of the burden to provide security when the museum is not open. At the very least I would feel more comfortable if the times included in the 1984 ordinance which you've already done so I'll skip that were included. A true compromise would be to build above and leave Madison open. Ironically the city's design guidelines recommendations don't prohibit against sky bridges in favor of having pedestrians with their eyes on the streets. Yet a sky bridge here would allow all commuters, dog walkers, strollers, lunch eaters, bicyclists, runners, people with walkers and in wheelchairs, the hundreds of folks who use this level right of way every day to remain at street level and keeping the museum and neighborhood safer. This would also be consistent with the 2035 comp and central city plans that show that two Madisons as open easements. They are links in the proposed green loop, pedestrian bicycle trail around the east and west sides of the central city. It also connects the Hawthorne bridge with the streetcar system. Again, I ask you to vote against a building across vacated Madison. If the museum really wants and needs the new entrance, please send them back to the drawing board to come up with a design that is a win-win. Thank you.

**Wheeler:** Thanks all three of you. Next three, please.

**Ivan Gold:** Mr. Mayor, commissioners, I'm Ivan Gold. I have lived in Portland since 1971. I think I have some direct experience with some of the access and usability issues involved here. I live in the Elliott Tower. I was past chairman of the Elliott Tower. I'm a patron of the museum and am directly involved with Cedar Sinai Park, which is a major supportive access facility for elderly people and also has four subsidized housing buildings right in the vicinity of the museum itself involving about 450 residents. However, I stress that I'm speaking today only for myself. We know how important the museum is. We also have to acknowledge its current buildings are physically difficult even and confusing even for those of us without any ability issues. The stairwells, the ramps in odd locations, the large and very slow freight elevators, hidden rest rooms present unacceptable barriers to anyone with mobility issues specifically people who visit from Cedar Sinai Park or from the low-income housing buildings on tournaments and fundamentally the museum does not work for visitors on crutches, with walkers or in wheelchairs. The museum is privately funded proposals would remedy these issues and dramatically improve its physical presence. The museum has been willing to accommodate the reasonable requests of its neighbors, accustomed to the passage way however the improvements can't be realized without the Rothko Pavilion and the Rothko Pavilion cannot be realized without the change in the ordinance. Minor inconveniences to a few cannot be allowed to obstruct major improvements for all. I respectfully ask the council to approve the proposed ordinance.

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

**Grace Serbu:** I'm Grace Servu. I too live in the Elliott Tower across the street from the museum and am a trustee and patron. I see a lot of folks baffled or lost although security personnel are in every room and they are very helpful, many people new to the museum find it hard to navigate the two very difficult and poorly connected buildings. Some folks

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have said that the proposed passage would be a psychological and physical barrier because it encloses the alley. I strongly disagree. The way it is now it's not well lit or secure. It has corners and objects that allow someone to hide behind and is not as secure as an enclosed passage. It does offer seating to those looking for a place to hang out or do drugs. Especially on the 10th street side on the back side of the mark building. So a passage way well lighted and secured would be a welcome addition. I personally choose to walk on jefferson street when it is dark and i'm alone. That side is lit and safe. Some say that they like the idea of a constructed tunnel but that defeats the benefits of a lighted and secure but open and welcoming space. Inconvenience to a few in the neighborhood should not defeat the benefits to all visitors, most of which are not from this local neighborhood. We tend to forget, I think, the huge number of visitors to Portland and the museum who live in the rest of Oregon and internationally. Visitors to our fair city depend on us to get things right to help them get around. Let's not let them down. I support the passage way. Thank you.

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

**Ellen Vanderslice:** Good afternoon. Mayor wheeler, commissioners, i'm ellen van der slice i'm here today to oppose this amendment. I believe it contravenes the adopted 2035 comprehensive plan policy to maintain and expand central city's highlight interconnected pedestrian system. I fully support improved access between the main building and the mark building of the Portland art museum. It could be improved today if the museum simply opened the door to the mark building that faces on the existing public walkway. The access control that would be required is no different from what will be needed at ground level in the event the rothko pavilion is constructed as proposed when access to both the main and mark buildings would pass through unsecured but enclosed pavilion. I support direct connection of the four above ground floors of the two buildings and appreciate that the hours that the pavilion would be open have been extended in this proposal, but an enclosure at the ground level that moves the public passage indoors and raises it four feet I learned today so that you have to climb up to it, fundamentally changes and diminishes the public nature of the connection in a way that no design and no signage can mitigate. It's not in the public's interest to release our claim to the unencumbered passage that we have enjoyed for decades aids. Finally I want to mention that at the hearing in april commissioner Fish raised the possibility of enhancing southwest main street as a corridor for walking and bicycling and if you do choose to adopt this amendment I respectfully request that you also direct the relevant agencies to proceed with just such an enhancement. Thank you.

**Wheeler:** That's a wonderful hat you're wearing. Thank all three of you for your testimony.

**Wheeler:** Good afternoon. Welcome.

**Doris Ennis:** Yes, i'm doris ennis. My issue here is so different from everything else everyone has been talking about that it feels that i'm not speaking in the same language but anyway I have -- i'm 93 years old. I have been a volunteer at the art museum for 43 years. On mondays when I go I have only been handicapped for the last year, so now when I go on mondays there when it's closed to the public I find that only place in the belushi building is the loading dock. To go there you have to walk upstairs and there are about eight stairs then you go by a microphone and identify yourself and you're allowed in. I can't do that anymore, but there is a ramp that takes you around the back and like somebody spoke about before has some stairs that go up it to the -- steep stairs if somebody fell down, so I go around the ramp there and go to the side entrance, which is all glass doors but there's no one to let me in. So here I have a max driver there, you know, the wheelchair lift program there. I had this person wheeling me up there and then standing in front of a door that nobody is there to let you in. So there's no way to get in on

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a monday. Then I was thinking well it would be nice to have this open, glass area open there at least at 7:00 a.m. To let me in. But so anyway, that was what I was thinking about. I feel, of course the wheelchair driver, the van driver, was standing with me while waiting. Nobody to let us in there at all. Then people started to go in by the steps. I called to them and asked them to come around and let me in. That depends upon how agile they are and how long it takes. What I was asking for was I was thinking, oh, that opening at 7:00 a.m. Sounds good compared to no opening at all.

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

**Ann Barkley:** Good afternoon. I'm ann barkley. I'm going to keep this very short because in fact the woman whose last resident of one of the apartment buildings covered all of my points. What I want to talk about briefly is change management which is really your job. We're in a very fast growing city. The region around us is growing as well. We're also becoming a city which is noted internationally and people are visiting here from all over the country and internationally. Managing the change that Portland is seeing today is a tough job. Part of it takes into consideration what will be lost as change is made. And how we accommodate those who are dispossessed either emotionally or in reality. There are a lot tougher questions about which you these than how we have access to the art museum. But this I hope you will remember. Change is hard. Because people overestimate the value of what they have. And they underestimate the value of what they may gain by giving up on resistance. Thank you.

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

**Sylvia Lurie:** Hi. I'm sylvia lurie. I'm in my 11th year as a docent at the Portland art museum leading student and adult tours. For the past ten years I have been involved with our program to provide monthly tours for people who are blind or visually impaired. So we have -- special tours for Washington state school for the blind, other organizations serving the blind. In all of those years I think I can count on the fingers of one hand how many times we have taken a group into the contemporary galleries because it's just too hard. It takes too long. It's too many elevators, too many stairs. You have to shepherd a group of 15, 20 blind people and it's not worth it. We focus our efforts on the galleries we can reach easily. I have listened to what has been said and i'm shocked to think that people would characterize Portland art museum as a wealthy private organization. This is the most civic minded public oriented organization imaginable. There's thousands of people involved in providing service to the public. Usually for nothing. Usually it's volunteers donating money and time. They live all over the area. Which brings up my second point, which is what is our neighborhood? You know, I feel like the administration has tried very hard to accommodate the wishes and needs of the neighbors. They think it's important and I agree. But our neighborhood is the whole city. It's actually the whole region. We draw thousands of students from all over, not just from the streets around the museum. We draw volunteers from all over. We draw adult visitors from all over. I have had kids from japan coming in on a plane who came to the museum first. I have had students from redmond and many other places, i'll finish by saying we have to think about changing in order to accommodate a changing Portland. Our art culture here are a big part of the draw that makes this city valuable. Thank you.

**Wheeler:** Thanks all three of you.

**Luisa Guyer:** I'm luisa guyer. Thank you for the opportunity to express my support of the request to change the ordinance governing southwest madison street passage way so the museum can build an enclosed structure that would join both buildings. I'm a resident and a museum member and a staff member from 2010 to 2015. I believe the expansion is an extension of the museum's unwavering efforts to engage as many as possible. From the first days when brian arrived at pam he would greet visitors at the door and introduce

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himself to the appointment of a museum's first director of education and outreach to the many exhibitions, lectures and events that invite people of all ages to the museum. To providing free admission for children under 17 and opportunities for all to visit for free. The Portland art museum has tirelessly dedicated the past decade to adapting as needed to serve all visitors. I believe the museum's expansion plans are aligned with our belief that the arts must be economically, intellectually and physically accessible to all. The expansion would improve all visitors' experience by providing access to all the galleries and spaces. That is not currently the case. This expansion is long due and will provide fulfilling experiences for our dire community. Thank you.

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

**Joan Kirsh testimony read by Sarah Lampton:** Good afternoon. I'm sarah land send and joan kish had to leave early so she asked for me to read her statement for her. So this letter is from joan kirsh, a docent at the Portland art museum. Dear mayor, commissioners, while the passage way between buildings seems necessary and practical, there are little other advantages for the museum and the experiences of the public. People walking through the free corridor will certainly get a glimpse of the museum and whatever paintings and sculptures are nearby. Perhaps not on a rush day but another day that quick look will tempt someone plus friends actually to enter the museum proper so easily accessible. So many museums give a potential visitor a chance for a quick look right from the street into a large lobby as an invitation to stay. That could be a function of a passage way. For example, the lobby at moma in new york often serves as a through way between 54th and 53rd streets, free but encouragement to stay and pay. For people shy or intimidated by a museum such an easy exposure and entrance could well bring the Portland art museum into great connection with our community. A day to get off the street and out of the rain. As a docent long standing and committed to the community valve the arts in Portland I would appreciate your consideration of my views in making your decisions. Thank you. Joan kirsh.

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

**Bruce Morrison:** Good afternoon. I'm bruce morrison. I would like to thank the mayor and the commissioners for their service to the city. I'm here in support of the museum's madison street request. As Oregon public broadcasting and many of the preceding speakers have made clear, the current museum campus is a frankenstein of a facility. We don't need to speak for the problems, they speak for themselves. I believe that the rothko pavilion would greatly improve access both to the museum and within the museum as previous speakers have outlined. It would also provide a great deal more capacity for community events, educational events, and exhibits. To my minds we would be trading a little inconvenience that is restricting the passage on madison between 11:00 and 7:00 a.m., for a wealth of improved access and better service to the community. There's no free lunch but I think that this is a good trade. Our hometown is growing. Thank goodness. Our museum needs to grow with it. Thank you.

**Wheeler:** Thank you. Next three, please. Good afternoon. Why don't you start.

**Dan Webb:** Good afternoon. My name is dan webb. I was in the space yesterday where the rothko pavilion would be constructed and thinking about someone entering that space and instead of looking straight ahead as they proceeded on to the street looking to the left or looking to the right into what I believe will be an inviting space that is going to be more successful in engaging people with the museum who haven't been there before. I was thinking of that the quote by annie dillard. I was a bell but I did not know it until I was lifted and struck. There is the experience of something resonating within us that is so important and it is so important to strategize, to bring people into that building to have that experience. Thank you.

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

**Elizabeth Lincoln:** Hi, i'm elizabeth lincoln. I would like to read a letter that I have previously sent to mayor and the commissioners and I would like to take a moment to thank commissioner Fritz for her very speedy reply. Mayor wheeler and city commissioners i'm writing in support of the proposed pavilion addition and renovations to the Portland art museum including the requested change to the ordinance governing the southwest madison street passage way. As a docent of over eight years i'm keenly aware of the need to make the institution more accessible to all. School children as well as other guests must often wait outdoors in inclement weather until the doors open because we have no protected space for them. As has been said once inside visitors often puzzle how to get from one side of the museum to the other. Our cobbled together floor plan with an inconvenient stair and elevator configuration is dauntingly confusing, even to those who have worked here for years. we have out grown our space and make do solutions of previous generations. Pam director as well as all of us at the museum are heeding the call made by the greater community to provide more complete and safe access to the museum in terms of both physical space and museum programming. Pam is providing a wide range of programs and budget friendly options to the greater Portland community and I won't go into the long list. We truly seek to be a welcoming place for all Portlanders. C.e.s. wood, one of the legendary figures and key founder of the art museum once remarked citizens of the riches of the city. I would suggest the museum is a civic treasure located in the heart of the park blocks downtown. Please allow the museum to continue its mission of becoming the best civic and art center it can be by approving whatever measures are necessary.

**Fish:** Can I clarify something? It's the unofficial policy of this council when we get letters we forward them to commissioner Fritz for response. [laughter]

**Wheeler:** At least one of us was raised right.

**Shannon Cramer:** One out of four is not great, guys.

**Wheeler:** Not very.

**Cramer:** I'm shannon cramer. I'm a new docent at the art museum. So full disclosure i'm biased. I would ask you to think about the purpose of the museum and the wider community. And the purpose of curating change when it comes to change in Portland. Downtown is not necessarily relevant for people in my generation. We don't come down here to hang out. We're not using that open public space. It is not somewhere that is currently vibrant and relevant for the future. The thing you are editing that made this private property that has public access part of its purpose is 50 plus years old and has achieved its purpose of a walkable downtown. The idea that one block improved for the greater good and for better access in education for the public to see what we have in the museum i'm sorry but it's a fallacy. We're one of the most walkable cities in the entire nation. So I implore you to think about the general purpose of the museum and what the rothko pavilion, they have heard the name rothko, what that could do for Portland and vibrant, safer downtown in a place that rains eight months of the year. You know? I really have nothing else to say beside let's look at the wider picture and not be pulled down by those using conjecture about future malice from the museum to validate their own feelings. Thank you.

**Wheeler:** Thank you. Appreciate your testimony. Next three, please.

**Wheeler:** Good afternoon.

**Heather Bovehey:** Thank you for listening. I'm here to testify -- i'm sorry, i'm heather bovehey, a staff member of the museum. I have the honor to take care of the art on a daily basis. So i'm here to testify today to provide support for this proposal. As someone who la repeatedly witnessed the challenges that our present for visitors with and without disabilities this project will allow improved access to the galleries and educational

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programs. Currently galleries are severed from each other by being in two separate buildings creating a challenging maze for anyone who visits. I cannot even fathom how unwelcoming this institution must be for those visitors who require access by not using stairs. As someone who works hard to make sure pam's art is properly cared for so it is available to the public it is disheartening to witness comments and frustrations from community members who have little to no desire to visit because they believe this place is not for them. Whether it be access issues or the stigma that this place is for other people. Pam has been working hard over the past few years to work towards change and I firmly believe this institution can achieve those goals. Currently the Portland art museum is in the expensive process of equity and inclusion developments that will greatly change and shape its future both internally and externally. Allowing this project to move forward is a major part of the planned improvements. As it looks to become more inclusive and equitable adequate spaces are required to hold events and educational opportunities. As the exhibition schedule and educational programs have been modified over the years to attempt to immediate the community needs it has become abundantly clear that structural improvements are necessary. These spaces currently do not exist or have reached maximum capacity. By listening to the community through one on one conversations I believe this institution has come with viable plans that will bring new opportunities. I'm excited for communities to experience improved gallery spaces which means improved spaces for the art. Donors who help pam's history have trusted us with their donations of art and we need to continue that level of trust.

**Fritz:** Can I just ask you a question? One of the interesting emails I received was about the concern in the current depiction there's a lot of glass on all four floors there. Isn't that light bad for art?

**Bohevey:** It is. From my understanding, we will be limiting what art is exposed in that facility. If you remember from brian's drawings the new galleries that will be added are like one gallery is on the end and others will be modified that currently exist that will improve those spaces. I'm not sure what art if any will go in that glass space for that reason because light and u.v. Exposure is very damaging to some art.

**Fritz:** Would that maybe result -- you haven't gone through the design yet and you're not part of the design team, I hope you and others will be informed in that process as we go forward. Current depiction is all glass like the crystal palace we had in england would not be good for art in these levels.

**Bohevey:** Not at all. I know for a fact they are having collaborative discussions about that from the beginning.

**Fritz:** I'm glad you're here. These important people heard you and I hope they will include you in the planning.

**Wheeler:** Good afternoon.

**Mary Chapin:** Good afternoon. I'm mary weaver chapin. I'm a staff member at the museum and I can assure you, commissioner Fritz, that brian has a full staff of very passionate and opinionated people telling him where to put the art. I consider myself part of that team.

**Fritz:** Excellent. I won't worry any more.

**Chapin:** I have worked at major museums throughout the country at the metropolitan in new york, at the chicago famous art institute, and also at the milwaukee art museum. That makes me a veteran of several museum expansion and renovation projects. The reason I want to speak to you today is I think this one is really different for a key reason. This isn't a vanity project to boost a director's career, to help a chief curator find his or her next position or to satisfy an egotistic donor. This is a fix it solution. I think the fact that when brian was trying to think through some of these designs he turned to an architecture firm

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that is perhaps the most egoless firm imaginable. They are not there to make their own names, they are there to serve the public in a sensitive and thoughtful manner. I file it's important to mention that as well because I think the aims of this are very, very pure and i'm saddened to hear some people refer to it as a bait and switch. I believe that proposal establishes thoughtful and reasonable access for both our immediate neighbors as well as for those who travel throughout the northwest to reach the museum. As a curator I have to think not only about the art that's on the wall today but is it going to be preserved and accessible to our public in ten years or 20 years or I would like to think in hundred year blocks. I would urge you as you consider all these opinions to also think long term. Think about not just discomfort of today or tomorrow but where do we need to go as a city, not just for those of us here in the room but for the hundreds of thousands of people who will come in the future. Thank you.

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

**Larry Cross:** Good Afternoon, Mayor Wheeler, I am Larry Cross. I am a person with a disability, I am also a commissioner on the Portland commission on disability, I am speaking for myself. This museum expansion greatly excites me, because I and thousands of other people will be able to more fully enjoy the museum and it's treasures. I'm unifying the two existing structures by building the rothko pavilion, which I believe should be viewed as a rothko connection. I am going to divert from what I wrote. I have heard a lot of architectural design, design development, then you have the construction documents. It's my understanding that the museum is not even yet a schematic design as we have seen today. I think the first floor is still in flux, I think I am hearing it's closed off. It's not closed off. It really hasn't been designed yet. And I think that's very important, but I think it's really important to look at the long view of this museum expansion. That's what's important to me. This physical flow will exponentially improve the seamless levels between the buildings, will eliminate the sherlock holmes requirement to expand its programming, encourage new attendees, not only local, but national and international visitors and make the museum an exceptional example of universal design. I encourage the council to amend the ordinance and allow the rothko pavilion and connection and the connections campaign to improve -- to have this be built. So the museum expansion will maximize accessibility, to broaden this audience, available to every body, one word, and everybody, two words. Thank you.

**Wheeler:** Thanks. Next three, please.

**JoAnne Pari-Mueller:** Hi, i'm joanne pari-mueller, and I have been a volunteer for over 20 years and I am from banks Oregon, about 25 miles west. I had read about the courtyard between the two buildings being designated as an open space or passthrough for the neighborhood many years ago, but thins then the masonic temple was remodeled to allow expansion for the museum and there was never a good way to reach one building to the other. I gave many tours and that is close to 500 tours to people from young childhood to senior citizen age and it was extremely cumbersome to have to go down the stairs and back up the stairs on the other side and going through the passageway down below. People with disabilities often had to use elevators and it took an extra amount of time for them to have to go down to the basement and up again on the other side. I hope the museum for the citizens of Portland, metropolitan area, other parts of our country and the world, because I gave many tours to people from other countries, can be allowed to expand its mission to introduce people to the richness of its collections in a more professional and accessible way by creating this lovely connection. Since it includes meeting the needs of the neighborhood residents by allowing the courtyard to continue being used as a passthrough and I can't visualize how not having a connection on the main ground level really improves the situation, I think that that's a very important -- in

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addition to the logistics, I want to mention that I think we do need an improvement to the beauty of the front and rearview of our museum and I think that this pavilion does it, and I believe that sculptures and rotating art is perfectly reasonable to anticipate.

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

**Tedd Chillless:** Hi. I have before you a --

**Wheeler:** What's your name?

**Chillless:** My name is ted chillless. I am a retired architect. I prepared for you some documents and so that you can see, I am a pam neighbor, long time neighbor. However, the design of the pavilion eliminates pedestrian walkway. The major change would damage the fabric of our neighborhood. Yes, I am a retired architect, practicing 40 years in Portland. I am familiar with the urban fabric. My current concern is pam is ignoring our neighborhood. In 1987 I designed university park a few blocks away. In 1997 I designed saint james apartments, which are across the street from the art museum. Both of these buildings respected the neighborhood. I stopped yesterday and asked myself, why won't the pedestrian way be preserved? Why won't pam respect its neighbors, an easement that dates from 1968. I bring to you a solution to the problem which will make everyone happy. First look at the physical conditions and levels of the two buildings. I did yesterday. It is possible to leave the pedestrian pass way and form a bridge over the walkway. It essentially is forming a tunnel through the building. The size would be 21 feet wide, which is existing with the walkway today, and 9 feet high. I excuse the audience for not being able to see my exhibits. The first exhibit shows a view from the eastside where the existing walkway is today. It remains at the same level all the way through the building. Looking at exhibit 2 from the westside of the building, you will see the walkway continuing through the building. And finally there is a section between the two buildings, the north building and the south building, it shows where the passageway is. It does not stop visitors in the museum getting from one side of the building to the other. There is a seven-foot rise, but the visitors walking through the building will automatically have to go upstairs or an elevator. This is no different. Thank you very much.

**Wheeler:** Thank you.

**Fritz:** I appreciate your expertise of showing the pictures of how this will work. That's very helpful.

**Wheeler:** Good afternoon.

**Ted Smith:** I am ted smith. Three teds in the room, I am excited. [laughter] I have never been in a room with three teds.

**Fish:** We'll call him Edward

**Wheeler:** The thing that's interesting, ted is becoming such a rare name, it's going to be retro cool pretty soon, I am convinced. [laughter]

**Fish:** Game on.

**Smith:** So I'm cool.

**Wheeler:** You are cool.

**Smith:** Again, my name is ted smith. I work for the Portland art museum. I have been there for ten years. I work for security there. I am going to talk about something completely different. We talked about the art and the benefits to the museum within its collection, but I want to talk about our neighborhood. I have been there ten years, and i've worked with the neighbors and all around it because we share the same space, and things happen. And I have had to be a part of trying to resolve issues that happen out there because we have the park, we have people walking, we have medical issues, we have criminal issues, we have all kinds of issues. And then security and being in that area there, I have to be conscious of our neighbors and what's going on constantly. Why i'm for this is that enclosure, it gives us a chance to be a true part of the neighborhood. I've talked to the

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director brian, really what I want to do is for us to be a part of the neighborhood watch. We tried to work with the law enforcement. The extended hours that we have gives our security staff a chance to do more for the neighborhood past our closing hours. We do it now after hours when people get hurt and they have a place to go to. We are that sanctuary. I like to believe that the museum itself is a sanctuary for not only the neighborhood but for the entire city. On the wall, when you come to the mark building and a lot of people walk by and they don't notice it, I see it, erected to god and dedicated to the service of humanity. That is what we are here for. So that enclosure gives accessibility to not only first responders, but also in the event of a disaster, and we have seen it happening across the country, it's happened, we need places where people can seek shelter. The enclosure gives us accessible shelter for everybody in the area. Working with the first responders, we have the footage, the square space, two ball rooms. We can support the community in the event of a disaster. And I have been working with our department and the director about being good neighbors, and like I said I have been there ten years, and i've tried to be a good neighbor, just me and all of our staff have tried to do that, and that's why I am for the pavilion. What it does is it gives us a safe place, a sanctuary, for the community as well as the people in the city.

**Wheeler:** Very good. I would love to connect you with our Portland bureau of emergency management director because we are always looking for institutional partners in the community around emergency resilience.

**Fritz:** I hope you too will be invited and other security staff will be invited to submit comments on the design of the renovations. With all this priceless artwork around, if you have an emergency situation, you wouldn't want everybody to have access to that, so there needs to be a safe, secure space as well as (inaudible). I hope you'll be involved in that.

**Smith:** Yes.

**Fritz:** I hope you will be involved in that.

**Wheeler:** Yes. Thanks all three of you. Next three, please. Sir, would you like to start?

**Judy Thompson Schneider:** I'll start.

**Wheeler:** Thank you.

**Schneider:** We are judy schneider and richard lowensohn, and we are reading two halves of testimony on behalf of jeff [indiscernible]. Mayor and commissioners, I am writing to express my opposition. Okay. That sound better, too. Thank you. I am writing to express my opposition to the council granting an amendment to the existing city ordinance governing the madison passageway, and to permitting the Portland art museum to build its proposed pavilion in such a manner as to block the passageway. I would present my comments in person at today's council meeting, but I am unable to do that because of my work obligations. Pam is representing that construction of their pavilion will involve sensitivity to the disabled and those with strollers. Pam also now says that it will agree to permit those with bicycles and pets to cross through the pavilion. Further, pam suggests that the pavilion will be a new gathering space for the public. These claims do not add up. While it is feasible to permit members of the public to cross through the pavilion lobby, mere feasibility does not equal real access. Anyone wanting to cross through the lobby will have to attend to doors, dodge users at the pavilion and become the focus of museum patrons. Far from enabling the disabled ready access forcing them through the pavilion would have the effect of making them objects of attention. The council should not be in the business of imposing obstacles on those who merely want to go from one block to the other. If the council feels compelled to impose such obstacles, the least it should do is include in the ordinance the bike and pet owner access pam says it would grant. The current proposed ordinance appears to give pam carte blanche to deny access at its whim.

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**Richard Lowensohn:** As for the idea that the pavilion would be a new gathering space, I would hope the council grasps the hollowness of this claim. Are people going to gather in a lobby space? The existing is open for people to enjoy its openness. These uses contribute directly to the quality of life in Portland. The pavilion would all but end them. There are aesthetic reasons. I will not belabor having to do with the design itself, but it is a masterwork of mediocre tee. Our city blocks are small and human sized. Permitting pam to build the pavilion would transform the human sized blocks into a super block that would hulk over the south block. Our city's reputation would suffer as a result. There is no need for a super block. Pam could join the existing structures with a sky bridge structures. It would enhance access by the public while providing an aesthetically compelling addition to the block. While I am not an architect or engineer it seems it would better protect art in the proposed pavilion. The opening and closing of doors would cause constant humidity changes. I would ask you give serious consideration to the fact that pam has requested an amendment of the existing ordinance without involving community partners. Pam's attitude throughout has led to entitlement. It would reward a major Portland institution for engaging in a planning process utterly antithetical to what Portland stands for. The council should respectfully deny the request. Thank you for hearing these points.

**Anthony Fell:** I am Anthony Fell, the owner of toy store in the mall. I am a 15-year volunteer for potluck in the park. For those of you who are not familiar with potluck in the park, we provide meals for 26 years to homeless in o'bryant square. Lately we been moved to the underneath the hawthorne bridge but we hope to return to o'bryant square. For those of you who don't know what goes on, the Portland art museum has let us use the main ballroom to host the largest christmas dinner in all of Portland. We feed 1500 homeless people and our guests really love it. Next door to the ballroom basically is the area in question. We tent it over during that meal to provide a heating area and waiting area for our guests. By putting this pavilion will facilitate us basically when we do the potluck meal, facilitate us to basically avoid paying \$5,000 worth of tents that we put up in that area. We really support this addition to the museum, and want to praise the museum. They have helped us out and the community and our guests, and that's it. Thank you very much.

**Wheeler:** Thank you. I have had a request for those of you testifying next if we slow down the pace just a bit. The closed caption people are having a little bit of trouble keeping up, so slightly slower. Thank you, thank you all for your testimony. Good afternoon.

**Diane Lowensohn:** Good afternoon, mayor and commissioners. My name is diane lowenstone and I am a district condo owner. I am also a long time pam member, supporter, donor. I've served on a former art council board for pam. I too long for a beautiful new glass space to house the pavilion and to join the two buildings. In addition, I volunteered as a guide for more than ten years to school-age children for a nonprofit that gives two-hour walking tours downtown. We talk to the children about the history, public art and architecture of downtown. One of the things I did in every single one of my tours was to stress the importance of the 200 square foot block. We forget, unless where the crow is flying around in the sky, that Portland is a web of little tiny squares that are 200 feet square. What's interesting is that it was platted this way to give more corner space to retail spaces and offices. This was back in the pre electric light age when that was really important. But some of the unintended consequences of that have been grand vistas, more intimate setting, and it's been one of our gifts. I don't know how this wound up being a them against us discussion but it has been from the very beginning. I fault both sides on that. We both should have reached out this because this needs to be a win-win situation. I believe an eight to 10-foot wide open breezeway would keep pam from being that superblock in downtown, there is big pink that they built, they provide 24/7 access through

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that super block and they do that year-round. That was a requirement on a very similar easement change. We lived as a young family of four in the netherlands, without a car, with young children. We did that because of good urban planning and we lived on bicycles. It was a climate similar to Portland. You want more pedestrian travel. You want fewer cars. Keep that 200 square block goal. It's very important.

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

**Laura D. Foster:** My name is laura foster. I am author of seven guide books about exploring Portland and near by communities on foot. My books are [indiscernible] and a few others. The walking tours for the Portland bureau of transportation and nonprofits and other entities. The Portland art museum, it's a beloved institution, but it is one of many that creates a unique mecca for explorers. These common spaces, our streets, bind us whether we are liberal or conservative, they are like the [indiscernible] part of our beloved civic heritage. We the citizens of this generation are stewards of these spaces for the generations that come after us. Our streets or easements in this case are not up for grabs by the nearest cultural institution. The Portland art museum's stated intention to build across this common space seems unthinkable to me. The glass walls do not invite passage. They convey privilege. They are not open 24/7 as any city street is. They have walls and doors, two things which by definition denote exclusivity. It could be adapted to allow unimpeded grade level passage. Could you imagine a person from Portland or a person with a handicap, or a person with a stroller seeing this glass wall from park or 10th, rather to investigate to see if the passage is free and flows through they would walk around the main building or the mark building. How is that as the museum argues an improvement to accessibility? The perception that walls and doors give is private property. The very opposite of a public space. I urge you to hear Portlanders in our opposition to this use of the public right-of-way. Thank you.

**Wheeler:** Thank you.

**Fish:** Can I make one comment? Thank you for coming in and I gave my son, The Portland Stairs, and I said we were going to together discover all the stairs in your book, and I have a confession, we are a little behind, but it is a terrific book.

**Foster:** Thank you.

**Fish:** And we hope to discover many more.

**Foster:** I appreciate that.

**Wheeler:** Good afternoon.

**Susan Bliss:** I'm susan bliss and the art museum is my neighbor across tenth avenue in Washington, d.c. I spent 24 years at the smithsonian institution as a press officer during an unprecedented period of institutional growth. During construction of the galley devoted to asian art I served as the gallery's director of public affairs, briefing with press and public on its construction and design. In this capacity I observed the sometimes lengthy but often rewarding give and take between museum personnel and the architects. Once completed no museum exactly replicated the original drawings, but thoughtful back and forth brought all parties to compromises that met most everyone's needs. Negotiations over building design and function were anticipated elements of the building process. So it's hard to see why Portland's museum with its need for additional space, clearer signage and accessibility for visitors and staff still refuses to ask for design changes that could bring the community solidly to its side. A second level sky bridge might be considered leaving madison street open to car free traffic as mandated by city ordinance, but the museum chose to let it's contract, without consulting it's constituency. We live down the street or across the river. We could ride bikes, use wheelchairs, walk dogs or lug vegetables from the farmers' market. We want to support the museum, but we cannot accept a glass thoroughfare. We saw discussions with the museum on these issues when they

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announced their plans. The museum did not respond to our concerns. And we still can't grasp their refusal to engage in discussions of the project prior to asking for changes to the city ordinance. I urge the city council to keep madison unencumbered and the museum to offer their design as a shot at addressing community needs.

**Wheeler:** Thank you, and perfect timing. Next three, please.

**Mary Vogel:** I am mary vogel, pam member and volunteer from downtown's west end where I have collected over 100 signatures on a petition asking you to uphold the original ordinance

**Wheeler:** Mary, could you slide the mic back a little bit.

**Vogel:** It might be this thing here. Let me take this off.

**Wheeler:** Thank you.

**Vogel:** Where I am -- okay. To uphold the original ordinances for the vacated madison street, the people who signed include many in wheelchairs, scooters, walkers, or using canes. Over half are from the nearby low-income housing in the west end that ivan gold talked about. A few lunch at meals on wheels or they are students from psu or members of Portland tenants united or pdx shimbees [phonetic]. They read or speak at least seven different languages. Thanks, google translate. These people all want you to keep the current public right-of-way requirements between the two buildings of the art museum. They believe the most equitable solution to the museum's desire to have connectivity between its buildings is for pam to build connections on the second, third and fourth floors. They believe it stretches credulity to believe that pam will keep those doors open to people with pets after the first few dogs poop or puke on pam's floors. It sketches it that pam will keep those doors open to cyclists after the first few bikes track in dirt and debris, and when snow and ice that the museum -- the museum was closed for ten days in late 2016. Will pam send personnel to let people come through with yack tracks on our feet? Instead of creating a new super block between southwest park and southwest 10th, I ask you to fix the one super block we currently have in the west end by exploring the creation of a madison walkway between southeast 11th and 12th. I submit the attached proposal last april as well. Please give it your attention while we still have a chance to act on this property that has sat vacant and derelict since september 30th.

**Wheeler:** Thank you.

**Mary C Hinckley:** Hello, my name is mary Hinckley. Thank you for hearing me. I moved here 20 years ago from the bay area, and in looking at Portland as a place to live, one of the big draws was the artistic community here. We have opera, the symphony, theatres, the Portland art museum, and I think in terms of a city and its relevance to a community, Portland has so much to offer its citizens, and having this building making the Portland art museum a more viable and more accessible institution, I think is very important. I think the pavilion will not just be the rothko, but it will be the Portland pavilion. It will serve as a living room in our downtown. It's a meeting space for visitors, for groups. People have said that now people visiting the museum have to jockey for space in the entry, and I think that it makes the building more viable. My father, who was 98 this year, visited the Portland art museum over many years, and as he aged, first having difficulty walking with a cane, then a walker, then being in a wheelchair, each visit over the years to the Portland art museum became more and more of a challenge, to finally just making the visits more difficult. So I think this passage opening and connecting the buildings will help other people with disabilities and with mobility issues. Thank you.

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

**Donald Jenkins:** Good afternoon. Donald jenkins. I decided to make my testimony today because I have been connected with the Portland art museum over 20 years. My first job was here in 1954, and much of my career was in this place, and in the museum. And I

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thought maybe today to just show, talk a little bit about our history and how that connects with this block that now causes us so much problem. When I first came here, it was still a street, but a stub of a street. Cars parked on either side. And all you saw on the south side was the back rooms used by the school, which at that time was part of the museum. So in 1970, when they tore down the old remains of the original school that had been there for the it was being used by the museum school. They added a feature, they had to lower the, I am going to have to shorten this. At any rate, we ended up with a garden that people could look at, but could not go in. And it was very attractive, and it meant, because of that decision that was made, they could stop and look at it and there were no more cars there. But then in 2005 when we acquired the it ended up with the situation we have now. Now I always thought this was a wonderful thing because it was... when you think of all the people who went into all of this development that the museum has gone through all these years, from that simple place where I joined about only 20 people to be the museum assistant, and subsequently had my career there, I saw that museum grow and it grew as, not a civic or a governmental entity, but as a gift to this museum that has grown and the coming of this being able to use this block between the buildings has helped. But it needs to be improved, and that's what we are now talking about. Just think of this. 300,000 people visit this museum, visited last year. There are 19,000 members pouring their time and their money into this venture. We need to be cognizant of that history, and that's my --

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

**Jenkins:** I am done.

**Wheeler:** We appreciate that history.

**Fritz:** That was really interesting. Thank you for being here.

**Vogel:** One of the reasons we perhaps don't trust that the art museum would in fact abide by a new ordinance if they get a building there is that currently they don't -- they do close the plaza for private events. I haven't noticed that they have done it since last april when more of us became aware of the ordinance, but many, many times I have complained that I was not able to get through there because of a private event. I have actually gone into the museum and asked to talk to the director. Of course it's always on a weekend and the director is not there. But in any case, they do close it now for private events, all together.

**Wheeler:** Thank you. Thanks for your testimony, all three of you. Next three, please.

**Jackie Willingham:** Shall I start?

**Wheeler:** Please, thank you.

**Willingham:** I'm jackie willingham and chairman of the board of literary arts, a nonprofit literary senate tear -- center located in downtown Portland. Professionally I am a part-time consultant, and prior to that in 2015 I retired from my corporate career at standard insurance company, that I am mentioning because my job there was to oversee the payment of benefits and the rehabilitation services to people with disabilities. I am pleased to advocate for the pavilion for several reasons. The Portland art museum's master plan and the associated pavilion will greatly enhance access for people of all abilities and enable a broad range of experience with art by providing 30,000 additional square feet of gallery space, and more capacity for education and public programs. As a valued cultural partner, the museum has served as the central location for wordstock, Portland's book festival the last three years. Just a month ago 10,000 wordstock attendees appreciated access to the museum as well. Some 1500 of those attendees were youth or children, many of whom visiting the museum for the very first time. The rothko pavilion will provide additional covered space for work stock as well as other community events. As one who has visited the museum numerous times I know it is difficult as well as confusing for many to navigate between floors of the two existing buildings. The pavilion responds directly to the access and navigation challenges that museum attendees now experience. The rothko

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pavilion shows the museum can stretch to meet community demands if the city provides it with the ability to realize its potential, while meeting the needs of citizens for a safe and attractive passageway. I commend the executive director and the staff of the museum for their willingness to engage with disability rights advocates and citizen representatives. The design for the rothko building is a beautiful, necessary and welcome addition to the Portland community as a public gathering space.

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

**Bryce Lilly:** Hello. I am bryce lilly. I am the senior maintenance technician at the museum. They wanted to give me a raise, but I held out for a title. [laughter]

**Lilly:** And although it is not part of my function, lately we are short staffed in janitorial, I volunteer and I do the outside rounds in the area that we are talking about, and a little bit more, and I am just here to state that is an uncivilized area. Somebody mentioned I didn't know how to say it, but they said poop and puke, so -- and the poop and puke that I deal with isn't necessarily from dogs. And the dogs don't leave the hypodermic needles behind. This is just -- I see the -- you know, the changes that the museum proposes as a civilizing element to a, you know, a questionable situation. And I am quite frankly at where the rubber meets the road. I don't do it all the time, but in the last few months I have done it a couple dozen times, and it is not unusual to, you know, find things as really unacceptable to anybody, and at the elliott towers I have really good relationships with everyone there and everyone is responsible for their dogs, but there is another element, and it is not from them, that we have to deal with.

**Wheeler:** Thank you. I want to thank you for the work you do and I want you to know that we are having separate conversations with some folks in the community around some of the livability issues in the neighborhood, so thank you for the hard work that you are doing.

**Lilly:** Thank you.

**Wheeler:** Good afternoon.

**Deidre Hall:** Good afternoon. Members of council and mayor, thank you for having me here today. My name is diedre hall, speaking as a citizen today. I am here to speak about the plans for the pavilion as it relates to accessibility for all citizens. It is crucial it be kept open in the hours which are in alignment with the hours of the Portland streetcar. It will allow all people the ability to continue to access public transportation, which is vital for achieving and maintaining independence in our daily lives. I am excited to continue working on not just the physical access but programmatic access as well. This is a great opportunity to advocate for universal design. I want to make a personal note. I know that a lot of people have testified today. Our preferred term is people with disabilities, so I just wanted to put that out there since I have the microphone. That is all I have. Thank you.

**Wheeler:** Very good. Thank you. We appreciate it. Next three, please. For folks who are patiently sitting upstairs, thank you very much for doing that. We are starting to see some chairs open up. It looks like we have five or six down here. So if somebody is in a place where they can't see up there, we are starting to have some seats down here open. So thank you for those of you for sitting upstairs today. We appreciate it.

**Elizabeth Thomas:** Good afternoon. I am elizabeth thomas. Excuse my dry voice. First of all I wanted to mention someone had indicated that the museum was closed ten days last year due to inclement weather. It may have been closed for two and a half days to public entrance, but believe me we always have staff protecting the art, watching the control room. The museum will always be staffed. I appreciated what bryce said cleaning up the exterior buildings. We are dealing with a lot of issues right now. The museum's front entrance was built in an era when people with mobility and disability issues were forgotten. Today we still don't have a front entrance for those people. If you are in a wheelchair, you got to find the ramp. If you are in a walker, you got to find the ramp and you got to go up

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that side entrance that Doris Ennis talked about so eloquently. I would like to say as you have heard the comprehensive plan for the pavilion which includes open and visibly clear connections on every floor will remedy a lot, but the ground floor main entrance will be important for everybody. People coming from 10th Avenue should think they have to find their way to the museum. The museum will feel open for everyone, and we don't know what the doors will look like yet. There is a lot doors are under design all the time. I seriously cannot envision a door with a handle. I see electric or air doors. I think that those issues, that those will be addressed and looked at in the design process, so please disregard those concerns. Finally the pavilion will also be a welcome addition to the South Park blocks and the surrounding neighborhood streets which are becoming less hospitable every year. The only time people feel comfortable spending leisure time in the park blocks between the museum and the other side of the street is when the farmers' market is open. A new structure can be inviting and bustling with activity that will spill out into the park and beyond. It will be a shot in the arm for this area. Thank you for your consideration.

**Wheeler:** Thank you.

**Fritz:** I have a question since you talked about flow. Will the two front doors currently on the park blocks remain there or are they envisioned to go and just have the one?

**Thomas:** As I understand the park block, the main entrance, the doors will remain but they will cease to be the front entry. That won't be the lobby anymore. The lobby will be in the pavilion.

**Fritz:** They won't have people going in and out?

**Thomas:** No, no.

**Fritz:** Okay. Why is it necessary once you go into the Madison Street space, why is it necessary to have people being able to go left or right? Why isn't it on one side that then it would flow through the two buildings?

**Thomas:** I am going to try to articulate. This is when I wished that Brian was here. Because if you have -- because you have to go one way and you have to turn around and go the other way. It's like going into a grocery store. Why would you only have to go one way? We have two separate gallery spaces. Some people are very specific about what they are interested in. I know that there is a lot of excitement and enthusiasm about what that will look like.

**Fritz:** Wouldn't you want to see all of it?

**Thomas:** No, some people are very particular about what they are interested in.

**Fritz:** And I have other questions. Thank you very much. I will ask at the end.

**Wheeler:** Good afternoon.

**Maihua Frances Li:** My name is Maihua Frances Li. I am with the Portland Art Museum for a number of years, about 15 years, and I moved to Portland 20 years ago, and I right away joined to be a docent. And also I contributed to the Asia Art Council and in helping the museum. And because I am Chinese artist, I paint traditional Chinese works. I teach in the Portland Park-Rec Center for many years. At the time I joined the museum, we didn't have any training room. It's very small. We even have to go to the studio to do the training. But now it was in you know, we expand in the Mark Building, and then we can have the contemporary gallery and photograph gallery, and all those modern art display areas make the Portland museum become much more. It is not only just -- it's more than a small city museum, and we have more than art. Now we have a chance to become a national art museum because we are going to add the two buildings together and we can compete with that other top museums in the United States, and I think it's a very good opportunity for everybody to be able to see how Portland persists in developing as an international city. And understand the walkway — the open courtyard. Like I say the city is growing and we see lots of displaced residents and PSU students walk around, and we do really hope that

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the museum will revise the design, make everybody accessible, so you can cross the street, but with the Rothko pavillion. That's why I urge, you know, the commission and mayor and will understand that our expect -- you know, the city becomes a national city and you have a very famous museum in this united states. Thank you.

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

**Shirley Rockner:** Good afternoon. Honorable mayor, city commissioners, I am shirley rockner. I am not going to repeat any of the arguments or points made against changing the walkway. I won't talk about walkability. I won't talk about accessibility and I won't talk about neighborhood process. I will say someone did mention that this affects just our neighborhood. I live on the fifth floor of the elliott. I overlook our walkway between madison, 11th and 10th, and the art museum's walkway, and I see people monday night, sunday night, people going to the theatre, people going to the symphony, families walking in the afternoons to go to the movies with their children, so our neighborhood is a really broad neighborhood. And I want to speak about the art museum. It is a wonderful gift that belongs to all of us in Portland, and has created wonderful and inclusive programs. However, it's very confusing to me, and as I listen today I became even more confused, how is it that allowing a space of eight feet by ten feet in a walkway would hinder any of the museum's program attractiveness or its plans for a new beautiful building? I do hope the city council will consider carefully what the landscape of Portland downtown will look like in another decade with this legal precedent of creating super blocks throughout downtown Portland. In addition, what will completely ignoring the walkability focus that is enshrined in our comprehensive plan mean for the future the citizen participation. Is it valid and worthwhile process in the eyes of the council or is it foolish for Portlanders to participate in planning? By the way, the city council could invite a group of Portland architects to show how an eight by ten foot exterior walkway could happen, and this would be the Portland way. Thank you so much.

**Wheeler:** Thank you for your testimony. Colleagues, just a time check. We have before 19 people left, so that's approximately an hour of testimony. Can we hold our quorum?

**Fritz:** Yes.

**Wheeler:** Next three, please. Good afternoon.

**Wilfred Mueller-Crispin:** Good afternoon. Mayor and commissioners, my name is wilfred, I am in the opposition to the Portland art museum. Reading the Oregonian and Willamette weekly it seems the decision has been made already. A majority of council members have expressed their support. One can only assume that council members have been courted by pam and its pr company. Therefore I feel very disheartened that my and any testimony will be received with open minds. I am here to request that the city not change the current ordinance and give away my rite it an unencumbered passage. This is a third request to change the ordinance. Granting is inconsistent like we have heard so many times so many with Portland's comprehensive plans goals, requiring pedestrian connectivity to parks and disallowing super blocks, which we already heard so many times already. With the every growing population of city center we need more walkable streets, inviting corridors, certainly not fewer. We can all envision the next step when pam will request further changes to the ordinance to totally prohibit us from passing through their glass structure, their living room, with elegant floors, furniture, on a rainy, muddy day, with bicycles, umbrellas, et cetera. It claimed in the past it could not hire additional security to allow access through the already existing ground level doors of the mark building. A simple glass covered walkway from pam's existing north entrance to the mark building would have provided this access a lot more economically, and it still could. Pam's statements such as we are listening and the structure's final architecture will evolve and will be determine at a later date is confusing. Pam said it considered all the options and their final and only

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solution and pam did not desire public input. Chief advancement officer to the downtown neighborhood association said, this is just who we are. Thank you very much.

**Wheeler:** Thank you. We have the [indiscernible]. Thank you for submitting it.

**Stephanie Parrish:** Good afternoon. A museum should be a two-way street that brings art and public together. These are the words of artist paul romeras jonas who participated in a program at the museum. For the last nine years I have been a member of the museum's education team where I proudly work with colleagues, artists and many, many community partners who also care deeply in pushing for this idea of a museum as a two-way street, and not just that, but a two-way street that meets in a town square and as a gathering place for all kinds of art, people and ideas. Next week the Portland art museum turns 125. Making it one of the oldest art museums in the country. A child of the early 20th century progressive era, the institution's early leaders, raised the museum in a civic minded educational institution that served a broad and general public. From early programs on city planning, free public art classes when there were very few to be found, deep relationships with public schools, a weekly radio show, and art installed at kids' eye view, more quirky and diverse than one might think. I believe its progressive era past very much connects us to the present. We just announced funding for free admission for youth 17 and under along with free school tours. This is a remarkable moment for continuing to move accessibility closer to the center of who we are, and today I believe we are only getting better at deepening our access through a growing number of programs and collaborations, programs like art now for people living with dementia and their care partners, monthly gallery experiences for people who are blind or partially sighted, community centered initiatives that share the voices of folks reflecting on the personal meanings of object, and the current exhibition, we construct marbles, an entire floor given over to a community based project. I really believe that a driving question we ask ourselves is what does Portland want and need from its hometown art museum today that is both similar and perhaps dramatically different from the past. I would suggest that it is not just museum of collections, but a collective museum. And I think the museum's history of ongoing accessibility points us in this direction. I hope that the outcome of today's decision is a vote to support this direction to and a belief that the museum in its many communities can collaborate on a final use and design planning of a rothko pavilion so it is truly a two-way street and a town square for us all.

**Wheeler:** Thank you. Next three, please.

**Moore-Love:** Was there a Charles Ryeberg?

**Wheeler:** Good afternoon.

**Hollie Lindauer:** Hi. I am Holly Lindauer. I started my first ever petition this weekend. I am very excited. It went online, and we also have paper. Since this weekend we are close to 500 signatures from concerned local neighbors and residents from all over the city. Business owners, people from high rises, affordable housing units, all of these residents who do not want to lose this easement. I am a Portland resident. My 20-plus year architectural career included working for Skidmore in New York and working with urban planners who have advised Portland on new pedestrianism and urbanism. I learned from them that the appeal of any city is in its public spaces, not in its private spaces. In 1968 the city council understood this and provided accessible, comfortable, care free passage on the vacated public Madison Street. It inspired mixed use neighborhoods and Madison Plaza has been a successful living room open to all 24/7 because neighborhood life is 24/7. The museum needs to expand, but the proposed enclosure creates a private living room open 7:00 to 11:00, providing a guarded passageway for what is typically 1500 pedestrians, bicycle riders, dog walkers every day of the year, up a ramp through humidity controlled airlock doors past a ticketing center, it's costly, not sustainable. Alternatively the museum

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can incorporate door-free pass yam for the public as described by the easement. The result will benefit both the museum and our city's vitality. Please recognize what the city understood.

**Jan Holt:** I am Janet Holt. I have been a docent since 1965 at the Portland art museum. The museum offers viewers the opportunity to learn more about our fellow human beings from centuries ago to the present. Viewers may be children, high school, college students, adults. I have led tours for children and also for adults with disabilities. It is very important to them to be able to see what they want to see. However, it can be challenging to go from the Belluschi building to the Mark building. Part of the museum's goal is to have guests enthusiastic about the viewing experience rather than frustrated as to how to get from here to there. Yes, there are maps to help. Still, the goals are to keep things simple, have more exhibition space and to keep up with the times. It makes sense not to have a pedestrian pathway between Tenth Ave and the Park blocks. Why? Would it make sense to have such a path severing the Metropolitan Museum, the Louvre, the De Young, no way. Huge numbers of people, something like 50,000 last month alone, and 2-3 hundred thousand a year visit the museum compared to the few in the neighborhood who want to keep the pathway. When we look at art, our imaginations are often stimulated. The design for connecting the two buildings is appealing to our imaginations as well as the magnificent upgrade to Portland's cultural district.

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

**Chris Beck:** Good afternoon. I am Chris Beck, Portland resident, and art museum member. What a tremendous opportunity involving one of Portland's iconic intersections in one of our city's most important civic institutions. I bring a perspective, until last year, of working for the Obama administration in Washington, DC, on community development issues. One of the hats that I wore got me involved with a consortium of national foundations that were building, supporting projects around the country around something they call creative place making, which is an effort to connect community development issues with arts, artists and arts approaches so the arts was not isolated from community development and vice versa. Through that effort I became familiar with this whole practice of creative place making, again, this was supported by some of the largest funders in the country. I think it would be interesting for you to think about how you might encourage the community and the museum and other interests to employ some community engagement work with this increasingly recognized community development approach, that's not just the architect and the institution and politicians and a few planners, but the whole community.

**Wheeler:** Yes.

**Beck:** This space merits that. I think you have the opportunity to lead this conversation about this space that results in something that is perhaps better than what is on the table today, but I think all the objectives the museum wants to pursue are important. The space doesn't work really yet and it could be a lot better.

**Fritz:** Since the last hearing I don't think that's happened. It's not really all that much of a change in the proposals since last time and there doesn't seem to be that coming together. The three of you have very different and helpful opinions on it. So I appreciate your statement because I am not sure this would have been the time, because once the decision is made, unless it's to go back to the drawing board again, it's going to be with the architects and the planners.

**Beck:** I don't have a dog in the fight. I haven't followed it that closely. It's one of my favorite places in the city, Teddy Roosevelt and Lincoln and Church and the Museum, it's a great spot, and that walkway should have some access. There is lots of ways to do it, probably lots of ways none of us have thought about. You have been to the British Museum in London in 2000 they built the dome over the core of the British Museum, which had been

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closed forever, and that opened the heart of the british museum to the public. I think they have free admission, or used to.

**Fritz:** Still do last time I checked.

**Beck:** But it's transformed the visitor experience to the museum, also creating a wonderful space the public can enjoy. I don't know if you can bring dogs in there, but I am all for dogs and bikes by the way. In whatever comes, I will vote for that.

**Fritz:** It's nice to see you back in Portland.

**Wheeler:** Thanks for your testimony. Thanks all three of you.

**Beck:** Thank you.

**Wheeler:** Again, if you prefer to come downstairs, I think we have seats for everybody if you would like to do that. You are certainly welcome to stay there, too. Good afternoon.

**Deanna Mueller-Crispin:** Good afternoon, mayor and council members. I am deanna mueller crispin. I am a long time member of the museum and a user since 1990 of the madison passageway from downtown, and have long supported increasing accessibility between and with pam's buildings, but the rothko pavilion proposal is not the best and certainly not the only way to increase people with disabilities or general accessibility to the museum. Here is why. First, from the drawings that we have so far, the proposed new handicap ramped entrance would be much steeper and more difficult to navigate the existing one. Second, both the proposed two new banks and sorely needed staircases are inside the existing buildings. They would have nothing to do with the new glass pavilion per se. On the other hand, a sky bridge option on the top floors would provide clear passageway between the two buildings, preserve an iconic view and leave the pedestrian easement free and clear for the hundreds of neighbors who now use it every day. Pam's claim that the pavilion knits the campus together with the surrounding neighborhood could not be further from the truth. It would create a huge permanent barrier, physical and psychological. This violates several connectivity policies of the new legal adopted plan. The right for the public to use of the vacated madison avenue passageway belongs to the public. Pam's only claim to use it at all is for the street vacation ordinances and keeping an open mall. Many neighborhood residents use the passageway use it outside of pam's open hours, leaving early in the morning to get to work or go to the airport, going to the movies. The passageway in my experience as opposed to an earlier speaker is clean, well illuminated, is safe and has few if any loiterers. None of this can be said for the alternative routes. I have one more thing to say. I find it a little ironic this is being called the rothko pavilion. The rothko paintings will not be in the glass pavilion at all. It says they will be in a light-controlled gallery adjacent to the new rothko pavilion, which they will only be there for 20 years. That is the only time they will be loaned to the museum.

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

**Doug Klotz:** My name is doug klotz. I am a member of the pedestrian advisory committee, have been for several decades, but I am not speaking for them. The combined meeting of the pedestrian advisory committee and the bicycle advisory committee both sent a letter in april then they have resent that just yesterday opposing this change to the ordinance. And these are the committees that the city looks to for advice on pedestrian and bicycle matters. So I oppose, you know, a removing the allowance for free passage through the madison street plaza. It seems to me as pointed out, the design as it is now, of the pavilion.

**Fritz:** Don't get quite so close to it.

**Klotz:** The design as it is now could be modified without substantially changing it, since we now know there is going to be almost no art in it, no elevators and no stairs in it. It's just horizontal passage. At the ground floor you take one section of that and have the walls go the other way. You would have a door to the left and right, and you would have to be able

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to enter either one. If you close it there will still have to be a guard here and a guard there. So the staffing is the same and that passageway wouldn't have to be a dark tunnel. It could be a glass passageway, and it would still allow people to see what is in the museum as they pass through, and it would be visible for security purposes, it's all glass, I think this could -- that could work and I don't see any of the down sides that are described otherwise of not being able to circulate through there. They still have room for a lobby there, and the pedestrian access from the park, from park avenue, which they are proposing to add steps there that are not there now, they are adding a bunch of steps and putting a ramp on the side, that ramp could be made more generous.

**Wheeler:** Thank you. Next three, please. Good afternoon.

**Izzy Armenta:** I am izzy armenta with Oregon locks, and we work to insure that walking is safe for all Oregonians. I am here to express the opposition to amend the easement at the madison plaza adjacent to the Portland art museum. The good reason to maintain public access as a condition and those conditions still exist today. Portland has had a long practice of maintaining pedestrian access when a street is vacated. It affects pedestrians more so than other people using other modes of transportation. In the recommended draft of the Portland central city 2035 plan, climate action plan, comprehensive plan all include to maintain walkability, accessibility and connection. Council should not ignore its own policies by closing off a key walkway. We ask this connection be protected for decades to come. The offer to keep the proposed pavilion open to the public for a few more hours isn't sufficient. The amendment does not prevent the art museum from restricting access in the future, and if it were to be approved any future access changes should be approved by the city. Again, we ask the city council deny the art museum's request until a building design is available that demonstrates improved access and maintains connectivity rather than creating a new barrier.

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

**Randy Gragg:** Hi. My name is randy gragg. I have been both a foe and a friend of the museum in my 27 years in Portland. I spent 17 years writing on architecture and urban planning for the Oregonian, one of them dealing with the 2005 expansion of the museum into the masonic temple. I wrote several columns opposing the misguided design of the connection. The previous museum administration not only left the museum in millions of dollars in debilitating debt, but with a facility that's entirely dysfunctional. The public spirit of this museum runs very, very deep. In the 1930s when the first phase was built, museum were windowless vaults. They gave us a museum accessible to the street, permeable with windows and natural light. I wish the last edition fulfilled the spirit of the history, 10th avenue and the streetcar. I wish the galleries were not bowling alleys in the new masonic temple. Alas, Brian Ferriso came on and took on the formidable task of digging our museum out of multiple messes left behind and gave our museum back with a robust menu of free days and discounts and rosters. The spirit of the museum is now intact, and to truly function the museum really needs this connection. The conceptual direction of the design strongly suggests an intent that is executed well will not only fix the million problems others here have outlined today but will add a little unique space. The clock is ticking. The list of people willing to write seven and eight figure checks is getting shorter with each passing day. I will share one little lass thing. Louie khan described Portland as an institution city for it's itty bitty blocks. The 200 foot block is important. It's a really important pattern but it's also constricting. There is a lot of things we can't do in it. I don't know that we can actually do a functioning museum without giving up one super block to the city. One block from new york here is not going to destroy the fabric of the city, so I urge you to approve this. Thank you.

**Wheeler:** Thanks. Good afternoon.

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**Ian Gillingham:** My name is Ian gillingham. I work at the museum. I work with local and national media, including randy sometimes on coverage of the museum and I also edit the portal member magazine that you may get in your mailboxes a few times a year. So a big part of my job is doubt reach to the various communities through media channels to boost awareness of the art and programs and find new ways to welcome people into our museum. From that perspective I want to offer my strong support of the pavilion and the ordinance modification to enclose a section of the public passage. I don't need to add much, but I want to emphasize this pavilion plan includes important changes to insure and improve not only access through but also access to. Access to great works of art and creative inspiration, access to curator talks, docent tours, to programs and spaces that invite in members of the community who haven't always felt welcome at this museum. In my four years at the museum I have been proud to see and be part of the progress the museum has made in becoming a more accessible and inclusive institution. I want to thank you for considering approval for structural improvements that will support that work for the community. Thanks for your time.

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

**Fritz:** Thank you all for your patience.

**Wheeler:** Would you like to go ahead and start?

**Laura Paulini:** I am laura paulini. Thank you for this opportunity to voice my support for the construction of a new pavilion. In addition to making the museum more accessible to all while maintaining and even improving safety in the space, I believe the building of this pavilion will enhance the museum's ability to contribute much needed experiences to its citizens and every growing number of visitors. Doing whatever we can as a city to make the Portland art museum as welcoming and inclusive as possible seems like a very obvious goal. In our case, however, we find ourselves inheritors of a good institution in a wonderful location but housed in buildings that have been repurposed with mixed results and poor accessibility. With continued community involvement I believe the new pavilion could help make the Portland art museum a truly great and inclusive institution. As a high school student in the 1970s in wisconsin, I traveled downtown to a satellite art class at the milwaukee museum in the afternoon. This was part of an effort to mix and integrate students throughout the city and included more than a dozen area public high schools. We spent hours drawing in the galleries, studying the collection and getting a behind the scenes take on the running of the institution. I felt welcomed, challenged and understood there in ways that I didn't at my regular high school, where sports took precedence over art. The generosity of the museum staff was remarkable, and their interest in our future opened our eyes to the possibility of careers in the arts. With their encouragement and guidance I became the first in my family to go to college, [indiscernible]. Knowing the impact that a strong vibrant art museum had on me as a young person, I humbly ask all of you to do everything you can to support the Portland art museum as it attempts to grow and stay relative and engaged, allowing our museum to become the best institution it can be by enhancing accessibility for all is quite simply our obligation. There are many people from all walks of life and all levels of income who are nourished and enriched by encounters with art. A great city needs a great museum. Sorry for the emotion.

**Wheeler:** Oh, no, that's great.

**Fritz:** I appreciate that.

**Wheeler:** There is a lot of passion. We appreciate it. Thank you.

**Christine Nelson:** Good afternoon. My name is christine nelson and I have been a docent at the museum for 16 years, and I strongly support the rothko pavilion. I lead tours for adults and for children and I also participate in tours for people with no or low vision. And I also have an aging parent who liked to come to the museum in the last years of her life,

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but had issues with mobility and dementia. So I have learned quite a bit about how to look at things through somebody else's eyes and these are some things that we will get with the pavilion that I feel very strongly that we need. One, are easily accessible restrooms on the main floor. Although the museum has eliminated the need for a key to get into the restroom on the two individual bathrooms on the main floor, that's just a patch on the problem. Everyone needs to go to the bathroom and sometimes people need it more urgently than others. Currently you have to wriggle through the popular gift shop to get to the bathrooms. So either situation can while I say dampen your enthusiasm for being in the museum, now pause to consider what that's like if you are blind, if you are using a walker or if you are in a wheelchair or if you are a parent with small children who desperately need to use the restroom. It's a very fundamental issue, but it's humiliating for people just to have to beg to find the restroom and not be able to use it when they need to. As for the cmca, people are astounded there aren't no restrooms on the four floors in the cmca. This also -- there is also no place to sit. One docent came across a small elderly tired couple sitting on a cube which was on display. She did not have the heart to tell them they should not be sitting on that piece of art. She didn't have the heart to tell them to get up because it's very tiring to walk through four floors which are cement floors and not sit down once in awhile. Get the access, I am not going to talk about because brian has talked about that a lot. It is a real maze to get there. Even those of us who love contemporary art, we think it's too much effort to go over there if I am going to the third or fourth floor. But if with this proposal the rothko pavilion with a dramatically improve all of that. The final thing on accessibility is with school tours. We deploy school tours from the hoffman gallery and sometimes they are bringing up to 60 students in each tour, and sometimes there are multiple schools coming at 9:30, multiple schools coming at 10:00, 10:30. If you are going to go into the cmca, you have to snake all those kids through the building, where if you have the double entry you can deploy them directly into that building and you don't have to waste their time traveling up slow elevators and across and down staircases. Weather. It rains in Portland, and we all know it, and with this pavilion people would have a very welcoming place to wait either before the museum opens or in the some of the long lines that we see now with the exhibition. Years ago I volunteered on Saturdays at the museum and the atmosphere there was akin to a cathedral. It was hushed and very reverent, and during the course of the afternoon when I was kind of used to being an augmented security staff member, I would be sent to a gallery or two and sometimes I would see three or four people and that was it for the afternoon. The museum now is a totally different place. It's dynamic, vibrant and diverse. This is the result of the museum's commitment to diverse programming, programming which welcome many different groups, including those who have visual or physical disabilities, veterans, people who have dementia, people from the lgbtqa plus community, and many other people. With the pavilion we could much better serve that community and expand our programming: One more quick comment. I will remember the meyer frank department store and people would say let's meet under the clock, which was in the middle of the first floor. I can envision the pavilion becoming that same kind of meeting point for Portlanders. Thank you for considering my testimony.

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

**John Czarnecki:** I'm john czarnecki, and former chair of the Portland historic landmarks commission. I speak today in support of maintaining continuous all hours, all day pedestrian access from southwest 10th avenue to the south park blocks via the former Madison street alignment, now known as Madison plaza. Restricting continuous public access deprives Portland citizens and visitors the originally planned relationship of the city grid to an essential portion of this unique public space, importance of the intended connection at this point in the city street system was further discussed during the planning

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of the museum expansion to the mark building before the Portland historic landmarks commission and the Portland design commission in 2004-5. At that time the decision to maintain access was upheld as a condition for approval for the project. The promise for easy access to Portland parks is further supported by current intentions outlined in the 2035 plan. Please hold to the promise that continues the best opportunity for the public use of this critically delightful resource by maintaining continuous all hours pedestrian access between 10th avenue and park blocks. Portland's parks are the gems of the city, keep them easily available to all. Thank you very much.

**Wheeler:** Thank you very much, thanks all three of you. That is a lot of pressure you are under here.

**Wheeler:** Listen, I get to play cleanup. [laughter]

**Jim Winkler:** I am jim winker, I think of this project as a crucial legacy project for the art museum with which I have been associated for some 30 years. Earlier on I heard someone talk of a wealthy private institution and you heard people of the public schools. When they didn't have money to educate students we created a robust organization that supported teachers to provide lesson plans before and after visitation, and not only is attendance by these school kids free, but we actually pay for the transportation as well. I think what I have seen in the last ten years is the democratization of the museum, and in part of the naming of the pavilion, naming the pavilion after an important artist, as opposed to naming it after an important wealthy donor, is emblematic of what we are trying to achieve. This is the city of Portland and the state of Oregon's museum. It has gone from becoming a -- from being a somewhat modest organization to a nationally recognized organization, and at the risk of embarrassing brian, brian has served and been elected by his peers to be the president of the national association of museum directors. This is a prestigious position which reflects the high esteem in which he is held. The rothko pavilion is truly sin er genetic. It go correct the deficiencies that randy identified and make visiting seamless whether you are going to the contemporary galleries or the northwest native collections. It is a threshold improvement that will vastly improve the user experience of the 345,000 people a year who come to visit us, and it will add 14,000 plus square feet of galleries. I urge you to support the museum by modifying the ordinance and allow us to proceed and raise the fund we need to build this important contribution to Portland's legacy. Thank you.

**Wheeler:** Thank you. Does that complete our public testimony?

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

**Wheeler:** Commissioner Fish needed to step out of the room and he requested we take a brief recess until he is able to come back and participate, in the meanwhile I don't know if my colleagues here had questions they wanted to follow up on.

**Fritz:** Having drank about six cups of tea, I would welcome a small break

**Wheeler:** Let's reconvene here at a quarter past 5:00 and let's have a coversation. For those of you upstairs if you wouldn't mind joining us here. We are a small enough group now we can have a community conversation. Thank you. We will take a recess. [brief recess]

**Wheeler:** We are done with our recess. We are back in session. Director Ferriso would you mind coming back? I think Commissioner Fritz has a couple questions..

**Fritz:** Thanks for everybody who is still here and for all the good testimony. I thought it was a really great hearing. I am looking at the information that you have just given out in terms of the madison street changes frequently asked questions and under what are the benefits enclosing the passageway, it is very clear to the benefits to the museum and the public visiting to the museum. The only testimony I heard that make the proposal a benefit to the public was the potluck in the park who were looking to shelter patrons while they were waiting for Christmas dinner. My main question is, the bottom bullet here, what about other

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options like a sky bridge and the answer is it would not work because ground level accessibility is the goal of the project. It seemed, I was so hopeful earlier this year that you would go away, meet with the neighborhood and figure out a configuration that would still allow the easements because to me the value of people being able to walk through without having to open a door or feel like they are going into an enclosed space, that is also a clear public benefit.

**Ferriso:** Sure.

**Fritz:** Why didn't those discussions happen?

**Ferriso:** They actually did. We had a number of discussions with people in the community and we opened up some conversations in various groups. I think the testimony we went back and heard a lot of the testimony, and it was very strong at the last meeting in april, and really thought a lot about how we maintain that public access through.

**Fritz:** That's not my question. My question is why not the sky bridge.

**Ferriso:** We think it's really important to have one consistent floor on the base level and by having a structure in that space, we feel by adding light and security, if you know the space now there is nooks and crannies, various elevation changes, and we feel by clarifying that space architecturally, not only on the exterior, but also on the interior, we are improving clarity and safety. As a pedestrian or anyone who moves through those areas and those blocks, I feel by clarifying and cleaning architecturally and design-wise we improve significantly. The things I heard from the community were accessibility through to maintain the various hours. I think the other very important aspect, and the culture was clear on this, aligning the hours with the streetcar, which I think is really important, and the museum being part of that is something I am excited about. So, again, I would say that we have had a number of conversations, and those conversations will continue. One other point, the gentleman who spoke about place making, I thought he made a very, very good point. We have been in discussions if we are approved here to move forward with another nonprofit organization to help facilitate these discussions. I think the people who have testified against that, this proposal, we want to meet with them and I want to hear them. I think it is important, and to hear their advice. We have not designed ultimately what this will look like because we have multiple steps to go.

**Fritz:** I don't know if you considered the modified sky bridge with a small passageway. I can give a copy for you, the retired architect who came and gave his rendition of how it might look. But having most of the passageway enclosed in the building and then the smaller -- the eight-foot easement which would have much more of eyes on it, as pointed out you need staff there to look after the artwork all the time.

**Ferriso:** Yes.

**Fritz:** Why would it not work? In many of the museums that I have gone to, there isn't a choice. You go to the where you are going to pay, check in, whatever, and you are kind of led through the main exhibits.

**Ferriso:** Mm-hmm.

**Fritz:** Why is it important to have the choice of going one way or the other?

**Ferriso:** This idea that let's say you had to go left up and over to the modern wing across the bridge, is really not in the spirit of the accessibility that we are trying to achieve.

**Fritz:** The mark building, that entrance is going to stay open or no? Will that entrance, that is currently there be open? Will people be able to go in that way or will that be closed off as well as the art museum.

**Ferriso:** That floor would be raised four feet and we would have one continuous floor.

**Fritz:** People would not be able to get into the mark building?

**Ferriso:** Yes, they would. You could walk in and go right into the jubitz and left --

**Fritz:** I went to a wedding there which was really nice.

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**Ferriso:** You are talking about where the event spaces are.

**Fritz:** Yes.

**Ferriso:** That will remain, everything will remain. I would suggest our need to significantly invest in accessibility, some of those spaces need to be looked at with an accessibility lens.

**Fritz:** I am gathering there is another portion apart from the event space that's got more art stuff on it. In that building?

**Ferriso:** Our building is dividing in three different sections. The mark building has galleries, vertical galleries, and you heard them talked about as sort of a bowling alley. You have the rental spaces, which are in the center has a different entry where you have been to weddings, and the north side is where the offices are.

**Fritz:** That's helpful.

**Ferriso:** I could pull up drawings, but it gets a little cumbersome.

**Fritz:** The other things I wanted to mention since we had so many docents here, I realize that my job is not nearly as difficult as theirs. One time, I was chaperoning a school trip. I admire the docents. the lady says you deploy from a certain place, and it sounds like a military operation.

**Fish:** We are not voting today, but I want to echo what commissioner Fritz said about the hearing today. I had to step aside a couple times because we are on the clock in a negotiation with the epa, and it's not an easy negotiation, so I am overseeing it, but we have tvs on in my office so I didn't miss anything. I tell you one of the things I thought of as different people came and framed this debate from their perspective, I began to think a little bit about Washington park. I will tell you why. When we are doing -- commissioner Fritz is leading an effort to do a new master plan for Washington park. The truth is that in the default mode, the people we would hear the most from would probably be arlington heights. Because arlington heights has historically felt that they get the short end of parking and growth and other things because they are the most adjacent neighborhood. We spend a lot of time how we can improve circulation so we don't negatively impact one neighborhood. When my earliest conversation with commissioner Fritz about Washington park, she reminded me that it is a regional asset. We have tend to think of certain things as being the impacts in terms of just sort of like a -- sort of a radius around some entity and we say who is most immediately impacted, but we have certain resources, cultural resources, public resources, in our community that serve the region, and so I am going to think a lot about the testimony, and we might have some followup questions, but I actually found that the public benefit question was more clearly defined for me at the end of this hearing because a number of people came and insisted that we broaden the frame and look at the public benefit as being not just the city and the region, but our whole brand as a cultural capital, not just the 300,000 people who come, but the reputation of our city and on and on. And randy greg I think spoke to that. So the tendency in our work is to look at the most immediate impact, and that's fair, and I understand why people a block away would feel particularly aggrieved. Just like in Washington park, I understand if you live in arlington heights the traffic is more impactful. But these are regional, in some cases even larger than regional institutions, and for me this comes down to a classic balancing test between the public benefit defined more broadly and a public burden defined more narrowly, and how do you balance the two. Commissioner Fritz has appropriately I think, you know, put out this question about well can a redesign strike a different balance, but that's still the same question. What's the balance and how do you get there? But I just for one felt that this hearing helped me better understand at least a perspective on what I will call the broader public benefit, and I think that has to be balanced against whatever burden we heard, and that is our job. That's what we ultimately have to make a decision in balancing

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those two.

**Ferriso:** Thank you.

**Fritz:** If I might, if this moves forward, then I think there can be some things that would make a public benefit for the people who are currently freely going through. Somebody mentioned about the bathroom, that you have to get through the gift store. If there were an accessible all user restroom that was accessible to the public in the pavilion area, that would be a public benefit. Maybe the children in the park blocks who might need to use that. I would really appreciate you considering that. What else can you do to make it more welcoming? The example was given of big pink. A lot of people don't know you can actually go through big pink and it's not very welcoming. How would you let people know? How else can you encourage people to use it?

**Ferriso:** I think certainly automatic doors is a possibility, maybe there is air locks, maybe there are not even doors through certain hours. Through the community listening process we want to take on, if someone said to us public restrooms in the pavilion would be of interest, we would look at that and see what the feasibility is. We really do want to listen and we want to hear. There is a little bit of a chicken and the egg, a lot of money that has to be raised, but at the same time balancing out making sure we listen to the community and become part of the neighborhood is so important.

**Fritz:** We do have a formal process of the good neighbor agreement which is really helpful in issues to get everybody to the table and say, we can't please everybody all the way but what can we do to make it a bit better.

**Ferriso:** I learned an important lesson in my career, about listening, and people need to feel comfortable of picking up the phone and calling me. I have had some people call me this week and they came over and we met, and that's important. I think we all want to achieve the highest levels of success with our community and with our cultural institutions as well as what we aspire to as a city in balancing all those different factors. I will say this to anyone in the room, if you do need to call me, pick up the phone and I will meet with a lot of people.

**Fritz:** Thank you. Appreciate that. That's a really good feeling. I appreciate that, and also when there is a convener by a mutual party, rather than anybody being the call me, so I might be able to talk off line of a consideration after good neighbor agreement so that the concerns that you have heard can be addressed as best as they can.

**Ferriso:** Absolutely.

**Wheeler:** I want to add just an oddball issue here, and that is this. There was a lot of disagreement in this room today and lots of differences of opinion on this subject, but I heard a consensus around you, Brian, and the direction that you have taken the art museum during your tenure, and I will tell you I am both delighted for you and slightly nervous about the honor that's just been bestowed upon you at the national level. You definitely deserve it. You will represent the city well. And don't forget, you're this city.  
[laughter]

**Ferriso:** No.

**Wheeler:** Do not let them entice you. [talking simultaneously]

**Wheeler:** Before I call the question on the amendment. Please call the roll on the amendment.

**Fritz:** Both the finding and a direction that the pavilion will be open for public passage.

**Saltzman:** For streetcar hours.

**Fritz:** Streetcar hours. Thank you. Aye.

**Fish:** I am going to support this. We heard many interesting points raised during the testimony, is there a circumstance in which you would be relieved of your obligation. I was once upon a time in the mayor's absence in charge of the city response to a monster

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storm. I can imagine a scenario where we have the kind of paralyzing storm where there is a possibility that this and other places are not open, what I also think, though, is to those who said that at some point down the road this could be disregarded or somehow dismissed, if the council requires this as a condition of the easement, I have absolutely no doubt that the museum will honor it to the best of their ability. Acts of god no withstanding. But there are certain events that happen, particularly snow emergencies, where you can't get people out, including places like city all. Aye.

**Saltzman:** Aye.

**Wheeler:** Aye. The amendment is adopted. Commissioner Fritz.

**Fritz:** On commissioner Fish's point, I don't know what the solution is, but I think the concern is that it was vacated in '68 with certain conditions and in that condition was whittled away at and now we are back again. I think the concern commissioner Fish has is partly about storms and such, but it's also, you know, in 20 years as was mentioned, it's \$200,000 a year to maintain and it's our building after all, how about if we get rid of that. I don't know how to insure against that.

**Fish:** The insurance I think of as long as I have the honor of serving on this body it would have to come back to council.

**Fritz:** But that didn't help. If that gets approved, it hasn't protected the public walkway as it currently exists. I just wanted to think about is there any way to make sure that in the future... I have no particular suggestions, but let's all think about that.

**Ferriso:** Commissioner, one thing I might add the proposed ordinance also has an easement document attached to implement the ordinance, sort of a belt and suspenders, so that easement runs in favor of the city. So the elephant answer, this or future council can always change either the easement or the ordinance, but it will require the action of this or a future council.

**Fritz:** Right. The future council is not going to knock down the pavilion, so that's not entirely

**Ferriso:** I am referring to the hours that you were concerned about.

**Fritz:** I know, but they can come back to council in 20 years' time and say they don't want to do it anymore.

**Fish:** In fairness that would apply to every single issue we take up as a council, the possibility of somebody seeking relief. I think we have made a record of the council feeling we have at least put a marker down that the hours of operation are fundamental to the easement if the council chooses to proceed.

**Wheeler:** Very good. Thank you for being here, thank you everybody who testified this afternoon, and into the evening. This is a first reading of a non-emergency ordinance. It moves to second reading as amended next week. Thank you all. We are adjourned.

At 5:33 p.m. Council adjourned.