

Item # 71

TESTIMONY

Kyle Bell Sidewalk Repair Appeal

10:15'
Time
Certain

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email (optional)

✓ Joe Wall		
✓ MARY SIPE		
✓ Robert West		
✓ Lightning		

Date 1-30-2019

Page 1 of 1

Before

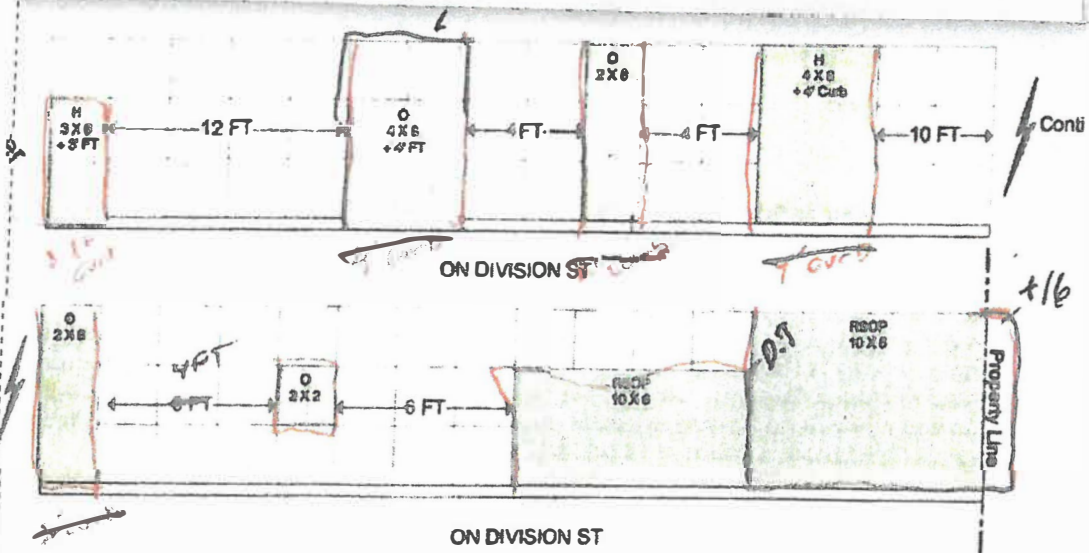
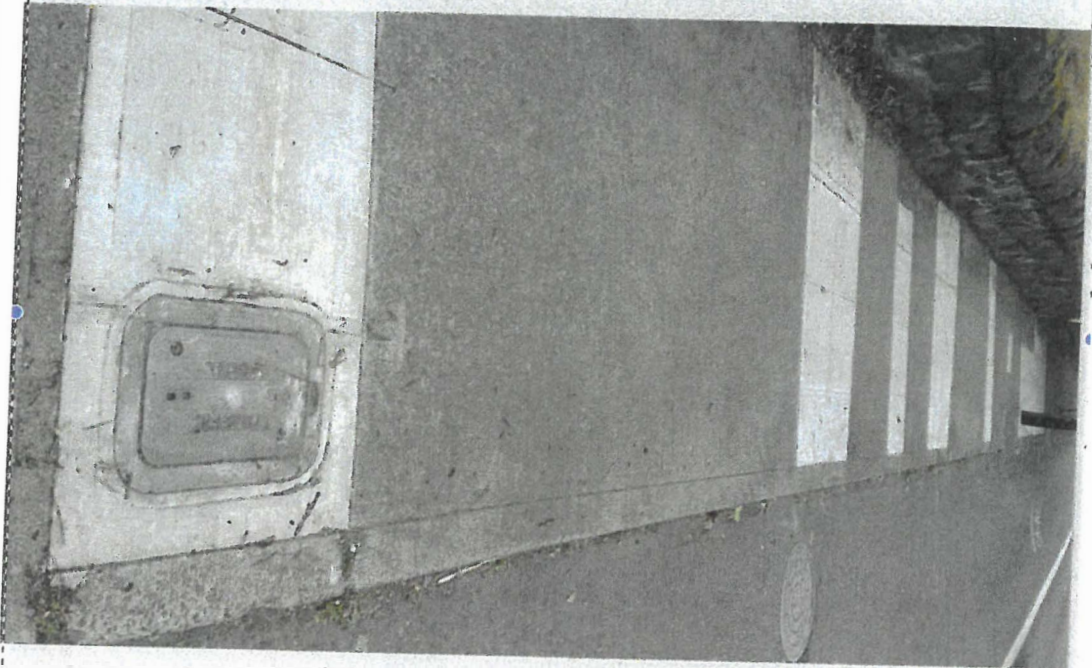
Kyle
Bell
Testimony
1-30-19







After





2370 SE 60th

Sollinger, Margie <Margie.Sollinger@portlandoregon.gov>
To: Kyle B <xylebell@gmail.com>

Thu, Jul 12, 2018 at 3:30 PM

Kyle,

Below is an email I sent to Lee Munson (copying a bunch of other folks). Lee is out of the office for the rest of this week, but I'll let you know when I hear back about any next steps.

From: Sollinger, Margie

Sent: Wednesday, July 11, 2018 4:59 PM

To: Munson, Lee <Lee.Munson@portlandoregon.gov>

Cc: Warner, Chris <Chris.Warner@portlandoregon.gov>; Grumm, Matt <Matt.Grumm@portlandoregon.gov>; Wasiak, Tara <Tara.Wasiak@portlandoregon.gov>; Zeller, Mike <Mike.Zeller@portlandoregon.gov>

Subject: Appeal to City Council - sidewalk assessment for 2370 SE 60th

Hi Lee,

I'm sorry I missed you before you went out of the office.

Based on my review so far, I have a number of substantive and procedural concerns. For the moment, however, I am focusing on the procedural requirements for challenges to sidewalk assessments.

I've asked the Auditor's staff why Mr. Bell's remonstrance from February 17, 2018 didn't cause his property to be removed from the filing of proposed assessments before the Council hearing on February 28, 2018. I did note that Council more or less fixed that problem by amending the ordinance during the hearing to remove his property and asked the bureau to follow-up.

It looks like you then reviewed his remonstrance and provided your statement of findings in a letter dated May 11, 2018. According to City Code subsection 17.28.160.A.3, the mailed statement of findings "shall include a statement that the property owner may appeal the determination to the Council." I did not see this statement anywhere in the letter.

Mr. Bell has signed up to testify before City Council when his property has been included in an ordinance with other properties, but I would not view any of his appearances as satisfying his appeal rights. Council doesn't often hear

appeals of bureau decisions, but when it does, there's a different procedure that goes along with it that's distinct from how typical legislative agenda items are heard.

Further, in reviewing the Council hearings where Mr. Bell appeared, it is clear that Council did not know it was supposed to be acting as the appellate review body, and instead asked at the June 13, 2018 Council hearing whether there was an appeal process that he could avail himself of.

Unless I'm missing something, my recommendation at this point is for Mr. Bell to be given a formal appeal opportunity before City Council. City Council, too, needs to be briefed on the facts and informed of its responsibility for reviewing sidewalk assessment challenges under City Code so that it can make an informed determination.

Let me know how you plan to proceed. I will plan on detailing my substantive concerns under separate cover.

Sincerely,

Margie

From: Sollinger, Margie
Sent: Tuesday, July 10, 2018 1:25 PM
To: 'Kyle B' <xylebell@gmail.com>
Subject: RE: 2370 SE 60th

[Quoted text hidden]

From: Sollinger, Margie

Sent: Friday, July 13, 2018 9:28 AM

To: Munson, Lee <Lee.Munson@portlandoregon.gov>

Cc: Warner, Chris <Chris.Warner@portlandoregon.gov>; Grumm, Matt

<Matt.Grumm@portlandoregon.gov>; Wasiak, Tara

<Tara.Wasiak@portlandoregon.gov>; Zeller, Mike

<Mike.Zeller@portlandoregon.gov>

Subject: RE: Appeal to City Council - sidewalk assessment for 2370 SE 60th

Hi Lee,

In addition to the remonstrance and Council appeal issues that I mentioned in my prior email, I have a number of questions/concerns about the sidewalk repair process and decision-making.

1. Is there a priority of repair needs or other written guidance to inspectors for when sidewalks warrant citing for repairs? In other words, are all sidewalks cited that might technically meet repair thresholds - no matter how minor the issue - or do inspectors have discretion to not require a repair if it doesn't pose a tripping or other safety hazard?

The reason I ask is because it's already pretty extraordinary that the City assigns responsibility for maintenance and upkeep of public infrastructure to individual adjacent property owners. I would imagine that most sidewalks in Portland have repair needs, but many don't involve safety hazards. It doesn't seem like a fair exercise of the City's authority to cite any and all technical repair issues, given the high costs involved that are borne by individuals.

In this case, the initial estimated cost of repairs for what appear to be relatively minor wear and tear issues was \$7,321. This is an incredible, potentially overwhelming, amount of money for a lot of people. If it's not in service of repairs that are necessary to ensure the safety of pedestrians and other users of the sidewalk, and it's not in response to a complaint from someone who tripped or whose mobility device couldn't get through safely, what is the City's compelling reason for requiring repairs?

2. You mention in your remonstrance determination letter that Mr. Bell could have requested a second opinion, but there's nothing in the sidewalk repair notice that mentions or implies that's even an option. Is there a formal way for a property owner to contest the necessity of a sidewalk repair notice? If there isn't, should there be?

3. You also mention in the letter that Mr. Bell "could have made minimal repairs to your sidewalk. Doing so would have significantly reduced the cost to you." Why isn't this minimal repair option explained in the repair notice? Seems like a lot of people might opt to do minimal, temporary repairs if they knew they could, especially for minor repair issues that can be addressed without full square replacement.
4. In the sidewalk repair notice, Mr. Bell was required to make repairs to both the sidewalk and portions of the curb. Mr. Bell indicated that when he got a bid from a contractor to do the prescribed work, the curb repairs significantly drove up the costs because of the depth requirements for rebuilding a curb. However, when the City's contractor did the work, the outlined curb repairs were not done and the City nevertheless signed off on the work. In your June 29th email to Mr. Bell, you explained that "leaving the curb was a suitable repair method. Mike Zeller, the Inspector that administers the Sidewalk Repair Contract, made a field decision to do so."

This decision and explanation confuses me. Does that mean the curbs really don't need to be repaired and never should have been cited in the first place? Does it mean Mr. Bell will not be cited in the future for the same curb issues that were cited in this notice? Why wasn't Mr. Bell given the benefit of the field decision and allowed to get an outside bid for the repairs without the curb work? How are property owners supposed to get competitive bids and make informed decisions about how to address the sidewalk repair notices if they are in the dark about which work the City will actually require?

Sincerely,
Margie



Kyle B <xylebell@gmail.com>

checking in

1 message

Kyle B <xylebell@gmail.com>

Tue, Jan 29, 2019 at 3:35 PM

To: Kyle Bell <xylebell@gmail.com>

Sollinger, Margie <Margie.Sollinger@portlandoregon.gov>

Mon, Sep 17, 2018, 4:50 PM
to me

Hey Kyle,

I just wanted to check in to see if you'd heard from the bureau.

I've been ping the bureau every week or so, as I know they are planning on sending you a new letter outlining your appeal rights. Apparently, no one has ever tried to appeal to Council before, so you will be the first, assuming you still want to go forward with it.

I'm sorry this is taking so long, and I appreciate your patience.

-Margie

cid:image004.png@01D44B43.15B962B0

Margie Sollinger (she/her)

City Ombudsman

1221 SW Fourth Ave, Room 310

Portland, OR 97204

(503) 823-4503



Kyle B <xylebell@gmail.com>

checking in

1 message

Kyle B <xylebell@gmail.com>
To: Kyle Bell <xylebell@gmail.com>

Tue, Jan 29, 2019 at 3:37 PM

Sollinger, Margie <Margie.Sollinger@portlandoregon.gov>
Tue, Sep 18, 2018, 9:47 AM
to me

Hi Kyle,

Once the City sends you a revised letter, you can proceed by filing an appeal to be heard before City Council (like you tried to do before).

Council is not going to stop you from having your appeal. You have a right to it under City law. This is just a case of City staff not knowing about their own processes. I have seen no evidence of an intentional effort to deprive you of something you're entitled to.

My recommendation has been to allow you to have your appeal before City Council and to create a process so that others don't go through what you've gone through to get there. That recommendation has been accepted. I also recommended that future notices of sidewalk repair include information about the property owners doing minimal repairs. This recommendation was also accepted and I'm waiting to see documentation of its implementation.

You are welcome to stop by if you have more questions. I have meetings this afternoon, but am otherwise around.

-Margie

cid:image004.png@01D44B43.15B962B0

Margie Sollinger (she/her)

City Ombudsman

1221 SW Fourth Ave, Room 310

Portland, OR 97204

(503) 823-4503

I apologize for the delay in responding as I was out of the office on Friday. Normally Council doesn't run that late, so thank you for being patient last Wednesday. My office handles the assessment piece only so I am unable to assist with the requested documents regarding the concrete company and permit information, however Mike Zeller in sidewalks can assist with the documentation as they do not forward that information to me. I have cc'd Mike on this email.

Thank you,

Sherree Matias

Office of the Auditor

Assessments, Finance & Foreclosure Division

(503) 823-3569

sherree.matias@portlandoregon.gov

From: Kyle B [mailto:xylebell@gmail.com]
Sent: Thursday, June 14, 2018 4:59 PM
To: Matias, Sherree <Sherree.Matias@portlandoregon.gov>
Subject: 2370 SE Division St

[Quoted text hidden]

Kyle B <xylebell@gmail.com>
To: "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>
Cc: "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>

Mon, Jun 18, 2018 at 12:19 PM

Thanks Sherree!

I have another question for Mr. Zeller.

When assessing sidewalk cement, what is considered a "partial square" ?
Is it similar to the triangle in the attached photo and is that considered a temporary fix?

Thank you for your time!

Kyle Bell
2370 SE 60th Ave

[Quoted text hidden]



cement_triangle.jpeg
1193K

Zeller, Mike <Mike.Zeller@portlandoregon.gov>

Tue, Jun 19, 2018 at 7:15 AM

To: Kyle B <xylebell@gmail.com>, "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>

Cc: "Munson, Lee" <Lee.Munson@portlandoregon.gov>

Good Morning Kyle, here ya go, sent you the file, In answer to your question, a partial square is a partial square, triangle or half stone, the triangle you are asking about is a permanent repair. Although it is a triangle it is attached to a full stone repair and is full depth. City contractors are not required to pull a permit to work assigned, permits costs are billed to the property owner after the work is completed.


Thank you

Michael Zeller
Sidewalks Inspector
Maintenance Operations
Portland Bureau of Transportation
2929 N Kerby
Portland Oregon 97227
503-823-4773

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From: Kyle B [mailto:xylebell@gmail.com]
Sent: Monday, June 18, 2018 12:19 PM
To: Matias, Sherree <Sherree.Matias@portlandoregon.gov>
Cc: Zeller, Mike <Mike.Zeller@portlandoregon.gov>
Subject: Re: 2370 SE Division St

[Quoted text hidden]

 **SKM_C25818061814430.pdf**
1931K

Kyle B <xylebell@gmail.com>

Tue, Jun 19, 2018 at 5:54 PM

To: "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>

Cc: "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>, "Munson, Lee" <Lee.Munson@portlandoregon.gov>

Thank you Mike. That was a lot of info, property taxes and everything.
Sidewalk Solutions, PO Box 90919 (503)218.4172 \$5995 -Got it.

Ok, so the triangles are in fact called "partial squares", they look minimal (literally cutting corners), but somehow they fit into the city policy of not allowing any of those practices to take place? Well now I have 3 of them and one of them appears to be popping up. (photo attached)

What happened to the curbs? All of the work has been approved, paid and billed but a major portion is missing. The original schematic/drawing (attached photo) called for (and was marked out) AND I was told by Adam Hogan that the curbs must be replaced in several areas. This is a huge change that would make a difference to any homeowner faced with these ridiculous costs. Do I agree with NOT replacing them? YES! The whole project was unnecessary. But it feels like I'm being billed for them despite the curb check box not being marked by *Sidewalk Solutions*. How did this even get final approved?

Many of the brand new expansion joints are nearly at code violation distance of 1/2 inch (again, photo attached). In time, with only a few edge chips, I'll be as non-compliant as City Hall and PBOT. They could have been tighter joints, I've examined a lot of sidewalks lately.

This entire project feels like it has come full circle as the work doesn't appear to be completed to the specifications originally dictated.

If the communication had been more clear, I in fact could have completed the work myself and for far less money. Eliminating the curb work was huge.

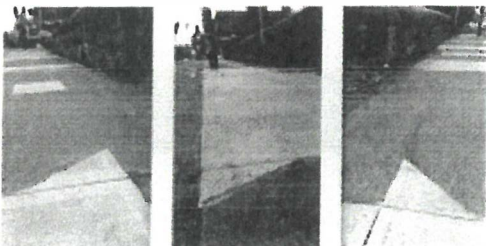
I do not want to be held responsible for any additional work that needs to be done in order to be compliant and I don't want to pay for any work that was changed and/or charged but not completed.

What are the next steps? Do we take this back to the mayor and the council?

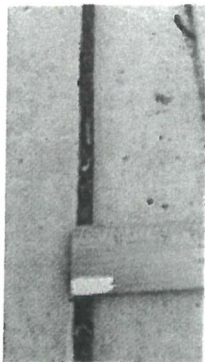
Kyle Bell

[Quoted text hidden]

3 attachments



partial_squares.png
1809K



expansion_joint.jpeg
1044K



Division_curb01.png
1421K

Kyle B <xylebell@gmail.com>

Tue, Jun 26, 2018 at 4:46 PM

To: "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>

Cc: "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>, "Munson, Lee" <Lee.Munson@portlandoregon.gov>

Dear Mr. Munson,

It's been one week since I've outlined several discrepancies in the work performed and final inspection of the sidewalks abutting my property.

It's also worth noting there was misleading information stated at the June 13th council meeting. There was a suggestion that I already had an appeal, but this was not in fact true. I can understand the confusion, but as we all know, it has been pushed again and time is running out.

At this point it's gone beyond whether the work was necessary. It now includes issues with regard to what work was expressly outlined as needing to be completed in order to be compliant, your inspection/sign-off, communication, and the total amount billed. I'd also like to include for the record that your letter dated May 30th, 2018 claimed my voicemail box was full, (which was not and has not ever happened) and my house was never "door hung" as claimed on November 17, 2017. One date missing from your timeline is Sept 14th when I met with Adam Hogan at my property where I stated my concern over the necessity of the work outlined including the curbs.

How would you like to proceed?

Kyle Bell
2370 SE 60th Ave
[Quoted text hidden]

Munson, Lee <Lee.Munson@portlandoregon.gov>

Wed, Jun 27, 2018 at 10:30 AM

To: Kyle B <xylebell@gmail.com>, "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>

Cc: "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>

Mr. Bell,

You did have an appeal. Your property was removed from the assessment after the February 28, 2018 City Council meeting. After reviewing the City Council recording, I researched your concerns and addressed them in the letter I sent you. After you received the letter, you had the option to appear before Council, which you did, if you didn't agree with my determination.

The file noted that your voice mailbox was full, and there was no mention of your meeting with the Inspector, Adam Hogan. I spoke with Adam this morning, and he stated the note about not being able to leave a message because of a full voice mailbox, is accurate.

I'm glad you could meet with Adam, and he informs me he reinforced the need for repairs, and gave you some repair options.

Although the Notice to Repair Sidewalk is called a doorhanger, City Code only requires that this notice be posted on the adjacent property. This was done.

At this point, this is a matter for the PBOT Director, Assistant Director, and Commissioner Saltzman. They have received this.

Lee Munson

Maintenance Construction and Operations Division Manager (Interim)

City of Portland, Bureau of Transportation

2929 N Kerby Ave

Portland, Oregon 97227

Phone (503) 823-1769

Fax (503) 823-4043

lee.munson@portlandoregon.gov

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From: Kyle B [mailto:xylebell@gmail.com]

Sent: Tuesday, June 26, 2018 4:46 PM

To: Zeller, Mike <Mike.Zeller@portlandoregon.gov>

Cc: Matias, Sherree <Sherree.Matias@portlandoregon.gov>; Munson, Lee <Lee.Munson@portlandoregon.gov>

Subject: [Approved Sender] Re: 2370 SE Division St

[Quoted text hidden]

Kyle B <xylebell@gmail.com>

Wed, Jun 27, 2018 at 2:44 PM

To: "Munson, Lee" <Lee.Munson@portlandoregon.gov>

Cc: "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>, "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>

Mr Munson,

I'm still in the middle of the appeal, it has not been resolved.

What happened to the outlined curb repairs that made the job significantly more difficult for a homeowner to do independently? Why were they marked out, ignored yet approved and apparently billed for? If you've also chosen to not communicate this fact to the PBOT Director, Assistant Director, and Commissioner Saltzman, they're only receiving half of the picture.

As an aside, Adam must have dialed the wrong number, as I now went through my entire incoming call records with my carrier from Oct to Dec 2017 where there would have been an unidentified incoming number for 1 minute trying to leave a message. It simply doesn't exist and my VM wasn't full.

Your letter on May 30th clearly states, "*Your property was door hung on November 17th*". "Your property" really sounds like my house, not the adjacent property. That explains why I didn't know the date they would remove my sidewalks. Though Adam did have my email address since September 2017.

Kyle Bell

[Quoted text hidden]



Division_curb01.png
1421K

Kyle B <xylebell@gmail.com>

Fri, Jun 29, 2018 at 11:19 AM

To: Margie.Sollinger@portlandoregon.gov

Hello Margie,

Thank you for meeting with me this morning.

This is my latest string of emails with the various PBOT people. Let me know if anything is missing or if you need the attachments.

Thank you,

Kyle Bell

503.781.6588

[Quoted text hidden]



Division_curb01.png
1421K

Sollinger, Margie <Margie.Sollinger@portlandoregon.gov>
To: Kyle B <xylebell@gmail.com>

Fri, Jun 29, 2018 at 1:13 PM

Thanks, Kyle. I got copies of the documents you gave to Matt Grumm as well. I asked when the item was going back to Council and it sounded like they don't have a firm date yet. I asked that they hold off until I have a chance to review the case and Matt said that was fine.

From: Kyle B [mailto:xylebell@gmail.com]
Sent: Friday, June 29, 2018 11:20 AM
To: Sollinger, Margie <Margie.Sollinger@portlandoregon.gov>
Subject: [User Approved] Fwd: [Approved Sender] Re: 2370 SE Division St

[Quoted text hidden]

Munson, Lee <Lee.Munson@portlandoregon.gov>

Fri, Jun 29, 2018 at 1:52 PM

To: Kyle B <xylebell@gmail.com>
Cc: "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>, "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>

Mr. Bell,

Leaving the curb was a suitable repair method. Mike Zeller, the Inspector that administers the Sidewalk Repair Contract, made a field decision to do so. You were **not** billed for this work. If at any time you were unhappy with Adam's assessment, you could have called me and I would have been happy to meet with you, to go over your repair options.

You could have gotten a permit at any time, until work started, and you did not. This would have stopped the repair by City contractor.

Adam may have dialed the incorrect number on August 6, 2017, but you were able to meet with him September 14, 2017.

I need to clarify the doorhanger statement. City Code requires that, at the time of **the initial inspection**, the previously mentioned notice be posted on the adjacent property. There is no requirement that a "doorhanger" is placed on the property at the time of imminent construction. This is only done as a courtesy. The hanger was placed on the handrail leading to the house at the corner (see attached).

The Director, Assistant Director, and Commissioner will all receive a copy of this email. I have been communicating your side of things, and they have the information they need to make their decision.

Lee Munson

Maintenance Construction and Operations Division Manager (Interim)

City of Portland, Bureau of Transportation

2929 N Kerby Ave

Portland, Oregon 97227

Phone (503) 823-1769

Fax (503) 823-4043

lee.munson@portlandoregon.gov

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From: Kyle B [mailto:xylebell@gmail.com]

Sent: Wednesday, June 27, 2018 2:44 PM

To: Munson, Lee <Lee.Munson@portlandoregon.gov>

Cc: Zeller, Mike <Mike.Zeller@portlandoregon.gov>; Matias, Sherree <Sherree.Matias@portlandoregon.gov>

Subject: [Approved Sender] Re: [Approved Sender] Re: 2370 SE Division St

[Quoted text hidden]



Capture.JPG
182K

Kyle B <xylebell@gmail.com>

Fri, Jun 29, 2018 at 4:13 PM

To: "Munson, Lee" <Lee.Munson@portlandoregon.gov>

Cc: "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>, "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>

Bcc: Margie.Sollinger@portlandoregon.gov, matt.grumm@portlandoregon.gov

Mr. Munson,

Thank you, you have just outlined three of the exact problems with this situation.

1) Adam Hogan was actually the **second** inspector to verify and stand by (verbally) the need for the outlined curb repairs, thus ballooning any private bids I received. We the homeowners, don't have that luxury of a "field decision", and after two inspectors have already confirmed the necessary work, why would a third inspector (or supervisor) be needed to verify a 1/2 inch crack? When I'm told in person, it's drawn on the paper plans and literally outlined in paint on the actual concrete, your position was made very clear.

2) Your courtesy door hanger has become even more ridiculous. The stairs in your photo are barred off (welded) and obviously haven't been used in decades. (though they look significantly better today) Not to mention they happen to come with a completely different address AND zip code. 6007 SE Division 97215. No one would ever leave any kind of notification they intended to be received at those stairs. (that are clearly barred off) no visible address or mailbox present.

3) The amount that was billed is only slightly less than the original estimate that included my outlined hazardous curbs. The current "discounted" difference was stated by you for going beyond my property lines (that I also had to bring to your attention), not for a curb "field decision" by Mike Zeller. The lack of any kind of itemized record of the work conveniently makes it more difficult to pinpoint, but the inflated numbers and lack of completing the job to code speaks volumes.

As for my not buying the permits before the city, **again**, I didn't know the exact day they would begin and I had no idea how to replace a curb myself. It is a daunting task that even your people obviously chose to avoid that day.

As you obviously know by now, I already went to Commissioner Saltzman's office and met with his Chief of Staff, Matt Grumm. As of 9:20am this morning he in fact was not aware of the missing curb repairs (that information was left out by you) until he received my packet of information and photos that clearly illustrate the entire story.

The Office of the Ombudsman have been briefed as well.

Kyle Bell

[Quoted text hidden]

Kyle B <xylebell@gmail.com>

Fri, Jun 29, 2018 at 4:47 PM

To: "Sollinger, Margie" <Margie.Sollinger@portlandoregon.gov>

Thank you so much Margie!

Even though I just found out about you today, I really appreciate the work that you do!

Best,
Kyle

[Quoted text hidden]

Munson, Lee <Lee.Munson@portlandoregon.gov>

Mon, Jul 2, 2018 at 7:41 AM

To: Kyle B <xylebell@gmail.com>

Cc: "Zeller, Mike" <Mike.Zeller@portlandoregon.gov>, "Matias, Sherree" <Sherree.Matias@portlandoregon.gov>

Thank you

Lee

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From: Kyle B [mailto:xylebell@gmail.com]

Sent: Friday, June 29, 2018 4:14 PM

To: Munson, Lee <Lee.Munson@portlandoregon.gov>

Cc: Zeller, Mike <Mike.Zeller@portlandoregon.gov>; Matias, Sherree <Sherree.Matias@portlandoregon.gov>

Subject: [Approved Sender] Re: [Approved Sender] Re: [Approved Sender] Re: 2370 SE Division St

[Quoted text hidden]

IMPACT STATEMENT

Legislation title: Appeal of Kyle Bell against the posting of sidewalk repairs to the property at 2370 SE 60th Avenue, per the City Charter and City Code Title 17.28.020

Contact name: Amy R. Roberts-Santistevan

Contact phone: 503.823.8293

Presenter name: Tara Wasiak, Group Manager

Purpose of proposed legislation and background information:

The purpose of this Council item is to provide the appellant the opportunity to appeal the City posting of a Sidewalk Repair notice for property at 2370 SE 60th Ave.

- The goal of the City of Portland sidewalk Program is to, “ensure that all sidewalks are safe and accessible for pedestrians and to help prevent injuries caused by defective sidewalks.”
- Repairs posted at 2370 SE 60th were initiated by a community member’s complaint of an unsafe sidewalk on the property.
- Per practice, the Sidewalk Inspector inspected the entire block face based on this complaint.
- On July 18, 2016 the Sidewalk Repair Notice was issued to the address on file. October 27, 2017, the repairs were assigned to a City contractor, due to non-repair by the property owner.
- This is Mr. Bell’s third appearance before City Council.
 - The first appearance was 2/28/2018.
 - The second appearance was 6/14/2018. At the request of City Council the Sidewalk Maintenance Office conducted further investigation.
- 9/26/2018, based on the investigated ordered by City Council, the fees for the sidewalk repairs were waived on the repairs made at 2370 SE 60th Avenue

Financial and budgetary impacts:

This Council item will not generate or reduce current or future revenue coming to the City. There are no costs to the City as a result of this council item.

Community impacts and community involvement:

The goal of the City of Portland sidewalk Program is to, “ensure that all sidewalks are safe and accessible for pedestrians and to help prevent injuries caused by defective sidewalks.”

- Sidewalk inspection and posting process is complaint driven.
- Potentially unsafe areas are reported by community members and investigated by Sidewalk Inspectors in the order complaints are received.
- Safe, accessible sidewalks are essential for a livable City.

100% Renewable Goal:

Not applicable.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

January 30, 2019

71	TIME CERTAIN: 10:15 AM – Appeal of Kyle Bell against Portland Bureau of Transportation posting the property located at 2370 SE 60 th for sidewalk repairs (Report introduced by Commissioner Eudaly) 30 minutes requested	APPEAL DENIED
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Motion to deny the appeal. Findings: The work was required by code and the conditions required the improvements. The improvements are consistent with code and City specifications. The improvement charges were calculated as provided by code. No adjustments are necessary because PBOT has already made an adjustment in the bill. Finally, the appellant may appeal the determination of Council to court via writ of review:
Moved by Eudaly and seconded by Fritz.

Commissioners voted as follows:
YEAS (4): Fritz, Fish, Eudaly and Wheeler
NAYS (1): Hardesty

The Bureau is directed to come back to Council with an ordinance within 30 days to codify the findings and determination for a final vote, so that Mr. Bell can exercise any other appeal rights if he so chooses.

JANUARY 31, 2019 – 10:15 AM Time Certain

**Appeal of Kyle Bell regarding Assessment of Fees Sidewalk
Repairs located at 2370 SE 60th**

Bureau Position <ul style="list-style-type: none">• Tara Wasiak	10 minutes
Home Owner <ul style="list-style-type: none">• Kyle Bell	10 minutes
Bureau Rebuttal <ul style="list-style-type: none">• Tara Wasiak	5 minutes
Public Testimony	Limit to 2 minutes per person
Council Questions and/or Discussion	

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185

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Chloe Eudaly Commissioner Chris Warner Interim Director

MEMO

Date: 01/22/2019

To: Portland City Council

From: Chris Warner- Interim Director

Re: Appeal of Kyle Bell against the posting of sidewalk repairs at 2370 SE 60th

On January 30 at 10:15 AM, City Council will hold a sidewalk repair appeal hearing requested by Kyle Bell per City Code 17.28 Sidewalks, Curbs and Driveways. Please feel free to follow up with Maintenance Operations Division Manager Tara Wasiak with any questions.




The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

Agenda No.

REPORT

Title

Appeal of Kyle Bell against Portland Bureau of Transportation (PBOT) posting the property located at 2370 SE 60th for sidewalk repairs (Report)

INTRODUCED BY Commissioner/Auditor: Chloe Eudaly	CLERK USE: DATE FILED <u>JAN 22 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <u></u> Deputy
BUREAU APPROVAL Bureau: Transportation Bureau Head: Chris Warner--Interim	ACTION TAKEN: JAN 30 2019 APPEAL DENIED
Prepared by: A. Roberts-Santistevan Date Prepared: 1/22/2019	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 1/30/2019	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: 10:15 Total amount of time needed: 30 (for presentation, testimony and discussion)	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS: <u>DENY APPEAL</u>	
CONSENT <input type="checkbox"/>			YEAS NAYS
REGULAR <input type="checkbox"/>	1. Fritz	1. Fritz	✓
Total amount of time needed: _____ (for presentation, testimony and discussion)	2. Fish	2. Fish	✓
	3. Hardesty	3. Hardesty	✓
	4. Eudaly	4. Eudaly	✓
	Wheeler	Wheeler	✓