



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7TH DAY OF MARCH, 2018** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney; and Linly Rees, Chief Deputy City Attorney from 10:17 a.m.-10:56 a.m.; and Nicholas Livingston and John Paolazzi, Sergeants at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

		Disposition:
COMMUNICATIONS		
206	Request of Maryhelen Kincaid to address Council regarding alternative housing for houseless individuals (Communication)	PLACED ON FILE
207	Request of Linda Nettekoven to address Council regarding alternative housing for houseless individuals (Communication)	PLACED ON FILE
208	Request of Michael Molinaro to address Council regarding alternative housing for houseless individuals (Communication)	PLACED ON FILE
209	Request of Joey Gibson to address Council regarding sexual assault in the Portland area (Communication)	PLACED ON FILE
210	Request of David Kif Davis to address Council regarding City sponsored political terrorism (Communication)	PLACED ON FILE
TIMES CERTAIN		
211	TIME CERTAIN: 9:45 AM – Proclaim March 2018 to be Women’s History Month in Portland (Proclamation introduced by Mayor Wheeler) 20 minutes requested	PLACED ON FILE

<p>212</p>	<p>TIME CERTAIN: 10:15 AM – Appeal on behalf of the Pearl District Neighborhood Association against Design Commission’s decision of approval for design review with modifications and concurrent greenway review for the Fremont Apartments, a 17-story mixed-use building at 1650 NW Naito Pkwy (Previous Agenda 177; Report introduced by Commissioner Eudaly; LU 16-278621 DZM GW) 1 hour requested</p> <p>Motion to tentatively uphold the appeal and deny the application; overturn the Design Commission’s decision to approve the requested Fremont Apartments design review with modifications and concurrent greenway review: Moved by Fritz and seconded by Fish. (Y-5)</p>	<p>TENTATIVELY UPHOLD THE APPEAL AND OVERTURN THE DESIGN COMMISSION’S DECISION; PREPARE FINDINGS FOR APRIL 4, 2018 AT 11:00 AM TIME CERTAIN</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Ted Wheeler</p> <p>Office of Management and Finance</p>		
<p>*213</p>	<p>Create a new non-represented classification of Human Resources Business Partner, Senior and establish compensation rate for this classification (Ordinance) (Y-5)</p>	<p>188844</p>
<p>*214</p>	<p>Authorize a grant agreement with the Coalition of Communities of Color in an amount not to exceed \$35,000 to support the Data About Us by Us - Community Track Hate project (Ordinance) (Y-5)</p>	<p>188845</p>
<p>*215</p>	<p>Authorize a grant agreement with Portland Opportunities Industrialization Center, Inc. also doing business as Rosemary Anderson High School in an amount not to exceed \$17,500 to support the Hate Crime Education and Response project (Ordinance) (Y-5)</p>	<p>188846</p>
<p>Commissioner Dan Saltzman</p> <p>Bureau of Transportation</p>		
<p>*216</p>	<p>Authorize a contract with the lowest responsible bidder for the NE Halsey-Weidler Streetscape Project: 102nd - 112th (Ordinance) (Y-5)</p>	<p>188847</p>
<p>*217</p>	<p>Authorize an Intergovernmental Agreement with the Port of Portland and the Oregon Department of Transportation to accept three grants in the amount of \$11,651,000 for the North Rivergate Freight Project (Ordinance) (Y-5)</p>	<p>188848</p>
<p>218</p>	<p>Amend an Intergovernmental Agreement with Multnomah County to pay the City up to \$4.8 million for Design and Construction Services performed on the Sellwood Bridge Project (Ordinance; amend Contract No. 30004901)</p>	<p>PASSED TO SECOND READING MARCH 14, 2018 AT 9:30 AM</p>

REGULAR AGENDA		
<p>*219 Amend Election Reform code to rename as Open and Accountable Elections Program and reassign from Office of Neighborhood Involvement to a Commissioner's Office (Ordinance introduced by Commissioners Fritz and Eudaly; amend Code Chapter 2.16) 15 minutes requested</p> <p>1. 3-7-18 Motion to remove emergency clause: Moved by Fish and seconded by Fritz. (Y-4; N-1 Saltzman)</p> <p>2. 3-8-18 Motion to reconsider the 3-7-18 amendment: Moved by Fritz and seconded by Fish. (Y-4; Saltzman absent)</p> <p>3. 3-8-18 Motion to remove emergency clause: (N-4; Saltzman absent) Motion failed. (Y-4; Saltzman absent)</p>		<p>188853 AS AMENDED</p>
<p>Mayor Ted Wheeler</p> <p>Portland Housing Bureau</p>		
<p>*220 Amend to make permanent the mandatory relocation assistance for involuntary displacement of tenants under Affordable Housing Preservation and Portland Renter Protections (Previous Agenda 204; Ordinance; amend Code Section 30.01.085) 10 minutes requested</p> <p>1. Saltzman 2-28-2018 amendment withdrawn.</p> <p>2. Vote on Fritz 2-28-2018 amendment. (Y-5)</p> <p>3. Motion to add emergency clause to avoid any gap in regulatory oversight: Moved by Fish and seconded by Eudaly. (Y-4; N-1 Wheeler) (Y-5)</p>		<p>188849 AS AMENDED</p>
<p>Commissioner Dan Saltzman</p> <p>Bureau of Transportation</p>		
<p>221 Vacate a portion of NE Marx St between NE 109th Ave and NE 112th Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10114) 30 minutes requested for items 221-223</p>		<p>PASSED TO SECOND READING MARCH 14, 2018 AT 9:30 AM</p>
<p>222 Vacate a portion of NE 112th Ave south of NE Deering Dr subject to certain conditions and reservations (Hearing; Ordinance; VAC-10114)</p>		<p>REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</p>
<p>223 Vacate portions of NE Deering Dr and NE 112th Ave and NE 111th Ave subject to certain conditions and reservations (Hearing; Ordinance; VAC-10114)</p>		<p>REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</p>
<p>224 Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Previous Agenda 199; Hearing; Ordinance; C-10061) 10 minutes requested</p> <p>Motion to accept amendments in PBOT memo dated 3-5-18: Moved by Fritz and seconded by Eudaly. (Y-5)</p> <p>Motion to accept amendments in PBOT memo dated 3-7-18: Moved by Saltzman and seconded by Fritz. (Y-5)</p>		<p>PASSED TO SECOND READING AS AMENDED MARCH 14, 2018 AT 9:30 AM</p>

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225	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 (Second Reading Agenda 200; amend Code Section 17.88.090; amend Policy TRN-1.26) 30 minutes requested	REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS
226	Amend Public Improvements code to further implement Portland in the Streets Program; amend Transportation Fee Schedule; repeal and amend certain administrative rules (Second Reading Agenda 183; amend Code Chapters 17.24, 17.25 and 17.26; amend TRN-3.450 and 10.03; repeal TRN-2.04 and others) (Y-5)	188850
City Auditor Mary Hull Caballero		
227	Assess property for sidewalk repair for the Portland Bureau of Transportation (Second Reading Agenda 201; Y1094) (Y-5)	188851
FOUR-FIFTHS AGENDA		
Mayor Ted Wheeler		
Bureau of Police		
*227-1	Authorize Memorandum of Understanding with Lewis & Clark College and Call to Safety for the Office on Violence Against Women FY 18 Grants to Reduce Sexual Assault, Domestic and Dating Violence and Stalking on Campus Program grant application (Ordinance) 20 minutes requested (Y-5)	188852

At 12:53 p.m., Council recessed.

March 7-8, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7TH DAY OF MARCH, 2018** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:15 p.m. and left at 3:20 p.m.

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>228-231 TIME CERTAIN: 2:00 PM – Central City 2035 Plan. 3 hours requested Central City 2035 Plan items are continued from January 18, 2018. For more information see project website www.portlandoregon.gov/bps/cc2035</p>	<p>Disposition:</p>
<p>228 TIME CERTAIN: 2:00 PM – 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 59; Ordinance introduced by Mayor Wheeler; amend Code Chapters 33.430 and 480) 3 hours requested</p>	<p>CONTINUED TO MARCH 15, 2018 AT 4:00 PM TIME CERTAIN RESCHEDULED TO MARCH 22, 2018 AT 2:00 PM TIME CERTAIN</p>
<p style="text-align: center;"><i>Continued next page</i></p>	

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- 229** 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 60; Ordinance introduced by Mayor Wheeler)

Votes not taken:

1. Additional Maps for New Amendments C & D – Upper Hall: Moved by Wheeler and seconded by Eudaly.

2. E. Measuring Top of Bank: Moved by Wheeler and seconded by Fish. Code map: 33.930.150 (Vol 2A Part 2)

3. New Minor and Technical Amendments: Moved by Wheeler and seconded by Fish.

F. Clarifies the amount of ground floor industrial use required in order to allow the building to access more square footage of industrial office.

G. Clarifies where minimum density requirements apply in the Central City.

H. Clarifies where the measurement is taken on a building's façade for the application of bird safe glazing.

I. Modify Low Carbon Building standard to remove reference to creating an administrative rule.

J. River Overlay Zone Boundary Fix

4. New Major Amendments A & B: Moved by Saltzman and seconded by Wheeler.

A. View of Central City Skyline from I-84 overpass. Code Map: 510-3 Base Heights and 510-4 Bonus Heights (Vol 2A Part 1)

B. View of Central City Skyline from I-94 overpass. Report text and map: Volume 3A, Part 1, Text and Figures; Map A, Map 3 of 9.

5. Commissioner Saltzman withdrew 2B #9. TSP Project List: Neighborhood Greenway Projects.

6. Mayor Wheeler withdrew 2A1 #20. View of Mt. Hood from Salmon Springs and 3A #2. CC-SW17: View of Mt Hood Salmon Springs.

Commissioner Fritz objected but there was no second to her motion to put it back on the table.

Votes taken:

1. Minor and Technical Amendments: Moved by Wheeler and seconded by Saltzman. Roll: Y-5

2. Morrison Bridgehead 2A1 #16 Height at Morrison Bridgehead: Y-1 Fritz, N-4 Fish, Saltzman, Eudaly and Wheeler. Motion failed.

3. Historic Height 2A1 #18 New Chinatown/Japantown height: Y-4 Fish, Saltzman, Eudaly and Wheeler, N-1 Fritz.

4. Vista Bridge View 2A1 #21 and 3A #4 SW Jefferson Street and SW 14th Avenue: view of Vista Bridge, West Hills: Y-1 Fritz, N-4 Fish, Saltzman, Eudaly and Wheeler. Motion failed. Motion failed.

5. Riverplace 2A1 #7 Riverplace bonus height and 2A1 #10 Riverplace special tower orientation standards: Y-2 Fritz and Eudaly, N-2 Fish and Wheeler. (Saltzman recused himself) Motion failed.

6. Riverplace 2A1 #12 Improve the Central City Master Plan and add Riverplace as a master plan site: Y-4. (Saltzman recused himself)

**CONTINUED TO
MARCH 15, 2018
AT 4:00 PM
TIME CERTAIN
RESCHEDULED TO
MARCH 22, 2018
AT 2:00 PM
TIME CERTAIN**

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<p>230 Adopt the Central City 2035 Plan Action Charts, Performance Targets and Urban Design Diagrams (Previous Agenda 61; Resolution introduced by Mayor Wheeler)</p>	<p>CONTINUED TO MARCH 15, 2018 AT 4:00 PM TIME CERTAIN RESCHEDULED TO MARCH 22, 2018 AT 2:00 PM TIME CERTAIN</p>
<p>231 Adopt the Central City 2035 Plan Green Loop Concept Report (Previous Agenda 62; Resolution introduced by Mayor Wheeler)</p>	<p>CONTINUED TO MARCH 15, 2018 AT 4:00 PM TIME CERTAIN RESCHEDULED TO MARCH 22, 2018 AT 2:00 PM TIME CERTAIN</p>

At 3:41p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF MARCH, 2018** AT 2:00 P.M.

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

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

The meeting recessed at 2:18 p.m. and reconvened at 2:26 p.m.

<u>THURSDAY, 2:00 PM, MARCH 8, 2018</u>		
THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish and Fritz, 4.		
REGULAR AGENDA		
232	Appoint Richard Helzer and Ae-young Lee and reappoint Scott Bradley to the Towing Board of Review for terms to expire March 1, 2019 (Report introduced by Mayor Wheeler and Commissioner Saltzman) 15 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz. (Y-4; Saltzman absent)	CONFIRMED
Office of Management and Finance		
233	Amend the Arts Education and Access Income Tax to end administrative cost limitation, place cost limitation under City Council oversight and direct the Revenue Division to work with the Arts Education and Access Fund Citizen Oversight Committee to increase the poverty level exemption (Ordinance introduced by Mayor Wheeler and Commissioners Eudaly and Fish; amend Code Section 5.73.090) 20 minutes requested Motion to amend directive b regarding exemption amount and direct recommendations be brought to Council by September 1, 2018: Moved by Eudaly and seconded by Fish. (Y-4; Saltzman absent)	PASSED TO SECOND READING AS AMENDED MARCH 15, 2018 AT 2 PM
Mayor Ted Wheeler		
234	Reappoint Deanne Woodring to the Investment Advisory Committee for term to expire March 14, 2019 (Report) 20 minutes requested Motion to accept report: Moved by Fish and seconded by Fritz (Y-4; Saltzman absent)	CONFIRMED

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<p style="text-align: center;">Office of Management and Finance</p> <p>235 Authorize a five-year Price Agreement with U.S. Bank/Elavon for merchant services for a not-to-exceed amount of \$25,000,000 (Previous Agenda 193; Procurement Report – Project No. 121332) 15 minutes requested Motion to accept report: Moved by Eudaly and seconded by Fish (Y-4; Saltzman absent)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p style="text-align: center;">EXECUTIVE ORDER</p> <p>235-1 Reassign the Open and Accountable elections program from the Office of Neighborhood Involvement to Commissioner Amanda Fritz's office as of March 7, 2018 (Ordinance; Executive Order)</p>	<p>188854</p>

At 3:25 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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

Key: *** means unidentified speaker.**

MARCH 7, 2018 9:30 AM

Wheeler: Good morning everybody this is the Wednesday March 7 session of the Portland city council. It is Wednesday. You are in Portland, Oregon. Karla please call the roll.

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

Robert Taylor, Chief Deputy City Attorney: Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's the presiding officer preserves order and decorum during city council meetings so everyone can feel welcomed, comfortable, respected and safe. To participate in council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first readings of ordinances. Your testimony should address the matter being discussed at the time. When testifying please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify, unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red Light goes on. If you are in the audience and would like to show your support for something that is said please feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumb's down. Disruptive conduct, such as shouting or interrupting testimony or counsel deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for your help making your fellow Portlanders feel welcome, comfortable, and respected and safe.

Wheeler: Good morning everybody and you have heard the council rules, it is my responsibilities as the presiding officer to enforce those rules fairly, and those of you who are frequent attenders you know that is what I will do. I also want to make a couple of announcements. Dirk VanderHart, who is sitting in the back of the room. I want to embarrass him a bit, I don't have that option very often, it is his last day with the Portland mercury today. So this is the last time that we will see him here in council chambers. Could we suspend the rules and thank him. [applause] he's not disappearing. He is moving onto a great opportunity with opb, and you will be at the state level, is that correct?

Dirk VanderHart: That's correct.

Wheeler: Very good. So congratulations on that opportunity. I think you will do fantastic well there.

Fritz: Thank you for your service with the mercury. It's been really been good, not fake news.

Wheeler: And I also want to reiterate my thanks to everybody who participated in and helped to plan last week's session on welcoming inclusive sanctuary city task force. There is a lot of work that went into that. I received a lot of good feedback from that since, and I want to thank everybody who was engaged in that process. This is a good time to remind us all that through that process we have further cemented our community standards, we have made an affirmative decision that declaring ourselves a sanctuary city isn't just about the term. It is about action and I so want to thank my colleagues and the members of that

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task force for putting into concrete terms specific actions that we will take as a city to underscore that we are a welcoming, inclusive sanctuary city. Our community values were made clear. We reject racism, we reject white supremacy, we reject sexism, we reject homophobia, we reject islamophobia, we reject xenophobia and we reject all forms of discrimination. I think it's great that we have a group of engaged citizens that represents the breadth of our community who are working very hard to ensure that we are successful. After all we will not be successful as a community unless everybody is successful in this community. So with that we have communications. First please read the first communications.

Item 206.

Wheeler: I believe if I am not mistaken Maryhelen Kincaid and Linda Nettekoven.

Moore-Love: And Michael Molinaro as well.

Wheeler: And Michael Molinaro you still need to read them, is that correct?

Moore-Love: I probably should.

Wheeler: Okay. Just to be safe.

Item 207.

Item 208.

Wheeler: Very good, you will work with them to reschedule.

Moore-Love: Yep.

Wheeler: Thank you, next individual please.

Item 209.

Wheeler: Three minutes. Name for the record. Again folks, I will enforce the rules. Please do not interrupt the testimony.

Joey Gibson: My name is joey Gibson. I am here to talk about hopefully not here to yell and scream. Make a huge scene, I am hoping that I can reach out to one of you today. I believe that there is an epidemic going on in Portland. It is the capital of human trafficking. There are tons of kids, there are girls and boys that are disappearing from the streets, and they are taking them up and Down the i-5 corridor. I understand that it's not -- it's not great for you politically to bring light to this problem. It's a problem that you have and it's being swept under the rug. It is easier to ignore it as a politician, but I do believe that not all politicians are bad. Like I do believe that some people do this because they want to help the community they want to help the people and this is a problem that we have. It is the capitol, and the united states of America. There are boys and girls being swept away and being sexually assaulted. Being sold into slavery. One of the biggest problems is we have you guys politically have a connection with terry bean

Wheeler: Excuse me there are interruptions and I would ask that we not interrupt, and we allow everybody to complete in a timely basis their comments.

Gibson: There are criminals that feel comfortable in Portland, and I don't know why. I've been doing my research. There is a lot of things that go into it but one of the things is that there is -- the people are not talking about it. They feel comfortable. They feel like they will not be exposed. Their politicians are not talking about it enough. They are not building a team. That should be a press conference to talk about it. There should be a team that is Put together to take care of the problem. We are talking about innocent boys and innocent girls. In Portland disappearing from the streets, and I understand as a politician, it's not good to bring light to that but I believe that as a leader of the community you have [inaudible] it is your job to make sure the public understands what's going on. Like I said about terry bean we all know he's having sex with little boys, and you have to disconnect yourself from him. There are several pictures of mayor wheeler with him, and several people have accepted money from him, and there needs to be a public statement to say that the city of Portland stands against pedophilia, they stand against human trafficking and sex slavery. It is a big problem and people say, people are mad that I am coming from

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Washington to Portland but these are people that are being taken up and down the i-5 corridor. It's a huge problem, and it's my hope that I can reach through one of you today to help you understand that this is something that has to be taken care of. I just hope and I pray that someone can step up, you bring light to a problem, people will come in with the solution. Something that I truly believe. That's all that I have to say. Thank you for your time.

Fritz: Mr. Gibson you are new to Portland because we have a task force and have been working on this issue since 2008. I agree it is a serious problem. The council dedicates a significant amount of money to it.

Gibson: It's not working.

Wheeler: Your time has expired, next person.

Item 210.

*****: One second here.

Wheeler: Time is burning Mr. Davis.

David Kif Davis: My name is David kif Davis and I am from Multnomah county cop watch and I am here to address a few issues about stuff like nick Fish and his policy advisor.

Wheeler: Mr. Davis I want to reiterate that we do not tolerate attacks on city employees in this chamber.

Davis: This is not an attack. This is, actually, a fact, his employee got a stalking order put on me after he accused me of being a sex offender, and then I said there is a whole other way that we could handle this, and it's called a boxing gym and it's perfectly legal. So, his policy advisor went out and got a stalking order put on me, and that's the reason that you have not seen me. Actually the last time that I went through council chambers, I was arrested for stalking, and then I was convicted of stalking and then you have chief outlaw who is getting stalking orders put on cop watchers, who ask a couple of questions. Two contacts, two interviews, and one in uniform and one out of uniform which does not meet the criteria of actual stalking because you need two unwanted contacts. The one contact was when she was in uniform next to Dante James.

Wheeler: Mr. Davis we are not trial judges here but this went before a trial judge and the trial judge made that decision. Not the police chief.

Davis: I don't care about rigged systems and corrupt judges and how you guys all have them in your pocket and you know one thing that I will say about you ted wheeler is I am glad you have not accepted any money from terry bean since like 2010, is it, right? Nick Fish he accepted money from a child rapist since the 1970s, terry bean, what was it, in 1-31-2018, a couple of months ago. This is the type of stuff that you guys are trying to stop, people like me talking about this. I had to go to the auditor's office today to get special clearance so that nick Fish's senior policy advisor wouldn't come out and stalk me, like the last time that I was here. G4S security went in to nick Fish's office, alerted James Dunphy that I am in the building and then James Dunphy came out with his camera and chased me away because he's pulling an illegal stalking thing on me.

Wheeler: Again the judge agreed with him.

Davis: I don't care.

Wheeler: The rest of us do.

Davis: You talked over me for at least 30 minutes, or 30 seconds. So maybe I should be allowed more.

Wheeler: Your time has expired and if you are wondering why I have little sympathy for you, I want to remind you why. A year ago you stood in the middle of Madison street blocking traffic, and you threatened my then 10-year-old daughter and my wife, so if you are looking to me for sympathy, Mr. Davis, you are looking at the wrong guy. Thank you for being here. Has any item been pulled from the consent agenda?

Moore-Love: Nothing has been pulled.

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Wheeler: Please call the roll.

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

Wheeler: Aye, the consent agenda is adopted. First time certain item number 211 please. **Item 211.**

Wheeler: Colleagues this is a proclamation in support of women's history month. I have a proclamation that it is my great honor to read. I appreciate everybody who is here for this uplifting opportunity. Whereas this community is greatness and success is a direct result of welcoming and empowering all people regardless of gender, culture, class, age, religion, ethnicity, sexual orientation, and disability; Whereas women especially women of color have been underrepresented, oppressed, and often unrecorded in their contributions, yet women have been present in untold or oral histories and continue to play important roles in furthering knowledge and leading equitable change for society; And whereas to foster the next generation of women the city of Portland seeks to encourage and support professional, educational, and social opportunities for women. Where women will not compete with one another over scarce seats at the table, rather when there is an inclusive space for all women to participate and commitment to draw in women of color. Women are empowered to lead and benefit entire communities; Whereas women's history month is a time for all Portlanders to celebrate the paid and unpaid hard work of women who improved the livability of the city, working both inside and outside of the home; And whereas during women's history month all people are encouraged to reflect on past victory and struggles of all women to create a society where the next generation's success is based on the content of their character, not determined by their culture or gender; And whereas the 2018 national women's history month theme is nevertheless she persisted; And whereas in Portland the women's history month theme is nevertheless we persist, which demonstrates the more timely, inclusive vision for women, transgender women, and gender, non-conforming individuals; And now therefore I, Ted Wheeler, Mayor of the City of Portland, the City of Roses, do hereby proclaim March 1, to March 31, 2018, to be Women's History Month in Portland, and encourage all residents to observe this month. It is now my honor to bring up a panel of speakers. We have Michelle Hansmann, Janine Gates, and Tiffani Penson and Michelle it's my understanding you are going to open this up today, is that correct?

Michelle Hansmann, Commissioner Fritz's Office: Yes.

Wheeler: Thank you.

Hansmann: Good morning Mayor and members of the City Council. My name is Michelle Hansmann, and I am a constituent services specialist focusing on Portland parks and recreation within Commissioner Amanda Fritz's office. As a passionate feminist I am proud to serve on the Women's Empowerment Leadership Team, and I am pleased to provide this introduction for our panel of speakers this morning. The national Women's History Month theme is nevertheless she persisted. A quote adopted by the feminist movement in the United States derived from the instance in 2017 when Senate Majority Leader Mitch McConnell attempted to silence Senator Elizabeth Warren's objections to the confirmation of Senator Jeff Sessions as U.S. Attorney General. In Portland the Women's Empowerment Group has decided to declare the theme for Women's History Month to be nevertheless we persist. Honoring women who fight all forms of discrimination against women. Rather than recognize an instant, an instance of a prominent female politician being publicly shamed, we wanted an inclusive theme to celebrate moments when all women, transgender women and gender non-conforming individuals fight forms of discrimination against women. The mission of Women's Empowerment referred to as we, is to empower and inspire all women within the City of Portland workforce in a supportive, non-judgmental way. Our vision is to create equity in the City of Portland leading with the elimination of disparities affecting all who identify as women in city workforce. We is a diverse and

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empowered employees of Portland referred to as deep affinity group of 207 members and growing. The WE leadership team includes four women, whose dedication, driver, energy, and enthusiasm make our events possible. The women on the leadership team are Francesca Patricolo, Natalie Luttrell, Sarah Brenner, and myself. We work hard to create quarterly educational and social events for our members. We appreciate the financial support from deep and our members for their support and attendance at our events. Without further ado, four amazing women who work for the city of Portland are here to share their stories of persistence.

Janine Gates, Commissioner Fritz's Office: Good morning mayor and commissioners. Thank you for the opportunity to speak with you today and for celebrating women's history month. I am Janine Gates and also a constituent services specialist, in commissioner Fritz's office. I serve on the deep executive committee and I'm a member of deep affinity groups city African American network and women empowerment. Today I plan to discuss a few of my experiences as a black woman navigating our political system. Growing up I was not involved in politics. I didn't see a need or have anything to politically advocate for. Until my foster mother grew extremely tired of hearing my sister and I complain about the Oregon's foster care system, and encouraged us to advocate for our needs. At 14 years old I joined Oregon's first foster care youth advisory with the Oregon department of human services. After becoming involved in foster care focused policies initiatives I was introduced to commissioner Saltzman and other elected officials. My interactions with commissioner Saltzman and volunteering to establish bridge metals, which is an inter-generational living community where youth formally in foster care, they are adopted parents and elders build a permanent community, introduced me to a power that I did not know that I had. Advocating for children and ensuring their needs were met was the biggest motivation that I needed to continue my path as a political activist. I knew I was making a difference. While in college I interned in commissioner Saltzman's office and learned first hand about our city's political environment. After my first summer internship in commissioner Saltzman's office I knew that I wanted to run for office. I remember telling my 18-year-old self I can do Dan's job. Currently I am working hard to join Portland city council and appreciate my training with emerge Oregon where I can learn what it takes to successfully operate a campaign and meet other women who are interested in running for office. I look forward to joining you all one day. Reasons I would like to run for office is because I believe in the importance of diversity. Whether it is one's age, culture, lived and work experiences, or sexual orientation. As well as I am passionate about east Portland, transportation, planning and living in a city that welcomes, inspires and uplifts all individuals. Lastly, I would like to thank commissioner Fritz for supporting my professional development, participation on deep, and allowing me to sit at tables where black women are not seen. I appreciated your support commissioner.

Wheeler: Thank you.

Tiffani Penson, Procurement Services: That was really good, thank you. You can tell that I am the elder.

Wheeler: When is there is an announcement to be made here?

Fish: We will be collecting checks during the break.

Penson: Hello mayor and members of council, thank you for the opportunity to speak to you today. My name is Tiffani Penson, and I grew up in Northeast Portland. My father big john owned a barbershop called the house of style on union avenue where many of the black community members, musicians, professional athletes, got the best haircuts and processes in town. His barbershop was so hot that even Robert Kennedy visited during his campaign trail in 1968. It was truly a community. I remember how my father used to help families making sure that kids had the things that they needed for school, holidays, food, and while my home life consisted of my community and people that look like me, I spent

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my years in schools like omsi, Catlin gabel, st. Mary's cathedral, university of Oregon exposed to privilege and people that did not look like me. It's funny how the mirror crossing of a bridge can expose you to a different world of education, experiences, and opportunities. All of which I am grateful for, but I know clearly that the same exposure was not accessible to other members in my community. Walking in both worlds has contributed to my work at the city and has been helpful in providing opportunities for people of color and historically underserved communities. Through my work with mayor Adams' education team developing summer youth connect program managing the summer works program currently housed in mayor wheeler's office, managing the minority evaluator program that invites community members to serve on panels and award, that award contracts, and serving as a supplier diversity officer charged with identifying minority and women owned small businesses connecting them to contracting opportunities at the city, I know that the city has it in the right direction. I believe the city has made some strides in our social equity contracting initiatives, however there is a lot more to do. My wish list to share with you to enhance these efforts looks like this. A new disparity study so that the city can move from aspirational minority and women contracting goals to hard contracting goals in identified areas. Examining the processes and requirements to do business with the city. To ensure that they are not seen as roadblocks that negatively impact our small businesses and make the contracting on how to do business outreach trainings offered mandatory for project managers that manage the city's projects to ensure that our staff have the tools to set their projects up for success and meet the social equity expectations. I am grateful for my time and experience at the city of Portland, but I would be remiss not to mention that we still struggle with including the voices of the communities most impacted early in, early on in the processes and the decisions we make. We need not worry so much about making sure things are done in a certain time frame that we forego what is right or making good on our intention. Authentic inclusion is essential to establishing policy that truly serves all people. Staff should fill empowered and understand that all of us are in positions to make change to better serve our communities. So I challenge us to be truly conscious as we institute change, and if you are not sure what a conscious mind looks like always start with the population that is going to be impacted by the change. We are always a work in progress, and there is no one answer to this work. I truly believe that most of the unequitable things that happen in this world, almost always comes from ignorance and good intentions can do us much harm if they lack true understandings of the issues. Thank you.

Wheeler: Thank you. Appreciate it. Good morning.

Betsy Quitugua, Commissioner Fish's Office: Good morning mayors and commissioners. Thank you for having me here today. For the record my name is Betsy Quitugua and I am a constituent services specialist at commissioner nick Fish's office. I've been working for commissioner Fish since I was 19 years old but started as an intern for the city bureau of environmental services. Believe it or not this is my first time testifying today.

Wheeler: Suspended the rules.

Quitugua: I am proud to say that I am also a 2017 alumna for the center for women's new leadership Oregon, summer Program and currently I serve on their alumni committee. I study mechanical engineering at Portland community college, and I hope to transfer to Portland state university within the next year. Being not only a woman but a woman of color in a white male society has shaped and impacted me the way that I am today, In many of my engineering classes starting in high school I am regularly the only representation for women, you would think that I would be through it now, but I still often question where all the women are in this field because of this I found myself putting on a mask and trying to be one of the guys. I remain quiet during lectures and also found myself

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doing tons of homework problems alone when there was, it was advised to be completed in groups. According to the society of women engineers SWE, 20% of engineering graduates are women. For decades engineering educators have focused on curriculum reform promoting girls interested in math and science to attract more women to the field. While these efforts brought in women to study engineering the problem is that many quit during and after, during and after school. Approximately one in four women leave the engineering profession within the first five years a rate higher than our counterparts. One reasoning behind the -- it's because of the masculinity culture in engineering. I often have questioned and considered to quit my studies of engineering to pursue a career that was more fitting or whatever that means. The biggest problem that I had with self doubt and lack of confidence, but because of my participation at recent events, leadership trainings, numerous workshops and the support of amazing women, the only problem that I have now is patience. Patience with discrimination and a society that sits, that sits put with the oppression. Changes are coming and I believe that Portland is inclusively heading in the right direction because our leaders, you all, are aware of the lack of representation of women. In 2015 the Portland water bureau hired the first female chief engineer, and that's a big one for us. I take it personally and don't doubt that there will be more opportunities such as this one. I do not have the statistic for the city of Portland but I've been here long enough to examine the increasing numbers of women hires especially women of color in leadership and stem positions. The women and I testifying today are part of the next generation of leaders. We are the future chief engineers, scientists, elected officials, you name it. So I asked council today for more opportunities for us and for women is, whether it's mentorship opportunities, better equipped leadership training, I asked for more opportunities. Now I am going to end with one of my favorite quotes. It comes from writer and Film-maker Nora Ephron and I would like to direct this to all the women listening. "Whatever you choose, however many roads you travel, I hope that you choose not to be a lady. I hope you will find some way to break the rules and make a little trouble out there and I also hope that you would choose to make some of that trouble on behalf of women". Thank you.

Wheeler: Thank you. Appreciate it Betsy.

Ashley Tjaden, Portland Water Bureau: Thank you mayor and council members. I am Ashley Tjaden, a native Oregon, I work for the water bureau and I specialize in equitable outreach. I am proudly here with the support of my manager Eddie Campbell. We persist against all discrimination. This theme speaks to me on a personal level. My dad's family is from Indonesia, my grandfather a child soldier, my grandparents were swept up in a crossfire of war and interned because of their ethnicity. In a camp lacking human rights, enough food, clean water, and safe shelter, my grandmother had her children, my grandparents met unspoken trauma but when they came to the united states as refugees our city made space just for them. Persisting has become difficult lately I know I am not alone, but 2017 was a rough year. Our 45th brought the acceleration of vicious language and acts of hatred. We all have our migration story. Some Portlanders came here by land bridge, some council members' families, ancestors came here on the Oregon trail. People have always moved towards something better, and just as the city welcomes your family and mine, I am proud that we, the city of Portland, welcome immigrants and refugees and we are a sanctuary city. As we greet our new Portlanders let's ask ourselves what kind of city do we want to live in? Imagine Portland in 20 years. Are there people of color in leadership? How did they get there? Are we fighting discrimination of all kinds? Recently Michelle Obama said of young women, they are tired of watching us do the same things and expect different results. The city strives towards equity. My colleague Jamila Meeks of the water bureau's north interstate facility, planned a womens month ted talk in the late afternoon, when I questioned not over lunch she replied no mistake, that's when field

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crews return. Jamil's simple idea, an event in the late afternoon made women's history month more accessible to our construction crews. We must cultivate women of color. At last year's proclamation I learned from nan stark that women make 79 cents to the dollar of men. Data now shows Latino people make 54 cents to the dollar of white men. Public or private no matter, the lived experiences are different for women of color, gender non-conforming women and mothers, we need culturally competent women leaders. Data shows that there are fewer women of color in management despite being just as capable. Luckily I found Corbett White at the water bureau, she models hard work ethic, political savvy, strong communication and a successful career, young women like myself need women like Corbett to demonstrate the way. Mayor wheeler and council I applaud your supported to hire women of color to lead the city and our community has no distractions as well. Going back to my family we always have extra food at the table and extra seats. We support others the way that this city made room for us. You see the children of immigrants feel pressure to prove their parents struggle was worth it. As I have said before, I am, as you are, our ancestors' wildest dreams. I thank you for the privilege to speak before you today.

Wheeler: Thank you. Appreciate it.

Hansmann: We are proud to announce the full calendar of events this month, and we encourage you all to attend. A few activities include the annual wonder woman awards panel discussions on topics including women and leadership and women of color. A women's clothing swap, a dress for success clothing drive, a book discussion, women's strength self-defense classes, social hours, film, yoga, and art classes. We invite all council members to participate in events and show your support. You can visit our website at Portlandoregon.gov/deep/we for the full list of events, and I would be happy to send that link to you. Thank you for listening to what we shared today. We welcome your comments and questions.

Wheeler: Excellent, thanks. Colleagues?

Fish: Mayor thank you for bringing this proclamation forward. I want to congratulate all the women leaders who testified this morning and work for the city and do great work. I want to just on this occasion acknowledge a few other people. I would like to acknowledge my wife who is the first professor of women's history at Portland state university. She broke through a certain barrier. I want to thank and acknowledge my 25-year-old daughter who is a leader in her own right in making her way in a challenging world. I want to thank the three women that I have the privilege of serving with, Amanda, Chloe and Mary, three of the six elected offices at the city of Portland are occupied by women. That could change in the next year and we're fortunate to have such great role models in our community. I want to thank my chief of staff, Sonia Schmanski, who without whose leadership I would be completely lost and I would like to thank the four women of color who serve on my staff, Mariana, Asena, Amira and Betsy. I think Betsy did a beautiful job speaking for young women generally who work at the city and Betsy if that was your first foray into testifying before city council I think you said, you set the bar very high. Those were beautiful remarks and we are very proud of you in my office and we hope as you make your way and get your degree in engineering, we hope you will look at the city as a first choice employer. Thank you mayor for highlighting this, and its an honor to be part of this celebration.

Saltzman: I want to thank everybody. This was probably the best proclamation presentation that I have seen in 20 years with the city council. Very powerful testimony. I want to thank tiffany, Janine, Betsy, Ashley, Michelle for doing such an outstanding job and really, you know, telling it like it is and the struggles still continue, and you know coming from the engineering profession myself I fully identify with everything you say Betsy and I want to see it change as much as you do. Janine you make me proud to have been your boss at one time and for the recognition that at age 18 you could do my job better and I

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know you will get there with my help and support and you have always been an important voice for children in foster care, too and you know you can talk about all of the negative statistics in the world that foster kids, and they are daunting particularly going to college. Fewer than one in five actually go to college like Janine did and graduate, and I know that she has higher aspirations, educationally and in public service and I want to see all those come to fruition but thank you all.

Wheeler: Commissioner, Fritz.

Fritz: I appreciate the six women on my staff today, thank you very much for representing us all. I do look forward to the day when we won't need a women's history or men's history month or a black history month, but rather to have equity in our community and we would not have to celebrate and yet it's good to celebrate, too. I do want to note that there are twice as many women running for congress this year compared with 2016. Over 500 women are nation-wide are running for public office in the mid terms, we only have 20% of the seats in congress. For a long time for my generation it was like in my lifetime it will not get to parity but with your example I think that we will.

Eudaly: Thanks for sharing your stories, it's great to learn personal details about people we see in the hallways every day, and I think that it helps humanize all of us and I will never get over the fact that, I have said it many times, I am only the eighth woman to be elected to Portland city council. Commissioner Fritz is the seventh and I hope that every election year we see that number tick up. So, and maybe one of those numbers will be Janine.

Wheeler: I would like to thank you for the presentation. I thought it was great. It was very informative. Tiffani had mentioned a couple of very specific items that I would like to pursue. Offline you had suggested a call for a new diversity study and shoring up of our procurement strategies. I think that we have a, interesting opportunity here given that we are doing a search for the director of the office of equity and diversity and I think that these two questions are neatly intertwined so I think the timing is excellent for us to have that conversation. I would like to do that prior to the budget process getting too much farther along if we could do that and I just want to say that, you know, when I went out to hire my leadership team in the mayor's office I had one criteria, the criteria was I wanted the best people that I could get to work for us and as luck would have it, we have more than half of our leadership team in the mayor's office is women. And of the women three quarters are women of color. And so I think that that is a view to what the future holds in terms of leadership in this city. And I want to thank everybody who is involved on my team, but everybody throughout the city of Portland who works so hard. I am glad that we have this opportunity to acknowledge that impressive body of work, so thank you for being here. If you don't mind the city council would love to have a photo with all of you who -- right up here in front if that's all right.

Wheeler: Colleagues we are now moving onto item 212.

Item 212.

Wheeler: Very good, at this point I would like to turn this over to legal counsel who will walk us through the procedures today.

Linly Rees, Chief Deputy City Attorney: Sure. So we had a hearing on this a few weeks ago and since that time there was an open record period through February 28 it closed at 5:00 p.m., a number of pieces of testimony and evidence were received during that time. There was a second period, time period ending March 6 yesterday at 5:00 p.m. to rebuttal. During that time there were three submissions, one from the applicant's attorney, and one from the appellant's attorney, and a third submittals was copies of five books and a letter describing that book. It's clear that a book is new evidence and so council may not consider or must reject that or include that in the record or any portions of the letter that pertain to new evidence, also need to be not considered in council's decision. Today there

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are a couple of procedural things before we can begin deliberation which is council expressed they will not take testimony but wanted to deliberate today, and commissioner Fritz was not here at the last hearing, and so I think that she is going to represent on the record that she has reviewed the record and is prepared to participate today and then the mayor needs to run through the conflict of interest ex parte language.

Wheeler: Very good. Commissioner Fritz did you want to start?

Fritz: Yeah, I want to thank the council clerk Karla Moore-Love for getting the video of the proceedings posted within a day or two of the hearing. That was really helpful. Couldn't quite figure out how to get the link download so I taped it onto my ipad so that I could watch it on the plane on the way back from visiting my mother in England so that's by far the most interesting or unusual way that I have reviewed the record in the ten years I've been on the council, but I did review the entire written record for the council documents as well as that. I don't have any ex parte contacts to report my staff did not meet with any of the parties and neither did I, and I have had discussions with commissioner Fish and mayor wheeler since I got back on the procedural grounds of this appeal.

Wheeler: So commissioner Fritz is declaring an ex parte contact. Does anybody have any questions about that with her? Terrible English, jeez. Very good. Do any other members of the council wish to declare ex parte contacts? I do. Commissioner Fritz and I had a conversation about the procedure of this hearing. Does anybody have any questions of me about that? Very good. Does any other council member have any ex parte contacts they would like to disclose? Has any member of the council visited the site since our last meeting? No member of the council has visited the site. Do any members of the council have any other matters that need to be discussed before we begin today's proceedings? No member of the council does. So with that we will continue. So legal counsel could you lay out the question before us today?

Rees: So you have an appeal that you had been presented a slide as part of the power point presentation that laid out your options, which is you may approve the appeal which would result in the denying of the application, you could deny the appeal and approve the application with the conditions that were approved, by the design commission, you could also deny the appeal and approve the application with additional conditions. Staff could confirm those are the only options on the table.

Wheeler: Colleagues any thoughts?

Fritz: Do you want us to dive into the discussion?

Wheeler: Let's dive in. Commissioner Fritz.

Fritz: thank you and I appreciate you letting me go first because I didn't have the opportunity to ask questions last time, although I would have to say you asked the questions I would have asked in particular. Commissioner eudaly's questions at the end regarding the modifications, I think she clearly ran down all of the things that were being asked to be changed from the development standards. Commissioner Fish identified the pinch points on the greenway and as a significant concern. So at the outset I want to be clear that I don't consider the view from the field's park to be at all germane to this discussion. There isn't a scenic or a view corridor from the field park identified, nor is there an amendment on that at the central city 2035 plan that we are going to be discussing this afternoon. The view corridor along northwest 12th is being maintained, so I think the piece about the view from field's park is really not at all germane to the discussion. What is of concern to me is the development itself, and the greenway because the greenway is the significant public benefit that is involved in this site. So I learned on reviewing the record, particularly the design commission's decision, that there is a partition currently, it's the largest one being divided. That's not germane to this question either because we have to make our decision based on the approval criteria met or are they not met. So the fact that there is so many modifications being asked particularly on things like setbacks and

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landscaping when there is a bigger property there is no need to have a two-foot setback rather than a five-foot setback that's one of the things. I've also handed out to council and to the council clerk and the city attorney, I have gone through the findings and the decision, and the pieces that are concerning to me, I think everybody was have given this - - did you get a -- I have a couple of extra copies here. It looks like everybody else is good. So the heights, the rooftop mechanical equipment going up, yes, it's allowed to but it's also larger than is standard than the 10%, its going to be 73%, so there is no reason why there could not be a floor lower and get within the standards. The bicycle parking being spaced at one foot four inches rather than six, 2 feet and six inches is the reason we have these standards. I actually went out and measured the bike town bikes and their handlebars are approximately 1 foot and 11 inches wide and they are somewhat clunky but not unusually clunky bikes. So, it seems to me that bikes are not going to fit or it will be difficult to maneuver them into a space of 1 feet 4 inches and then to hang them vertically that in itself was challenging especially for somebody like me who might be able to ride the bike, but in order to lift it up is going to need more maneuvering room. The important really ones, the length of the facade, above 100 feet, exceeding 120 feet in length, that's important. Allowing 50% of the plaza area on the north side to be covered by shadows at noon. If 84% will be in shadow and the design commission decision says at 1:00 it's only going to be 70 something or I forget the percentage was, but that's not what the standard is. The standard is 50% at noon, so 84% of the plaza being in shadow at noon is problematic, the setbacks, so there is a diagram in the record of the diagonal which is in the current codes required for the portions of the building over 35 feet in height to extend, not allowed to extend into the setback area and they do and same at the top of the building, so that's going to mean it's unacceptable towering over the greenway. I will continue going through this list? The maximum building dimensions to allow the building dimensions to be 230 feet instead of 200, to allow the landscaping to be ground cover and low shrubs instead of trees, we have a tree code and we want trees to be planted. We don't want buildings to be built right up to the property line because what we have got here is a property line that is going to be two feet away and it says in the record that the other buildings are going to potentially also be built right up to the property line and that's not going to allow any significant landscaping or maintenance of that to survive. The approval criteria, so the modifications all indicate that this application, this proposal is trying to do too much on a site that just is not -- does not have that capacity. It could have the capacity in a different configuration, I didn't agree with the concerns about site area and besides what I said there is a bigger site anyway. So that could be managed or conditioned, but the approval criteria for design review are I think not met and I got this from the dissenting paragraph of the design commissioner who voted against the proposal. She outlined the different approval criteria for design review that she did not believe would be met. The one that I am concerned about are a1 integrate the river and a11 link the river to the community. The river is the main feature of this site and to have a greenway that's 13 feet or something or the pathway at the pinch points, does not celebrate the river, it does not have a project that celebrates the river and contributes to setting centuries of interest and activity that focuses on the Willamette. This whole development focuses on the development rather than on the Willamette. It does not a3 respect the Portland block structures, as I said it does not have the 200-foot block pattern, this development is going to set the precedence, and I think not the precedent of height. With all do respect to the folks in the neighborhood association you and I fought that battle in the comprehensive plan. We lost. The height is going to go up, and in a future development the heights will be even bigger than what is being allowed here. What matters is the greenway and the block pattern, what I think that we need -- that's the precedent that is really important here. The pedestrian linkages, a31, orienting, integrated open spaces and trails that physically and

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physically link the river and the surrounding neighborhoods. Yes, the plaza is nice, although I personally would have had it on the other side would have made it better but it's the greenway that is not an integrated open space and trail that once the adjacent properties are developed with 50-foot greenways it will look really pinch, and I don't know if anybody has been to the Avalon which is in south waterfront, where the greenway is 25 feet, and there is a restaurant with an outside patio outside it, it really is unpleasant, it is unpleasant to be on the trails where you feel like you are walking through somebody's dining area. It's really -- I visited that, and it's unpleasant to have sweating people running past within four feet are trying to have a nice dinner so I don't think that that's the -- as a model for 25-foot greenway with the restaurant backing onto that just -- that particular example doesn't reckon I don't see this one is going to work either. Findings for a3 and a31, the placement of the building on this property line was an area of concern.

Incorporating the water features. This is a53, incorporating water features and taking cues from the river and bridges in the historic industrial character and the design of the structures and/or open space, there are no water features in this proposal other than the stormwater planters which are fairly utilitarian. The application says that the river is the water feature, well if it were we would not need this particular design guideline to say that we need additional water features. Similarly a54 integrate works of art, there are no works of art other than benches and are very nice benches, but I don't think that that was what was meant by adding having public works of art particularly in a significant site like this. I appreciated Patricia Gardner's testimony that the field is supposed to be a neighborhood park. It is a glimpse of the Fremont bridge from the park is supposed to draw people to the greenway. Once you get there you want to place there, and the plaza on the site is not the place that I think is the most important, it's the greenway that's the most important. So c11 increasing riverview opportunities, there is really not a particular area on the greenway that could be set be to a river viewing opportunity. And I already went into the shadow issue, but I just to expand the north area open shadow standard, intended to allow for adequate amounts of light and air in addition to providing opportunities for active and passive recreation, visual relief, increasing options for the pedestrian circulation. So how you have more shadow, better meeting a standard which is requiring less shadow, I just found that confounding in the design commission's recommendation, so for these reasons I recommend denial, approval of the appeal.

Wheeler: Very good, and I just want to make clear we could have staff come back up is that correct or no?

Rees: To the extent you were going to ask staff questions that elicited new evidence you would have to allow people to respond to that new evidence so I would exercise extreme caution.

Wheeler: Okay, I just wanted to make that clear. Very good. So, and are there any other perspectives or commissioner would you like to make a motion? Commissioner Fish, then commissioner Eudaly.

Fish: Commissioner Eudaly do you want to make a comment?

Eudaly: The only item that I have a comment on is the shaved if memory serves me and it may not, I thought the response was the criteria was met at 1:00 p.m. So the 50% at 1:00 p.m., that you are saying you don't think that that's the case?

Fritz: The standard is at noon, so also when you think about it people are going to be -- most people will be out at noon wanting to enjoy a sunny spring day in April which is the standard begins. It's by 1:00, a lot of people have gone back to work so there's a reason that the standard is specific rather than just at any time of the day is less shade so that was why I was concerned about that.

Eudaly: Commissioner Fish?

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Fish: Mayor and colleagues when we have these challenging and difficult cases, they end up being close calls. It has been my habit during my service on the council to listen carefully to my colleagues when I have significant doubts about a matter before us and I generally listen especially carefully to commissioner Fritz because after all she previously served on the planning commission under the prior mayor she and mayor haes were often the people at the deepest life experience around the issues that we were grappling with. I am particularly pleased that commissioner Fritz began their comments today by taking height off the table and the truth is that we had a lot of testimony in the hearing around height. I think what we recognize is that if this project were not going forward and we were filed a year or two from now, under the new rules approved by the council it could be a taller building. I raised that with the attorney for the appellant who said his clients were fully aware that that was, you know, a potential consequence of one of the routes that we might take. So I think that we have our eyes open and I appreciate that commissioner Fritz has essentially said that that's not the primary focus of her analysis and nor is it the primary focus of mine. As Amanda went through the various requests for modification and the concerns that she has and then also brought Julie Livingston the chair into the conversation through her objection, the dissent that she filed, I was reminded of one of the famous lines from Watergate when everyone kept saying whereas the smoking gun and someone famously said well the reason we cannot find the smoking gun is there is so much smoke in the room. And I think what commissioner Fritz has done in laying out her concerns is that she has made clear that there are a host of approval criteria that have not been met. That there is no single factor, but in the totality it does not rise to the level of meeting our standards. I want to highlight the greenway. I know we are not currently operating under a 50-foot greenway standard, that is the future marker established, but I encourage people that care about greenways to go look at some of the different approaches the city has invested in greenways. For me one of the most successful and sometimes criticized approach is the emerging greenway in south waterfront. Not only does it have sufficient width to accommodate lots of different uses, but it is designed so that there are dedicated spaces for bikes and pedestrians for purposes of safety. A lot of thought went into establishing those setbacks, and if you look at the development around it I think that you can make a very persuasive case that the fact that the buildings are set back further enhances the experience of the neighborhood, of the residents, and the whole feeling of the emerging neighborhood. This particular greenway to me is holy unsatisfactory and one of the things that got my attention when we had the graphic last time is the choke point at the southern end. At the southern end it narrows to a very small entry point where you have to navigate between a wall and a planter and as someone who likes to ride his bike down by the river and take advantage of those exercises that is not a successful greenway. That is not a greenway that is contemplating accommodating multiple uses and really is in my view in the public interest. The final point that commissioner Fritz makes that I think is important, and I think it's a contextual question is the precedent. There is going to be other development along the river. This -- one of the things that we learned last time is there was a challenge in actually identifying buildings that set the precedent for this building and in fact we had to cross the river to find one building and we had to go quite a ways south to find another building. That's not going to be the case in the next ten years because the other buildings on either sides of this development are going to be built out. I think one of the questions and concerns the council should have is to what standard? What is expected of the other development that becomes the companion development? Because of the issues that commissioner Fritz has raised and because of my concern specifically about the greenway and the precedent we're setting for other development, along the river, I will support her motion.

Wheeler: Commissioner Fritz did you put a motion on the table?

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Fritz: I did not so I move to uphold the appeal and deny the application.

Fish: Second.

Wheeler: Commissioner Fritz moves and commissioner Fish seconds.

Fritz: The city attorney wants to say something?

Rees: I have been requested by the applicant to at least lay on the table that they have a potential alternative design that pulls the development back farther from the greenway. They would like to place on the table whether counsel would be willing to reopen the record to allow that to be done and would waive any 120-day deadline. Council does not need to -- council has the opportunity, you have an application in front of you and you can make a decision. You have the opportunity, I don't think it would be procedural error for you to reopen the record, but I am putting it on the table and leaving it at that.

Wheeler: Could I have a few more bullet points on that? Are they proposing to do that today? Or at a later date?

Rees: I believe what it would require is for council to continue the hearing to a later date at which time -- I think we have done this but not necessarily when we've been in deliberations but we have done this where we let people go talk amongst yourself or come back with something. It would require reopening everything, so if a new design were to be put on the table you would need to take testimony on that new design as well.

Wheeler: And the testimony would be limited to the new items brought to the record? Is that correct?

Rees: Yes, but I assume fairly broad. People could testify about all the criteria and how the new design relates to it.

Fritz: Any new design would have to not only increase the greenway but would have to change the height, it would have change the setbacks, it would have change the length of the façade, it would have shadowing on the greenway of the plaza. So is the applicant proposing to come back with something that doesn't request any modifications?

Rees: It would be a different design that takes the comments they have heard into account, and I am merely repeating what I have heard.

Eudaly: Wouldn't that design have to then go through design commission before we -- I am confused about the sequencing here.

Rees: So a new application would need to go through the design commission. This body under the current code does not have the opportunity to take something and remand it back to the design commission. This body has in the past considered significant changes to the design in fact has requested/demanded significant changes in design not necessarily this commission but in the past which they have been willing to consider in relation to neighborhood concerns or their own concerns.

Fish: Can I say as a veteran of those discussions that it is the rare case where we allow the process to effectively bypass the citizens we placed in the position of advising us. We do many things well as a body being the ad hoc planning commission, ad hoc design review commission and the like. I think that tests are limits and it seems to me that if what they are essentially saying is they want to do over there is two ways we do it, we deny the appeal, we grant the appeal and that is the formal way as a do over or there is a do-over and they go back and present another plan, but I would be less interested in just having a new design come to us. I would want, I would want the full commission to be able to weigh in on any changes. I think that the cleaner way of approaching this is to grant the appeal.

Wheeler: I will chime in on this as well. If we go that route, that has been proposed by the applicant, and I want to acknowledge this is beyond 11th hour, this is like seconds before I think that we were about to take a vote and so it comes very, very late in the process. I think that this is exploited or at least highlighted, maybe that's the appropriate word a inherent flaw with the process. Because I am not eager to personally revisit a complete rework of this project without going through those other stage gates that are deliberately

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built into this process for a variety of important reasons. Now that being said, if the applicant is serious, and it sounds like they are, I don't think that they would have put this on the table without being serious about it. There would have to be clarity on exactly what issues we are asking them to come back and rework. So I would like to spend a few minutes exploring that. Commissioner Fritz laid out what her objections to the plan as they currently exist are, and I want to find out if there is agreement with those specific objections or not agreement with those specific objections or differences of opinion, and then I believe that the way that commissioner Fish has laid it out, is exactly the right procedure for us to follow with this particular time, but I want to make sure we are giving clarity to the applicant so they are not engaged in an expensive and fruitless exercise. I am sorry commissioner Fritz?

Fritz: Thank you mayor I can certainly provide or then I can give a copy to the applicant and I can give you my copy in terms of the criteria that I don't think are met. I am with commissioner Fish. I am -- I have had lots of experience in looking through approval criteria and saying are they met or are they not met, but not in terms of any new proposal and appropriate design or not. To chop bits off the greenway facing front, I don't know whether that then goes against other criteria that says that you should not have so much in the building. I don't know if there was a design guideline like that so I am with commissioner Fish I don't consider myself a design expert. I know this does not get there and I think it's really up to the applicant to figure out how to get there.

Wheeler: I will put a couple of values on the table. First, I completely do not buy any of the arguments that we have heard around views and I want to make that crystal clear. From my perspective, testimony around views that are not protected are not persuasive to me. And given where we are with regard to the planning process, both as it exists today and as it will exist under the 2035 comprehensive plan, one should expect that there will be development along the waterfront on the water side of field's park so if there is anybody here who believes that there will be protected views from the park I want to quickly dispel people from that belief. There will be development in that area. It is designed for development and planned for development and there will be development. Now the question is what does that development look like? This is not just any block that has been considered for this location. I want to be clear. I don't think that the building is a bad building. There are many design attributes that are very appealing to me, and I think reflect the intentions behind design review and I think they got to largely right in that regard. However this location as I say is an iconic location and what we do here with the first development will set this standard for the rest of the development that takes place along that corridor and the one thing that we absolutely cannot take back is the location of the building from the greenway. And it is my belief that we need to aggressively protect that greenway throughout this process and the development of the parcels to the south of that. I want to be clear that the city of Portland is the owner of some of those parcel and we will hold the city to the same standards we were holding these private sector developers to as well. I am persuaded that we should see what the applicant has in mind, we should give them that opportunity because they have put in a lot of time and effort and money into the process up to this point and we should see if we can get to a better project in terms of the location and the greenway. That's my personal perspective on this.

Fish: Mayor can I make a suggestion?

Wheeler: Commissioner Fish.

Fish: I think that we have two paths, we can grant the appeal or we can give them more time to come back with another design, I think it might be helpful to test what the council view is on commissioner Fritz's motion, and if for some reason that motion fails the plan b is to discuss additional time to have them come back but I think it's worth testing whether

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the council feels that procedurally it would be best to go back through the process in the ordinary course. So I would call a vote on the Fritz proposal.

Wheeler: We have an amendment or we have a motion on the table. Call the roll.

Fritz: We do often try to get to yes in these kinds of proceedings and I appreciate that the applicant chose at the beginning to have this as a de novo or not on the record appeal so that lots of different things could have been brought in and we did not have to spend our time arguing is it in the record or not in the record. I also particularly appreciated the constructive comments on, from everybody at the hearing. That it was focused on the approval criteria, very little naming, shaming, and assertions of mal intent and I don't think that there is any, for me the number of modifications all put together shows this building is trying to do too much on the site area that has been identified, and when it comes back I would like to see actual setbacks that are appropriate, so that the adjacent property can also develop in a very public oriented way. I would like to see the height will not be such a problem because if it comes back into the new central city plan the height we'll be back allowed to be higher anyway. As commissioner Fish and the mayor have identified it is all about the greenway to me, and I don't believe that the current proposal meets the current approval criteria and the current development standards and for that reason I vote aye.

Fish: I believe the council has two paths before it both of which have merit, but because of what I see is some fundamental failings in the design of this building, because of the concerns I share with commissioner Fritz about the approval criteria and because of the presidential effect of our decision here, I vote aye.

Saltzman: Well I could probably -- I could go either way. I have a concern expressed by my colleagues but the greenway pinch point and also some other concerns but the, that commissioner Fritz raised, and I also tend to want to be very differential to our design commission, I don't want to be the design commission. So, I think that that's what gives me maybe the aversion to the last-minute proposal by the applicant to come back to us is putting us and setting us up for spending too much time micromanaging a project of this nature. So I think it's better to just reset and come back to us and come back through the design commission with a new application. That hopefully it satisfies the concerns that were expressed here today so I vote aye.

Eudaly: Aye.

Wheeler: One more point I would like to put on the table. We are a growing city. There will be more height and there will be more density. That's not a decision that I want making. That's a decision made a long time ago and its reflected in our planning process. We know that going forward we are going to be living in a taller, more dense community. We are going to ensure that we are living closer to amenities, employment, schools, places of work, places of recreation, transportation options, and the like. So we cannot stop that growth, but we can manage it appropriately. As I say I think that the development team here, the design team got it largely right. That being said, because this is an iconic location and because this building will set the standard for that location I want us to set that standard very high. I believe that this design came and this development team has the capacity and spades to be able to deliver a building that will meet their objectives as well as the community objectives and be celebrated for many, many generations to come. And so with that I will vote with my colleagues. I vote aye. The motion carries. The appeal is approved and the application is denied.

Rees: Before the gavel goes down this is a tentative vote?

Wheeler: Yes, this a tentative vote and we will take a final vote on, I am looking at our amazing council clerk.

Moore-Love: Two weeks.

Rees: This is going to require -- is Mr. Kleinman present? Given the lack of -- the planner who worked on this is out and there is a backup of work. If we can do three to four weeks,

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do you think, we will need the prevailing attorney needs to provide findings to the city attorney and to the staff. So if we could -- do you have a time in three or four weeks where you have everybody?

Moore-Love: Three weeks, commissioner Fish and Eudaly will be out.

Rees: Why don't we try four rhwn.

Moore-Love: Four. It would it would be 11:00 a.m., on Wednesday morning April 4th.

Fritz: Can I make a final comment?

Wheeler: Commissioner Fritz.

Fritz: I would like to first thank Linly Rees for your guidance throughout this hearing and keeping us on track. Also ben Nielsen who is on prescheduled vacation, I think he did a fabulous job and Mindy brooks thank you for answering as usual my view corridor questions and Hilary Adam for pinch-hitting and finally than you to Clair Adamsick on my staff, its been precisely one week since I got back and she was pulling things together for me at 10:00 last night so I appreciate her assistance greatly.

Wheeler: I think it's important we also acknowledge the design review commission because they are probably going what the heck we put a lot of time and energy into this. Are we not being respected? I want to be very clear we have tremendous respect for the design review commission and as you can see this body has maybe the flexibility to view the same complex design and planning questions, zoning questions through a slightly different lens so I want to be very clear to our volunteer members of that commission. This is not in any way intended to disrespect to your hard work, your hard work has been taken into account and has been considered and we value that input very much. So thank you for your service on that. Thank you everybody. Next item please is 219.

Item 219.

Wheeler: Commissioner Eudaly. I am sorry.

Eudaly: I do have remarks.

Wheeler: I turn it over to commissioner Fritz, and then Eudaly. So this is about open and accountable elections, open and accountable elections are obviously a foundation of our democracy, I want to thank commissioners Eudaly and Fritz for working to go on to make this change. This is a great example of collaboration. I think direct oversight by commissioner Fritz will help ensure that our election program will get the attention it needs to ensure that it is successfully implemented. Commissioner Eudaly.

Eudaly: Thank you mayor, I am very supportive of commissioner Fritz's efforts to decrease the barriers for candidates from all walks of life to seek public service, and I actually look forward to utilizing open and accountable elections myself. It's been a pleasure to work with her office on this, and also to seek inspiration from another office, commissioner Saltzman who pioneered the children's levy model as a unique way to run a program. When we inherited open and accountable along with the office of the neighborhood involvement we faced a challenge of where, where the program could find a home, where it would not create a potential, the potential of the appearance of conflict of interest if it was cited in the bureau that was for instance was held by a commissioner using the program. We realized after trying to find a variety of homes that it could move like the children's levy is capable of doing so thank you commissioner Saltzman and now I will turn it over to commissioner Fritz.

Fritz: Thank you, the purpose is to change who is responsible for oversight of the open and accountable elections program, which is particularly dear to my heart and I have to take this opportunity to thank mayor hales and commissioner novick for voting for it was one of the last things they did before they left office, it is a legacy that will I hope their fruit fall for empowerment of everybody to run for office. It's a coincidence, but a happy coincidence to be the day when we have the discussion of women's history month and the need for more candidates of color, candidates who are women, who identified as women,

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and candidates of all kinds to run without having anybody question where did you get your money from, so when we passed this in December of 2016 the auditor declined to have the program in her office, and we chose to put it in the office of neighborhood involvement and I am very happy that we are now revising that plan and have a good way to move forward. I will turn it over to my chief of staff Tim Crail along with Cristina Nieves who was one of the architects of the program.

Saltzman: If I can put a question on the table for Tim, I guess on the surface when you read this, it does not sound like it's removing conflict of interest, you are taking a program that's in a bureau, which is at least an arm's length relationship with the commissioner in charge and you're giving it to a commissioner. So, explain how that's not creating that.

Fritz: We were just about to do that.

Saltzman: Explain the perception issues and that this is making it, you know, less of an arm's length relationship.

Tim Crail, Chief of Staff, Commissioner Fritz's Office: My name is Tim Crail mayor and commissioners. First I want to say that I am really glad that I did not have to follow the women presenters this morning. Michelle and Janine and Betsy were amazing along with the others, but those are the ones that I know best and so having that little space removed is a nice opportunity to reset the bar. As it has been stated this was passed by council in December 2016 at the time we had spent about a year putting the program together working with the community, having public forums in the community to get input on what the program should look like as a reminder it's a grants program based on money you raised. It's not like the previous system the city had which was a system where -- that was a grant system and this is a matching fund system. So you have to raise money to get additional funds based on what you were able to raise using the criteria set by the program. At the time our desire was to place it in the auditor's office. The auditor as an independent elected official declined to have it in her office and so we were looking at other options. We talked to the community, we looked at various options throughout the city, and at that time commissioner Fritz was in charge of the office of neighborhood involvement and asked the then director if she was willing to take the program on and she said yes, and so that's what we passed at the time, it was not ideal but what we could do at that time. In 2017 a new commissioner was put in charge of oni, a new director hired and their priorities were different and so council asked the office of city budget office to do an analysis of options and staffing needs for the program, that was completed in the fall, and again they concluded the best place would be the auditor's office but that was not an option. We looked at other options, working with commissioner eudaly's office we determined having a commissioner oversee the program with as much arm's length as possible knowing that there is supervisory responsibility is the direction that we decided to go since there were no other options that presented themselves at this time. Believe me we looked at every, every bureau in the city, could we put it in transportation? We did not look at that but many others. This ordinance moves it to a commissioners office, and what we have done if you look at the last provision in the code, 2.16.190, it directs the mayor will assign this program to a commissioner, and it further states the mayor will only assign it to a commissioner not in the final two years of the term. We recognize that there is a potential conflict of interest and by allowing it for a person to be running and running the program at the same time would be a greater conflict so this requires that a commissioner was not facing re-election would be responsible for oversight of the program.

Fritz: In other words it mandates it will change every two years.

Crail: Right.

Saltzman: Regardless of whether the commissioner in charge has declared for re-election?

Fritz: Correct.

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Saltzman: So commissioner Fritz you are up in two years so you will have this until December?

Fritz: Correct.

Saltzman: Then the mayor will reassign it to somebody not in the election cycle?

Crail: That is the way the code is written.

Fritz: Commissioner Fish is looking kind of aghasted sort of be it positions two or three since then aren't up in the next two years.

Crail: Our goal is to make this as independent as possible. We have been talking with human resources and others and we are not going to design it the same way as the children's levy in that these will not be staff representative positions but they will be civil service protected positions, initially we are starting with one and that person will be involved in creating a job description and hiring a second person. So our goal at this point is to be a two-person operation. It will be -- we are working with h.r. on what that job description is going to be and what the classification is going to be, but it will be civil service protected so it will not be an at-will position in a commissioners office.

Saltzman: Did you say a two-person office?

Crail: Yes.

Fish: If it is likely to rotate to another office, how do you intend to engage the council in the hiring process?

Crail: I wasn't planning to engage you at all commissioner Fish, but if you would like to be I would be happy to do so.

Fish: If this is a hybrid, this is not as you say, which you made clear there is not the equivalent of us hiring our at-will city hall staff. This is like hiring almost like a mini-bureau that we know is going to be portable. In a sense it is a little different than the children's leave which throughout the time we have had it has been run out of one commissioner's office. He had the primary role in selecting and overseeing things like staff and support so

Crail: We would be happy to include any representatives from any of the council office that is want to be involved in the hiring process.

Fish: I think that would be good. Thank you.

Crail: I think that covers what I had to say. If there is any questions I am happy to answer.

Wheeler: I just have a comment. I am hearing exactly what commissioner Saltzman is asking, and I had exactly the same questions about the relationship between this being in an elected office where the elected themselves will be subject to that program and I think that we all agree that that's not a perfect solution and I am hoping one of two things happens, in the short-term I am supporting this because the program has to go somewhere. I hope that it goes to the auditor and I know that the auditor does not want it, but the auditor is really where this belongs in terms of independence and accountability. I am not saying that to in any way disrespect the auditor. I have heard her and I know that she does not want it and we are not giving it to her today, but I hope that as this pilot program unfolds and the operation gains credibility perhaps her resistance will be lowered in years ahead, if that is not an option then I think that we should also start planning for an external independent operation that has nothing to do with the Portland city council. That long-term I don't think it is a good solution or accountable solution to have it be part of the political offices. That's too close.

Crail: I agree. My hope is that once we get the position hired and the admin rules written and the forms created and it's up and running, that it will be viewed as something that is not a great burden and will not be a great demand on any individuals' time and will be able to be at that point placed in a more appropriate home. I am happy that we will be able to do the implementation and the hiring because I think as the original sponsors of it, we know what the goals are and I believe we are in a place that we can get that up and

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running, and once it is up and running I am hopefully somebody will step up at that point and say I am happy to take it on because I can see what the level of work is.

Wheeler: Exactly, commissioner Eudaly.

Eudaly: I just wanted to add in that we also explored citing the program at the county elections office and they also were not interested, but that is a potential plan b, and I just want to say that our giving this program back to commissioner Fritz's office is not a matter of my office or bureau having different priorities. I had to have many conversations with my chief of staff about giving this up because he's dedicated to this idea, and to breaking down barriers of participation, but we just realized that given what we have on our plate we did not have, when we couldn't find a home, we really didn't have the capacity to move it forward. We also realized that we could give it back to commissioner Fritz, and it's her brain child and I am excited to see her move forward with it.

Fish: Can I add a comment? I think that this has been framed right. Commissioner Fritz is in essence the champion for this program and I have a lot of confidence in her and her office in launching it and doing the preparatory work for this to be a successful system. I also think that it behooves us to take another run at finding a neutral third party to administer it. I don't want to think but the kinds of issues that could come up if its being run out of a city hall office and city commissioner has endorsed someone in a race, staff member endorsed someone, there is issues that come up that political issues that create the appearance of tilting one way or the other. There is a host of things and I think it would behoove us to take another run at looking at a strictly neutral party to administer it and you have said that would be optimal and I think that it's encouraging that the mayor has said that he will make another run at that and I think that that's a wise policy.

Saltzman: I am hearing everybody and agreeing it's a less than perfect solution but may be one that works for some sort of interim. I want to add an amendment that, and I would like the attorney because to weigh in on this but any communications because we're all colleagues and we talk all the time so it's possible that the commissioner in charge of the open and accountable elections could be a very good friend of a commissioner who's up for election and they want to somehow have their views known to the commissioner in charge. So I would like to make any communications about the open accountable act an ex parte communication among commissioners and subject to being declared. Is that possible? Legal?

Fritz: I don't know what you are asking me, commissioner.

Saltzman: That you should not be discussing how you are running the office or whoever is in charge should have no discussions with the commissioner who is up for, in the election cycle.

Fritz: With that said, that's what commissioner Fish just said in terms of how we are going to hire the staff. It will be an all council decision.

Saltzman: That's true. I guess I didn't hear that part.

Fish: And extensive follow-up conversations from staff telling people who may very well be colleagues that their filing is inadequate or there's additional information that has to be provided or that there is rules that have to be observed so I would hate to, I think it may be well intentioned Dan, but I think that we are getting into an area that we are parsing out speech and communication, and I think that -- I think that we landed at a better place which is this is the proper office to handle the establishment of the program and get us to a point where the council can take another run at finding a neutral third party to administer it. I think we are in agreement on that and I don't think that we need an an amendment to that effect.

Fritz: This is the tenth year I worked with you, you know I always have monthly meetings bring you up to date and I share the same information with each of my colleagues I don't anticipate it being any different for the next nine months.

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Saltzman: I am not pointing the finger at you but this arrangement we're doing with a commissioner in charge in front of us, it's not going to be you after December. So it's just subject to, I think, discussions that perhaps ought not to be occurred or ought not to occur without some standard of declaration.

Fish: All the communications other than oral communications would be subject to public records' laws. So now we're talking about any conversation about how the program is going and do you have adequate staff and what's been your sense about its success and I would like to be the police on those questions. I leave it to the.

Saltzman: Not the police just those subject to disclosure is what I'm saying.

Fish: To when and whom?

Saltzman: Upon challenge by anybody.

Crail: One thing that we could do is to bring the admin rules back to council for review before adopting any admin rules cause that's going to be sort of the guiding of how the program is implemented. Once the program is implemented, once the admin rules are written that's going to guide how the program will be run.

Wheeler: That's a smart suggestion.

Fritz: We want to do that anyway.

Wheeler: Further questions before we.

Saltzman: I am out on a limb here. We're trying to craft something, but I'll be fine.

Wheeler: Great, thank you. Public testimony.

Moore-Love: Two people signed up.

Wheeler: Three minutes name for the record.

Mary Sipe: My name is Mary sipe. A couple things that jumped out at me about this that causes me to kind of have concerns and share some of commissioner Saltzman's concerns and mayor wheeler's concerns, sort of like this is a hot potato. Doesn't really fit in on it, but the auditor's office where it seems to be appropriate doesn't want it? The county elections office doesn't want it? I find that concerning, you know, gee, you can just say I don't want it? And it does not fall under that bureau? Kind of bothers me. I think that the whole idea of a third party administrator is right on target. I completely agree with that. The other concern that I have is when you say short-term, you know, moving forward with this and doing this on the short-term and if it's not the perfect solution let's fix it. I would suggest that if you are going to do it with that in mind that you establish some time limit because if you don't short-term becomes permanent long-term by default, and I think that you need to, maybe, I don't know, maybe there is an amendment or something, but I would just like to throw that out there for you to kind of be thinking about that because this is a really, really critical important issue and it being treated like a hot potato concerns me. That's all that I have to say.

Wheeler: Thank you Mary, appreciate it very much. Good morning.

MaryAnn Schwab: Good morning mayor and commissioner, my name is MaryAnn Schwab, and I have been down this road along with Amanda Fritz. I went out and collected signatures, it does work. I like your model and what we did not have back then was Facebook, twitter, all of the media now and not having that I can speak for myself. I paid a total of \$385 and collected well over 6,000 votes came in third. Second only to mark Lehman, who is the one who spearheaded our dignity village and one of them was bonnie McKnight who is still with your land use group here in the city. Another is dr. Paul Leonard who works in your office of neighborhood involvement and I followed our last campaign, when commissioner Eudaly was running and all the candidates and at the time I ran I had six weeks. My husband's brother-in-law and wife were in Portland, Oregon, for the first time, from Vienna, Austria, celebrating their 40th anniversary, in between all of the community meetings, I car-pooled with tom potter so we went 2000 miles around the state with her tourist book written in German including your Oregon gardens, the Japanese

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gardens all the way to the circle of mount hood, over to bend and we had a marvelous time. We love Portland as do our extended members. We have had other family members come as well. In addition I was getting an elder out of a nursing home, had volunteers from a church come and strip wallpaper that had been on since 71, hired nursing staff, and in between riding with tom potter all over the city. It's a busy time, it was an exciting time, and what really excites me today is the high bar set by the young women who spoke today. I have every hope for our city and I want this done right, and as a retired high school secretary this type of thing came under other tasks. I am not going to tell you what some of those were. I am a little concerned that a highly skilled, highly respected, confident, city auditor is not going to take this on when we are going to have an independent almost like your school levy or the children's levy and much like your arts in the school. How all of this has been done. I really support and would like to see this eventually in the auditor's office. Thank you.

Wheeler: Thank you. Good morning.

Lightning: Good morning. My name is lightning with lightning super justice watchdog. Again on my position is that for the auditor not to take this we might want to look at replacing the auditor. The auditor's office is the perfect choice for this. It's where this should be and for the auditor to side track this, I think, is not doing her job in a professional manner. Before you interrupt me commissioner Fish let me finish my statement. Again it is my understanding that the mayor has the authority, the authority to transfer this over to the auditor.

Wheeler: I do not.

Fritz: It's in the charter.

Lightning: At that point you had the authority to make sure that this is going to be an independent process not looked over by another commissioner where we have heard that the range of conflicts of interest are going to be overlooking this at any and all times and as a watchdog following judicial watch and as you know on everything that the Clinton foundation put together we're going to be watching this very close every move that commissioner Fritz makes. I don't want to have to do that to be honest cause I have a lot of respect for commissioner Fritz and the job that she does and the way that she operates in a professional manner and the hours that she puts in on this job far beyond what most people would ever do, but you are putting me now in a position to have to do that as a watchdog, and I will do it. If there is any communication that appears to be out of line, and it is all public record, we have to respond back to you, and I don't like to have to do that. That's why I would like to have an auditor or somebody independent that is required not to have a conflict of interest and I don't have to worry about it but it appears as though you want to throw something out here without a time frame to change it. We might do it down the line after two years. We'll see what we can do. That does not tell the public much. That just says you might do something. Why don't you put something in writing that will make sure this is going to be changed within 12 months. How about two years in writing. Not just to another commissioner but to an independent body and to see if the auditor might possibly consider doing this because I think from an auditor's position to deny this, to go, to be overlooked by the auditor is not professional. I really believe that and I am more than glad to say that to the auditor, I agree with the auditor on many things and I disagree and we had discussions all the time about it. I disagree with the auditor on this and I am kind of almost mystified to be honest why she would not take this and overlook it. Thank you.

Wheeler: Thank you.

Fish: Can I make a comment?

Wheeler: Yes.

Fish: Thank you. It does seem a little unfair that the auditor is not here to respond. I will just say while I have enormous respect for lightning and his commentary when he comes

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before us, we recently had a vote on a ballot measure which enshrined in our charter the auditor's independence. Auditor Hull-Caballero is an independent auditor, while she's one of the six elected officials that leads the city, the charter makes clear that she is an independent actor and in the conversations mayor that I was privy to I never heard her say anything that would qualify for the criticism that she sought to side track this particular program or that she is in some way unprofessional. I think that -- I recall her saying that she felt that she had --

Lightning: All of an opinion.

Fish: I did hear her on a number of occasions opine.

Lightning: Don't speak on my behalf.

Fish: I am not speaking on your behalf. I did hear her on a number of occasions say that she had capacity issues. The mayor has made a commitment to take another run at this and I think that that's wise but let us not forget the independent auditor is a, has her own office, the charter gives her the power to make these decisions on her own and I don't think it's fruitful for us to question her motives.

Wheeler: Commissioner Fish I want to make it clear I agree whole wholeheartedly. My late father used to say if you don't get something you want it's not the other person's fault. It's yours for not having a good sales pitch. So I have heard what the auditor said, she's made a very good argument and I think that the strategy that we're laying out here by way of getting the office stood up and getting it fully operational, making sure if there are any glitches we have the glitches ironed out and fully addressed, I think that will give others confidence to take it on as an independent enterprise. So I think this is a necessary first step given the reality that the county won't take it and the auditor won't take it and short of a great sales pitch we cannot make them. Commissioner Saltzman.

Saltzman: I have a lot of respect for my colleagues here and commissioner Fritz and Eudaly and the hard work done but I can't support this in its present form. It does not look right and I guess I need to see something -- we talked a lot about the children's levy. The children's levy has a five-person oversight committee that oversees the decisions of the children's levy. So, unless there is something, some sort of a check and balance I am just not seeing any checks and balances we are only human, we are subject to the opinions of our colleagues and the office, and how, as to how it relates to the offices that we are in charge of. There's got to be a better way. I would find the office of management and finance to be, you know, which houses many miscellaneous programs.

Fritz: And who does that report to?

Saltzman: It reports to somebody but its a big bureau. It has a lot of multi-functions, so I am not trying to make those personal attacks on my colleague at all. I am just saying that this is an imperfect solution that I cannot support in this present.

Fish: Commissioner Fritz I would like to make a motion to delete the emergency clause.

Fritz: Second.

Wheeler: So we have a motion and second on the table I want to give Tim an opportunity to respond to commissioner Saltzman.

Crail: I want to take this opportunity quickly to mention this does have a commission -- I didn't bring it up because it was part of the original proposal but it does have a commission that will provide oversight to the program. So, it's not just the commissioner providing oversight it is a commission. We're happy to engage the office's and how we select that. I can't remember if it's specific in the code on how but it will certainly not be a hand picked group that is going to represent commissioner Fritz's viewers.

Fish: I am sure it will be clear in the administrative rules you bring forward.

Crail: I don't know if that helps you or not.

Saltzman: I appreciate that but still it's not -- what I sense is the fundamental friction points in putting this type of program which a lot of citizens are going to be looking at, residents

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will be looking at for success or failure, and it seems like we're putting it in the calm of high risk and this is no disrespect to commissioner Fritz. Its the structure of having the open and accountable elections office under the direct purview of a commissioner in charge.

Fritz: But there's no alternative commissioner.

Saltzman: There is alternatives. We hired a retired supreme court justice to run our coab. Why not reach out to some retired judge to be the administrator to this program.

Fish: We are not going to settle this issue today I call a vote on the motion.

Fritz: I would.

Eudaly: I would like to comment, I've been quietly waiting. I want to echo the sentiments of my colleagues and reaffirm to the public we cannot compel an independent office such as the auditor or the Multnomah county elections office to take a program that we decide to create, and it's perfectly reasonable that the auditor or the elections office does not want to take this on. I do believe that, you know, once we stand up the office and kind of perform a proof of concept that they may be more willing to take it on, and I believe that it's a very worthwhile undertaking. As far as a bureau not wanting it, that is simply because the perception or possibility of actual conflict of interest with a mayor or with a commissioner overseeing a bureau that is home to this program. So it's not ideal. I am not opposed to putting some kind of time line on it. No? Okay. I am going to withdraw that suggestion then because I am happy to defer to reply colleague, commissioner Fritz who has devoted an extraordinary amount of time to this. My office also devoted an extraordinary amount of time to this and including seeking input from the budget office which was helpful and ultimately led to our decision.

Wheeler: Very good. So is there anything else before I call a question on the amendment? Call the roll on the amendment, please.

Fritz: We'll take the emergency clause off so we will return it next week, commissioner Eudaly I appreciate what you said and certainly reflecting it's going to be a large amount of work that the office of neighborhood involvement has a large amount of work so it's not a matter of your not prioritizing it, but more the workload that you have taken on. So I respect that very much and I think that that's what my chief of staff meant to say. Commissioner Saltzman you did not vote for this in the first place, it was clear you don't support the program, and I respond to Mr. Lightning he's not here. My life is on open book if there is any secrets I never have them anymore because I strive for transparency, for accountability, and watch my every move on this, I would be happy to give you an absolute verbatim transcript of every conversation that I have on it. Commissioner Saltzman if you would like that. I don't think that actually gets us anywhere because unless we want to do a charter change that says that the voters assign this to the auditor, she does have the right to decide what she takes and doesn't take and that's what we're dealing with now and anywhere else in the city it's going to be under a commissioner in charge whether it's the mayor within the office of management and finance, frankly I don't think that we want to bury \$1.2 million with the taxpayers' money deep within the bureau or potentially not even separate from the city either. With no commissioner oversight on how that \$1.2 million whether it's allocated as the program requires or not. So I take great responsibility and pride in this program, and I am looking -- I appreciate the mayor being willing to assign it to me or at least I hope you will immediately after the vote next week. Aye.

Fish: Aye.

Saltzman: Well I want to respond to what commissioner Fritz just said a minute ago. Which I was going to say anyway t. I did oppose this concept when it came to a vote in city council in 2016 I believe, but my notebook is not based on that. I lost that vote so the program is here and my job is to make sure it's set up to run as smoothly as possible. As I expressed earlier I'm not comfortable with this arrangement and as I said, commissioner Fritz, it has nothing to do with you. It has to do with the structural dynamic of having a

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commissioner in charge overseeing open and accountable elections. Commissioners are all human. We talk to our colleagues, we're subject to their opinions and influence and I think that is improper. I have heard no discussion of a solution of proposing a charter amendment that would have assigned that to the auditor.

Fritz: I just said that.

Saltzman: We just discussed it in your vote, we didn't discuss it earlier. So I think, not touching that elephant in the room, we're sort of setting this up for failure in the minds of the residents of our city. No doubt you'll run the program absolutely clear and transparently but if you ask nine of ten people on the street should open and accountable elections be under the purview of the commissioner charge I'm pretty confident nine out of ten people would say that gives me pause. With all due respect I'm going to vote no.

Eudaly: This is just been a really lively day. [laughter] once again, as someone of very limited means who pulled off an unlikely win for Portland city council, I am very supportive of any effort to make these seats more accessible to more diverse candidates and I look forward to using this program myself. Aye.

Wheeler: So I want to respect what commissioner Saltzman has said. I appreciate the liveliness of this discussion because it needs to be said and I'm glad it's been said publicly, and I know there are a lot of people in the community, MaryAnn and others, who have worked really hard and others over a period of many years to bring this program to the city of Portland. I think we have now illustrated clearly and transparently the potential conflicts that exist having this be in the office of a sitting commissioner. Therefore, this is the point where I would also call on the community of people who support this program to work with us and encourage not only us but also community organizations that have the capacity and the independence and the respect of the community to be the home for this effort. I do trust commissioner Fritz to stand this program up and I feel very comfortable that she will be able to do it in an open and transparent manner if for no other reason that the public will be looking at this one with a microscope every single step of the way, but I do not want it in a commissioner's office for a prolonged period of time. I would prefer it to be in the auditor's office, and barring that I would prefer it to be in an independent community institution that operates it, that collects the data, that reports back to the public in an open and transparent manner. That's where this ultimately belongs, dan is absolutely right about that in terms of this needs to go in the long term. I vote aye, the amendment is adopted unless there's any further comment on the part of my colleagues, this is the first reading of a nonemergency ordinance. It moves to second reading as amended. Thank you for your presentation. Next item, number 220.

Item 220.

Wheeler: Colleagues we have already received a presentation on this matter. We have taken extensive public testimony on this matter. There are two amendments currently on the table. Would it be helpful if I reread those into the record, Robert? So everyone remembers what the two amendments are?

Robert Taylor, Chief Deputy City Attorney: Yes, sir.

Wheeler: The first amendment which we're calling the Fritz amendment is a motion to add to exemption list 30.01.085 g12, a dwelling unit where the landlord has provided a fixed term tenancy and notified tenant prior to occupancy of the landlord's intent to sell or permanently convert the dwelling unit to use other than dwelling unit subject to the act. That was moved by commissioner Fritz and seconded by myself. Commissioner Saltzman has offered an amendment, a motion to delete exemption 30.01.085 g section 8 for dwelling unit regulated affordable housing by a federal, state or local government and added directive that rental services commission come back with a recommendation to council. That was moved by commissioner Saltzman, seconded by commissioner Eudaly. We have not called a vote on all the amendments.

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Fish: So mayor.

Wheeler: Commissioner Fish then commissioner Saltzman.

Fish: No, Dan.

Wheeler: Commissioner Saltzman then commissioner Fish.

Saltzman: I have since met with the housing bureau director and talked more about the exemption I was proposing to strike because I clearly felt it was cryptically written. I felt that it still is but it sounded to me like we were proposing to exempt the largest landlord in the city of Portland from any responsibility for following this ordinance in terms of no-cause evictions or rent increases. I couldn't -- I can't tolerate that but I could -- if we can establish legislative history today I'm prepared to withdraw my amendment if this legislative history which I think is the intent of this amendment is clarified. So I would request that the housing bureau work with the affordable housing providers and the community alliance of tenants to craft a narrow exemption for affordable housing providers for rent increases that may exceed 10%. That would be if that increase does not increase the tenant's portion of the rent. It paid for out of the section 8 voucher, or it's in a circumstance where the rent increase is required due to a change in the tenant's income, or due to requirements of a regulatory agreement and this exemption shall not in any way apply to no-cause evictions. So that is what I would -- if we are all of common mind about that, I would withdraw my amendment.

Wheeler: Commissioner Saltzman, thank you for that. I would like to hear from housing bureau director Shannon Callahan on the amendment.

Fritz: Do you have it written out, commissioner?

Saltzman: I have my statement written up here.

Fritz: It's helpful for me to read an amendment as long as that.

Saltzman: It's not an amendment. It's asking for established legislative history and then I would withdraw my amendment to delete that exemption.

Fritz: I see.

Wheeler: So director Callahan you have obviously been provided this language. Do you have any problems or objection to this language being in the record?

Shannon Callahan, Director, Portland Housing Bureau: None at all. I think that captures the intent that we elegantly put into the draft ordinance. I would be happy to return to council on that issue after consulting with community alliance of tenants and housing providers.

Fish: Looks like an elegant solution, mayor.

Wheeler: Thank you, so commissioner Saltzman withdraws his amendment. Commissioner Fish thank you.

Fish: I would like to add an amendment which will just be the Fish amendment which would slap an emergency clause on the matter before us.

Eudaly: Second.

Wheeler: We have a motion from commissioner Fish to add an emergency clause. We have a second from commissioner Eudaly. Any further discussion on that amendment? Commissioner Fritz.

Fritz: I just noticed there's I think it's an error but it's more than a scrivener's error in the proposed code. It's on page 3 of 4 where we have all the exemptions lifted under g, but we also have a paragraph that talks about the one dwelling unit exemption which we're doing away with the one dwelling exemption. Seems to me we should strike that paragraph unless staff has another --

Matthew Tschabold, Portland Housing Bureau: Matthew Tschabold of the housing bureau for the record. I think this is another example of the current code and transitioning to a permanent policy where the language is not exactly how we would have phrased it, but working with the city attorney's office it is workable particularly with the bureau's

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rulemaking. The paragraph is still important because it is still possible that an owner of a dwelling unit that qualifies for an exemption would contract with a property management firm to lease that unit out and without that paragraph, they would lose the exemption if they were to contract with the property management firm.

Fritz: Why?

Tschabold: Sorry, commissioner.

Fritz: Why would they lose the exemption? Cause the exemption's not predicated on being a one-owner property. There's nothing in g that says anything about whether the landlord contracts with a property management company.

Tschabold: They would lose the exemption because under ors90 state statute the property management firm would effectively become the landlord in this scenario and thus in the exemptions with the reference to landlord from the definition of landlord the property management firm would not qualify for many of the exemptions but the owner of the rental unit, the dwelling unit, would qualify. It has to do with discrepancy in how a dwelling unit is defined between state statute and city code as well as the definition of landlord.

Fritz: What we need to amend is it says landlord authorized property management subject to property in accordance with ors696 to manage only one dwelling unit does not waive the one unit exemption but it's not the one unit exemption it does not waive any of the exemptions in g 1 through 11.

Callahan: We had looked at this issue prior to coming to council and had talked to the city attorney about it. We would be interpreting one essentially as a in our administrative rules and we have the authority to do so, so it literally is the choice of the word one versus the choice of the word or letter a and we did consult with attorneys --

Fritz: I thought the whole purpose, one of the purposes is to do away with the so-called one dwelling unit exemption then it becomes unclear in that paragraph. If you're all fine with it that's fine.

Eudaly: We had actually written amendment language to address that and had the conversation and were assured that it could be corrected.

Fritz: Thank you.

Wheeler: I believe the director has heard very clearly on the record as well. Thank you.

Callahan: That is helpful. We're already prepared to address that issue.

Wheeler: Thank you both. I appreciate it. Commissioner Eudaly.

Eudaly: Thank you. So similarly to commissioner Saltzman, I'm happy to support this ordinance as amended today but I want to put a few comments on the record about some ongoing concerns I have and make a request around those. I strongly feel the family move in exemption is too vague and it could be subject to abuse. This type of exemption is currently causing problems in other cities with similar tenant protections such as san Francisco. So, I request that we take a closer look at that. Thank you, commissioner Saltzman, for addressing the issue with affordable housing providers and thank you, Shannon, for pursuing that. Obviously, we don't want to penalize affordable housing providers who have to follow certain rules about income-based rents, but we also don't want to leave those tenants with no protections if in the event they are subject to no-cause eviction, for instance. We have not closed the loophole for landlords who unbundle their flat rate utility pet and parking fees and dramatically increasing those while also increasing rent. We have heard over and over again tenants they're are not receiving just a 9.9% increase, which is well above the average rental increase in Portland at this point and well above any reasonable or average increase in expenses, then on top of that they are paying more for utilities, more for parking, more for pet rent. I'm hoping that we dive into that. Then the language that allows for expiration of rent concessions is also vague and open to exploitation and it's a loophole that's been a huge problem for tenants in new York, where I'm not even sure if I can adequately explain this because it's not a super common

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practice right now but it certainly could become one where, say, the rent is \$2,000 but the landlord makes a concession and only charges 12, but then they get to make their rental increase off the \$2,000. So, its just you know, it's unfortunately people are going to be looking for any work-around they can find on the relocation assistance and I just want to make sure we close as many loopholes as possible. So I am asking the mayor requesting that the mayor direct the rental services commission to review these concerns and make recommendations regarding what policy or administrative measures can be taken to ensure they do not inadvertently harm a attendant's right to receive relocation assistance as intended by the city council and I thank you. I just realized I haven't had coffee yet today, which is unacceptable. I'm going to be talking --

Fish: That explains a lot:

Saltzman: That's why it's so long today.

Eudaly: I'm going to request the report be provided to the entire council no later than June 30, 2018, if you think that's a reasonable timeline.

Wheeler: I just want to publicly acknowledge what you have requested and say I agree that that is an appropriate issue to bring to the services commission. I'm not going to commit on timeline today although that seems reasonable to me. I'm not entirely sure exactly what's involved in the process, but I will get back to you when I have a clear understanding. I want to also acknowledge that there have been abuses of this particular standard in other cities and I think we owe it to ourselves to do a wide ranging evaluation of what loopholes have turned up in other cities that have adopted these kinds of policies and make sure that we close all of them. So thank you for putting that on the record.

Fish: We have two amendments.

Wheeler: The first is the Fritz amendment, this is the motion to add the exemption list. Please call the roll.

Fritz: I appreciate mayor wheeler and commissioner Eudaly being willing to accept this amendment which will protect some single property owners who need the relief. Aye.

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

Wheeler: Aye. The amendment is adopted. Please call the roll on the Fish amendment.

Fish: Mayor, council has asked us to state for the record the purpose of this amendment and that of course is to put this into effect immediately to avoid any gaps in regulatory oversight.

Wheeler: Commissioner Fish has stated that. Please call the roll on the emergency.

Fritz: So I again state appreciation for commissioner Eudaly and mayor wheeler approving the amendment we just passed, which was why I'm able to support adding the emergency clause in fact proposed that in the emergency clause, and I think the worst of all possible worlds is having the gap as we saw when we did the notice for rent increases that there was a gap when people took advantage of it. It's important that the rules go into effect right away whether you like them or not. It's then clear what the rules are. Aye.

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

Wheeler: So I'm going to vote no on this amendment. The reason that we did not originally put an emergency clause on this ordinance was that the housing bureau had expressed to me that being able to stand this up immediately will be very, very challenging to do right. I respect their opinions on this matter, but since I'm pretty good at counting, I know that I'm not going to win this particular one, and I will pledge to my colleagues that although I disagree with the emergency clause, that will not remove from us the responsibility to do the best job we can to make sure that this is stood up appropriately and since I have the two leaders from the housing bureau here they know with the challenge is and will rise to meet it. I vote no. The amendment is adopted. So that gets us to moving it to second reading. I'm sorry, I lost that. I was trying to pull a fast one. Sorry. Please call the roll on the main motion as amended.

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Fritz: This is a very challenging issue. I very much appreciate everyone who has participated in the community and on the council. We're still getting into a one-size fits all philosophy which is sometimes not helpful I would have preferred to have waited until the office of landlord/tenant affairs was in full force with registration of landlords. One of the challenges we have is that landlords didn't know this was being discussed and found out afterwards and if we had had the registration first we would have had much more data as the mayor said in one of the memos he sent out its antidotally said that there are 24,000 Portlanders who rent out only one unit, we haven't got verification of that. I'm concerned that at least some of those landlords will either raise the rent 9.9% every year until they have saved up the relocation fee or sell the home or convert it to an airbnb. I don't see either of those as being in the best interests of renters. Given that we are relying on anecdotal experience we know many, many tenants have needed this, we know it has reduced the number of no-cause evictions and that it has been crucial for some people, so throughout my time on the council in fact throughout my time on the planning commission as well I have always strived to provide more choices for people who have fewer options. In this case it's clear that while there are some landlords with few options and who are going to find it very challenging to find the relocation money at a time when they themselves may be destitute and needing to sell the home to get out of that debt. We have heard from some of those, on balance many more are getting no-cause evictions and they and their families are being greatly impacted by that. I hope, mayor that as you move forward you will look at other countries as well as other jurisdictions in finding refinements that work better for all parties because I think that there is also the danger of more for-cause evictions which while they are more expensive for all parties and take longer then results in the records of tenants for a few people making it even harder for them to rent. We heard at the hearing from a landlord who said she's already taking fewer risks on tenants that she would previously have given a chance to because she knows that there's an extended process and a financial impact to that. On balance I'm able to support it and I appreciate the good heartedness and the values and principles of everybody who has been involved in this debate. It's a really tough one and I hope that this moves us a step forward. Aye.

Fish: Thank you, mayor, colleagues. I just have a brief statement I would like to read. I believe that housing is a human right, but a safe, affordable place to live is becoming increasingly out of reach for too many Portlanders. In October of 2015, council recognized the magnitude of the crisis in our community and declared a housing state of emergency. Since then we have taken a number of steps to help Portlanders who are struggling to keep up with rising rents and the shortage of affordable housing. We successfully lobbied the state legislature to give us new tools like inclusionary housing which requires affordable apartments in any new construction. We work with the community to pass a \$250 million housing bond to fund new affordable homes across our community. We created the city-county joint office of homeless services to streamline programs and services for our most vulnerable and we committed record funding to their work. We pledged to bring 2,000 new units of supportive housing online. Deeply affordable homes with services for people living outside and struggling with severe medical, mental health and addiction challenges over the next ten years. We welcome new partners to help us craft new solutions and today we're making a successful new program permanent protecting Portland renters from economic eviction. I'm pleased that we have been able to work through some complex issues and arrive at a consensus policy that will after today become permanent. There is no shortage of anxiety and uncertainty in the world and in our community right now. Portland tenants shouldn't have to worry whether they come home to notice of a 20% rent increase, whether their child is going to have to change schools and start somewhere else mid year, whether they will have to choose between groceries or

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medicine or whether they will be able to keep a roof over their family's head. We all understand that the market forces at work here are too big for any local government to contain, but we have an obligation to step up and lead in the ways that we can. Today we are doing that. Thank you, commissioner Eudaly and mayor wheeler, for your leadership and partnership on this issue. Thank you to all the tenants who have shared their stories with us and thank you to the community for pushing us to act. Aye.

Saltzman: I want to thank commissioner Eudaly for bringing this concept in the first month of her office and first month of holding office at city council and for her and mayor wheeler for getting us over the finish line. It's a very important piece of legislation. Aye.

Eudaly: Before I begin my closing statements I just want to acknowledge something that commissioner Fritz said, which is that we do know that there are extraordinary circumstances for some homeowners and we certainly do not want to create true hardship for them. That's why I hope we will be pursuing some kind of hardship exemption or assistance for those landlords who may genuinely be unable to pay the relocation assistance. We know that a third of our homeowners are also cost burdened by housing costs as well as half of our renters, and those two statistics together paint somewhat terrifying picture of how unstable and unaffordable housing is for the majority of our residents or at least roughly half. We need to change the conversation about the landlord-tenant relationship. Our unregulated rental market in no small part has led us to where we are today in eight year and counting unprecedented housing crisis and homelessness crisis. We are asking landlords to consider the impact that their decisions have not just on their tenants but on our communities and on the city, and we're requiring them to share in the burden that they have been creating whether they realize it or not and our residents and our city have been absorbing the cost of thus far. As commissioner Fish said housing is a human right whether our federal government wants to recognize that or not. It cannot be treated like any other commodity. In fact we need to treat affordable housing as part of our essential infrastructure. I am so grateful to be here in this moment. I'm trying not to get emotional, but it's a very personal issue for me and for many of our residents. I want to thank all of my colleagues for supporting this ordinance and working with us over the past year. We have received as you can imagine mountains of comments and input, experience, scenarios of good and the bad on relocation assistance and after all that input I can say with absolute confidence that it was and continues to be the right thing to do and until the state gives us back our other regulatory tools it's one of the only things that we could do. I want to take a few minutes to thank some very important people without who none of this would have been possible. First I want to recognize support and dedication of commissioner Fish and his entire staff. I never anticipated when I was elected to this job that commissioner Fish would be such a strident and unwavering ally in-housing issues and tenant protection. Part of the reason I ran was I felt council was not responding to our housing crisis as a cost burden, that being my perspective as a cost burdened tenanted and I'm so relieved to find that they absolutely are ready and willing to do that. After a year of working with commissioner Fish he continues to surprise me with his deep compassion, his brilliant contributions and his excitement for the work we're doing to help solve this housing crisis. In addition his staff are true reflection of him. They are passionate, brilliant, amazing partners in policy development. Jamie Dunphy, Amira Streeter and Sonia Schmanski are communicative, supportive and full of great ideas and also candy. Both of us. I'm honored to serve alongside commissioner Fish as we continue to build true foundations for tenant rights in the city and all we have yet to do together. Thank you, commissioner. I also want to thank the mayor's office and his staff for never wavering from making this policy permanent and for dedicating immense resources and time it's taken to get this policy into a place that better serves vulnerable tenants and provides fairness for both parties. He cosponsored our original policy and recognized it for the visionary and

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unprecedented policy that it is. It's true that no one here has taken more heat and had more conversations about relocation assistance than the mayor and his staff. What they have committed to tenants in this policy is remarkable. I especially I want to thank cupid alexander and Nathan Howard for listening to the concerns and ideas of hundreds of tenants and landlords in helping craft a policy that meets the needs of many, so thank you, mayor. I want to thank the members of the relocation technical advisory committee who spent many hours debating the merits and nuance of every single word in this policy. I have to admit that I was a little skeptical that a committee made up of such ardent advocates for both sides could find middle ground and yet here we are with a policy that does that in many ways. This committee included the community alliance of tenants who never failed to remind us of the deep inequities our policies often create and demand that we remember whose voices we're missing. Portland tenants united who never failed to pack the room and remind us just how many people are paying attention. Legal aid services and Oregon law center who also bring sobering realities of what a lack of legal protections means for tenants in real life and several nonprofit housing providers who truly understand both sides of the aisle better than any of us. But I especially and most gratefully want to thank the landlord and industry advocates who stuck it out with this committee. Those who chose to listen to contribute to adapt and deeply appreciative of the perspective you brought to the table and the commitment you made to improving the relationship between tenants and landlords. I know our office has included many of you and other tenant focused policy development and your service to these issues is very appreciated. Finally I thank my own staff, Marshall Runkle for going to bat when it counted most and to my director of policy Jamey Duhamel who started working on this policy before we even took our seat, possibly before I even won the seat and very first staff meeting of the very first day in office brought us a proposal -- [laughter] she wrote this little part. I'm just going to -- apparently I said I like it, and here we are. So I'm going to start saying that more often. It really was impressive and bold move and I'm really proud of her. I gave her full rein to explore what was possible and she did. She authored the original policy and spent every day since it passed and dedicated not only to its ongoing success but to the mission of better tenant protections across the board. More on that soon, but not today. For now thank you to all my staff who have worked on this issue. Actually I really need to thank Josiah at our front desk for fielding all the phone calls, that's not an easy job. So thanks to my staff who worked on this issue in one way or another and have fearlessly led the charge. I feel lucky to have such an amazing team. With that I vote aye.

Wheeler: Well, I want to thank my colleagues on the Portland city council. We are providing clear and definitive leadership and protecting tenants in a time of great economic uncertainty and great housing uncertainty. As I said, last week there's really three main aspects to the ordinance that we are voting in support of today. First of all it takes our temporary relocation ordinance and makes it permanent. Second, it expands the number of people protected by its provisions, and last but certainly not least it now gives us the authority to stand up the program where we'll be able to register rental units in our city and collect quality data. I want to reiterate again this is something that people on both the landlord side of the equation and the tenant side of the equation have requested. I certainly have my difference of opinion with regard to the emergency clause today. The housing bureau as I said will have to work doubly quickly to stand their portion of this up. We're gonna have to work very, very quickly to notify landlords of the changes that have taken place under this ordinance I would ask anybody who has the ability to reach a large number of landlords to help us get this information out as quickly as possible and I'm certainly committed to participate as well. I want to thank everybody who worked on this. I think this has touched just about everything in this building and on city staff in some important way and I'm certainly very happy about the leadership my own team has

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provided, that my colleagues and their staffs have provided, that many, many community members have provided. Thank you, everybody. I think this on the whole outstanding and powerful work. Thank you. I vote aye. The ordinance is adopted as amended. With that we move right into item 221, please.

Item 221.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor, certainly a tough act to follow. [laughter] I'll try to make this exciting.

Eudaly: Ups and downs of council agenda.

Saltzman: This is a street vacation. It was initiated by Portland bureau of transportation after pbob completed a local improvement district in the area. Which included reconstructing portions of northeast 109th and northeast 112th avenue and doing sidewalk infill and ada ramps along northeast marks. Staff is here for any questions.

Fish: Do you have a presentation?

Karl Arruda, Portland Bureau of Transportation: Just couple little things I'm Karl Arruda with the right of way bureau of transportation. As the commissioner mentioned, this is a street vacation. Couple of maps and photos to explain this is part one of a three-part street vacation and marks street is between 109th and 112th avenue where we're doing this vacation. There's basically some excess right of way behind the sidewalks that were constructed, and pbob has no use for the additional right of way behind the sidewalks and vacating the right of way provides a little bit additional development potential for some of the landlords. Pbob has no reason to retain the right of way. Pbob solicited the usual comments from other bureaus and agencies, utilities, ppl requested an easement for some of the polls and wires in the vacation, near the vacation area and water bureau asked us to check the location of some of their water meters, but generally this is a relatively straightforward vacation area for the excess right of way.

Fritz: Why were there no street trees and why are we not using the right of way for street trees?

Arruda: You mean as part of the lid?

Fritz: mhm.

Andrew Aebi, Portland Bureau of Transportation: I believe there was some lighting that was installed as part of the lid. I don't know if Andrew Aebi, if you have any hi Karl.

Andrew Aebi: Andrew Aebi I don't mean to steal your thunder. The picture were taken before the street trees were planted and we actually haven't planted the trees yet but we are going to have urban forestry do that. We missed the planting window last year. We didn't want to have 100 of them die so we'll be planting them, so there will be street tree's.

Fritz: So, they are going in the stormwater planters.

Aebi: No, in the furnishing zone in between where there are not stormwater planters. So, in the furnishing zone you'll either have a stormwater planter or you'll have a street tree.

Fritz: So, we don't need in this particular photograph the right of way to put street trees in?

Aebi: Correct. The area in which street trees will be planted is the area of right of way we'll retain. The only area of the right of way we're vacating as Karl mentioned is behind the sidewalk and with few exceptions we don't generally plant street trees behind the sidewalk.

Fritz: Was the urban forestry department okay with this lid plan street the trees you are going to plant?

Aebi: They extensively reviewed all three versions of the plans and we worked very closely with them throughout the project.

Fritz: Thank you.

Fish: Colleagues any more questions? Karla, still more presentation?

Arruda: Oh, no. I'm sorry.

Fish: Karla has anyone signed up to testify?

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Moore-Love: Yes, we have, I'm sorry 221, no. No one.

Fish: Does anyone wish to testify? Seeing none, this is an ordinance it goes to second hearing.

Arruda: Yes.

Fish: Dan last word?

Saltzman: Thank you.

Fish: Karla would you please read council item 222.

Item 222.

Fish: Do we have someone presenting on this?

Moore-Love: This is being referred back.

Saltzman: This is coming back to my office.

Fish: Without objection this is being returned to dan's office. Karla could you please read council item number 223.

Item 223.

Fish: Is this going back back?

Saltzman: It's coming back.

Fish: Without objection this is returned to commissioner Saltzman's office. Please read council item 224.

Item 224.

Saltzman: I will just turn this over to Andrew Aebi.

Andrew Aebi, Portland Bureau of Transportation: Thank you, commissioner Saltzman. I'll make a few comments while I'm getting a power point ready to go. So council approved resolution 37340 in January which initiated local improvement district formation proceedings with over 80% petitioner support for the lid. I think the council knows, thank you, Karla, I think the council knows all lids undergo a two-part formation process. This is the second of two steps. I'm just going to walk you through some issues that were raised in the remonstrances that came in were submitted. The common theme of the remonstrances was that there was a request to close 57th avenue north of north east Emerson street, and I just wanted to show you a map of how few north-south street connections we have in cully. So this particular map that I'm showing you are the local streets in cully and you can see between northeast 52 avenue and northeast 60th avenue, which are the next available north-south street connections, a difference of 2,206 feet. 17.88 of city code calls for a maximum distance of street connection to be 530 feet. So for those reasons the city engineer and the city traffic engineer cannot support this request to close northeast 57th avenue. This is another map of neighborhood collector and higher classification streets. These are the streets that we would like to have to actually shift traffic so in cully our preferential streets do carry the bulk of the traffic would be northeast 42 avenue and northeast cully boulevard. As you can see from the map cully is not a due north-south street, it runs diagonally and the total distance between 42nd and cully is 6,697 feet. So whether you approve this lid or don't approve this lid, really the point I'm trying to make with the two slides we have a real dearth of north-south street connections in cully. I'm not surprised that the property owners have a concern about traffic because what happens is the traffic tends to concentrate on the few north-south street connections that we have remaining. It was extremely painful for my engineering colleague to draw this. I asked him to draw a hypothetical example of what a closed street would look like on northeast 57th avenue if council were to grant this request. As you can see, when we design a cul-de-sac particularly if it were to come off a busy street like Killingsworth we would provide a way for vehicles to turn around. We would not have a stub of dead end where vehicles had to back out on to busy Killingsworth street. You can see from the shaded white areas on that map that the impact to properties would be greater because now you would have to build a bulb out on that cul-de-sac and there's less impact if you just punched a street through. That's

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the extent of my presentation today. Just to make a few other comments we have brought an extraordinary level of resources to this lid. So the cost of this lid is less than a third of what it would be for a typical unsubsidized lid. I wanted to just pass out some amendments or actually Karla distributed those. I wanted to walk you through the amendment. What I'm requesting are two roll call votes from council. So we had the first set of amendments that was posted online. I respectfully request that council adopt these amendments, correcting from scrivener's areas, replacing exhibits f and g to reflect remonstrances received. Remove 5285 northeast 57th avenue from the lid boundary. That property was only slated to receive partial frontage improvement and we should grant the property owners request to be removed from that lid. Then the last item was to add an emergency clause after discussing this.

Fritz: What about the other two is the clarify the length of the sidewalk.

Aebi: Pardon?

Fritz: There were two more in your summary of amendments, it was one, two, three that you just said, but also then clarify the length of the sidewalk improvements and overrule the remaining remonstrances add an emergency clause.

Aebi: Just to clarify how that would work commissioner Fritz, the length of the street would be 378 feet. The sidewalk on the west side of the street would terminate 346 feet south of Killingsworth so, you have slightly offset length of the improvements.

Fritz: So I move this amendment, lets vote separately on adding the emergency clause.

Aebi: Yes, actually what I was going suggest commissioner if you adopt this amendment I'm going to take you right into the second amendment, which then removes the emergency clause. However you want to do it.

Fritz: Does it currently have an emergency clause on it?

Aebi: Pardon?

Fritz: I didn't think it currently had an emergency clause.

Aebi: It doesn't. So, the first amendment would add one and the second would remove it.

Fritz: Why are we just not adding it.

Aebi: That works too. I'm not an expert in parliamentary procedure.

Fritz: So number five in this would overrule the remaining remonstrances.

Aebi: That's fine.

Fritz: Removing amendments 1, 3, 5.

Eudaly: Second.

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

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

Wheeler: Aye. The amendments on the table are adopted.

Aebi: Thank you for your patience as I try to sync everything up with my paper work. Let me walk you now through the second set of amendments. I deeply appreciate the input from the property owners over the last 24 hours. The first form which appears now to be a moot point would be remove the emergency clause. The second amendment would expressly authorize the installation of speed bumps in this lid. That's something we have discussing with property owners all along, but I wanted to bake that into the lid ordinance so the intent was very clear by default we plan to install speed bumps if they're warranted.

Wheeler: Can I ask you a question on that item, so isn't that a matter of administration? You don't always bring speed bumps to city council, do you?

Aebi: Thank you, mayor wheeler. I appreciate that question. What we're not asking the council to do is make an engineering decision. What we're asking the council to do is to legally authorize the expenditure of lid funds to install speed bumps.

Wheeler: Is there a motion on that?

Saltzman: I'll move.

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Aebi: But I think we're walking through all of them mayor.

Wheeler: Oh there's more. They're coming forward as a set. Got it

Aebi: The third amendment was I talked to the city traffic engineer this morning and you may recall that council recently voted in favor of this ordinance and we think it makes perfect sense to add 57th on the list of streets that is posted for 20 mile an hour speed limit.

Fritz: Why do we need to do that? Isn't that automatically 20 miles an hour?

Aebi: It's 25 now.

Fritz: I know, but everything is going down to 20.

Aebi: I can't explain it. It's just when I talked to the city traffic engineer he said legally it's 25 miles an hour street and we need to drop it down to 20. He was fine with me offering up the amendment.

Fritz: That's fine. Keep going.

Aebi: The fourth one is to expressly authorize a deferral of repayment of the lid lean for a minimum period of not less than five years, so just to make it really clear, our intent here is to work with the property owners and ideally those lid obligations wouldn't need to be paid until the house is sold. We want people to be able to budget for this obligation and plan for it.

Fritz: Isn't that unusual? Do we usually do that?

Aebi: We don't usually do that, but what I try to do on these lids is be responsive to the issues raised. I think on this particular lid we have two very large lots which are very expensive to build frontage for when you have a 213 foot wide lot that is wider than a downtown city block I have two choices I can narrow a 22 foot road to five feet wide. I mean you understand that the math I'm dealing with here is very wide frontage. I know you know that. I just felt that given that we have some really large lots here, \$43,000 is a good deal for 213 feet of frontage, but its still a large obligation. So that's item number 4. Item number 5, and this was suggested by the cully association of neighbors, is to direct pbot to further explore the possibility of improving additional north south street connection. While the conversations have been cordial with the property owners I think the one sticking point of respectful disagreement has been pbot does not believe the solution to traffic problems on 57th is to close the street. Pbot believes the solution to traffic problems on 57th is to have more north-south streets in cully to more evenly disperse the traffic. I'm not going to go into details on that today, but we actually have some ideas on how a subsequent project might implement some of that. The sixth amendment would allow the lid to pay for water meter installation solely at the abutting property owners' expenses and something that was requested by habitat for humanity, the water bureau would get the same amount of revenue, it just that they could be paid by the lid and it provides the opportunity for the water meters to be financed over 20 years along with all of the infrastructure improvements for habitat for humanity. Then finally the seventh amendment would be, the seventh item included in a single amendment would authorize the city engineer to omit construction by this lid of a new sidewalk at 5305 northeast 57th avenue. It's with considerable degree of reluctance that I offer that particular item up but we have one property owner from whom we need to acquire right of way. Right now that extends 30 feet into the right of way and we only have 30 feet right of way whereas it's 60 feet wide everywhere else. So, what we want to be able to do is we are going through the engineering, we want the flexibility to phase the sidewalk construction. Just to perfectly clear if the sidewalk were not improved as part of this lid it would be required upon a future building permit. Those are -- that's the entire package of amendments that I have and I appreciate council's time today.

Fritz: Could we amend number 7 to add it will be the sidewalk will be required in a future building permit?

Aebi: I think I put that in there in the detail. If you look at item f on page 3, I don't want to

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read the whole thing in detail out of respect for your time, but it says shall be constructed in the future solely at property owner expense.

Fritz: Can I add something like -- is this all part of the amendment or do we need to add number 7 per paragraph f?

Aebi: This is all part of the amendment. The single memo has amendments a through f. I think A is moot because you've removed the emergency clause with a practical matter I think we're just voting on b through f if that meets with the pleasure of the council.

Saltzman: So moved.

Wheeler: Commissioner Saltzman moves.

Fritz: Second.

Wheeler: Commissioner Fritz second please call the roll.

Fritz: Thank you for all your work on this aye.

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

Wheeler: Aye. The amendment is adopted now on the table. Thank you.

Aebi: The last item I wanted to show council is this is a picture Karla if we could switch over to the screen. This is a picture that I took in 2011, march of 2011. It's 1900 block of southeast 170st avenue and this is what happens when you have a very long paved street that comes up to a very short length of unpaved street cause what happens is drivers make a mental calculation they are willing to put up with the relatively short distance of unpaved street and then what happens is this is you get these potholes. This is precisely why I really felt compelled to provide an administrative recommendation to council to approve this lid. It's with some degree of reluctance I ask council to overrule the remonstrances, but I couldn't leave this type of situation for property owners in a couple of years and fumble the football on the one yard line when we have worked so hard to line up funding and narrow the scope of the street from 32 to 22 feet and do a lot of other things to address their concerns. I know this is a difficult decision for council but I'm happy to answer any questions you might have.

Wheeler: Good, we would've had to post lifeguards otherwise.

Eudaly: Everyone in the pool:

Wheeler: Public testimony on this item?

Moore-Love: We have seven people signed up.

Wheeler: Could I request that we limit testimony to two minutes if for no other reason than we're going to start losing our quorum at 1:00 p.m. If folks could try to condense their comments to two minutes that would be great. You'll see a yellow light go on in a minute and 30 seconds and the you'll hear a buzzer and see the red light flash and two minutes. Thank you.

Sam Walker: Thank you, Andrew. Sam walker, 5711 northeast Emerson street, one of the impacted property owners. I will try to limit my comments to three minutes. There's a lot to cover. First is kind of an administrative item you have in front of you a summary of the remonstrances received I'm one of the owners that submitted remonstrances by the deadline. I'll read quickly some of what Andrew Aebi from Portland bureau of transportation submitted in his packet to you. Four written remonstrances representing owners of four non exempt properties of northeast 57th and Killingsworth local improvement district were received by the filing deadline. Registering remonstrances against formation of the local improvement district, total remonstrances represent 22.2% of the estimated assessment of the lid. Further down this is exhibit g, council lacks jurisdiction to form the northeast 57th and Killingsworth local improvement district as originally proposed because the remonstrance level of 61.2% as measured by total area is above the 60% threshold in section 9-403 of the city charter. What does section 9-403 state? I have that here. This is city charter that you are bound by. If the owners of three-fifths or more in area of the property file objections further proceedings in the making of such

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improvements are barred for a period of six months unless the owners of one half or more of the property affected subsequently petition therefore. So what it doesn't say is that Andrew Aebi and Portland bureau of transportation can modify the existing lid to remove one of the property owners so that the math works out in their favor in order to overrule the remonstrances received. I think it's pretty clear and I don't know about you, but this looks a lot like a proceeding to me. So this does feel like here's the word gerrymandering. I will tell you that we did formally support the project. We were in support, then we for many reasons, right, because it's connectivity, access to the 72 bus line, then we heard from neighbors down the street not impacted by the lid directly but farther south. We heard from many of the neighbors and in the packet you have this petition put forth. We knocked on doors, we asked for further comment and people are incredibly concerned. There's a groundswell of community support for doing something other than what is proposed here. So we simply wanted to take a step back, the only process that we had and I understand receiving remonstrances of this nature is very frustrating for you, I apologize for that, it this is the only mechanism that we as citizens felt that we had at our disposal so we followed the rules, we submitted remonstrances above the 3/5 we thought that would stopped it for now and we could further engage on the side and bring it back. That's our intention.

Wheeler: Thank you.

Sam Walker: So where we are now is we would like additional time to have the folks that are heavily impacted by increasing the traffic on a street, on 57th, increased traffic with no sidewalks, lots of families, it's an active transportation corridor, and you will significantly degrade that by moving forward with this lid under its current design and we ask you take a step back.

Wheeler: Thank you. And I let you go on a little longer because my suspicion is there are a lot of people who are testifying who agree so you don't need to repeat all these arguments because we will ask for staff to come up and address them. You can say me too or whatever to keep this moving. If you agree. Thank you.

Dale Walker: I will go ahead and defer.

Holly Webster: Okay. So one detail left out is that the street north of this section of 5th7 is referred to as a local service street. So this is currently not an access road, if you google it there is -- it does not show up as a three way so they are talking about blocking this road and traffic being diverted elsewhere, this is already not a heavily used road for traffic so I don't think that this should have much of an impact to, to the flow of traffic. I also think that makes this a good candidate for a greenway connection between the bike access on Killingsworth to the greenway along Alberta. We don't have as much as we don't have north and south connections for traffic, we don't have a lot of north and south connections for the pedestrians and bikes as well and this is already a low traffic part of the street, and we're going to have that many more residents there with children at habitat, I think that this would be a good candidate to keep as a minimal impact narrow road with possibly sidewalk on one side so it's not as much of an impact to the property owners, and our priority is to make this road safer. It is currently dangerous on many levels, and we have people -- the road is being used by pedestrians and bicycles we have neighbors that liver at the end of that road that have kids that play on the street, and I think if we are going to improve this road there has to be a gradual transition for allowing traffic to move through there, so one proposal is that they could go forward with the improvement but possibly block it until there is more development, if the properties are subdivided at some point in the future then maybe we could allow more access for vehicles along that road. I don't think that proposing to, to have some sort of barrier for vehicular traffic would currently impend any current flow of traffic.

Wheeler: Thank you.

Dale Walker: Good afternoon I'm Dale Walker I'm at 5711 northeast Emerson. I wanted to

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let you know that I am retired on a fixed income, and though 44,000 does not seem like a lot of money to me that has impact. The other thing, and I think Holly raised this we do have children that use 57th, the folks from elder place come down to check out the chickens and so forth, so it's a safe street right now. If you open that up, regardless of the speed bumps and limits, people are going to cause a little concerns with the neighborhood. Thank you for allowing us to speak.

Wheeler: Thank you sir and for being here. Next two please Karla. Good afternoon.

Whoever is ready to go.

*****: Go ahead please.

Danielle Walker: Okay hi. My name is Danielle walker. Microphones and cameras make me painfully nervous, so please bear with me.

Wheeler: No worries.

Danielle Walker: I live along 57th avenue and I am one of the homeowners identified as part of the lid. My family's share of the cost is nearly 44,000. This is an overwhelming amount of money for my family to bear, its a significant impact on on my life. As you're also aware the residents are concerned but the traffic impacts, 57th avenue is narrow, it has no sidewalks and it is a major pedestrian path to K^hunamokwst park, we walk there every day, This road is not currently equipped to handle the increasing traffic that will come from their improvement on this road, and by solving this problem you are only creating another one, that until today, last night really in our work with Andrew up to now has been completely ignored. It's this problem that we were trying to solve, when we recommended that the city choose to close the road and instead of develop a pedestrian and cyclist path, it is my understanding at this point in time the city is not interested in creating a walkway only street, for me this is been difficult to comprehend, as the cully plan clearly recommends alternative low cost street designs including walkways be developed rather than traditional roads. These recommendations are stated on pages four 34, 38 and 39 of the cully plan. You can not be surprised or frustrated with the citizen who asked the city to close the road when the city recommends it in writing. The city has no intention on fulfilling these recommendations, I suggest you reevaluate the cully plan and include a realistic implementable option. We are not the adversary, we are only working off approved documents that you provided to us, Finally I ask that we stay true to the process and lid ordinance and that you do not germander the lid in order to overrule our remonstrances, instead let us continue to work with Mr. Aebi to come to a resolution that we can support that implements the goals of the city while listening to the people most affected by the change. We have made significant progress in recent days, I hope you will allow there to continue.

Wheeler: Thank you. If you were nervous it does not show.

Danielle Walker: Thanks.

Wheeler: Thank you.

Conor Devine: My name is Coner Devine, and I live at 5305 northeast 57th avenue directly across the, across 57th from the walkers and first I've been very disappointed with the way that this whole process has been handled. I have not been -- I don't feel like I've been communicated with properly or taken into account that my property is going to be the most impacted by this lid. My wants and needs have been only heard through my neighbors and not from pbob or any other avenues, but I do hope that you will give us an opportunity to put a hold on this so that we can change my opinion of the way that the proceedings have gone and we can all work together, and, but I also want to voice that I agree with everything that my neighbors have said so far. That's all that I have to say.

Wheeler: Thank you. We appreciate you being here. Good afternoon.

Laura Young: Good afternoon. Hear me good? Okay. My name is Laura young, I'm the chair of the cully association of neighbors and the association board submitted written

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testimony which you should have in front of you so I will just highlight a couple of items. Regarding the connected cully plan actually I was one of the drafters of the connected cully plan and I can tell you the spirit and intent of the plan was to, in the executive summary on, in the prologue it says meeting the community's goal of vibrant pedestrian oriented cully commercial corridor, and the plan flows from, excuse me, the infrastructure and street connectivity needs of the cully neighborhoods to be addressed. The plan was never intended to reduce the connectivity, but rather to provide alternative opportunities to increase connectivity. This particular street on northeast 57th avenue is one of three local streets with continuous street line connectivity between 42nd and 82nd avenue which are the collector boundaries of the cully neighborhood. There are only these three streets that provide continuous connectivity. Closing one of these would cause a substantial impact on the surrounding streets, and just increase the impact on the over burdened 60th avenue which is also being proposed to have limitations on auto access, if we lose 57th and 60th, that only leaves 72nd and 52nd avenue, which are more than a mile apart. So there is two facets of this issue. One is the neighborhood association absolutely doesn't support closing the street. It does support the formation of the lid. All of the property owners have been offered deferrals which would prevent them from having a monthly obligation. That is a very good option. I think possibly anecdotal the people who move into the neighborhood and onto a gravel road don't realize that they incur that obligation to improve the street at some point.

Wheeler: Thank you. Appreciate it. Thank you all. Next three. Good afternoon.

Thomas McElroy: Good afternoon Mr. Mayor.

Wheeler: Thanks for being here.

McElroy: Thank you for hearing us. It's amazing what a block of dirt pothole riddled dirt road can do, and what it has done, what that block has done to 57th from the rest of the period, the distance from Killingsworth to Prescott, has turned it into a pretty vibrant pedestrian and bike through-way, I am on 5252 northeast 57th avenue, my wife and my two kids live there. We have a we have a poetry post a tiny free library and a basketball hoop and those get a ton of use from people walking their dogs, we see a lot of strollers every day, and kids, my kids play out there, and shot hoops with Damian Lillard once when he was building an episode of Portlandia, That would not be the case if that block of dirt road had not slowed traffic and prevented the entirety of 57th from becoming a shortcut or 60th and that's what really pdot is proposing that we turn 57th into a shortcut for 60th, which is already a very fast, functional street. It's right there. Three blocks away and the problem is 60th doesn't have sidewalks at this time and so people just go through 57th. And the we're going to have 15 more families on the corner when that habitat for humanity complex goes in. And so pdot is proposing putting them on two high-speed streets. northeast Killingsworth and 57th and it's painful to draw the turnaround, but how painful is it going to be to the families who have their kids injured or worse by using 57th to create a shortcut that we don't need. We don't need it. We have 60th, there is never a traffic jam on 60th. On a busy day at rush hour the worst traffic jam the cully has is that the, at the five-point intersection at 60th Prescott and cully boulevard by the Albertson's several blocks away. We don't need to funnel everyone through this existing pedestrian and bike walkway, and I think that that should be preserved and closing off of the street to auto traffic would serve that function very well.

Wheeler: Thank you. Appreciate it.

McElroy: We would like time to consider that and to review more options.

Wheeler: Thank you. Appreciate your testimony. Everybody. So I just had a question, the first individual providing testimony referred to charter language. Can either you or legal counsel respond to that concern?

Aebi: So the city charter was written a long time ago. They can be difficult to interpret at

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times. I think if you were to take that argument to the extreme, that would mean that council could not even dispose of the agenda item and keep in mind that once an lid resolution is approved then Then city auditor's office creates the records.

Fish: Can I make a suggestion? It's late and we have had a lot of stuff today. Exhibit g to the package you gave us actually in paragraph 4, cites the charter provision. And restates what the gentleman has already testified to, so it is before us. And your proposed way of dealing with that is before us, but --

Aebi: So very simply put commissioner Fish I would just say that at some level the council has to have some degree of additional proceedings. To either form or not form the lid so I think that it would be inaccurate interpretation of the charter to infer that once you hit the 60% threshold, that somehow council is not empowered to respond to the substance of their remonstrances received because council has to either amend the lid or decline for form the lid so that we can sustain or remove the pending lien records that were created when council adopted the lid resolution.

Wheeler: Commissioner Eudaly and then Saltzman.

Eudaly: I have a question and I am not sure Andrew if you can answer this or not. \$44,000 is an extraordinary amount of money for most households. Can you explain to me how we expect these residents to come up with that money? Or if I understand that we offer a long-term low interest financing. What does that look like?

Aebi: We do offer 20-year financing as I mentioned before which I won't recover as we are offering deferral option. The one part I didn't mention is that 46% of the cost, and, in this lid for the non-habitat for humanity property owners is right-of-way acquisition so it's a simple stroke of the pen, one property owner could donate the right-of-way and we could eliminate 46% of the cost and drop that number substantially. That is not something that I have control over, but I want to emphasize to the council it's within their ability to significantly lower those costs. If council were not to approve this lid today, then what would happen is that pbot would sit back and wait for the property owners to pull building permits, by my rough calculations, an unsubsidized frontage improvement for \$43,000 would be \$147,476 and I don't want to put that property owner in the position of having to come up with that money with no deferral or financing option to build the required frontage improvements of the condition of getting a building permit.

Wheeler: I'm sorry commissioner Saltzman.

Saltzman: There was a woman who testified about doing something less than a standard street but still a street with, I forget we call that that program community something back under mayor Adams, something less than a full-blown standard street as an option for an lid. I wanted to ask about that and are we at loggerheads about the issue of closing the street? Are the neighbors -- that's their solution and ours is clearly not that?

Aebi: If I may I will try to be extremely brief. Let me take the second question first. I would be careful as a property owner in terms of what you wish for because I have done the lids before where people have had dead end streets that had to drive long distances out of direction to get to where they need to go, sometimes bad things happen, tend to happen at dead ends. Having a dead end street sort of introduces its own set of issues so as a property owner I would be careful what we wish for, but also just say that northeast 60th and Killingsworth has a traffic signal so it is a little difficult for me to rationalize why 57th would suddenly become an attractive cut-through street for people to drive north on 57th and wait against the traffic on 57th to turn onto Killingsworth when they have a signal at 60th and Killingsworth, and to respond to the first point commissioner, cost of hiring a contractor to do something or largely fixed if I go to a contractor and say instead of building a 22-foot wide street build an 18-foot wide street or god forbid build an 11-foot street. The contractor will not give me a 50% reduction on the bid because they have got to mobilize and build everything. So I think that pbot's perspective is if we are going to build a street

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here let's build it properly, something that lasts for the long-term and I think through a collaborative effort on the right-of-way acquisition, which again is 46% of the cost, of the lid, I think that we have tools at our disposal to bring the costs down to an reasonable level.

Saltzman: As late as 10:00 last night I know you were working with the neighbors on this so I am wondering should we give more time and see if there might be something, but it may not and may come down to us voting to overrule the remonstrances.

Aebi: What I am struggling with is I've been asked to do something that the cully neighborhood association doesn't support and I don't think that we can go there. What I am suggesting is we remove the emergency clause you are not making a decision today you have a week to think about this and you can decide what you want to do and what Danielle and I talked about this morning is I will probably meet with them this weekend, and I have other ideas that I don't want to cover now about traffic mitigation and some other things, and I just need some time to chew on that and we'll have that conversation. But I think that we need to have a decision next week because habitat can't wait forever to start, you know, addressing our affordable housing shortage in Portland.

Wheeler: Commissioner Fritz.

Fritz: The proposed width of the street is 22 feet.

Aebi: Curb to curb.

Fritz: Curb to curb, I have some of those in my neighborhood that are not conducive to people zipping through. That's a narrow street and this is unprecedented to be having the deferral for five years to adding the speed bumps in this part of it, all these other things have been added are things that no other neighborhood know what the lid is getting. So personally I think you have already gone the extra mile, and I would be reluctant to go further because I just don't see that the outcomes are going to be as feared just based on what happened in my neighborhood when a 22 foot street has gone in, it has not, in fact, it has taken away our ability for us to get out of our neighborhood during snow days because we no longer have potholes and to slow down the slide with the ice.

Fish: Mayor.

Wheeler: Commissioner Fish.

Fish: I think that the council is signaling where it may land on this, just for the record, in my service on the council I think that if I had to identify a person who is -- goes the extra mile routinely always in terms of doing a very difficult task it would be Andrew Aebi. Andrews an outstanding public servant. Mayor I would be comfortable removing the emergency clause and having an opportunity for one last conversation but I am prepared to vote on this and I am concerned we are going to lose a quorum and I may be part of the problem so I would urge us to make a decision.

Wheeler: Andrew has offered to meet with the neighbors, and the neighbors were all giving thumbs up they would like that opportunity. I don't see how waiting a week is going to make a lot of difference on this, so first I want to respect the fact that you have put a lot of time and energy into this and I want to be very clear I am not saying that you haven't, but I see one more opportunity here to close the gap with the neighbors. They have taken the time to be here today. Let's respect that so I would encourage us to move this to second reading and give Andrew that opportunity and the neighbors that last opportunity.

Aebi: I want to correct one thing I put in the email that a final vote would be on the 14th of march and not the 17th of march. That was a typo in my email this morning but with that I just recommend that council adopted the two amendments proposed to the ordinance, so at this point I think you are passing it to a final vote on the 14th.

Wheeler: That would be correct

Aebi: and I will have that meeting.

Wheeler: And if you have other ideas, come back and you and the neighborhood and the

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neighbors are in agreement, we would obviously entertain an amendment. So this is the first reading, non-emergency ordinance, it moves to second reading, as amended.

Wheeler: 225 I believe dan is going to pull that back to his office, but can you read it, please.

Item 225.

Wheeler: Dan has pulled that back to his office, Item 226 please, this is the second reading.

Item 226.

Wheeler: Call the roll.

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

Saltzman: I want to commend the Portland bureau of transportation folks who worked very hard on making sure that all people can have use of our streets and for events and other things and I think that they have come up with a very user friendly process to encourage that as well so good work. Aye.

Eudaly: Aye.

Wheeler: Aye the ordinance is adopted. Please call 227, also a second reading.

Item 227.

Wheeler: Call the roll.

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

Wheeler: Aye. The ordinance is adopted and last we have the four/fifth agenda. Please read the item.

Item 227-1

Wheeler: You have five minutes, I know you requested 20 but we are going to lose the quorum.

Saltzman: I have to leave in three minutes.

Chris Lindsey, Portland Police Bureau: We are here to answer any questions you have. We understand you are up against the clock. If you have any questions let us know we'll answer the as quickly as we can.

Wheeler: Colleagues any further questions?

Fritz: This is a grant application right?

Lindsey: Yes.

Fritz: If we get it we have to accept the grant and you can give us more?

Lindsey: Absolutely. Yes.

Wheeler: Very good.

Fritz: Looks like a very good purpose.

Wheeler: Any public testimony on this item?

Moore-Love: No one signed up.

Wheeler: Seeing none call the roll.

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

Wheeler: Aye. The ordinance is adopted. We are adjourned.

At 12:53 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.

March 7, 2018 2:00 PM

Wheeler: This is the afternoon meeting of the Portland city council on March 7, 2018 we are in session. Karla please call the roll.

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

Wheeler: And we have a statement from legal counsel.

Lauren King, Deputy City Attorney: Good afternoon. Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in the council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name, address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show support for something that is said, please feel free to do a thumbs up. If you express you do not support something, please feel free to do a thumbs down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Thank you very much we're here to hear public testimony on a few new central city 2035 amendments and then we'll take a deliberating vote on amendments subject to the public hearing January 18. Karla --

Fish: May I ask a procedural question? We'll get into this in the course of the hearing, but I can anticipate a situation where in a couple of the amendments because of the timing of some revisions and because of some outstanding questions by council, there may be a request on a couple to hold them over for later date. Do we in fact have one last day set aside for voting on whatever has not been -- do we have a save date?

Sallie Edmunds, Bureau of Planning and Sustainability: Yes, we do. We have next Thursday, March 15th, at 4:00 p.m.

Fish: So if anything does not get decided today it can be continued to next Thursday.

Edmunds: Yes.

Fish: Mayor, I want to foreshadow there's a couple of amendments and we'll take them up in the ordinary course where there's been some last minute changes. There will obviously be some questions by council on that and I hope that if there's a serious issue about wanting more information I hope that the council will consider postponing one or two if there's sufficient interest on council.

Wheeler: I certainly do not have any objections to that. We have gone down a long road on these thus far. Taking more time to do it right is absolutely the right thing. I'll await

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people flagging particular amendments they would like to hold off on or have further consideration of. So with that Karla would you mind reading all of the items for today, 228 through 231, please.

Item 228.

Item 229.

Item 230.

Item 231.

Wheeler: Very good. Let's start by going over the new amendments. We are going to not do them in order. Commissioner Saltzman is deployed on council business with the tax supervisory commission and will be here shortly. So I would like to hold off on the view from i-84 until last. Let's start with the upper hall amendment. Mindy, do you want to introduce the next amendment?

Mindy Brooks, Bureau of Planning and Sustainability: Yes.

Fish: What package are we on?

Brooks: We're on the new amendments package and then also handed out to you just today is this new maps piece. This is amendment c and d.

Fish: So we're just taking testimony today?

Brooks: Right. We will need a motion and second on these.

Wheeler: It would be helpful if you could explain the amendments first before we solicit a motion and a second.

Brooks: This is a new amendment to remove protections for the view of mounts Adams from southwest upper hall and restore existing heights to some of the properties within the view corridor. Southwest upper hall offers a view of the central city skyline all three areas mountains, mount st. Helens, mount Adams, mount hood, this is one of only two places in the central city where we protect the view of mount Adams. The view is ranked as one the best because of its panorama of the city and diversity. The map in front of you, this map, on your left shows the recommended heights and the amendment is on the right to remove the view corridor and increase the heights on those properties.

Wheeler: So I would like to just make a couple of comments on this. This view always ranks very, very high but it is the panorama of the city that leads it to be ranked high. It is true that mount Adams is in this view, but I would encourage people to take a look at the view. Mount Adams is about that much of the view. For my own part when a weighed the tradeoffs involved in this there are a number of bli properties or bli sites. –

Fritz: Bli?

Wheeler: Bli building land inventory. Is that correct?

Edmunds: Buildable lands inventory.

Wheeler: Buildable lands inventory sorry. From my perspective, while I love the entirety of the view and the entirety of the view is not going to change the panorama will continue to be protected there will not be a specific protection for the mount Adams piece of this view and I think that tradeoff is worthy. I would like to move it. I don't know if I have a second.

Eudaly: Second.

Wheeler: We have a motion and second. From there then we will move on, unless there's further discussion at the moment on that --

Fritz: Well I would just like to point out that council's consideration the difference we're talking about is not that much. That we're already -- there's a difference of maybe 30 feet, 65 feet. It's not that much. So continue to preserve that view.

Wheeler: Thanks. I appreciate it. Very good. So could we move to the top? We had a long council session this morning, so if I speak in a language that's indecipherable to you that's why. Could we please move to top of bank?

Brooks: Yes, so this amendment e. So on January 18th you heard testimony on previous amendments related to top of bank including the map and the default top of bank and later

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today you'll vote on those. This is a new and separate amendment. This amendment would remove a code subsection and figures that describes how to measure top of bank where there are structures on the riverbank. By removing a subsection of code the applicant and bds would use the new definition to determine on a case-by-case basis how to measure around structures.

Fish: This we're going to take testimony on today?

Brooks: Yes.

Wheeler: I would like to move this amendment. It's important that the zoning code clearly define the top of bank and sometimes it's difficult to identify docks or other structures. Since every sight we'll be considering is different I think it's important that we make the determination based on the individual sites themselves. That means more work, but I think it's also a more precise way of determining top of bank. I don't know if I have a second.

Fish: I have a question, mayor. This -- I'm not the expert on this subject, but this particular issue is very prominent in our conversations around superfund around bes, and frankly for me to understand this I would require a pretty significant briefing and understand the tradeoffs because this is my understanding is this is a departure from our existing policy. So, I'm pleased we're taking testimony today and not voting on it today but I want to flag that this is a departure and the bar is going to be pretty high for me as the mayor's partner on superfund and also as the commissioner in charge of bes to understand the logic behind this amendment.

Wheeler: Very good.

Fritz: Is that a second, commissioner Fish?

Fish: Well, I guess our policy is to second for purposes of a discussion so I'll do that.

Wheeler: I would certainly accept that and appreciate that. Commissioner Saltzman is obviously not with us yet. What is your preference? We could either go on to i-84 I hate to do that without Dan. Why don't we move to the minor amendments section if that's acceptable.

Fritz: Except this is just to put it on the table, right?

Wheeler: It is. I think Dan may have wanted to comment on this. Is that your understanding?

Brooks: Yes.

Wheeler: Let's try to drag this out a little bit. If he shows up great, if he doesn't we'll just put it on the table. So the minor amendments lets take a look at them. I don't know if anyone wants to pull any specific item off of the minor amendments package.

Fritz: M, please. As in mother.

Wheeler: M as in mother is being pulled by commissioner Fritz. Any others that people would like to pull from the amendment package?

Eudaly: No.

Wheeler: Why don't we do this, why don't we go ahead and get an explanation of amendment m and see where we are as to whether or not we want to add that to the overall package or remove it.

Edmunds: Sure. Amendment m is just additional commentary to add to the package to clarify that the maritime transportation security act allows regulated facilities to have some flexibility in how they design their sites and their security plans to protect the sites to address different threat levels in different ways. So when the city enters into an easement with the property owner for a trail or something like that, that easement can allow reasonable trail closures or limits when necessary to address higher threat levels.

Fish: If I could ask, that allows the maritime transportation -- what is it? Maritime transportation safety administration to make that judgment?

Edmunds: The maritime transportation security act is an act that came into play --

Fish: Who gets to make the decision?

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Edmunds: The coast guard reviews those security plans.

Fish: Coast guard currently determines when bridges go up and down, for example. One thing that's different about this as I understand it is that mtsa plans are confidential.

Edmunds: They are.

Fish: So how do we have recourse if under this there's a significant long term blockage or impenitent to a greenway and we can't get the relevant information to respond?

King: I'm not sure we know the answer to that. We have reached out to a number of municipalities that -- San Diego, New York, Seattle that have trails along the waterfront and they have not yet experienced a conflict between the mtsa and zoning code. I don't know if we have clear guidance on recourse around that, but --

Fish: I can tell you that ever since I learned about Marbury versus Madison in law school I'm confident the feds would have the advantage.

Brooks: I agree.

Fish: Since we are talking about potentially significant and long term infringement on greenway access I think we would want to clarify the procedures are so that we don't have some decision made that impacts a greenway for which we have no recourse.

Fritz: I guess I would have the opposite idea and that is this is proposed to be added to the commentary. I think that makes it less clear than more clear and since as you said commissioner the feds have the authority to what they are going to do anyway I don't see why we would have it in the commentary of our code. We don't usually reference state law or federal law in the zoning code.

Fish: That's a good point. If the federal government can already claim some authority to do something why would it be in the commentary? It would appear to be redundant.

Edmunds: We received a request to include this in the code and felt it was inappropriate to have it within the zoning code. We thought that including a reference in the commentary would make it -- make sure that people are aware of the maritime transportation security act and that these security plans might be in place that could prevent a trail from being open all the time.

Wheeler: The concern if I could just be very explicit, the Portland spirit folks have come in and testified that they had a concern that if we originally what they wanted was to have it in the zoning code because their concern was the federal government could deny them a permit they need to be able to operate based on their inability to control the walkway. So we have sort of a chicken and egg thing going on here in that I happen to personally believe that you're right, commissioner Fish, if the federal government comes in and says close the walk for out of the interests of national security I don't see us standing in their way. On the other hand, we had a constituent come in and testify and ask that we put it into the code. The bureau then came back with a counterproposal which was to put it in the form of commentary. That's how this ended up here.

Fish: Again we'll come back to this. Even though the -- we don't control the bridges and the coast guard gets to make those decisions, we do have a government to government relationship with the coast guard and I think we're able to discourage them from permanently lifting bridges during rush hour, for example. If an mtsa plan is confidential and there's a national security overlay I think I just fear that we are potentially putting our oversight at risk and there could be an unintended consequence. I don't know whether there is a unintended consequence, but I'm concerned enough to raise it.

Wheeler: It's my understanding commentary does not actually need a motion or second, but I'm hearing a strong request from commissioner Fish and please correct me if I'm wrong commissioner, to put this in the parking lot for further conversation.

Fish: We can take testimony today.

Wheeler: We certainly could. That covers the additional commentary section as well. My understanding is then nobody needs to pull any of those amendments listed as minor or

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technical amendments in section 2. Is that correct? If that is correct then I move the minor amendments.

Fish: Second.

Wheeler: We have a motion and second on the new minor and technical amendments in terms of additional commentary, that will go into the parking lot. Commissioner Saltzman, we skipped over the view from i-84 in the new amendments section. We wanted you to be here for that conversation.

Saltzman: Thank you, mayor. I would like to move -- talking about amendment 1?

Wheeler: Yes, this is the view of the central city skyline from the overpass.

Saltzman: I would like to move this amendment. I'm satisfied with this alignment as I understand it meets both odot and pbob's needs while not impacting private property owners. I appreciate the work of staff making that so.

Wheeler: I'll second this. I think this is a great resolution. I appreciate moving forward into the design phase with this new viewpoint taken into consideration. It's great and I appreciate the work of the bureau and I appreciate commissioner Saltzman, so that is now on the table. So unless I'm mistaken I believe we have public testimony. I should have asked, is there anything else that any commissioners would like to add at this point or are we ready for public testimony? Looks like we're good to go. How many people are signed up Karla?

Moore-Love: I show six right now.

Wheeler: Very good.

Fritz: I just have a question is the salmon springs view corridor that's in the next --

Wheeler: Next portion.

Fish: Karla, these are people who testified on this packet of amendments or generally?

Moore-Love: There was a spot to sign up for amendments, but I don't see anything specially.

Wheeler: Just to be clear right now we just need public testimony on the amendments we have just discussed. There will be further opportunities on other amendments later in the program. Just to review, that is the i-84 view amendment. That includes the upper hall street view amendment. That's the one pertaining to mount Adams. That includes the discussion around top of bank, and that includes the minor amendments package that we just discussed and we would certainly like people's thoughts on the commentary around the maritime transportation security act allowance of facilities to be closed in the event of a federal closure.

Edmunds: Just one more thing, mayor. I believe that this will be our last hearing on central city 2035, so just wanted you to know that.

[speaking simultaneously]

King: To clarify, sally, you're indicating the mayor had said there would be opportunity for further testimony. Generally. You're clarifying that that's not currently packaged. It's just testimony on the amendments.

Edmunds: That's correct. We are asking that the record be held open until this Friday at noon, but this is the opportunity for oral testimony.

Wheeler: Today.

Edmunds: Yes.

Wheeler: There's only six people signed up. If you want to testify today come on up when your name is called, lets just simplify this. We'll sort out the details later. If you're here to testify, come on up and we'll sort it out.

Wheeler: Come on up, name for the record. We don't need your address and we find out Sherry that the microphone that's about this far apart is about right and they slide all over there.

Sherry Salomon: Let me know how I'm doing. Okay?

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Wheeler: You're doing great.

Sherry Salomon: As you know we live in goose hollow. This is about the upper hall, you know we are adamant supporters of views. Given that I will start out with one, Daniel will do 2 and Steve will do 3. Good afternoon, mayor, members of the council. In 1970, the famous architecture critic ada Louise Huxtable came to Portland and she didn't like what she saw. Writing in the "New York times" she heaps scorn on the rose city for accepting a generation of bland corporate "towers and bunkers" that spoiled the unique natural and built heritage of our city. She said Portland had a "better than average assortment of anywhere usa products with interchangeable towers and plazas multiplying a slick, redundant formula in style, scale and impact it will be alien corn in every sense of the word". She also reminded us --

Fish: Mayor I move those words stricken from the record from the point of view of community pride. [laughter]

Wheeler: Ignore him.

Fritz: We have had a long day. Sorry.

Sherry Salomon: Okay. She reminded us of what we do have and need to protect. Including "small scaled comfortably pedestrian streets this is a dream world utopia, a city blessed by nature and by man. It is so lovely that Portlanders are lulled into a false security about its urban health". About the new buildings she said, "no one has stopped looking at the tops of these buildings long enough to see what is happening on the ground. Each one of contributing to a devitalization of our city". Of the city. Meaning our city, of course. Two years later Portland adopted the landmark 1972 plan and the city committed to preserving and building on its walkable urban heritage. Many of those successes came only after long fights by neighborhood activists such as myself. How ironic that we now seem to be sliding back into the same bland, ugly formulas driven by questionable logic and faulty reasoning and attacks on the same neighborhood activists. For shame: I give Ms. Huxtable the last word from 1970. She said, "against the suave shlauck of some of Portland's current architectural imports mount hood doesn't stand a chance". Thank you.

Wheeler: Thank you.

Daniel Salomon: Shall I state my name?

Wheeler: Yes, just name for the record is fine.

Daniel Salomon: Daniel salmon. Good morning mayor and members of the council. Recently Rachel Monahan of Willamette week wrote an article framing the current challenge for Portland as a fight between private residents seeking to preserve views from their buildings and the public interests of all who seek more affordable equitable housing. With due respect this point miss Monahan is dead wrong. Unfortunately, she repeats many lies that are in common currency just now. Let me state several of them. It is a lie that we cannot address the housing shortage and preserve what Portland made a wonderful place to live in the first place. It is a lie that jamming in a few hundred more housing units on top of a tall building in the core will make a significant dent in our regional housing crisis whole scale is in the hundreds of thousands. It is a lie that anyone who cares about the iconic views of mount hood from vista bridge or salmon spring, the views that appear on postcards and a tv show Portlandia and many other places cares only about a private amenity. In fact this is the most public of amenities. There are assets we all own, part of our public realm and it is others who are privatizing them and selling off our birth right for a quick buck or campaign donation. It is a lie that neighborhood associations are opposing diversity and equality and those who are racing towards demolition of our heritage are angels of virtue. In fact in my opinion they are the worst kind ever scoundrel. Wrapping themselves in political correctness, they demonize the elderly, the concerned, and the champions of livability without which Portland is simply not Portland. Thank you.

Wheeler: Thank you. Welcome. Good afternoon.

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Steve Salomon: Good afternoon, mayor and members of the council I'm Steve Salomon. We're here to talk about the central city 2035 plan and the need to preserve our iconic views, but I would like to talk about the background of where we are and how we got here. We are in a panic to add housing units in order to address shortage of housing in the region, in the growing lack of affordable housing. We do need to add housing units and there are many good projects to do that, but there are good ways and bad ways to do that. If a surgeon says I need surgery, that may be true, but it doesn't mean he should use a chainsaw. One of the big fallacies of this time is the idea that tall buildings are required for Portland to get significant density. Someone should inform Paris and Copenhagen then. Those cities are vastly more dense than Portland without tall buildings. On the other hand, Houston and Atlanta do have very tall buildings, yet they are much lower in density. Do we really envy them? A second fallacy is adding units on tall buildings will help with our affordability crisis, but the units in tall buildings are much more expensive, not only because of the premium views but the much higher cost of construction. There are people who want you to believe these fallacies because they are going to make much more money in the process or perhaps they have unexamined ideologies about density and equity. The members of the council with respect your job is to ask hard questions, to learn and grow, and not take these plausible sounding fallacies at face value. How terrible it would be if we surrender our common heritage, our iconic views and the equality of our public realm to a privatized regime and then did not get more affordable housing or better equity, but only an uglier, more divided city. Please consider what a terrible historic mistake that would be. Thank you.

Wheeler: Thank you, sir. Appreciate all three of you.

Sherry Salomon: Would you like a copy?

Wheeler: Yes, please. If you give it to Karla she will make sure we all get a copy thank you for that.

Wheeler: Good afternoon. Welcome.

Aesha Lorenz: Thank you. I did testify before. I want to make this short and sweet. Please --

Wheeler: I'm sorry, I need your name for the record I apologize.

Lorenz: I'm sorry yes, Aesha Lorenz and I'm the secretary for swhrl southwest hills residential league. Please don't withdraw the view corridor to see mount hood from salmon springs. Also the vista Bridge view is very important to us as residents and voters. Thank you.

Wheeler: Short, to the point. Thank you. Good afternoon.

Mark Velky: Good afternoon. Mayor, commissioners, thank you for the opportunity to testify. My name is mark Velky and I wanted to discuss the views from southwest upper hall. Please do not mess with these views. Let me quote from the packet that I was handed today after getting here. It says, the view was ranked one of the best views by an expert panel because of its panorama and visual diversity. So it's not broken, it doesn't need to be fixed and I was listening when Sallie, I'm not sure of her last name, from the bps rep, said there's only two views like this left. So why would we want to narrow that down to one? There's only two of them left. Let's keep both of them. You may recall the last time I was here I quoted spock from the wrath of khan. The needs of the many outweigh the needs of the few. To me, all of these view issues, the many are we. All the citizens of Portland. The few are the top 1% that can afford to live in the upper floors of all these high rises and block the views for the other 99% of us. So please as the current city leadership, keep the views that the city leadership before you have been protecting since 1851. Thank you.

Wheeler: Thank you both for your testimony. That concludes, then, our hearing on the new amendments, the oral record is now closed on those. The written record is going to remain open until Friday, March 9th, at noon and we'll come back on Thursday, March 15,

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at 4:00 p.m. to vote on those items. That will of course be publicly noticed if you didn't catch all of that. I would like to move on to deliberations on the amendments in the amendments report Sallie do you want to introduce this part of the meeting.

Edmunds: Sure, so we're here to vote, deliberate and vote on the amendments that were in the amendments report that you heard a hearing on, on January 18th. It includes this amendments report and this green sheet, this was the subject of the January 18 meeting. So you have in front of you a yellow piece of paper, and this is sort of your guide to the next steps here. First of all, we are hoping that -- we understand that there are a couple of amendments that commissioners would like to withdraw, so we would do that first. Then there are a few amendments that were in this package that are related to amendments that you just heard testimony on, so we were hoping to hold some of those for the march 15 vote and you'll notice, commissioner Fish, that we were going to hold over the top of bank, but we split that into two now, so you could vote on the definition at this meeting and consider these others at a future meeting. So then the next step is the proposed consent amendment package. That includes everything else that was part of this package except the ones I have mentioned and also except for a list that's on the very back under item 4. So there's a list of four topics that we think that council would want to vote on separately. That's the Morrison bridge head historic height in new japan town Chinatown, the view of vista bridge and river place. Starting with the withdrawal amendments I think would be a good place to start.

Wheeler: Very good, so there's a few amendments that council members would like to withdraw. Commissioner Saltzman do you have one?

Saltzman: I would like to withdraw the neighborhood greenway project list 2b number nine. This amendment is no longer needed. The two projects can stay in the transportation system plan's project list and can be adopted through central city 2035. The neighborhoods agree with this approach and have said if refinements are needed they should be done through the northwest in motion planning process which is kicking off in April of this year.

Wheeler: So, commissioner Saltzman withdraws amendment number 9 within the amendments report volume 2b tsp. So this wouldn't be a hearing without something controversial to dig into and provide commentary for. As everybody here knows, I asked that view of mount hood and salmon springs be discussed so I brought forward an amendment for the purpose of discussion. I also said at that very first hearing that I was mindful of the fact that the planning and sustainability commission had had hearings on this subject and that they had taken a very difficult and principled vote on that issue. We heard a tremendous amount of testimony on this issue, and I have come to the conclusion that on balance, although it is a close call, I believe it is in the public interest to withdraw this amendment. The reason I make that case is that while I do love that view, and I want to be very clear about it, I do love that view, there are other views that are protected of mount hood. We have just added the Tilikum crossing recently. There's also a protected view of mount hood from both the vista bridge and the rose garden, and amendments notwithstanding, in one case from the rose garden it's actually expanded. In the case of the vista bridge, the worst case scenario is the view corridor will continue to exist from the vista bridge, but I want to respect the fact that we heard a tremendous amount of testimony. I agree with the planning and sustainability commission that if you go to ground level and you put the view corridor in and it has to look like a piece of pie it actually cuts a wide swath through at the central east side industrial area where we have significant plans in place for jobs and it certainly has an impact well beyond that as well. Not insignificantly there's also some logistical issues. They are sort of the minor part of my argument, but people have already paid into a local improvement district with the assumption that there would be development in that area. We would have to find a way to refund the payments

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for that local improvement district should we decide not to go forward with the planning that has been put into place in that particular area. So it is my request that we withdraw this amendment.

Fritz: May I speak in opposition to the withdrawal?

Wheeler: I believe I have the right to withdraw it, however, I believe you also have the right to put it back on the table. Is that correct? I guess I'll look at legal counsel.

King: Yes. So if you withdraw an amendment that you made or a motion you made someone can object to that withdrawal and it stays on the table.

Wheeler: Very good. I hear an objection. Commissioner Fritz.

Fritz: Thank you. I'm going to pass out a memo that Mindy Brooks sent to me. I was exactly where you just said verbatim until about a month or so ago when parks director Mike Abbate asked me to take another look at this particular issue and I thought as do you, mayor there are other places where there are views of Mount Hood. What I had not realized is that of all the places where one can currently see Mount Hood from the Greenway and from the waterfront park and south waterfront area they are all going away. There are currently nine places where you can see it and they are all going away. So if you turn to the second page of these illustrations and there were some misleading images in the record which is the other reason I kind of wanted to discuss this to make sure we have the accurate information in the record. Figure 3 shows in fact what will happen if it's built out with the existing height allowances and then figure 4 shows what the view would be if we and recommended means my recommendation in height limits if we did preserve that one view and it just seems to me that getting to the rose garden is challenging, getting to the Vista Bridge is challenging. The place where a lot of people can easily congregate is waterfront park. That's the place where people do congregate. Although there will be the need to pay back some of the -- on the third page we need to outline what would be the economic impact and it is significant. I also am always mindful that the central east side said this was a compromise. I just think on balance we have compromised too far in the way of allowing development and getting rid of this final view which you think about the one place that is the most important view it would probably be the Salmon Street Springs. So I'm in favor of protecting that view.

Wheeler: Very well and it's my understanding -- sorry. I apologize. Pepparoni for me, please.

King: Multi-tasking. Dealing with future issues. Go ahead.

Wheeler: So it's my understanding, I want to make sure procedurally have this correct. With commissioner Fritz's objection the amendment does stay on the table. Is that correct?

King: Yes.

Wheeler: And so no further action is required at this particular time.

King: No.

Fish: May I ask a question? If procedural you need a second to put something on the table, why wouldn't you need a second to remove it? Cause then what you're saying is it's being restored with one vote and that's inconsistent with how we did the original amendment process. If the objection to the withdrawal is the equivalent of placing it back on the table.

King: I understand your thinking. My understanding, though, is what the charter requires is a motion and second to put an amendment on the table. We have interpreted it in our office that someone can then withdraw that amendment. I guess if someone objects to that withdrawal it remains on the table because technically that second still exists. Are you saying if the second is the same person that's objecting to the motion then that creates a conflict?

Fish: I'm learning as you speak. It seems to me that the same rule should apply to overturning a withdrawal motion that you have to meet in the first instance to put the

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motion on table which is it requires two council votes. Otherwise we're now starting to sound like the united states senate where a single vote has more power than a second procedurally but if -- I'm out of my territory. I haven't done a central city 2035 before. If that's the rule, I will follow your advice.

King: That's been my understanding. We have discussed it in our office about what would happen when there's an objection, but I can confirm if you would like to hold off on this and see if a second is needed.

Wheeler: We'll be here for a few more minutes.

King: I actually have someone on the line. [laughter]

Fritz: We also, we do have this second meeting set so we could just set it over and get more considered --

Fish: I'm just as -- a member of the council I'm interested in what are the basic rules that apply and how do we apply them. I'm not picking a fight on your guidance is. It just seems counterintuitive.

King: Understood and I had similar reaction initially. We will spend a little more time thinking about that. My initial assumption is because the charter does not contemplate objections that it's going to come back to what Robert's rules says but I will confirm.

Wheeler: Ok so if we can get that figured out before the end of the meeting that's great otherwise we'll hold that question over and legal counsel will do their research. Is that acceptable to everybody? Good. Is there anything else anyone would like to withdraw? We'll move on to the minor and technical amendments minus the amendments we're handling separately as noted. In the right hand column is what staff thinks is a consent package. I want to confirm that. Remember that we're referencing the march 7 version of the attachment to its called the guide to central city 2035 council vote on amendments it was distributed earlier today. I would like to start by asking if any council member would like to remove an item from the minor and technical amendments to discuss individually. If so now would be the time to request that.

Fish: So can I make sure I have the right document? How many. This one.

*****: Yellow.

Fish: Talking about proposed consent amendment package?

Edmunds: Roman numeral 3. All of the items that do not have a reference in the right hand column are included in that.

Fish: To a separate vote.

Edmund: Correct.

Fish: I have one question off of this. Have we worked out all -- by being on the consent list that means that all the issues that we have taken up around eco-roof requirements have been resolved, all the issues around bird safe window standards have been resolved. Whatever we heard from either colleagues or the public on that has been resolved for purposes of consent?

*****: That's our understanding.

Edmunds: We believe so.

Wheeler: Very good. Are there any items from the minor and technical amendment list anyone would like to withdraw individually? Hearing none, I move all the minor and technical amendments. Do I have a second?

Saltzman: Second.

Wheeler: I have a second from commissioner Saltzman.

Fish: I have a question.

Wheeler: Commissioner Fish.

Fish: I see that you've done a great job giving us this sheet. It doesn't dovetail with the cheat sheet that Jamie gave me. I'm just trying to put them together. I had a question on the revised urban design policy for goose hollow, which I guess is number 4 on the

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consent package and this is just for my own edification. When we add language that says to retain the personality and character of goose hollow, are we giving that neighborhood a different designation that we give to other neighborhoods? I think there's probably 95 neighborhoods that would want to say retain the personality and character of my neighborhood. Is that already baked into the code? Is that baked into the proposal and we're just adding this because it was left out, or is there something unique about goose hollow where we're preferencing?

Rachel Hoy, Bureau of Planning and Sustainability: I think in this particular case goose hollow they did request the change to the policy and it does really focus on preservation and rehabilitation of existing buildings. So the interest here is because within the district we have a number of older and existing buildings they would like to see retained we felt that it was appropriate to add that information.

Fish: So again, I ask this question out of complete ignorance, does that designation therefore mean that every time we have a land use case demolition permit before us, a urm issue or something that this designation substantively affects the way we have to look at the question?

Hoy: It's a policy, so it's guidance, but any building that is landmark would come to council for demolition review, so this body would have an opportunity to review that. And again this is policy language that I think you may look to but every situation will be different depending on the building that is under review.

Fish: Okay. Mayor, do you understand where I'm going on this one?

Wheeler: I do.

Fish: I think there is a unique personality and character to goose hollow. It's a very special place. I want to make sure that we're not simply revising an urban design policy in effect changing the whole way we do a bunch of things that come to us and saying of 95 neighborhoods this has such unique character and history that we have to in effect change the rules that we apply to them in land use proceedings, urms and other issues.

Wheeler: So commissioner Fish is it your desire to, you can pull that one out.

Fish: I'm trying to establish legislative history and what I'm hearing is it's a policy that we can balance against other policies but it doesn't fundamentally alter the playing field under which we're going to hear traditional land use matters. Is that correct?

Hoy: That's correct. And this is a policy to be clear within our policy document we do have policies specific to each of our districts, so this is one of those policies that is specific to the district and in fact we may have others that in west end and downtown that may be very specific as is this to the district.

Wheeler: I want to acknowledge what commissioner Fish is saying because I see exactly where he's going with this and what he's suggesting. We're in a dynamic, changing city and there are many good things about that but there's also burdens that have to be shared equitably with regard to those changes. If I could paraphrase what commissioner Fish is saying he's concerned that we're starting to lock our options down on a neighborhood by neighborhood basis. I for one would not necessarily want to do that, but if I'm hearing you correctly that's not what you think is happening here.

Hoy: I don't believe so. I think commissioner Fish, as your recent response, we look to our policies and on balance with other policies and what's going on within the district we would weigh all of those together and you're meeting multiple objectives and policies within these districts.

Fish: I would say based on this exchange, I'm comfortable with that, with the inclusion of number 4.

Wheeler: Very good and that's already been moved and seconded. Next we'll move to amendments that we're going to discuss one at a time and those are on the very back page.

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Fritz: I think we need to vote –

Edmunds: Yes, please vote on that package.

Wheeler: You want us to actually take the vote? Very good. Please call the roll.

Fritz: This is one vote where there's a lot of things in it. Thank you for all your work. Aye.

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

Wheeler: Aye. The minor and technical amendments are adopted. Next we're going to look at the amendments to be voted on separately those are in section 4 page 4 of the yellow sheet. We'll start with amendment 16, the height at the Morrison bridge head.

Rachel, could you please provide a brief overview of this particular item?

Hoy: Certainly. Just to overview the amendment that is put forward is to maintain the base height of 75 feet at the Morrison bridge head and remove the bonus height increase of up to 250 feet for the parcels at the bridge head and this is again on the west side of the Willamette river. Your picture here on the power point shows the amendment put forward by commissioner Fritz to keep the base height at 75 feet then to the right is the picture with the base height at 75 and the bonus to 250, and the amendment is to remove that bonus height. Remove the bonus height of 250 and just maintain the height at 75 feet.

Wheeler: Commissioner Fritz do you have further comments?

Fritz: Yes, council under mayor Hales voted this change to support the James beard market at this location. The James beard market is not going to be at this location. The step-down to the river is not maintained under the proposed heights here although it looks like it is on the right hand picture, the property behind which is bank of America and where we see some testimony from them their building is not going to be redeveloped before 2035, so it would actually step up to the river if we adopt this change. The 75 is consistent, all the way along here is 75. Its got the skidmore design historic district one side, the Yamhill historic district on the other side. It's a difficult site to develop anyway but to suggest we could change all of the on-ramps and allow a huge development here which commissioner Fish in hearing likened to the one on the other ends of the Burnside bridge which is really out of place, I believe this is ill-advised.

Fish: I have a question I would like to ask to our chief planner.

Wheeler: Commissioner Fish.

Fish: We have had commissioner Fritz allude to the Burnside bridge head. I think a number of us have not been shy about our views about the design elements of the most prominent building in the Burnside bridge on the east side but that's a separate question from whether we should allow additional height and what's the function of building upper bridge head. Joe could you remind me what the planning bureau believes is the benefit of having taller, more iconic structures as a bridge head?

Joe Zehnder, Bureau of Planning and Sustainability: Yes. Specifically the bridge heads along the Willamette on the west side of the river, a big part of the intention is to move more active use and development to the waterfront to take advantage of the waterfront park, help animate waterfront park. They also have an urban design place as the gateways into the central city from the east and in terms of it as a marker for that, it's an appropriate place for additional height as well. We looked at the impact of additional height and the third one, especially for the Morrison bridge head, these are very difficult sites. So, we have a prime location important for the vitality of Washington waterfront park, that's also a really difficult site to develop because of the ramps and access, so we thought the additional height allows a wider range of design solutions and moves that might lead sooner than later to enough development on the site that could warrant reconfigures ration of the ramps that could carry that cost. So, that was the original thinking behind this.

Wheeler: Joe, commissioner Fritz makes a good point that there are some buildings that are relatively new in the last 20, 25 years, they will be around for a while. Their heights are lower than what is proposed under the recommended draft height. I know that in the

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materials you had suggested this still responsibly reflects the stepping down to the river by virtue the heights along the transit corridor are still much higher than the riverfront. How would you respond to commissioner Fritz's concern that in the near term you have a number of buildings that are in fact going to be lower on the west side of this proposed zoning change?

Zehnder: You know, just in preparation for another presentation I was looking at properties that were moved or demoed for previous major developments in the central city. For instance the Benson hotel back when it was first built and those buildings that we took out there were 20 years old. So the time period even though much of this looks permanent and lasting, we're planning when we set these heights and these development entitlements for a longer period of time. Yes, the commissioner is right that this could be if it got built that way blocking views of a building that's adjacent to it but in the long run the gradient of height that we want up from the waterfront would even allow taller buildings on the building that today is a little bit shorter that would be blocked.

Wheeler: Could you tell me a little bit about activation? You mentioned activating the waterfront. I think I know what you're referring to, more people, more activity, more commerce. Is that what you're talking about or are you talking about something different?

Zehnder: No, no that's exactly it this is how the place is used. We're talking about buildings, so it seems like it's architectural discussion but really it's the number of people working, the number of people living next to this great thing that we have built for the benefit of all our citizens, waterfront park. Part of a piece that's been escaping us through all this central city planning over the decades is how to bring more 24-hour regular life throughout the seasons to waterfront park. And a big measure of success or move used in other cities is have more life that's by the park for whom that's not just their civic space but their day-to-day respite and place to get out and escape.

Fish: Mayor may I add one other comment?

Wheeler: Commissioner Fish.

Fish: Joe, the other I think question that comes up here is, is the question of the aesthetics of a building that's in such a prominent location. Again I don't want to beat a dead horse about another building and another bridge head, but if you accept everything that you have put forth about the challenges of building in this site, the gateway component, the activating the riverfront, the creating more mixed uses along the park and other things which I think are very compelling arguments, how do we also ensure that whatever building is built there is -- in a very prominent location is built to the kind of design standards that we had hoped?

Zehnder: Good question. Because actually, the design especially the ground plain design if you're trying -- is critical to the success of these buildings. Even though we're talking about tall buildings and you would think that we're talking about the tops of the buildings it's the ground plain where people go to waterfront park and that activates that space. The next thing we're doing after adoption of the central city 2035 plan is updating what we call the central city fundamental design guidelines. We have a system in place that where we're reengineering through one process to try to get it to work more efficiently and effectively. Design review is what I'm talking about and the tool that they use is the central city is called the central city fundamentals and we're about to update those and that will be a place where I think we can make the point and draw special higher standard of expectations or clarity about the level of expectations we have for important sites like this.

Wheeler: Commissioner Fritz.

Fritz: Commissioner Saltzman has that turn.

Wheeler: I'm sorry commissioner Saltzman.

Saltzman: Well, I guess I wanted a clarification, are we voting on this today?

Wheeler: Correct.

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Saltzman: I don't have anything to say.

Wheeler: Commissioner Fritz you had a comment.

Fritz: I have three additional points. One is we heard a lot of testimony from the central east side very concerned about the proposal to in any way interfere with access for freight to and from the central east side. Specifically the comprehensive plan policies about this which calls about improving access to and from the district. So I think that that's one factor to be considered and I think we need truth in zoning on this site, that it's going to be difficult to develop even a small amount, developing a large amount would be even more difficult. There's a contract of purchase from Multnomah county that specifies they have to have access to the bridge to be able to maintain it. The diagram we show of the zoning map is actually quite misleading because it's not a single block it's got the bridge access and everything with it. Finally, we want different areas of the greenway to have different feel. We have south waterfront where we have the very high towers relatively near the greenway. We're going to have a new district in the river district that we just discussed this morning which is going to have its own different kinds of feel. The feel of waterfront park in this particular stretch is at the 75 foot more historic nature. We've got the firehouse on naito that's a beautiful thing. To put two towers which would literally stick up like sore thumbs in the middle of a section which is known for its kind of grassy vista and the feeling that you have approach the river rather than -- I think that's the issue. You're talking about a gateway to the city. I'm talking about the feel of at the river. If we want to make the river the center then we have to make sure that the buildings step down so that it's the river and the waterfront park one notices rather than this walking great building.

Saltzman: I want to add, I have listened to both arguments and I guess when I think about that stretch of the Willamette river, a stretch of downtown, to me it's one of the most derelict stretches of downtown we have. We have restaurants that change ownership every year because they can't survive. We have dimly lit buildings. We have unattractive buildings and I guess I wonder if we keep the height at 75 feet, I think the point is are we ever going to succeed in activating the waterfront because the challenges are daunting with that site as we all acknowledge and you're probably not going to overcome those challenges with a 75 foot height maximum. So I guess I'm kind of inclined to support what joe was saying you maybe need that height in order to catapult or -- yeah, catapult some sort of development there at the bridge head.

Wheeler: Any further conversation before I call the question? Karla please call the roll.

Fritz: This amendment is very important to me. Aye.

Fish: This is a close call and I appreciate the discussion, but the more I think about it, I do believe that the more important component here is activating this site, creating some vitality, taking some chances and while I'm no fan of the Burnside bridge head building on the east side, I'm not opposed to the idea of creating an iconic location. Again, close call but I respectfully vote no on the amendment.

Saltzman: No. **Eudaly:** No.

Wheeler: No. The amendment fails. New chinatown/japantown height. That's amendment item 18. Rachel?

Hoy: So this amendment increases building heights on four blocks in the new chinatown/japantown historic district from 125 feet to 160 feet. As shown on your map here in the gray shaded area. So the two maps that are provided, the one on the left is what is in the recommended draft at 125 feet for those four blocks. Mayor wheeler, your amendment on the table is to increase the height to 160 on those four blocks.

Wheeler: That's still a decrease from the 350 foot heights that exist today. Obviously those height limits predate the creation of the historic district. So, that's one of the things I'm taking into account with this amendment. I think it brings our regulations into alignment with the original objectives of the historic district. By way of comparison, the 160 foot

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height of the pacific tower, which is right next door, I think provides us with a solid basis both from a planning and legal perspective in terms of setting the heights on the four blocks of the 160 foot level. It's my understanding from the staff analysis that the full base and bonus far utilization is possible at a height of 160 feet, which makes it more compelling. I don't know if there's other thoughts from my colleagues.

Eudaly: I have a question.

Wheeler: Commissioner Eudaly.

Eudaly: As we have heard before our chinatown/japantown historic district is small and somewhat vulnerable. So my main concern with this amendment is whether or not it may imperil the historic designation and cause therefore cause the rest of the properties to lose their status and tax abatement or reduction.

Hoy: Thank you. That's a good question. I think that one point I would make is that for our historic districts and the landmarks commission are the gate keeper for these districts and reviewing and approving projects. I think the landmarks commission will monitor the heights in these districts and if there's a potential for unraveling of the district, they would look at that closely as they consider the heights. In this particular case this reduction, the heights that exist today in the district can go to 325, so 160 is still quite a decrease in height. There is a building that is within the district, the pacific tower at 160, and we have also through this project in the east grand avenue historic district in central east side, the proposal is for the heights up to 160. We are also trying to be consistent in that approach.

Fritz: Did the landmarks commission ask us not to do this?

Hoy: That's correct. The landmarks commission in their testimony they did feel that the 160 was still high.

Fritz: And I think they asked us to specifically again have truth in zoning because its very difficult for them to say no to applicants when they come in and they say we are allowed to do this. What's the height of the tallest contributing property in the district right now?

Hoy: That's a good question. I'm going to ask Brandon is here. Yes, Brandon is going to have these answers.

Fritz: Thank you.

Brandon Spencer-Hartle, Bureau of Planning and Sustainability: Mayor, commissioners Brandon Spencer-Hartle, historic resources program manager at bureau of planning and sustainability. The tallest contributing building in the district is the prosper Portland building, which is around 85 feet in height. That is just south of Everett.

Fritz: So, this would be double the height of that.

Spencer-Hartle: That's right.

Fritz: Do you have any other thoughts from the landmarks commission?

Spencer-Hartle: So one thing I will say is that council adopted in October new design guidelines to be used in this historic district. Then guidelines don't specify the height as a standard. They do talk about relationship with existing buildings. So the commission regardless of what height you set will be looking at a site specific response for new infill development. They do have the review authority to deny a project which could bring it to this body on appeal for a broader discussion about where the concern about unraveling the district may come from.

Fish: Can I make a comment? One thing about this one that just on an equitable level I feel bad about is that you have a property owner that's covered by what we're about to do from -- it's a long time long term owner of a piece of property and a family that's done a lot for our community, who as a result of this action is going to see the maximum height on a piece of property held over time cut in less than half. There may be no way around this given the balance of maintaining the integrity of the historic district and the absence of -- other comparatives. But I don't want us to lose sight of the fact that someone who has purchased and retained for a long time a piece of property that as of right could have been

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developed to twice the height that we're proposing here is going to take about a 55% haircut. I appreciate all the arguments about context and historical districts and all the things we're trying to balance, but I also have to say I'm sympathetic to someone who has just seen essentially a nest egg in something that he's invested in over the time significantly reduced in value because of what we're doing. So, I don't want to lose track of that part of this.

Spencer-Hartle: If I may, commissioners, one of the considerations that we had in all the historic districts was the existing floor area ratio on the properties and so what we didn't do is lower heights so far that one could not use their base and in many cases the bonus far on the site thinking that in the future there may be further opportunities for refinement or review for specific districts. In this case at the 125 foot height level we believe that the property owner could use their base height at the 160 foot level they could use their base and 3-1 bonus height. We thought about what the existing far entitlement in addition to the height entitlement was for specific sites recognizing that we have a floor area transfer program. If we set the height so high one may transfer far from other places that sets up a dynamic that landmarks commission is concerned about and for those contributing buildings which there are many north of Everett property owners can transfer their floor area ratio off of the building somewhere else.

Wheeler: Any further questions on this item before I call the question? Please call the roll Karla.

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

Wheeler: Aye. The amendment is adopted. Next item. View of the vista bridge. This is amendment 21 in the amendments report. This is southwest Jefferson street and southwest 14th avenue, the view of the vista bridge and west hills. Mindy do you want to tee us up on this?

Mindy Brooks, Bureau of Planning and Sustainability: Sure. The amendment is to not increase the heights along the north side of southwest Jefferson and maintain the existing heights of 30 to 45 feet. The map on your left shows the recommended draft heights that increase the height and the draft on your right is the proposed amendment to retain the heights there.

Wheeler: Commissioner Fritz.

Fritz: The goose hollow foothills league is not happy with this they don't feel like it goes far enough. I think this is a good compromise.

Wheeler: Very good. Any further questions before I call the question? We lost nick. Nick did you have any other questions on this before I call the question?

Fish: Yes, I want to make sure I understand the location of this particular property. What's the proximity of this piece of property to the max stop?

Brooks: These properties along here are directly adjacent to the max light-rail stop.

Fish: Again, let's put aside the question of the view corridor. Our current policy is to do, is to encourage development along the max line. Is that correct?

Brooks: That's right. Jefferson street is designated a commercial corridor.

Fish: And across from the goose right now, goose hollow inn, there's a significant multi-family development to the north

Brooks: Kitty corner yes.

Fish: and this would allow for further development of multi-family housing down that stretch?

Brooks: That's correct.

Fish: Which is adjacent to the max stop.

Brooks: Correct.

Fish: Thank you.

Wheeler: Please call the roll, Karla.

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Fritz: Aye.

Fish: I'm sorry the amendment is to what?

Wheeler: To be clear, this is amendment 21 in the amendments report, southwest Jefferson street at 14th avenue, the view of the vista bridge and west hills.

Fish: The amendment would do what?

Brooks: It would keep the heights at 30 to 45 feet.

Fish: I'm sorry. It's a long day. No.

Wheeler: That's not accurate. I thought it's from 35 to 40 feet up to 75.

Brooks: The recommended draft is to increase the height to 75 feet and the amendment before you is to keep the heights at 35 to 45 feet.

Wheeler: Thank you.

Fish: My vote is still no.

Wheeler: Got it.

Saltzman: No. **Eudaly:** No.

Wheeler: No. The amendment fails. Next up RiverPlace amendments 710 and 712.

Edmunds: One moment.

Wheeler: Legal counsel.

King: Thank you for your patience and also for enquiring further. What the city code actually says, which is different than Robert's rules is that once a motion is on the table the mover can withdraw the motion. So the mayor withdrew his motion and now commissioner Fritz can make a new motion to put it back on the table but does need a second to put it back on the table.

Fish: Well we learned something today.

King: I learned a lot today.

Fish: I thought we were heading the other direction. [speaking simultaneously]

Wheeler: It's a long way of saying, mayor, you're right.

King: You are correct and its interestingly the city code is different than what Robert's rules provides. So I apologize for the confusion.

Wheeler: Not a problem. Why don't we finish this and then can somebody throw something at me or remind me to come back to that particular amendment? I'm sure commissioner Fritz would like to make a motion. Let's move forward.

King: We're going to lose commissioner Saltzman.

Saltzman: Yeah, if we're moving to river place I need to excuse myself.

Wheeler: So, that's a problem. Okay, commissioner Fritz will now go back then to the question of the salmon springs. That's 2 a, number 20, the view of mount hood from salmon springs.

Fritz: I probably know where this is going. I move to keep the amendment on the table.

Wheeler: Is there a second for commissioner Fritz?

Fritz: That's what I thought.

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

Wheeler: Very good. River place. Commissioner Saltzman.

Saltzman: Due to my family ownership interest in properties that could be impacted by changes in height at river place I will recuse myself from this portion of council's discussion.

Wheeler: Very good. Thank you. Next up is river place amendments number 7, 10 and 12. Rachel, would you like to introduce this for us please?

Rachel Hoy, Bureau of Planning and Sustainability: Sure. Thank you. So there are three amendments related to river place and I'll describe these together and these can be voted on together or separately as you choose. So amendment number 7 is to create two height opportunity areas at river place. The bonus height at these two areas that are in red on the power point slide bonus height could go up to 325 feet. With that would be a

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requirement for narrower towers to preserve public views, light and air through the sight. Other heights on the site are also proposed for increases in the middle area there to 250 bonus height and then 150 as you approach the river. Amendment number 10 is additional standards that would require additional spacing between buildings and building orientation and again this would allow for further visual permeability through the site. Then amendment number 12 adds river place as a master plan site, which for -- is a new tool for large redevelopment sites. Some of the things that will be reviewed will be open space, making sure that there's sufficient open space creation and placement, access to the river, infrastructure capacity, location of buildings, et cetera. I did want to point out with these three amendments specifically amendment number 7 did receive the most testimony of any of the testimony we received. There was testimony both for and against some of the concerns related to the river place amendment number 7 dealt with stepping down to the river, compatibility with surrounding neighborhoods and transportation concerns and impacts with this increased density. So with that I had one additional slide that the pbot transportation staff in response to some of these concerns related to transportation impacts pbot staff conducted a high level transportation planning analysis for the site to determine impacts to the regional system and local streets and I do want to point out that the amendments on the table don't increase density. The amendments focus on height increases, but the height increases may allow for more far to be utilized on the site. However, we wanted to conduct the analysis considering the high number of units that are proposed through this concept of approximately 2400 units were part of the proposal. So some of the key findings of the transportation analysis, this number of additional households at river place would not significantly affect traffic outside of the downtown area. The system would be able to absorb the new households and there would not be an impact to odot facilities at the freeway on- and off-ramps.

Fish: Can I ask you a question on this and please take this the right way? When you say no significant traffic changes, if it's already an intersection that has failed, is it possible that this finding simply says that it's already a mess and therefore any further contribution to the mess is not significant?

Hoy: That's a good question. I think that for the intersections, for the local streets there are this level of increased traffic would further impact those intersections. So yes, if they are already failing it could be problematic.

Fish: I'll point out that at rush hour, for example, you know, getting on and off there is very challenging. The traffic on i-5 is backed up forever. It's a very difficult right turn if you're heading west and then north because of the complications of getting on the bridge. The better naito additional challenges. Is there no significant traffic changes because it's hard to measure the incremental impact when we already have a failed system at least at rush hour?

Mauricio Leclerc, Portland Bureau of Transportation: Mauricio Leclerc Portland bureau of transportation. With the high level of analysis I cannot speak for every single intersection. What we apply this additional growth on top of what's in our model for 2035. What you see is not exactly what's there in 2035. We have a number of projects that are added, extension of bond, north portal. What you see now we'll see a more complete network in the future. We run the model. Not everybody drives. That's the advantage of living in central city. There's streetcars, there's connectivity. That reduces the number quite a bit of actual trips. During most of the day the function is okay. During the peak there's the congestion you're talking about but again we're talking about a subset of a subset. It appears that the distribution of trips is important because it is congested our model shows that traffic comes from all over the place. So no single leg is getting overwhelmed. So in a way what we mean that everything will have more traffic but in a way it's self-balancing

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because although the traffic will come from naito from the north, from the south, it largely works.

Fish: So just to make sure I understand this we are assuming that a number of people are simply going to walk from river place to wherever they need to go downtown. We're assuming some people are going to walk a little bit south and get on the streetcar.

Leclerc: Yes.

Fish: We're assuming future buildouts of public transportation in that area to deal westbound additional congestion?

Leclerc: Yes. There's a host of -- tsp you just adopted has a number of projects in it for transit, for bicycle, for street connectivity extension of bond. All those things are supposed to be in place and the property owner through the development System development charges to help pay for it. The assumption is that there will be more density but at the same time there will be a more robust transportation network to support that. Having said that this is all based on assumptions. At this point we assume – two or 300 more household we do a cut for all the people who will not be driving. A further cut because we only worry about the peak and it turns out yes, there is an impact, however we think that nothing will be significantly broken or that cannot be addressed at the time of a master plan or further analysis.

Wheeler: Commissioner Fritz.

Fritz: Don't have tens of millions for fixing the south portal, right? So, this area was all planned that it was going to be all jobs and there would be very few people living there and if they did they would be working in south waterfront. Where we're all finding that it's mostly housing as proposed here and people are leaving to go to lake Oswego to Beaverton and not they're not necessarily taking transit to do that. Yes, there would be more system development charges if this is approved but we still have a humongous gap, don't we?

Leclerc: I can only report what we have analyzed and it seems like the impact was not a lot of traffic on the network. I can provide more technical information but that's all I can say.

Fritz: Thank you. I have a question for Rachel you didn't give us any analysis on the stepdown to the river. Does it step down to the river?

Hoy: So in this particular case, there is a bump up certainly from the transit mall. There's a bluff here, so from the transit mall to the river there's a stepdown but then we do have lower heights behind these proposed amendments. Then you would bump up. Then within this development, I'll go back to this slide here, within this development the proposal is that the heights do step back down to the river within the development proposal.

Fritz: But behind them there's no proposed changes.

Hoy: There were no proposed changes put forward as amendments for behind the development.

Wheeler: Colleagues, I put this on the table and I understand that these amendments were the discussion of substantial testimony both in favor and in opposition, and my recollection was the testimony was primarily related to the height as we've just discussed, the compatibility with the neighborhood, the stepping down to the river and the increased congestion which we have just discussed. I personally support this. I think the 325 foot height seems appropriate to me as long as it protects public views, and it was crafted so as to do that, for example, the views of mt. St. Helens from Terwilliger, and there's also an explicit requirement for further public benefit that includes open space, access to the river, requirements to allow visual permeability through the site and in addition obviously the increased height allows flexibility to gain much-needed affordable housing in the downtown corridor. We obviously heard the concerns about stepping down to the river and the compatibility surrounding river or surrounding neighborhoods. So a core part of the amendment is the requirement for master planning which must go through a public

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process, so simply supporting this does not guarantee anything it still must go through a comprehensive master planning process and I do want to just acknowledge the transportation planning analysis. It has been my overarching philosophy that height, and I would argue, density, even to we have had a separate conversation here is most appropriate in the central city core, especially in areas where we have lots of public transit options and this happens to be a site, though far from perfect it certainly has far more transit options than many other areas in our city. So for that reason, obviously, I supported putting these amendments on the table. I don't know if people have further thoughts before I call the question. Call the question. Thank you Karla.

Fritz: This site doesn't even pretend to step down the river as we've just heard, I agree with commissioner Fish that this transportation system is already super constrained and this would not help it, no.

Fish: I'm very skeptical of what we can do on the transportation side. The countervailing concern is that we can get a lot of affordable housing in this site at a time we desperately needed. I don't know if people invoked south waterfront last time as a cautionary tale or as a positive feature, but that's an area where we have height and density, and housing choices and a spectacular quality of life that is emerging, and so I'm -- I'm deeply skeptical on this one and without the mayor's companion amendments that require a master plan and a robust public process, I could not support this, but with those, I will, aye.

Eudaly: I think I would have preferred this go back to bps for consideration, which was one of the suggestions that came up. I'm sorry, I should have asked this question before we called the question. I guess I haven't participated or really witnessed the process of a master plan. So that is something that's in the hands of the developer, correct?

Hoy: The master plan is a new tool. We don't have a master plan tool that exists today like the one that is in central city 2035. It is four large sites like this one, it's a full site development project that goes through design commission and the public review process, lays out all of the open space, location of buildings, uses within buildings, making sure looking closely at the public ground, looking at infrastructure, making sure the infrastructure capacity is adequate, that includes not just transportation but all of our other services, access to the river. We have added on top of that other regulation for this particular site to really look at within the development stepping down to the river as well as access to the river. The concept, and that's what led to these amendments is we have a concept, and that concept showed two acres of open space that led to the riverfront. Will that happen? But what threw the master process there's a certain percentage of the site that will have to be open area as part of this future development because of the proximity to south waterfront park, one of the requirements is that open area connect to south waterfront park. So to ensure that connection is happening.

Eudaly: If I recall correction -- correctly, this is something that came up last minute in this process. This isn't really the typical process we would go through. Is that --

Hoy: With the recommended draft testimony was received requesting increased heights as well as putting forward this concept, but yes, this did come forward during the recommended draft phase here with council.

Fritz: After the planning commission.

Hoy: That's correct, after planning commission.

Eudaly: And finally, if design review doesn't like it, we don't like it, the community doesn't like it. What's the recourse? Land use appeal or --

Fritz: They apply again.

Hoy: That's right. They would go through the process, work with certainly design commission, if it's appealed to council, work with council. This is really just putting some base requirements on the site. It's setting the heights, it's setting it as a master plan site, setting certain standards that would need to be met based on the buildings and after that,

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we -- we allow the design commission to play that role with the applicant and through the public review process, but, yes, after that, if there are a number of appeals, it could be appealed -- could be appealed to Iuba. That's --

Eudaly: I would really prefer that this go back to planning and we get their final say on it, I vote no.

Wheeler: I vote aye. The amendment fails. So I really appreciate everybody being here today -- sorry. A tie is a fail, correct?

Edmunds: One of the things that I wonder if you might want to consider is voting on a couple these river place items separately. Item c is to add river place as a master plan site.

Hoy: That's right, so it adds it as a master plan site, it is a very large key redevelopment site of 8-acres. That could make a lot of sense to have that go through a master plan process. The other thing I would add is that amendment no. 12 is lumped in with not just adding river place as master plan site, it's several improvements to the central master plan itself.

Fish: Is your view that there's a public interest in having a master plan process that covers this regardless of whether we give the additional height bonus.

Hoy: That's correct.

Fish: For the reasons you explained in your qalaqui with commissioner Eudaly about a public process and a chance for ultimately us be the back stop.

Hoy: That's correct.

Wheeler: So I moved.

Eudaly: Second.

Wheeler: We have a motion and second to add item c, unless there is an objection, commissioner Eudaly, I'd also like to add item 12, that's the improvements to the master plan, it is included.

Hoy: Yeah and 10 and 12.

Wheeler: Got it. 10 and 12.

Fritz: So, you want the special tall orientation standards even though the height isn't changed.

Hoy: There is some value in maintaining the tower spacing and that includes regulations of building wall length that could also still be valuable as part of the master plan process. They're separate standards, but there could be value in maintaining those. Without the height -- the increased height.

Fritz: I know that both the design commission and the landmarks commission chose just not to do the amendment so I particularly appreciate that you responded to their concerns, commissioner, did they support the tower orientation standards and I think it's a master plan.

Hoy: They were silent on those. I think that the main comments from design and landmarks commission were -- I will say that the tower orientation standards are used in south waterfront, that's the only place we use them, and so they did comment on if south waterfront standards were the right ones to apply at this location.

Fritz: Is that what this amendment would just apply to south waterfront ones.

Hoy: For tower orientation.

Fritz: Then I don't support that. I don't think that that's worked out the way I was hoping it would. I would hope we would just do the master plan and as part of that they would have the discussion about the plans.

Hoy: They could have that discussion. So what would happen is approving it as a master plan site, then what happens with heights, is it's the heights in the recommended draft and those heights are 200 feet and then 150 feet as you approach the river.

Fritz: And then the tower design would be up to the design commission.

Hoy: That's correct.

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Fish: So should we vote on 12 then?

Wheeler: Alright call the roll.

Fritz: Good catch thank you for reminding us to finish up our work here today. Aye.

Fish: Is this our last vote?

Wheeler: This is it.

Fish: So good catch thank you for walking us through what is a very complicated process, but with the cheat sheet and the commentary, you make it much easier and I don't think you ever get enough credit for the staff work in helping us work through these very important issues, aye.

Eudaly: Aye.

Wheeler: Aye. Thank you we're adjourned.

At 3:41 pm 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.

March 8, 2018 2pm

Wheeler: We are in session this is the march 8, 2018 afternoon session of the Portland city council. Karla, please call the roll.

Fritz: Here. **Fish:** Here. **Saltzman:** **Eudaly:** Here

Wheeler: Here. Commissioner Fritz. I forgot the behavior speech. Listen up. Legal counsel, please.

Lory Kraut, Senior Deputy City Attorney: Welcome to the Portland city council. The city council represents all Portlanders and meets to do the city's business. The presiding officer preserves order and decorum during city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in council meetings you may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you're representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left, a yellow light goes on. When your time is done a red light goes on. If you are in the audience and would like to show support for something that is said feel free to do a thumbs up. If you want to express that you do not support something, please feel free to do a thumbs down. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

Wheeler: Excellent. Well done. Thank you. Commissioner Fritz.

Fritz: Thank you mayor, I move to reconsider item 219. Karla could you please read 219?
Item 219.

Fritz: Colleagues we had first reading on this item yesterday, and at that time the council voted to remove the emergency clause that was on the item. For reasons which I will explain as we vote. We really need to get this program going as quickly as possible, so I move to reconsider the emergency amendment.

Fish: Second.

Wheeler: We have a motion from commissioner Fritz for reconsideration, we have a second from commissioner Fish. Any further discussion? Please call the roll.

Fritz: So this vote allows us to have another vote on whether to have the emergency clause or not. Aye.

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

Wheeler: Aye. It's under reconsideration. Next as I understand it is a vote to reject the amendment. Is that correct, commissioner Fritz?

Fritz: It's a vote on whether to approve the amendment. In other words should there be an emergency ordinance. I would like the answer to be -- my answer will be no.

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Wheeler: The vote then before us is the question of whether we're now back at the reconsideration of the original question. The question being --

Fritz: First we have to take off --

Wheeler: The question is are we removing the emergency clause.

Linly Rees, Chief Deputy City Attorney: You're essentially revoting on the exact motion you considered yesterday, which is what a motion to remove the emergency clause. Revote on that. Then when that vote is done, if you all reject that motion you can vote on the underlying, which has an emergency clause on it.

Wheeler: To be clear a vote of yes, for example, would be a vote to remove the emergency clause. Very good. Thank you. Is that clear? Please call the roll.

Fritz: Should we remove the emergency clause? No.

Fish: No. **Eudaly:** No.

Wheeler: No. So we have rejected the amendment. Now we're voting on the original ordinance with the emergency clause in place.

Fritz: Correct.

Wheeler: Is that clear for everybody? Very good. Please call the roll.

Fritz: Colleagues, it's been more than a year in fact quite a lot more since we passed the open and accountable elections system and the intent has always been to have it going to be ready for the 2020 council elections. It's already going to be very difficult to move that. It's been a while since we have worked on this due to other priorities. We need to move very quickly to get a consultant hired. I realize this is very unusual to be doing this procedural change. Commissioner Saltzman's office is aware of our action today. Aye.

Fish: I want to reiterate what I said yesterday which is I have great confidence in commissioner Fritz and her office to launch this program, and I share I think the views of I think most if not all my colleagues that we should also be thinking in the medium term of a neutral place to park this program other than a commissioner's office. Aye.

Eudaly: Aye.

Wheeler: I support this and I have already drafted an executive order that will move this program directly to commissioner Fritz effective immediately. I vote aye. The ordinance is approved as amended. Commissioner Eudaly.

Eudaly: Yes. Thank you, mayor. Council voted on amendments to the central city 2035 plan as part of this council session yesterday afternoon, and I would like to reconsider my vote on amendments 2 a1, number 7, river place bonus height, and 2a1 number 10, river place special tower orientation standards. When council reconvenes to discuss central city 2035 on March 15, I will make my motion to reconsider. I want to add that I'm doing this as a courtesy to the mayor, who does not guarantee a change in my vote, but yesterday due to compelling arguments on both sides and ending up being the deciding vote I realized I was not prepared to make an affirmative vote so I voted no. I'm going to spend the next couple of weeks talking to my colleagues, to community members, and getting more fully briefed from the planning bureau on the proposal and the implications of this amendment. I have had conversation with the mayor and expressed my concerns about what I felt was a tacit approval for a development project that has not gone through the appropriate channels for approval, and I asked for commitments from the mayor that any project that intends to develop on that site especially if they plan to build to the maximum heights, goes through the same rigorous master plan process, design overlay and community engagement as any other development would.

Wheeler: Thank you commissioner, I will second this and I would like to thank you for your reconsideration and for the record commissioner Eudaly asked me very pointed questions about public accountability. I believe those questions are answered through the master planning requirement of the amendment, but she has also asked for time to meet with the planning and sustainability staff and ensure that her concerns around the public benefits of

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this particular action are there and explicitly stated and I have certainly agreed to those conditions. I thank her for that conversation as well as the good questions that she asked of my office and me and planning staff. I think they are all important issues that need to be fully considered so I appreciate the opportunity to continue this conversation through the reconsideration process. So I want to remind people, then, that we are not going to vote on the amendment today. It will remain open so that commissioner Eudaly and others may consider the merits of the amendment further. It will be taken up on March 22nd as part of the central city 2035 planning session. There will not --

Lauren King, Deputy City Attorney: March 15th. Just want to clarify for the record.

Wheeler: Its March 15th? I'm sorry, I had 22nd written down.

Fritz: Its only one week.

Wheeler: So, it is March 15 now? So March 15th, so we need to move very quickly. I will commit to that as will the staff commit to that. We will not take oral testimony when it comes back to the council, but we will continue to take written testimony on this item. The record is closed ok, I keep getting better information on top of better information.

Fritz: How come can the record be closed?

Wheeler: The record is closed on this issue.

King: Already received testimony and the record was closed on this. It's open until tomorrow for the amendments that you're voting on during the 15th but the notice did not indicate that the record would be reopened.

Wheeler: Is that correct? Okay. Very good. It will be taken up on the 15th of march. Thank you. I appreciate the clarification.

Fritz: So commissioner Eudaly is only allowed to talk with staff. She's not allowed to talk with anyone else about this?

King: It's a legislative hearing. She can speak with anyone and collect information, but I'm talking about in terms of whether people have the opportunity to put additional testimony into the record.

Fritz: I'm not clear what the difference is.

King: Well, so it's a legislative hearing. The public has been notified that the record is closed. At this point there is not any notification that there will be opportunity for more oral or written testimony but for the amendments that are coming back on the 15th and that written record is open until tomorrow. Do you have anything else to add?

Rees: It's permissible to talk about the evidence that's already in the record, so having a conversation with somebody about what's in the record is fine. It's new evidence that the record is closed to at this point.

Fritz: The challenges, though, from what I understand commissioner Eudaly wants new information, new evidence.

Eudaly: Probably not going to work for my purposes.

Rees: What I think you probably would be a first starting point was talk to bps because I think there's a significant volume of evidence that's there and maybe they could collect it and identify it for you so you have that as a starting point. It's a legislative process. If council decides to reopen the record you can do so, but I think it would need to be done explicitly and people given equal opportunity to provide evidence.

Fish: Can I ask a question of the city attorney? For whatever reason and yesterday is a blur in my memory because of all the issues we took up, but I guess I had not focused on the fact we had one week to address all the open questions. We did kick some things to the final hearing and included some issues where like I raised concern about two issues and wanted additional briefings and information. Are we doing this by the 15th because there's some other reason that it has to be done by the 15th?

King: Yeah, bps is not here today because they didn't have an item on the agenda. What I know from yesterday, the items that were held open for a vote on March 15, there's

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actually three items. It's the central city skyline view from i-84, the view from -- the height and far at big pink wells Fargo, pac west and then there was measuring top of bank which was removed. Those are the only items held over. All other amendments were voted on yesterday and the final package is coming back in May for a vote.

Fish: As an example, the question of the ordinary high water that I asked to have considered later is actually a very complicated question. I have asked for briefings and I have asked to understand why we have gone from one proposal to another. I guess I didn't focus on the fact that this is all coming back next week. That is a very aggressive timeline. The one question I have is that necessary or do we have more breathing room?

King: You can always -- it's a legislative process.

Wheeler: I would like to take a ten-minute recess, so we can discuss this we need to get this right..

At 2:18 p.m. council recessed

At 2:26 p.m. council reconvened

Wheeler: Alright we are back in session, I come bearing lots of answers, here is what I've learned. So the word hearing is being used even though this is a legislative matter because ultimately everything we do with regard to the 2035 plan is subject to lura. So technically speaking, everything that we use to make decisions with regard to the 2035 plan including any amendments has to be made using the what I will describe as extremely voluminous record that is currently in place. There is nothing in this record that precludes commissioner Eudaly or anyone else from meeting with staff, for example, asking about details within the record for example what exactly is included in a master planning process, what is not included in that process because the meeting was already noticed all of the 2035 plan was noticed for the 15th, which I agree with commissioner Fish I think it's too pinched, what I would propose to my colleagues is not just this matter and not just the matter of the mean high water tide conversation, I would propose that we publicly state today that on the 15th it is our intention to continue the entirety of the 2035 plan to march 22nd, where frankly I need more than a week to be able to go through all of the discussion points and amendments that are currently in the record. Does that answer people's questions?

Fritz: Who is not here on the 22nd?

Moore-Love: I show everybody in on the 22nd.

Eudaly: My only remaining question is whether I can talk to the planning committee or community members about this item.

Fish: Is that a question of whether we need to keep the record open for a period of time to be extra safe?

Fritz: Reopen the record.

King: You may need to reopen the record. I would recommend we first talk with bps and see what information is in the record. It's thousands and thousands of pages if not more. Hundreds of thousands.

Eudaly: Yayyy: [laughter]

King: So bps can help you identify and once they understand your questions they can help you identify the information already in the record, and at that point if there needs to be a conversation about reopening the record council can have that discussion.

Eudaly: That's acceptable.

Wheeler: We have a motion for reconsideration on the table. We have a second from myself. We are not going to vote on the amendment today just voting on the reconsideration. Please call the roll.

King: You'll be voting on that reconsideration next time 2035 is in front of you. This is just public fyi.

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Wheeler: Thank god we're done with that. Welcome. This is the march 8th afternoon session of the Portland city council. Karla, please call the roll. Regular agenda, 232. I was joking, Karla. I'm resetting.

Moore-Love: Okay.

Wheeler: That's as funny as I get on a Thursday afternoon. That's it.

Fish: Karla, that's a cry for help.

Wheeler: I think it is. 232.

Item 232.

Wheeler: Colleagues, commissioner Saltzman could not be here today, but he asked me to read this statement and obviously we have some good folks here. Today before us is pbots recommendation to appoint three members of the public to serve on the towing board of review. These positions are important as they provide an outside perspective on towing issues and help in shaping policy and identifying solutions to opportunities that arise. The towing board of review consists of eight voting members and two nonvoting members. Of the eight voting members, three members are from the community, no affiliation to the towing industry and are subject to confirmation by city council to serve for a period of two years. The new appointees are Richard Helzer, Ae-Young Lee, and one existing member being reappointed, Scott Bradley. Here to answer any questions, council members may have, are Patrick Kramer and Mark Williams with the Portland Bureau of Transportation. Welcome, gentlemen. I hope you're enjoying yourselves.

Mark Williams, Portland Bureau of Transportation: Thank you, Mayor. I'm Mark Williams, I'm the regulatory division manager for the Portland Bureau of Transportation. Good afternoon, commissioners. I just want to say that the tow board is doing very important work. As you can imagine I'm sure everybody has heard about the abandoned vehicles and derelict r.v.s and we have done a lot of important work and we have a lot of important work to do. I want to publicly acknowledge these folks that are busy in their personal lives but are taking their time to help us resolve a lot of other important matters.

Wheeler: Thank you.

Patrick Kramer, Portland Bureau of Transportation: Patrick Kramer.

Wheeler: Is your mike on?

Kramer: There we go. Sorry. Patrick Kramer I'm the towing coordinator for pbots. I want to take a moment to acknowledge the two outgoing board members and really thank them for their commitment over the years and their contributions to the board have been key.

Wheeler: Thank you.

Kramer: That's Deborah Hogan and Ed Ferrero.

Wheeler: Thank you very much. Colleagues, any questions?

Fritz: These two gentlemen the nominees?

Kramer: Yes.

Fritz: Would you like to say anything?

Richard Helzer: Good afternoon, Richard Helzer, good afternoon commissioners. Thank you for the opportunity today and I can answer any questions you may have.

Fritz: Just tell folks what you do and why you want to be on the board.

Helzer: I have an interest in the board because I have given my current career I work in maintenance management for the Oregon military department. Pretty familiar as an automotive hobbyist with the way these go and I have a strong interest in the public safety aspect of towing companies. It's a good opportunity I think to have a strong interest in livability within our neighborhoods and response times and things of that nature that they perform for us are critical. If we have an officer on scene stuck waiting for a tow when a citizen needs help it seems like we should improve livability and inclusion in the city Mayor and commissioners.

Fritz: What part of the city do you live in.

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Helzer: North Portland, born and raised since 1980, ma'am.

Fish: Can I just observe that it's not every day that a bronze star recipient is before us and for those of us who follow these things, for all of senator McCain's heroism he was awarded the silver star. The bronze star is the next highest award that our nation bestows, so congratulations to you.

Helzer: Thank you, commissioner.

Wheeler: Thank you.

Scott Bradley: My name is Scott Bradley. I live in the Concordia neighborhood. I have lived in Portland area for around 20 years. My background and work experience is in another regulated industry, telecommunications. I perform telecommunications finance reviews, I deal regularly with contracts making sure there's a high level of service and good oversight for contract review. I think I contribute to that. I have for the previous terms on the tow board.

Wheeler: For my part, I feel very privileged that we have people of your caliber willing to serve in a volunteer capacity. This is one of those many, many excruciatingly important oversight panels that is completely thankless. So let me thank you now. It's very important and the community pays a great deal of attention to these matters and I think it's helpful for them to hear you being here and hear that you're people of integrity and approach this with a degree of seriousness. Thank you for your service.

Fish: Could we also hear from Ms. Lee?

Eudaly: We have a third person here.

Wheeler: I'm sorry. I apologize. Hasn't been my day.

Ae-young Lee: Forgive the nervousness. I am a civil engineer and I work in bridges. A friend of mine had been towed a few years back, so I was her car escort that evening and I was very interested in what the towing board did when I saw the advertisement. In my current job I work with a lot of processes, certain things that the regular citizen may not know about but are important for running a city, so I was interested in learning more about this process and then soon after that I started reading articles about people being unfairly penalized for being towed and my interest was piqued even further. I would like to help if possible and bring my perspective. Getting more nervous as I'm talking so I'm going to stop.

Fritz: You did great. Thank you.

Fish: We have your bio. I want to thank you for the narrative you gave us. Yesterday we celebrated women's history month. We had a number of young women leaders who work for bureaus and council offices testify. There was a young woman on my team named Betsy who has chosen a path of being an engineer so she's going to school for engineering, but also working at city hall as her day job. Her family also questioned why she was choosing a male dominated profession. I appreciate that in your narrative you mention that you were on a career path that your family deemed a man job, but you have broken through the barriers, so thank you for that and for inspiring the next generation of women engineers.

Lee: Thank you.

Wheeler: Very good, I'll accept a motion.

Fish: So moved.

Fritz: Second.

Wheeler: We have a motion from commissioner Fish and a second from commissioner Fritz to accept the appointments. Please call the roll.

Fritz: Thank all three of you for serving on this important committee. Aye.

Fish: Thank you for joining us today and thank you for your service. Aye.

Eudaly: Thank you. Aye.

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Wheeler: I'm very excited about all three of you stepping up and I appreciate your motivations for being here. Ms. Lee, number one I want to apologize again for skipping over you. That was premature of me, but I'm glad you spoke as eloquently as you did on the issue of equity and fairness with regard to the towing industry. I'll say it, historically the towing industry is an industry not known for its soft touch and equitable approaches to doing business. While I think its getting better, I think all of us can strive to do even better and I believe that the issues you cited are of great importance. As you probably were aware there was an article not too long ago in the paper that surprised the heck out of me that talked about towing costs, towing fees that were being charged to people who had their cars stolen and that struck me as a significant oversight, one of those things where it just appeared that nobody was really paying attention looking at the whole picture. I think all of you have that opportunity through this appointment to be able to look at the big picture and understand how it impacts people in our community. So good for you and thank you. I vote aye. The appointments are all adopted. Thank you. Congratulations. Next item, please.

Item 233.

Wheeler: The arts tax was passed by voters to provide funding for art in our schools and to support arts institutions. Today's action is aimed at fixing an issue with the administrative cap to ensure that we're collecting the funds that voters intended go to the arts. Today's action also looks at raising the poverty level exemption to make sure the arts tax are affordable to everyone. These fixes will increase the compliance rate and by potentially increasing the poverty level exemption will decrease the impact of the arts tax on low income individuals. I would like to particularly thank commissioners Fishes and Eudaly for their very hard work on this issue. I would turn this over to commissioner Fish.

Fish: Thank you, mayor. I want to thank both you and commissioner Eudaly for cosponsoring this ordinance for consideration. In the six years since this tax was overwhelmingly adopted by Portland voters it has been amended by the council four times. Today as the elected representatives of the people we are proposing two additional changes that will make the tax more progressive by directing the arts oversight committee, our community oversight body, to work with us to exempt more low income Portlanders and would give the council the discretion through a transparent public process to decide how much work the city puts into collections of the tax from nonpayers. I would like to make a note about the words we're using here because they matter. Collection activity is fundamentally different than the cost of administration. The arts tax is the only tax fee, bond or levy that we have to go out and collect. Other revenue sources are assessed as part of another bill and paid automatically. To be fair, the actual administrative costs associated with the arts tax is minimal. Mostly consisting of managing contracts with the school districts and distributing money to local arts organizations. Not hiring professional staff people, not producing glossy brochures, not sending out annual reports to the community. Certainly nowhere near the 5% cap that was originally contemplated. So in my view it's just not accurate to equate the cost of collections with the cost of administration. They are two separate things. Back to today's action, I believe these two updates are reasonable and in fact they have both been proposed -- one has been proposed by the revenue bureau with the concurrence of the arts oversight body our citizen-led oversight body and further it makes sense to consider these items in tandem. We know that making the tax more progressive shrinks the pool of eligible taxpayers and that that potentially shrinks the projected revenue. If we retain the limit on collection activity knowing the denominator is shrinking we're effectively telling people they are off the hook for paying their fair share. That's not fair and that's not what the voters intended and it's not good policy and I'm pleased that we're addressing these issues today. Thank you.

Wheeler: Commissioner Eudaly.

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Eudaly: Thank you, mayor. I have an amendment to introduce. It's a joint amendment between commissioner Fish and I. Here is the exact language. Change directive b to read the council directs the revenue division to work with the aoc to recommend an increase of at least but not limited to twice the current poverty level exemption to make the tax more equitable and bring recommendations for implementation back to city council by September 1, 2018. That's the --

Fish: Second.

Wheeler: We have a motion from commissioner Eudaly, a second from commissioner Fish. Do we have further discussion on the amendment? Why don't we leave the amendment open. We'll take our testimony and then we can come back and close it. Very good. Is there any further -- did you want to make a presentation?

Thomas Lannom, Director, Revenue Bureau: Just brief remarks about this. Thank you, mayor. I'm Thomas Lannom, I'm the revenue division director of the bureau of revenue and financial services. Commissioner Fish, I appreciated your distinction between administration and collection costs. It's important and one that's lost in the larger conversation about the cost limitation. So this ordinance before you ends the 5% cost limitation for the arts education and access income tax and replaces it with still council oversight. It directs revenue division to work with the arts tax oversight committee to recommend an increase in the poverty exemption level and with the amendment to 200% or more. To date the revenue division has collected over \$51 million in tax revenue at a cost of a little over \$4 million or about 8% of the revenue. Over \$46 million has been dispersed to school districts in the regional arts and cultural council since 2013. These tax dollars support almost 60 kindergarten through 5th grade teachers for the last five years in local public schools as well as dozens of local arts organizations. The cost limitation was originally conceived to provide voters with assurances that the tax would be efficiently collected. While efficient collection is certainly a desirable goal, in this case it's had the unintended consequence of working against an even more important goal, which is maximizing the revenue yield. The cost limitation works against our efforts to maximize the revenue yield because it limits the amount we can spend of 5 cents for every dollar collected. Spending 10 cents to collect the next dollar makes perfectly good business sense but the current city code prohibits us from doing that. The inability to remain within -- under the cost limitation has sometimes been publicly framed as an indication that the program is inefficient. Nothing could be further from the truth. With 4.5 budgeted fte employees maintaining 500,000 taxpayer accounts, that's over 100,000 accounts per employee and the arts tax is one most efficient revenue collection programs in the city by order of magnitude. Most of those programs for example water bureau directions or other collection programs within the revenue division average five to 12,000 accounts per fte. Put another way if the tax rate was \$70 per person instead of \$35 this program would have met the 5% cost limitation. So the inability to meet the 5% cost limitation is more indicative of the low revenue per taxpayer rather than inefficiency. It's also important to note that we cannot cut the budget to meet the 5% cost limitation without losing revenue because almost the entire budget is tax collection positions and printing and postage for tax notifications to taxpayers. So cutting collection positions for tax notifications will set up a negative feedback loop as taxpayers increasingly realize there are no consequences for failure to pay. As noted earlier the arts tax oversight committee has endorsed this recommendation and I'll wrap up and ask for comments or questions you may have.

Fish: Thomas, I just have one question. I have been trying to think about what's the true apples to apple comparison of this tax. I guess one way of looking at this is the compliance rate for state and federal tax collections. Do we know in Portland or Multnomah county what the current collection rate is for state and federal taxes?

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Lannom: Not specific to the county. The irs does publish nationwide statistics. All in compliance rate following enforcement is around 85.7 or 8% for the irs for personal income taxes.

Fish: That's the standard for the irs.

Lannom: That's correct and the irs has substantial enforcement tools that we do not have.

Fish: We're currently collecting about 75%?

Lannom: That's correct. 74.

Fish: I know I have heard the argument made by some that because we're not collecting 100% it somehow shows some kind of -- it is indicative of broader public sentiments about the tax. According to the data you just supplied us, the true benchmark is probably what the federal compliance rate is, which is 85%. Is it your plan overtime to lift 75% closer to 85%?

Lannom: That's correct and this change today will help us do that. I don't know that we ever get to 85%. We're for example not ever going to garnish wages for the arts tax. Doesn't seem reasonable for the amount of money we're talking about. The irs would certainly do that so that helps their compliance rate remain higher than ours. I think 80% remains reasonable goal as we continue to use a number of collection tools such as collection agencies, irs, federal taxpayer information we now have and other steps that we're taking internally.

Fish: I'm really pleased to have this clarification cause I once worked for an elected official whose favorite expression was compared to what. I think when you're debating something you have to define the field that you're operating on. You have to have a comparator. Seems to me the apple to apple comparison is the federal income tax compliance rate, and we are built our compliance rate up to 75%. Your next milestone is 80% and under this proposal, annually we would be reviewing not only your progress towards that goal but how much we think is reasonable to be dedicated to further collections. We would do that in a transparent public process. I appreciate the clarification.

Lannom: Thank you.

Wheeler: May I ask a question with regard to the poverty rate exemption? How would you expect that to interact with the compliance rate?

Lannom: Well, that's a great question. It's complicated. Right now approximately one in seven Portland adults is in poverty and therefore qualifies for that exemption. If we were to double down on the exemption that moves approximately that number would be about one-third. The question would be what is the compliance rate between people that are at 100% of poverty, in other words just barely are expected to file and pay, and 200%. That's something we have to look at. I don't have the answer today.

Wheeler: I want to state for the record that there's an integrity issue here. The taxpayers passed this, voters more correctly passed this. People are subjected to it. They subjected themselves to it. They said they wanted support for arts education. They are getting that. That part of the program seems to be very efficient. They have also said they wanted support for arts institution because collections are lower than anticipated. That part of the promise has really not been fulfilled. There was also the promise to keep the administrative rates in check. Now that this program has been around long enough, it is obvious that the cost of compliance is greater than originally anticipated as a portion of the over all pool of revenues. While there's no question that some will take this as the opportunity to say this proves that the program doesn't work, I would dispute that. I would say that the program works. It does not work as well as originally proffered or anticipated but one of the problems that we are clearly running up against is the administrative overhead is too low to actually have the kind of enforcement mechanism put into place to ensure that there's fairness in this policy and that we are collecting the revenues that are due as a result of what the voters asked for. So I see this as a movement -- I see this as a movement

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towards transparency and integrity in terms of what it costs to administer this program. While we'll undoubtedly take some lumps for it I think fixing it is the right thing to do rather than scrapping the program altogether or avoiding that conversation. I don't think the public wants it scrapped. I think they want us to fix it and be responsible and transparent in terms of the approach that we take. I'm glad to support this. Commissioner.

Fish: I know commissioner Eudaly is in the queue, if I may I want to riff off something the mayor just said, there are a whole host of additional checks and balances that are built into our system which we ought to acknowledge. Number one there have been multiple occasions where anyone who felt that the arts tax was either not warranted or did not approve of any action taken by the council could have referred that to a vote of the people. That system is proscribed. That has not happened. The fact that there are so few people in the audience today I think gives us some other sense about how people generally feel about this issue, but I want to make a broader point. Legislative bodies in Oregon routinely do changes to matters that are initially referred to the voters for permission and then exercise their lawful obligation or duty to fix something. The last example, the biggest example I can think of is measure 91, which was a very controversial item having to do with cannabis. People had strong views on either side but once the voters gave permission to move forward the Oregon legislature made substantial changes to the law within its purview to make the system work better. I'm just guessing here, just an educated guess, that the loudest critics of that action were probably people who voted no on the underlying ballot measure and the softest voices or the voices of approval were probably those that supported the underlying ballot measure and thought the legislature's changes made it work better. That's my guess but I think that generally people who are opposed at the beginning to these kinds of things continue to find grounds to object and that's fine. That's principled. I object from the beginning. I voted against it and continue to object. But we have a well established practice in this state of legislative bodies exercising their lawful purview of fixing things that the voters have adopted through a legislative process that was referred to them and to those who say somehow that's undemocratic I cry foul. The system allows for that. Frankly, if we didn't have that check and balance we would be referring a lot of stuff to voters that would not be appropriate for their consideration. I want to just observe that.

Wheeler: Commissioner Eudaly.

Eudaly: Following up on what commissioner Fish has just said, we have seen a lot of changes in our city over the past five or six years since this policy was passed and \$15,000, which is the current exemption, is worth a lot less in today's housing market. So I just want to go on record as saying I absolutely support increasing the exemption to 200%, which is the common threshold for many means tested or needs based programs, but I'm also interested in looking at a higher exemption given that an individual would have to make three times the poverty level to actually afford to live in our city. That being said, I'm also very interested in the possibility of this becoming a more progressive tax based on income and that's something that we haven't talked about today and I realize we don't have the capability of doing that now, but once our revenue bureau system is connected with the federal system, I believe that will be a possibility. Do you have any comments or thoughts on that?

Lannom: Those are very good comments. I think when we think of an income tax typically we think of the federal or state taxes that we all pay or we all better be paying. That have a table, right, that you will use to map your income to a particular tax amount. So we can't do that now for a range of reasons, administratively. We could but it would be prohibitive, cost prohibitive to run such a program. Once we get our tax administration databases up and running and we believe that should happen in the early 2020s, there's no hard date yet, we should be able to do that.

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Eudaly: Great. I had one more comment but I think I have forgotten. Actually, I just would be -- I'm going to be very interested in seeing how our compliance rate changes once that exemption is put in place. I have a feeling it will be noticeable if not significant.

Wheeler: Very good. Public testimony. Thanks, Thomas.

Moore-Love: We have two people signed up.

Wheeler: Good afternoon. Three minutes, name for the record, please. We do not need your address.

Arn Strasser: Arn Strasser. Art is about life, color, freedom. Art should not be represented by a dull bureaucratic form that looks like every tax bill, which is what the current tax bill looks like. The whole process has a negative, punitive air to it and certain aspects of this what you are just discussing has also a punitive aspect to it. Whatever its other merits. Look at the mailings of another city agency, the recycling program regularly nailed graphic easy to read brochures and a program with high compliance and few complaints. What we receive instead is an envelope addressed to city resident that contains a form without artistic feeling to it at all that asks us to list the members of our family and their social security numbers and we're supposed drop this highly sensitive information into a mailbox. No wonder compliance is low. The city already knows who we are, why isn't the envelope addressed to us personally? The tax program needs to be redesigned from top to bottom. Get artists involved. Produce colorful artistic materials that will help people understand why the tax is important and where the money goes. Completely change the way the program is administered. The arts tax program needs to reflect art. Colorful and full of life and it needs to be designed in a way that makes paying it a positive experience. Yes, to an arts tax program that helps us appreciate the importance of art to the beauty and humanity of the city.

Wheeler: Thank you. That's a great idea. Appreciate that.

Fish: I think it's a brilliant idea too. It reminds me that we have made progress updating the website, but we haven't gone so far as to update the form that we send out. I will tell you that no good deed goes unpunished. We recently had a council hearing in which we took up 20-something recommendations for making art spaces more accessible. On the cover we put a picture of a child that had done a work of art with face paint and it was engaging and wonderful. I got an email from someone saying it was a totally inappropriate picture, it diminished the significance of the arts, that we shouldn't use children in that manner, blah blah blah. Everybody is a critic, but I believe what you've just put into the record and said is absolutely true. You have our collective commitment that we will try to bring the values that you would like to see brought back into this program reflected in what we send the taxpayers. I thank you for taking the time to share with us.

Wheeler: It's a fair admonition that you raise. The program over all is part of a vision. It's part of a strategy, set of strategies around engagement around the arts and arts education and supporting arts institutions, but sometimes in government we do think too narrowly and we're thinking about this in this context as a revenue structure. So I think your admonition is a good one because there's a larger brand and a larger vision that's part of this. So I appreciate your testimony, thank you. Good afternoon.

Mary Sipe: Good afternoon, my name is Mary sipe. This is an interesting day in so many ways. One thing I want to do is get a shout out to the fact that it's international women's day. Go, girl power. What's really interesting for me is that I feel like somebody has been looking over my shoulder. My testimony was almost word for word the amendment that you just presented regarding – scary. Has my email been hacked?

Eudaly: I assure you I have always felt this way about the exemption level from the beginning.

Fish: Mary, the camera just above you rotates down so we can read your testimony. Give us the short version. We already read your testimony. [laughter]

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Sipe: I just I feel so validated. A year ago this month I started coming every week to the city council meetings and I did that for a number of reasons, and little did I expect that you would really hear as loud and clear as you have the many comments that I have made over this past year. This is such a perfect example to me of how becoming involved in our city government or any government whatsoever actively involved and coming and speaking before you and learning how the city works, how literally I'm just -- cannot believe how absolutely what you have done here follows exactly to the tee what my concerns were about putting some teeth into the wording of the ordinance in relationship to expanding the exemption. Even right down to -- my thoughts were people that are eligible for food stamps, people whose only source of income is social security or ssi, people living in affordable housing, you know, somehow you could word this so that it would encompass all of that in a very simple manner, and that's exactly what you have done with this amendment. I just can't say enough about how appreciative I am to have a city council that really is listening and really accepting the feedback that comes before them. Really also reaching out for that feedback as well. I say thank you.

Eudaly: Did my staff pay you to come say this today? [laughter]

Sipe: I was teasing Karla earlier that I should be on the payroll. [laughter] I'm here every week, but bottom line, this time I'm really encouraged to see the amendment that you've put out here and the ordinance. Thank you.

Wheeler: Mary, thank you. You started coming about the same time I took over as presiding officer of this council.

Sipe: Right.

Wheeler: I have been frank with people. I told people this is a very difficult job. It's much harder than I expected it to be for a lot of obvious reasons.

Sipe: Harder than I ever thought it was.

Wheeler: We live in a nation of critics. It's a lot harder to actually have to weigh difficult choices and make decisions and fix things. Move things in the right direction. You have not always agreed with everything we have done, but I have always appreciated the feedback and the input that you have provided. You have always come very well prepared, your arguments are always germane. So right back at you. Thank you.

Sipe: Thank you so much.

Wheeler: This is what the process is supposed look like is when engaged citizens such as yourself come forward and help us shape policy and move things in the right direction and you help us make those tough decisions and draw lines where others are perfectly content to sit back and be critics after the line has already been drawn by others.

Sipe: Exactly.

Wheeler: Thank you.

Sipe: I urge everybody at home, get out of your house, come down here in person.

Fritz: Mary you said, when you first started coming, Ms. Sipe, you said to me that you felt you had seen people on television and the same people coming in and yelling at us all the time, that you wanted to remind us that there are other people out there who are not angry with what we're doing.

Sipe: Voice of reason.

Fritz: Your presence, I appreciate you don't testify on every single item. If you have something to contribute then you do like today. Something different. Otherwise you are just quietly present. It just reminds me that there are lots of people out there. I recognize there's a lot of people who would like to have the time to come and yell at us as well. There's a place for that as well. Thank you for representing probably a lot of people in Portland.

Sipe: Thank you.

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Wheeler: Very good. Let's take a vote on the amendment. I'm sorry, Thomas, you had a comment?

Lannom: Briefly. Thank you. Just in response to a couple of comments which I thought were very good comments and they are accurate. We're sending out black and white form. There is a mention of what the tax dollars are purchasing and also links to get more information about that. The cost limitation drives everything that we do. You're about to fix that. So putting a color insert into this letter was never an option in the past. Now I think that's something that we should look at. We should work with racc potentially to design something that's a little more clear about where the tax dollars go. Then in terms of the resident addressing, that was another deliberate decision that cut about 100,000 pieces of mail out of our mailer and saved \$50,000 more. We may be able to look at different options going forward now that we're not constantly constrained by this cost limitation.

Fish: Thomas I'm not the mayor but I'm president of the council. Somewhere in the charter it gives me some authority. I'm appointing an ad hoc committee of commissioner Eudaly and me to work with you on some recommendations for redesign, and I will tell you one of the things that I got in the mail recently that set the bar was I got my monthly bus pass in a nondescript envelope. When I opened it there was a mailer that updated me and everyone else on the fact we had moved to a 20 mile an hour speed limit. It had some information in orange, high impact. I could not avoid it. I read it. I think inspired by those kinds of things I think we can come up with something that addresses the very valid concern the gentleman raised and we can use each bill to drive a broader message about the pride we should all take in supporting arts education in our schools.

Lannom: In fact that's an example of ways that we try to save money. You got that pbot mailer about the 20 mile an hour limit in an arts tax envelope. That's.

Fish: Arts tax envelope?

Lannom: Yes.

Fish: I thought it was my bus pass. Either way --

Lannom: My point that is they also insert it in the arts tax bill saving mailing costs for us and them.

Eudaly: I agree we need better public outreach. I think at least some portion of that 25% of noncomplying payers are just simply confused about the tax because it comes to sender. It may not reach them at the address that they actually reside at when the tax is due. They may think that it's per household, not per taxpayer. They may think that they have -- lumped in with other taxes that they have paid. So clarifying that boring stuff as well as maybe giving a little more splash to it, but yeah. My question was who is going to pay for that because we don't want to eat up a lot of money on a marketing campaign.

Fish: I'll just note because I took out my phone and did the math, with all the imperfections of this tax, our current compliance rate is at just under 90% of what the federal compliance rate is for tax that's been around for 100 years. I think we have room to grow but I think we should be proud that we're at 90%.

Eudaly: Absolutely.

Fish: Of what the federal government considers a benchmark.

Wheeler: Commissioner Fritz.

Fritz: Commissioner Fish I feel like chopped liver that I was left off the ad hoc committee. I'd like to remind everybody that I did vote on this in the first place and went through a considerable amount of trouble defending it over the years so I would like to add my commendations for the changes and also to have a little cautionary note that for everybody who says we should give more color, give more information, we have people coming in saying you're wasting taxpayer money. So, I wanted to acknowledge knowing you as I do, Thomas, you won't be running amok and sending out ten-page glossy brochures with

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every tax bill, that you will have a modicum – you'll have a lot of restraint. That's what you do. Thank you.

Wheeler: Saving money can also be beautiful. [laughter]

Lannom: It can.

Wheeler: Sorry. My former treasury job sneaking back in. So with that let's call the roll on the amendment, please.

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

Wheeler: Aye. The amendment is adopted. This is the first reading of a nonemergency ordinance. It moves to second reading as amended. Thank you everybody. Next item, please. 234.

Item 234.

Wheeler: We have Jennifer Cooperman here to discuss Deanne Woodring. Deanne was not able to join us today due to a work conflict but Jennifer is here to give us a brief description.

Jennifer Cooperman, Office of Management and Finance: Good afternoon, mayor, commissioners.

Wheeler: Good afternoon.

Cooperman: I am here to present an item regarding reappointment of Deanne Woodring to the investment advisory committee. This is a two-year term, this would be her fourth term on the committee. The committee exists as part of city code to advised city treasurer and the council on the management of the city investment portfolio. I have included her bio in the material presented to you. I wasn't planning to read it, but I would say that she is incredibly experienced in the world of investments including restrictions placed on government investments, investments by government entities and she currently serves as board member on the Oregon short term fund board and if she were available she would be here today. Her picture is included in her bio in case you happen to run into her on the street. I would be happy to answer any questions that you have.

Fritz: How do you go about recruiting members for this committee?

Cooperman: We work through oni. It is one of the committees listed on the oni page for boards and commissions offered in the city. We also reach out to people whom we meet whether through people who sit on rfps that we work on related to the world of treasury, we work through gfoa, the government finance officers association, for folks who are in the Portland area and use former members to reach out to people that they know as well.

Fritz: How many are there on the committee?

Cooperman: Three.

Fritz: What are the demographics at this point?

Cooperman: At this point Mark Campbell, who is the cfo for Multnomah county, sits on the committee. Deanne Woodring is on the committee and we have a third individual Chris rains who comes from wall street, moved out here and runs his own investment firm.

Fritz: Thank you.

Wheeler: Very good. Colleagues, I will accept a motion on the report.

Fish: So moved.

Fritz: Second.

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

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

Wheeler: Aye. The appointment is approved. Thank you. Just to put out a bit of a brief public service announcement, it's been our council policy to have people being appointed for the first time to be present to answer questions of the council, and to have their responses heard by the public. There is a consideration to have reappointments go to the consent agenda. I want the public to be aware that that is under consideration and if

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people have thoughts I certainly would be interested in those thoughts at mayorwheeler@Portlandoregon.gov. The reason we are considering that is the people who are being reappointed are known entities to the city council, they have served, they have been vetted, they have previously come before the city council. Oftentimes we find asking people to take time off from their employment or other responsibilities to come to the chamber then frankly have very few questions of them seems somewhat disrespectful. So we are considering moving reappointments, not first time appointments, but reappointments to the consent agenda. I want the public to be aware of that if people have comments I would certainly be interested to entertain those comments. Thank you, Jennifer. We appreciate it very much. Last but not least, item 235.

Item 235.

Wheeler: Colleagues, many bureaus and programs in the city rely on merchant services. The acceptance of credit cards and debit cards as payments for city services remains essential, in fact it's becoming more essential with time. On April 5, 2017, the chief procurement officer was authorized to issue a competitive solicitation for the purchase of merchant services for an estimated amount of \$25 million. The majority of fees covered by this contract are set by visa, Mastercard and discovery, so those fees are not negotiable, and they are passed through from the vendor to the city at cost. On May 24, 2017 eight proposals were received and five deemed responsive to the solicitation requirements. To discuss this process in further detail we have interim chief procurement officer Larry Pelatt and chief financial office Jennifer Cooperman is still here. Thank you both.

Larry Pelatt, Procurement Services: Thank you, mayor, commissioners. A lot of what the mayor said is in my report. So I think I'll skip the first paragraph. June 29 the city issued a notice of intent to award the price agreement to u.s. bank Elavon. No protests were received, no comments. The contract has been negotiated in the amount of \$25 million. The city's treasury division along with procurement services and the city attorney's office worked diligently to negotiate the limited amount of pieces that can be negotiated to protect the city's interests by maximizing data security and indemnification aspects of agreement. As the mayor said 95% of total fees paid under this type of things are nonnegotiable they have set by the credit card companies. These fees are passed through directly to the bureaus and they establish their cut baked into the transaction cost. The amount of the agreement while seemingly substantial is actually not a general fund budgetary item because the fees are actually baked into the transactions. u.s. bank Elavon is the incumbent vendor which saves the city a significant amount of time and effort and money by not requiring the city to go through a transition period. However, the transition costs were not considered as part of the evaluation team and all of the proposers competed fairly and equitably. U.s. Bank Elavon is in compliance with all of the city contracting requirements including their business tax registration and payment. If the city council has any questions concerning the solicitation or resulting agreement I can answer those or if there are questions specific to the actual services required or payment structure for that as you said the chief financial officer Jennifer Cooperman is here.

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

Eudaly: I move to accept the report.

Fish: Second.

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

Fritz: Aye.

Fish: Thank you for your presentation. Aye.

Eudaly: Aye.

Wheeler: Well done. Aye, the report is accepted.

Pelatt: Thank you very much.

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Wheeler: Colleagues, one last bit of business as I was digging through my large pile of documents, this is a letter to the city auditor. It's from me. It's regarding an assignment of city departments, bureaus and liaison duties pursuant to section 2-302 of the charter of the city of Portland, Oregon, effective immediately I'm reassigning the open and accountable elections program from the office of neighborhood involvement to commissioner Amanda Fritz' office. Congratulations, commissioner.

Fritz: Thank you.

Wheeler: And we're adjourned.

At 3:25 p.m. council adjourned.