



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF AUGUST, 2018** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Robert Taylor, Chief Deputy City Attorney; and Andy Bacon and John Paolazzi, Sergeants at Arms.

Item Nos. 823 and 824 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 10:13 a.m. and reconvened at 10:21 a.m.
The meeting recessed at 10:44 a.m. and reconvened at 10:50 a.m.
The meeting recessed at 11:25 a.m. and reconvened at 11:26 a.m.
The meeting recessed at 11:53 a.m. and reconvened at 11:54 a.m.

		Disposition:
THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Fish, Fritz and Saltzman, 4.		
COMMUNICATIONS		
817	Request of Dee White to address Council regarding an update on lead in our drinking water and City inaction (Communication)	PLACED ON FILE
818	Request of Joseph Walsh to address Council regarding communications (Communication)	PLACED ON FILE
819	Request of Edith Gillis to address Council regarding public policy and City proclamation to reduce public health risks (Communication)	PLACED ON FILE
820	Request of Eric Vega to address Council regarding Police Directive 810.10 and issues with law enforcements relationships with immigration enforcement (Communication)	PLACED ON FILE
821	Request of Teresa Venktachalapathy to address Council regarding universal review of Police Directive 810.10 (Communication)	PLACED ON FILE
TIMES CERTAIN		

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*822	TIME CERTAIN: 9:45 AM – Initiate foreclosure action on four properties for the collection of delinquent City liens placed against the properties (Previous Agenda 745; Ordinance introduced by Auditor Hull Caballero) 15 minutes requested (Y-4)	189100
CONSENT AGENDA – NO DISCUSSION		
Mayor Ted Wheeler		
Bureau of Emergency Management		
*823	Authorize Cooperative Agreement with Portland General Electric and Portland State University to develop the PREPHub Pilot Project to prepare for an emergency or natural disaster, in an amount not to exceed \$90,000 (Ordinance) (Y-4)	189103
Office of Management and Finance		
*824	Pay personal injury lawsuit of Anthony Allen in the sum of \$25,000 involving the Portland Police Bureau (Ordinance) (Y-4)	189104
Portland Housing Bureau		
*825	Authorize Intergovernmental Agreement with Prosper Portland in support of the ongoing implementation of housing functions at the Portland Housing Bureau and economic opportunity functions at Prosper Portland (Ordinance) (Y-4)	189097
Commissioner Dan Saltzman		
Bureau of Transportation		
*826	Authorize an Intergovernmental Agreement with the Oregon Department of Transportation for services related to the I-84 Sullivan's Gulch Pedestrian/Bike Bridge for an amount not to exceed \$75,000 (Ordinance) (Y-4)	189098
827	Amend contract with TriMet for Design and Construction Management Services for the Portland-Milwaukie Light Rail Project and increase the total grant award to the City by \$648,903 (Ordinance; amend Contract No. 30001514)	PASSED TO SECOND READING AUGUST 15, 2018 AT 9:30 AM
Portland Fire & Rescue		
*828	Authorize Intergovernmental Agreement with the City of Hillsboro for Hillsboro Fire Department to use a reserve aerial ladder truck from Portland Fire & Rescue (Ordinance) (Y-4)	189099
Commissioner Amanda Fritz		
Portland Parks & Recreation		

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829	Authorize System Development Charges fund loan to Portland International Raceway for South Paddock repaving project not to exceed \$1,750,000 (Resolution) (Y-4)	37377
Commissioner Nick Fish Water Bureau		
830	Extend term of contract with Murray, Smith & Associates, Inc. for the Fulton Pump Station Replacement Project (Ordinance; amend Contract No. 30001492)	PASSED TO SECOND READING AUGUST 15, 2018 AT 9:30 AM
REGULAR AGENDA Mayor Ted Wheeler Office of Management and Finance		
831	Accept bid of Goodfellow Bros., Inc. for the SW Bond Ave: SW Porter Street to SW River Parkway Road Construction Project for \$4,433,343 (Procurement Report - Bid No. 00000885) Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-4)	ACCEPTED PREPARE CONTRACT
832	Accept bid of Granite Construction Company for the Portland International Raceway South Paddock Paving project for \$1,224,925 (Procurement Report - Bid No. 00000923) Motion to accept the report: Moved by Saltzman and seconded by Fritz. (Y-4)	ACCEPTED PREPARE CONTRACT
833	Accept bid of James W. Fowler Co., for the Portsmouth University Park Sewer Rehabilitation Project for \$4.2 million (Procurement Report - Bid No. 00000950) Motion to accept the report: Moved by Saltzman and seconded by Fritz. (Y-4)	ACCEPTED PREPARE CONTRACT
Portland Housing Bureau		
*834	Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for 52nd Ave Apartments located at 6615 SE 52nd Ave (Ordinance) (Y-4)	189101
Commissioner Dan Saltzman Bureau of Transportation		
*835	Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SW Capitol Hwy Pavement Rehabilitation project, through the exercise of the City's Eminent Domain Authority (Ordinance) (Y-4)	189102
Commissioner Amanda Fritz		

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Portland Parks & Recreation		
836	Accept year three report on the \$68,000,000 Parks 2014 General Obligation Bond (Report) 15 minutes requested Motion to accept the report: Moved by Fritz and seconded by Fish. (Y-4)	ACCEPTED
Commissioner Nick Fish		
Water Bureau		
837	Authorize a Joint Funding Agreement with U.S. Geological Survey in the amount of \$1,623,235 for Streamflow and Water Quality Monitoring (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2018 AT 9:30 AM
838	Authorize the Water Bureau to acquire certain permanent and temporary property rights necessary for construction of the Penridge Mains Replacement Project through negotiation or through the exercise of the City's Eminent Domain Authority (Ordinance) 10 minutes requested for items 838, 839 and 840	PASSED TO SECOND READING AUGUST 15, 2018 AT 9:30 AM
839	Authorize the Water Bureau to acquire certain permanent and temporary property rights necessary for construction of the North Jantzen Avenue Main Installation Project through the exercise of the City's Eminent Domain Authority (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2018 AT 9:30 AM
840	Authorize the Water Bureau to acquire certain permanent and temporary property rights necessary for the Conduit 2 Trestle Rehabilitation Project through negotiation or through the City's Eminent Domain Authority (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2018 AT 9:30 AM

At 11:57 a.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 AUGUST, 2018** AT 2:00 P.M.

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

Commissioner Fish arrived at 2:09 p.m. and left at 4:28 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney; and Andy Bacon and John Paolazzi, Sergeants at Arms.

The meeting recessed at 4:28 p.m. and reconvened at 4:38 p.m.

		Disposition:
841	TIME CERTAIN: 2:00 PM – Consider the proposal of Tim Sotoodeh, Southwest Hills LLC and the recommendation from the Hearings Officer for removal of conditions of approval imposed by prior Comprehensive Plan Map and Zoning Map amendment ordinances for property at 2855 SW Patton Rd (Hearing introduced by Commissioner Eudaly; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC) 2 hours requested for items 841 and 842	CONTINUED TO SEPTEMBER 6, 2018 AT 2:00 PM TIME CERTAIN
842	Amend the Comprehensive Plan Map and Zoning Map amendment to remove conditions of approval imposed by prior ordinances for property at 2855 SW Patton Rd, at the request of Tim Sotoodeh, Southwest Hills LLC (Ordinance introduced by Commissioner Eudaly; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC)	CONTINUED TO SEPTEMBER 6, 2018 AT 2:00 PM TIME CERTAIN

At 4:42 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF AUGUST, 2018** AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Heidi Brown, Senior Deputy City Attorney; and Ovie Griggs and John Paolazzi, Sergeants at Arms.

		Disposition:
843	TIME CERTAIN: 2:00 PM – Accept status report on the progress towards the actions and items listed in the Division Transit Project Locally Preferred Alternative Conditions of Approval (Resolution introduced by Commissioner Saltzman) 1.5 hours requested for items 843 and 844	CONTINUED TO AUGUST 15, 2018 AT 9:30 AM
844	Authorize an Intergovernmental Grant Agreement with TriMet for the Division Transit Project in an amount not to exceed \$15,730,000 (Ordinance introduced by Commissioner Saltzman)	PASSED TO SECOND READING AUGUST 15, 2018 AT 9:30 AM
EXECUTIVE ORDER		
845	Reassign all City departments, bureaus and liaison responsibilities to Commissioners as stated in Mayor Executive Order dated August 8, 2018 and effective September 4, 2018 (Ordinance; Executive Order)	189105

At 3:24 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: *** means unidentified speaker.**

AUGUST 08, 2018

9:30 AM

Wheeler: Welcome to the morning session. Portland city council. Please call the roll. [roll taken]

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

Wheeler: Good morning, Robert.

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 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 also sign up for public testimony on resolutions or the first readings of ordinances. The 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 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 council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruption may result in the person being rejected for the remainder of the meeting. After being rejected 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, robert, first up is communications.

Item 817.

Dee White: Good morning, my name is dee white, I would like the chart to go up because I am going to talk about it immediately. Sorry. Good morning, I am dee white, again I am sat to report that among all large cities Portland continues to have the highest levels of lead in our drinking water. This chart shows lead levels indicating the effectiveness of corrosion control from consumer confidence reports otherwise known as water quality reports. Epa requires this reporting from water utilities yearly. There is Portland in the middle of the chart, the one that looks like a high rise. The highest bar by far. Flint is on the right. I didn't have the room to get the letters in. The names of the cities but flint is the far-right bar. Lead in water is tasteless, odorless and invisible. There is no safe level. Pregnant women and babies exposed to small amounts of lead suffer lifelong, health harm to brain development and the nervous system. A 2016, ohsu study confirmed a causal link between the childhood lead exposure and adhd. Lead also causes irreversible blood cell cancer that can lead to cancer, kidney disease and cardiovascular disease. Portland is blessed with pure, soft, corrosive water. From a pristine, federally protected watershed, nevertheless

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due to unethical and misguided policy adopted by our city council. We are facing a silent public health threat in Portland that has nothing to do with cryptosporidium and everything to do with lead, a potent neurotoxin. Portland rate payers when continue to be shackled with skyrocketing water bills for cryptosporidium treatment, unquestionably costly and unnecessary while you simultaneously downplay the lead issue and delay optimal treatment of our soft, corrosive water. This is a travesty. Over two years ago epa ordered the city to expeditiously reduce high levels of lead. Unfortunately for our community rather than trigger an alarm and immediately follow the law, the water commissioner deemed epa's call to action a non-event. Commissioner Fish, you need to own this public health threat and not continue to ignore federal law, dismiss citizens' concerns and blame customers. Stop passing the buck to all of us when you know that there is an inextricable link between corrosive water and lead levels found at customer taps. Somehow the public has been kept from learning that the water bureau's ongoing impedances are preventable. I leave you with this question. You convince city council to approve of 500 million filtration planted for this. Why did you not urgently demand to begin optimized treatment immediately to significantly reduce the lead at the tap and to protect our human health, our public health.

Wheeler: Thank you. Next individual, please. Folks, just a reminder, per council rules so we can keep things moving, thumbs up if you like what you hear and thumb's down if you don't, thank you.

Item 818.

Karla: He is not able to make it and will reschedule.

Wheeler: Next individual, please.

Item 819.

Edith Gillis: Good morning, i'm edith gillis, I originally planned to talk about how the icing encampment followed some of the highest standards of state and County health safety requirements and how city policy and Portland police interfere with that, and put public health and safety at risk. But in the interim, as a medic saturday I wanted to talk about health and safety that was supported by peaceful civilians and attacked by Portland police. Regarding ice, we repeatedly were picking up cigarette butts left by others, litter, the public, and from the protest, sanitizing the port-a-potties many times a day, and having hand sanitizer, toilets, food preparation and serving and self serving food, we had health sanitizing and continuing cleaning the childcare tent, medic tent, self serve over the counter pharmacy, natural path, herbalist tent, decontamination tent and the garbage recycling centers and the compost toileting. I and others hauled away to our homes, garbage and recycling, we also were continually cleaning that up. I and others, machine wash multiple times, bedding, dish towels, clothing, first aid towels and etc. We checked for lice or anything else. We medics are in doctors and other health professionals, fellow healthcare providers, risk management and food handling professionals were making sure that people new and abided by food safety and public health conditions. We turned away, I personally threw away meat or other things donated because we could not confirm that they were kept at the proper temperatures for the Proper times. We had from the school electricity for deep freezers and we had meat because it was considered a racist issue to not have the -- everything vegan as idea planned. We had state and county health department requirements for the three systems, sink system end anything chlorine and air drying am we were continually watching for our patients and having signal threads, text so that we could maintain patient care and continuity. We were giving people information about chemical decontamination from ice agents and heat care, and providing that for folks. Now on june 25 the Portland police blocked ambulances, emergency exit, legal observers, lawyers, medics, and care providers for those who needed it, and the Portland police aided and abetted ice, dhs, pollute who brutalized sweeping and peacefully

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assembled protesters there to protect the health and safety of Portlanders, especially children. Police threaten arrest, injury, and for those who are cleaning up the camps, and trying to package and donate the materials to help the public safety and health of others. The Portland police planted dog poop or human feces at the Chapman Park, occupy Portland camp, after we were cleaning up they planted needles and dog poop. Saturday as a medic I observed Portland police directly firing at the crowds at face level and torso level. I treated people with head injuries, bleeding injuries, sprains, and chemical weapons that were given to them by Portland police and by the other fascists protected by the Portland police. One of the emergency room registered nurses.

Wheeler: Now you are just tormenting us. Three minutes is long enough. Thank you.

Appreciate it. I don't know if the next two individuals, Karla, wanted to come up together.

Karla: They want to come up together.

Wheeler: Folks, thank you.

Karla: Yes, they want to come up together.

Wheeler: Very good. Thank you.

Item 820 and 821.

Wheeler: Good morning.

Eric Vega: Hi, mayor, if it's okay with you, if Teresa starts out?

Wheeler: However you would like, thank you. You have three minutes per person. We have lots of business today.

Teresa Venkatchalopathy: I am Teresa Venkatchalopathy. I am a member of a local people power group that's been advocating for non-cooperation between Portland police and ICE. And we were really happy to see a number of improvements to the police directive 81010 in February and we thank you enthusiastically for those. We have kept working with advocacy groups to make sure the city code is clear and strong. And especially after recent news coverage on the ICE Council's cease and desist letter we think it's important to sharpen our definition to what kinds of assistance that we can provide agents who have a life for safety issue while at the same time maintaining our determination, not to spend resources on the enforcement of federal immigration law. With 81010 up, we have recommendations for things that could be improved. I've included a copy of that with my testimony if you would like to refer to it. First the second section, excuse me, second section in 2.2 implies our officers can detain or arrest someone for ICE if they present a judicial warrant. However the federal government cannot require a local law enforcement agency to affect, to effectuate their federal warrants without it violating the Tenth Amendment. So even if our officers have the authority to arrest or detain someone, on the basis of a judicial warrant we don't think that they are required to do so. If that's the case, can Portland prohibit the police force from responding to judicial warrants if they pertain to immigration law? Or can Portland emphasize an 8-1010 that our police officers don't have to effectuate those warrants? We asked the city council to look into these possibilities. Second, 3.2, so the Portland police can provide cover or assistance for ICE operations. We hate the thought of our officers conducting traffic control for ICE raids in the city, and we worried that they would find themselves in a situation where they are enabling ICE to do unethical things like taking down doors or forcibly separating family members. Unfortunately, this seems likely today, and would absolutely devastate the community relationships with our police. Third section 6.1.1 suggests our officers can help with the criminal investigations if they are not related to immigration law. Unfortunately, immigration violations are increasingly being criminalized, and immigrants are increasingly being profiled as terrorists. We would like to see additional clarifications added to this section, so it cannot be used as a loophole. Fourth, section 6.2 only restricts officers from sharing the personal information that is specifically itemized between 6.2.1 and 6.2.7, and only when it would be shared for the expressed purpose of enforcing immigration law. The list does not

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cover all kinds of identifying information, for example, it does include, it does not include license plate numbers, and the express, the intention of using information that's is not always known so we would like that section to prohibit sharing of personal information, including but not limited to the items listed there and regardless of the stated intent for using that information. We have enclosed a number of recommendations from the aclu of Oregon and from the innovation what you lab. During this review period police Work with them, with the Portland immigrant rights coalition to make this code as strong as possible. Thank you.

Wheeler: Thank you. Can I get a written copy? We have it. I am sorry. Thank you. Thank you.

Vega: I am eric vega, representing the Portland rights coalition, we joined teresa and their comments regarding 8-10.10. We have independently met with sheriff reese and chief outlaw and been impressed with their desire to separate local law enforcement from ice enforcement. So I wanted to try to give just a bit of context. I believe that what they are trying to do, their conviction is that community-based policing is jeopardized by the ugly and decisive actions of the trump administration and ice. Their concerns, I believe, are reflected historically. Fear and hatred have been repeatedly used to hurt and to exclude immigrants all around the country. I just wanted to give three quick examples. In 1790, the naturalization act passed by congress said the only people that could be naturalized citizens were white people. So it gives a kind of schematic to the way immigration is going to be viewed in this country. In 1882, the chinese exclusion act congress reflecting the popular concerns is trying to exclude the chinese people from coming into this country. Finally, as you know, in the 1930s, there was a major campaign to exclude mexican people from particularly the western portion of the united states. Over and over and over again, demagogues have used hate and the incitement of violence to go after members of the community. On top of this, in the 1980s and 1990s, there were numerous and repeated efforts all across the country to hurt and to demonize immigrants. Local law enforcement and governmental policies were devised to force them into self-deportation. In addition I think that it's important to know that historically the first, third major party in this country's history was the no nothing party, and it focused on Catholics, Irish, Germans, and it was both violent and mean, and we're talking about council members, senators, congress people, judges that were mobilized to create a massive political constituency to go after people not of this country. And the theme was, how do you use nationalist and racist rhetoric to win the power? That's what this is about. It continues to be true to this day. The trump administration, its keystone is to mobilize a right-wing populist anti-immigrant movement, and they are doing everything in their power. I promise to be more quick right now. Today the rhetoric and policies you hear from this administration are about separating the children from Their families, about calling immigrants animals. About denying asylum. About saying that those others should be excluded. It's a violation of basic human rights. I want to end by saying that Theresa's comments are friendly. It is about sustaining and promoting human rights. It is about making sure that the slogan, ice out of Portland, ice out of many communities in this country, is linked to making sure that local law enforcement does not simply become the [inaudible] of ice. Thank you for your time.

Wheeler: Commissioner Fritz.

Fritz: Thank you very much. I was at Normandale park last night for the rose city park neighborhood association and national night out event. That was organized in a very short time in response to the hateful acts that happened at normandale park. One of the speakers said that her son, who is white and American, has just gotten the visa for his wife that he married a year ago in kenya to be able to come here as a legal immigrant, being married to an American, and I know that when I became -- was able to get in, it was not

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because I was married to an american citizen. In fact, if I had married an american citizen, while I was here on a student visa I would have had to have left for ten years, so I got in because I was a registered nurse, and that was necessary at the time. That was a needed occupation. So you are right, it has been Going on for a really long time, and I want to thank everybody who came to normandale park. That was a whole community coming out in response to one hateful person saying no this is not happening in our community. We have a lot of things that we can and should and will do. I am appreciative of everyone who has been here, and thank you for this excellent testimony.

Wheeler: Have any items been pulled off the consent agenda?

Karla: We have 823 and 824.

Wheeler: Very good, please call the roll.

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

Wheeler: Consent agenda is adopted. Next item, 822.

Item 822.

Marco Maciel, Foreclosure Manager, City Auditor's Office: Good morning commissioners.

Wheeler: Good morning.

Maciel: I am marco maciel.

Fish: Move the mic closer. There you go.

Maciel: Marco maciel, program manager, liens and foreclosures. Gayla Jennings, Auditor's office. This is a code enforcement manager for the bureau of development services. Sherree Matias is sorry that she cannot be here today. We have Dan Simon, the city attorney's office. We are all partners in this endeavor. To make sure that we continue to use the effort that we have so far. If you have any answers, we are here to observe. Any questions, we are here to answer. This is the fifth list we have brought to council since the focused effort began in 2016. The objectives of the process Are to resolve the nuisance properties that we have throughout the city, minimize the diverse effect caused by the problems in the community and bring these properties to productive use. Foreclosure is used as the city's last resort to address the vacant and distressed properties. There is a cooperative effort by the bureau of development services, the auditor's office, treasurer and city attorney's office. To date, the foreclosure process has resulted in 68 properties proposed for foreclosure by the bureau of development services of which 17 have been brought to council for a vote and 44 were paid in full. The amount recovered is approximately \$2 million, and the process has motivated many property owners to find a resolution to their properties. Based on our data, nearly two out of three properties that were paid in full have been motivated by the foreclosure activity. To date, the auditor's office is submitting to council four vacant and distressed properties, with a recommendation to be foreclosed.

Wheeler: Could I ask you a question, when you say vacant and distressed, is this what people colloquially refer to as zombie homes?

Maciel: That's correct.

Wheeler: Okay. I wanted to make sure that I understood completely what we are talking about.

Maciel: Each of the properties is vacant. And distressed. And has been consuming the limited resources that the city has to continue working towards improving the livability, health, and safety in our community. The properties recommended for the city foreclosure, there are four of them. 13 liens. And the amount owed as of May 31 was 67,670.02. Two are distressed and the one is property with chronic maintenance violations. One of the properties has a sewer project lien. the properties are located in the north, northeast and southeast parts of town. The first property is located at 544 southeast 137th avenue. There are seven liens against the property. The delinquency ranges from 2012 to 2017. And the

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amount owed, as of may 13, 2018, is \$31,378.02. The ownership is recorded as the Oregon department of veterans affairs. And the purchaser is norman yee. We contacted the department of veteran's affairs, they have no interest in the properties and the properties where the deed was issued to mr. yee right after the payment, and obviously he has not conveyed the property to his name. The property enforcement program cases, violations cited, including fire, life, safety and health violations. There were since may of 2011. The bureau of development services has nuisance issues twice. There have been 14 inspections Performed by bds, and we have the city and the property is vacant and attractive for lawful occupants. The next property is at 5616 north harvard. four liens against the property. The delinquency ranges from 2014 to 2018. The total amount owed is 23,442.16 as of may 31 of 2018. The ownership is recorded on the norman yee. This is a vacant and distressed property, tall grass, and overgrown vines over yard and into the house. Several fire safety violations, covered with metal screening, porch metal calls since june of 2011. The next property is at 8516 north avenue. The lien was assessed in june of 2017. The totals amount owed on this particular lien is 6,144.21 as of may 31 of 2018. Again the properties recorded under the Oregon department of veterans affairs, and the same applies, the property has not been conveyed to the name of the contract purchaser was paid. This is the property that was approved by council on september 21 of 2016. And the property owner paid for the amounts owed, and retained the property. And here we are one year later because the other two sold, they were all in use. They were very good states. And those two are exactly the same or worse when we first brought it to council. The next property is located at 4725 northeast 22 avenue. That is one of the place against the property. The lien was assessed in may of 2017. The amount owed is 6,797.43. As of may 31 of 2018. This is also under the name of the Oregon department of veterans affairs and norman yee, and again, one of the properties that were foreclosed before, and we are here again foreclosing on the property because it was paid off by the property owner. The state of the properties is exactly how it was before or worse, and we have to basically the city has been maintaining those properties for mr. Yee. The next case, there are many violations against the property. The property has been vacant for over 80 years. Construction has been in the backyard. It has been for occupants. There is an unapproved in the basement. Foundation wall is. Chimney deteriorating and falling apart, and there have been three police calls for service since june of 2011. The property owner has a long history of city code housing maintenance violations with many, if not all of the investment properties. The property owner has had four properties included in two of the previous city foreclosure lists as the property was foreclosed by Multnomah county. Two of the four properties included in this list have been included in one of the previous ones approved by council however The property owner paid the amounts owed and paid the amount owed to the city prior to auction. The city has offered many opportunities to mr. Yee to correct the violations and solve the delinquencies on his properties. When the property owners are willing to resolve the violations, they can contact the bureau of development services and request a review. Once it is done, the amount owed is decreased, and the auditor's office will provide a payment plan. the bureau of development services offered an amnesty program, with the code violations. The portion of the amount owed, and for [inaudible] installments. Mr. Yee showed interest, requested the information, and but decided not to pursue the amount offered by the bureau of development services. The properties of mr. Yee have been taken to the elections committee, and he made no attempt to do anything to take any action to improve the quality of the situation of the properties. After mr. Yee's properties were included in the 2016 list, questioned to have a chance to rehabilitate his properties. The city agreed and required that the agreement be signed, the agreement was drafted and mr. Yee, who never signed the agreement, nor did any work in any of the properties. [inaudible], but our efforts have been ineffective. Therefore the city auditors

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commenced that council approve the properties for foreclosure. The next step in the foreclosure process are for the council to vote on whether to foreclose on the properties that we think is proposed ordinance. If the ordinance is approved, the auditor's office will transfer the responsibility to the city treasurer to combat the foreclosure sale. The property owner can pay the amounts owed up to the sales date. After the sales conducted the current owner has a one-year redemption period. This is the end of the presentation. And we are happy to answer any questions that you may have.

Fish: Mayor I have a couple of questions. You know someone who is maybe watching this for the first time is going to wonder are we picking on mr. Yee because the frequency that he's appeared on this, and then also why is the department of veterans affairs contracting with someone unable to maintain the property so how do you respond?

Maciel: The first has to do with the number of properties mr. Yee has. He never, I believe that he's one of those who we invest ready in those properties expecting the market would be favorable to him, and at some point, without it invest anything additional money or maintaining the properties, he would not be able to sell for with profit. This is the case if you would opt to do so. And the second one, you would Have the conversation with the veterans affairs, the department of veterans affairs, and that our properties, that they are not able to sell or to pass onto veterans, so they may sell those properties to the realtor in town who represents them. And so mr. Yee is not the only one we have had another one that came to council, but she had the property management company taking care of some of the property. That's why we don't see the same number and some of them, in my view, have given up for reasons that I cannot explain to you why. Those little by little are coming to council, too.

Wheeler: Thank you.

Saltzman: So does mr. Yee typically pay the back taxes on all the properties?

Maciel: In general, it's very interesting because I contacted the Multnomah county. He pays always the last one to give him the additional year and prevent foreclosure, and he has never failed with exception of there was one that he was unable to pay. So in my view this is a way that some of those people have been operating for decades, and obviously, has been profitable to them otherwise they would not be doing what they are doing right now.

Saltzman: So he does occasionally sell some of these?

Maciel: He's sold two in the last one, and that's why I think that he was able to acquire the money to pay for the other two that he decided to maintain.

Saltzman: Okay, thank you.

Wheeler: Any further Questions? Is there public testimony on this item, karma?

Karla: No one else signed up.

Wheeler: Please call the roll.

Lightning Super Watchdog: Yes, there is public testimony.

Wheeler: I would ask people to please sign up in advance so we don't miss you.

Lightning: I have a problem writing with my pen.

Wheeler: No worries. Thank you.

Lightning: Yes, I am lightning, and I represent lightning super watchdog. You are nothing but a bunch of vultures. Every last one of you. Mr. Yee, over 65 years old, senior citizen, mr. Yee possibly a veteran. Obviously he's getting dva loans. Mr. Yee unable to maintain his properties. Mr. Yee asking for assistance from the city. And getting nothing. How do you sleep at night. Taking advantage of mr. Yee? You are vultures. You should offer him money to do maintenance, and these calls that you think are so outrageous that you call him, the zombie home, king of this city, and put him on kgw, the true definition of a zombie home is someone who does not make his mortgage payment. Mr. Yee has no mortgage payment. You are vultures. His debt, his reason for you forcing the foreclosure on him is

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you, not his mortgage. It is you, for thinking that a private property owner doesn't Have a right to buy a home and let it sit empty. That is a private property right of mr. Yee. Not to be taken down with your anchors of nuisance liens. Code enforcement liens. Have you walked in half these properties? You walk up to these properties with a clip board and say mr. Yee, your grass is long. Oh, your door has been kicked in by somebody off the street, and I blame you. You are the victim. So guess what, I will throw you a \$15,000 little fee for you, mr. Yee to show the appreciation from the city of somebody who has been victimized. People coming off the streets, kicking his doors in, and you look at the victim and say well, guess what, mr. Yee, we're going to fine you for that. Guess what, if those people kick your doors in on your car, break out your windows. We're going to call you a zombie car owner. This is pathetic. Doj, I want this to be investigated. Doj, I want to make sure that they have had contact with mr. Yee. Doj, I am worried about the safety's owner. The owners safety right now is, is he safe? Is he okay? Are you concerned about that up here? No, you are concerned about how much you will make on these auctions. Have you talked to mr. Yee in the last six months? You have not, have you? Because you don't care. You see dollar signs in your eyes, and that's all you are going to do.

Wheeler: Thank you. Your time is up. Excuse me, your time is up. Your time is up. Thank you. Thank you. You have made your point clear. Thank you.

Saltzman: Aye.

Fritz: With property rights come property responsibilities, and there have been lots of effort to contact mr. Yee to help him with these issues, with the property, and I want to thank former mayor charlie hales for addressing this along with

Wheeler: Sit down. Sit down.

Fritz: Aye.

Wheeler: Sit down, please, or leave.

Lightning: I am leaving.

Wheeler: Thank you.

Fish: So these are -- these are unsafe buildings, out of compliance with city code. Mr. Yee has had a number of opportunities to cure the problem, and in my notes I note he's hired and fired attorneys, and he has now been -- no one has been able to reach him for some time. He's playing games with our code. This is an absolute last resort that we are taking. Commissioner Fritz is right, with property rights come responsibilities. These are beyond attractive nuisances. And we have to consider the impact on the neighborhoods Where these buildings are unsafe and remaining vacant for extended periods of time. I hope that he gets in the habit of remedying the problems before we have to take foreclosure action. The ball is in his court, and he has a well-established track record of avoiding the compliance with our very reasonable rules. Aye.

Wheeler: Sometimes I agree with public testimony. In this case I strenuously disagree. The steps that government goes through in a foreclosure process are many. It takes many years. It has to be documented, and it has to be legal, I want to just give people a preface of where this will probably leave. We will take this action today, and in another two years we will be back here having the same vote on the same individual because that has happened previously. Zombie homes are a signature problem in this community. There are hundreds of them that are -- most of them are owned by banks but many are owned by individuals. They are dilapidated, and they are ignored, and they become public health and public safety problems for other people. And where I disagree with mr. Lightning is that yes, you have property rights. Yes, that is your property. When you do not maintain your property, and it becomes a problem and an infringement on the rights of other people, that's where the foreclosure Process comes into play. So I appreciate the auditor bringing this forward, and I vote aye. [gavel pounded] the ordinances is adopted. Next item please. 824. I am sorry, not 824. Excuse me, you are in violation of the council rules. Mimi you are

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in violation of council rules. Please stop. Or you will be asked to leave. Next item is 831. All right, we will take a recess. [recess taken]

Wheeler: Hopefully this is working on the television, next item is 831.

Item 831.

Wheeler: Good morning.

Larry Pelatt, Procurement Manager, office of Management and Finance: Good morning, mayor.

Wheeler: Today everybody has to push the button up here. Perfect.

Pelatt: It's a little closer than usual. You have before you the procurement report recommending a contract award to good fellow brothers, inc. For the southwest bond avenue southwest porter street to the river bond construction project, in the amount of 4,433,342.50. The engineers' estimate on the project was 3,775,381. The bureau's confidence level was high. The council approved ordinance 188979 for procurement services to solicit the project. It was advertised on the electronic procurement system, and they put it in the business tribune. Bids are open on june 12. Three bids were received in response to the solicitation and good fellow is the lowest responsible bidder at 4,433,242.50. That is unfortunately 657,961 or 17.4% over the engineer's estimate. And the Portland bureau of transportation along with procurement services identified an aspirational goal of 20% per our standard subcontractor equity program, there is a total of 911,682, or 20.56%, subcontractor [inaudible] apportioned as follows. A combination of disadvantaged and minority businesses doing all nine firms doing all 911,682. Good fellow is not a state of Oregon certified bmv, esb firm, they have a current city tax registration number in compliance with the city's contracting requirements. If you have any questions regarding the procurement, I can answer those because goodfellow brothers has identified and met the disadvantaged minority women and emerging small business participation goals, that meets our subcontract report we did not ask them to attend the pbot project manager is, unfortunately, stuck downstairs, but if you have questions.

Wheeler: Commissioner Fritz.

Fritz: I have a comment. I really like your current modus of operanda inviting the contractor to come if they have not met the goal, and if they have, please convey our thanks to them in doing what they need to do in terms of the self contracting.

Pelatt: I will. It's actually been a pretty successful process to kind of makes them think that they have to show up, maybe they should put more effort in. So it is working.

Wheeler: Very good. This is a report so there is no testimony. I will entertain a motion.

Fish: So move.

Fritz: Second.

Wheeler: Motion from commissioner Fish, second from commissioner Fritz. Please call the roll, Karla.

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

Wheeler: Aye. The procurement report is accepted. Thank you Larry. Next item, 832.

Item 832.

Pelatt: Good morning again. Larry polat, procurement services, you have the report accepting the award to granite construction company for the south paddock paving project. The engineer's estimate on this project was 1.5 million. And the bureau's confidence level was high. The council approved the ordinance number 188467 june 21 of 2017 for us to competitively solicit the project. The project was advertised, bids open june 7, 2018. Two bids received. And granite construction company was the lowest bidder at 1,224,925, which is 18% under the engineer's estimate. Portland parks and recreation along with procurement services identified an aspirational goal for disadvantaged and minority women owned and emerging small businesses of 20%. That is the subcontractors and suppliers, there is a total of 187,002, which is 22%, just over, and dmwesb subcontractor

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disapportioned as follows, disadvantaged subcontractors, three firms, 73,000, something that's unusual is a dba owned supplying firm at 114, 002. We don't see a lot of suppliers, there are not a lot of suppliers that are state certified. So this is a good thing. Granite construction company is not a state of Oregon certified dmbsb firm, located in Vancouver, Washington, a current city of Portland business tax registration number, and are in compliance with all the city's contracting requirements. If the council has questions, I can answer them, but for the same thing because Granite Construction Company has met these, these subcontractor equity program goals, we did not ask them to come nor did we have the, did we invite the Portland parks project manager to be in chambers.

Fritz: Thank you for the report. I am happy to know that we met the goal, and we are under the estimate, and we have found the disadvantaged business suppliers, and thank you for all of those affirm the Portland parks and recreation and the way that they do their project. The people at home might be wondering why the city is spending over a million dollars for Portland International Raceway, and the answer is, it's going to be paid back from the revenues from the paving. By paving, it allows more utilization of the area, and therefore will bring approximate in more revenue, so Portland's international raceway like the golf course is an enterprise. Program, so it's paid for by the people who use it.

Saltzman: Move the report.

Fritz: Second.

Wheeler: We have a motion from commissioner Saltzman, second from commissioner Fritz. Karla please call the roll.

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

Wheeler: Aye. The report is adopted. Thanks again, appreciate it. The item 833 also procurement report.

Item 833.

Wheeler: Good morning again.

Pelatt: Good morning. Larry Polat, procurement services. You have before you the procurement report recommending a contract awarded to James W. Fowler Company for the Portsmouth University Park Sewer Rehabilitation Project, the amount is 4,199,999.99. That's about as close to 4.2 million as you can get. The estimate on the project was 4,110,000. The confidence level was high. The project was advertised on the electronic procurement system and bids opened on June 21, 2018, three bids were received and James W. Fowler and Company is the lowest responsive responsible bidder at 4.2 million, which is 2.9% over the engineer's estimate. The Bureau of Environmental Services along with Procurement Services identified our as operational goal for disadvantaged minority women and emerging small businesses at 20%. And James W. Fowler acting as the prime contractor identified the following areas of opportunity. Concrete cutting, flagging, traffic control and trucking and hauling services as well as pipe installation and manhole ceilings. There is a total of 1,079,929, or 25.7% of dmwsb utilization identified towards the goal. They are all dba firms, six firms performing in all areas of the work. The James W. Fowler Company is in Dallas, Oregon, not a state certified dmwsb contractor, have a current city of Portland tax registration number and full compliance with the city's contracting requirements. The funds are available for the project under the current CIP budget. The counselor has any questions about the procurement, I can answer them but we are fortunate, three times in a row, the contractor has met and well exceeded the subcontractor programming as operational goals, and neither the contractor nor BES were asked to be here.

Saltzman: I will rain -- entertain a motion.

Wheeler: We have a motion from commissioner Saltzman, second from commissioner Fritz, Karla please call the roll.

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

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Wheeler: Good work, Larry appreciate it. Aye. Report is adopted. Next item. Have a good day. 834.

Item 834.

Wheeler: Colleagues the multiple unit limited tax exemption program better known as multi is one of the financial incentives provided to inclusionary housing projects that choose to provide affordable units in their new building rather than paying a fee in lieu. Per state substitute each application must come before the city council for approval. This apartment building will restrict five of its total 32 units to be affordable to households earning up to 80% of the median family income for 99 years, as part of the inclusionary housing program. The five ih units will include three studios and two one-bedroom units. The multi will only apply to the restricted units and applicable shared residential space for ten years. In addition this project will receive an exemption of this affordable housing construction excise tax that otherwise would have been due on the affordable units. 52nd avenue apartments will join the other 34 private sector projects in the inclusionary housing permit approval pipeline making a minimum of 225 units affordable, in other words, and otherwise market rate Developments. This is the owner's first ih, multi project, and we have Dory here today.

Dory Van Bockel, Portland Housing Bureau: Good morning. I am happy to answer any questions but otherwise we are continuing to see further activity within this housing since it was admitted -- submitted at council, and that's not including a number of projects that are naturally affordable through other financing through the housing bureau. I would be happy to answer any questions if you have.

Wheeler: I have one question, so this is -- we now have 35 private sector projects in the inclusionary housing permit approval pipeline. It seems to me that we are starting to see an uptick there?

Van Bockel: We have seen more activity. There are a number of applications, 30 some that have gone through early assistance. Or other land use applications that are exploring how they would pursue inclusionary housing as part of their further development. Included in that are a number within the central city planned district, which we had not seen prior to current zoning changes, so it will be interesting to see what more projects will come online in the immediate future. Of course, it takes a while for them to go through the permitting process before they'll break ground, and obviously deliver the units, but we'll have a couple of the first projects that started out last year should be coming you know, getting completion of Construction shortly. We'll have some live inclusionary housing units on the market.

Wheeler: Very good. Further questions? Is there any public testimony on this item, Karla?

Karla: We're working on the signup sheet.

Wheeler: Okay.

Fritz: I will comment, I am excited about the location, it's ten blocks from the aerol heights park which we announced that Portland Parks and Recreation is going to be completing the 12 million park at that location in partnership with the Portland bureau of transportation doing the street improvements as well. So it's a much needed facility for a really wonderful neighborhood, and it's great to know that there is going to be affordable housing within walking distance of the park.

Van Bockel: Absolutely.

Wheeler: I have a question of legal counsel. There you are. Sorry Robert. You are not in my usual spot. Could you tell me what the rules are with regard to public testimony and the city council? This is not a -- this is an administrative item. It's required to come to the council. I do not expect that there will be opposition to it. But what are the rules with regard to public testimony? In other words should we wait until we get the signup sheets back from downstairs before we proceed?

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Taylor: I believe that we should wait and try to proceed as normal as Possible.

Wheeler: Very good. We'll take the testimony. Do we have them, from the signup sheets, do we have them lined up? Great. Fabulous. Thank you.

Wheeler: Good morning. I just want to remind people again testimony is taken on items specifically.

Crystal Elinski: I wanted to testify on the last couple because they told me to go to lovejoy and if I ran back over there as someone was testifying they would let me in and. I wanted to ask about that, and the last one was about making taxing the big corporations like nike and intel and pte, and not worry about these you know, help people that are going into foreclosure. We could get a lot of money from these huge corporations that run the city, so I didn't get to testify about those, so this one, I had written letters about a big subsidized projects by central city concern on 128th and stark. And I know that it was a foreclosed property. I used to go to a clinic across the street, so I would wait at that bus stop, and I trespassed on the property. It was beautiful, douglas fir, and there was this farmhouse there, and next to it was an empty lot fenced off. So I noticed the people eventually were gone, and I kind of looked in the windows thinking that I could rent. And then it was empty. It was boarded up, and months Went by. Then they came and they tore it all down, and I didn't know anything what was going on. There were no signs or anything. My friend had just moved into a house across the street. And she wrote letters to the city, as well. And to ccc. They gave us a form letter. We did not know that we had written letters, but we got the same letter from them that we told the public, here's the picture of the sign, and it was taped to a tree that was in that other lot that was fenced off, facing the other way. And so, and you can see the fence in the background. There is nowhere that you could see this sign to build this clt particle board. So with the carpenter's union i've been telling them that this is ridiculous. They did not bother to pave the road. I guess that she wrote a letter about that. My friend. And the city, this time, responded saying that oh, yeah, well, we have got you know, 200, how many miles of unpaved road? In this city? Like this is no big deal, just another one of these, when you are building a huge construction like that, it behooves the city to have a street that's paved, and for the carpenters, we are ruining our, you know, our equipment up and down the street with the ruts and the mud and the dust, and all the neighbors signed a petition, and the city ignored it, so I know from my angle, I asked a direct Question and I said, what did they pay for those trees? For that second gross florist there? Never got a response, just got that form letter, so to this day I have not heard anything. When I heard about giving tax exemptions to some of these and supporting ccc and their big subsidized monstrosities, it tears up the neighborhoods, and I really like us to be you know, at least take the input from the community, at least take that into consideration. So I am asking now for a direct response from the city and from the ccc to may letters and from the letters from that neighborhood. So if you could look into and respond to us, that would be excellent. I will follow up on it.

Wheeler: Very good. Thank you for your testimony.

Elinski: I hope that you are well enough to run a campaign, last time I talked to your staff they said they were not dealing with constituents because they were too busy with the campaign. So I hope that it goes well this time. It's a pity to spend time on a campaign when you are in office. Take care.

Wheeler: I appreciate you coming in. Thank you.

Karla: Charles bridgecrane.

Wheeler: Very good, come on up. Good morning sir.

Charles Brindgecrane Johnson: Good morning commissioners. Karla has got the super high clock. It's good to finally -- I think that this is -- charles Bridgecrane johnson, this is the first time I have seen inclusionary zoning. I don't know how many we processed but we know that we still need to focus on approving this project and preparing a better, more vital

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inclusionary zoning plan. I don't know if it's on the legislative agenda for the county, for the city's legislative liaison people, but five out of 32, it looks like a good ratio but we have seen the crisis with 16,000 luxury apartments that are occupying space that is pushing people into the streets and under bridges. So I hope that when you approve these, you will also have people in the bureau, relevant bureaus in conversation with these developers and other developers about where we can create the projects that maybe exist off of high rent units, but without it having a corridor, still keeps the space for single and low income families. But this neighborhood, it looks like it will be in the neighborhood of a new reopening emergency long-term shelter. And I hope that these developers and the people in the neighborhood can work together to have another great Portland neighborhood.

Wheeler: Appreciate your testimony. Any further testimony, Karla?

Karla: There was a tailor o'shaughnessy. I don't know if they found them. Out there.

Wheeler: Roll call.

Saltzman: Good work good project aye.

Fritz: Everybody bit helps, aye.

Fish: I just finished reading a book called the color of law. One of the arguments in the book is about how there's been massive resistance to inclusionary housing programs nationally. And where they have actually been implemented. We have seen affordable housing and so-called high opportunity areas, or more importantly spread throughout the community. That's the goal, it's not a perfect program in a perfect world it would not have an 80% mfi ceiling. But it is a way of distributing more affordable housing throughout our community, and I am pleased that we're seeing an uptick of developers that are choosing to participate in the program. Aye.

Wheeler: I vote aye. The ordinance is adopted. Thank you. Next item, 835. Do you want to pause? My understanding there is no sound down in the council chambers.

Wheeler: Is that correct? Okay.

Fish: Pause for a second.

Wheeler: Why don't we take a couple of minutes recess, so we can get the sound fixed. We are in recess. [recess taken]

Wheeler: Item 835.

Wheeler: Welcome. Commissioner Saltzman did you have something, an introduction?

Saltzman: Thank you mayor. In 2016 Portland voters thankfully approved the 10-cent gas tax to go towards street maintenance and safety improvements on our streets. As part of the fixing our streets project, southwest capital highway will be repaved from southwest texas street to southwest Multnomah boulevard, and with the americans with disability act upgrades to 39 ramps. The items would allow the city to use eminent domain to acquire the portions of land necessary to complete the upgrades to southwest capital highway, all affected property owners have been notified and invited to the council meeting by the bureau of transportation. And marty maloney from pbob is here to answer any more questions.

Marty Maloney, Bureau of Transportation: Good morning mayor, commissioners.

Wheeler: Good morning.

Maloney: Thank you for the introduction, commissioner Saltzman, and yes, like you said, if you have any other questions, I am happy to answer.

Wheeler: Commissioner Fritz.

Fritz: You said that the property owners are aware, is anybody who is concern, are any of the eminent domains' permanent easements?

Maloney: We have three permanent easements on this one, and to this point, nobody has had any issues with the actual acquisitions. Even though we take them, we don't take them lightly, they are minimal acquisitions.

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Fritz: I know that sometimes taking through eminent domain it is more favorable to the property owner than straight sales.

Absolutely.

Maloney: Thank you very much.

Wheeler: Any further discussion on this item? Is there any public testimony?

Karla: Charles bridgecrane signed up. Is he out there, john?

Wheeler: Good afternoon. Good afternoon.

Charles Bridgecrane Johnson: Optimistic thinking. We need to do more of that. Good morning charles bridgecrane johnson. I think that this -- I don't know if you ever made this speech, but mayor haes and various staff would tell us how unique it is and a avoided process to use eminent domain, so it's interesting to find ourselves in that proceeding or approval for one here. If you look at your documents, you will see that on page 3, paragraph 4, this is part of the fixing our street. It seems there are a lot of people that want to talk to you about fixing our streets so I think that we should, on the record acknowledge the context of this meeting where we have had to limit the public access because there are people that are concerned about the injuries police have done to their friends and neighbors. Obviously we cannot get into that in-depth. We have to look at the fact that when we go to page -- exhibit 2, we can find out where this is, instead of the real estate language of part lot track such as and such, we're looking at the corner of southwest 36 and not only is it maybe historic that we are doing eminent Domain, but it's so tiny. Such a tiny little parcel of land. It will be interesting to see how the financials work out. I don't know, I didn't see in the briefing it talked about the actual, if there is going to be financial cost or if this -- it has to be with imminent domain. It did not seem clear who the owners were, but I hope that as we address these tiny nuts and bolts of getting a little tiny corner improved when, at 36 and capital, that the commissioners will, outside of these structured proceedings, will be open to interfacing with our friends and neighbors who feel like other powers besides imminent domain powers have been abused and we need to take corrective action. Thank you.

Fish: Can I make one observation? There is a matter coming up later on, on authorizing imminent domain on easements that are going to allow us to do sewer reconstruction work. The protocol at the city is to seek the authority to pursue imminent domain and negotiate to see whether there is a willing seller or a willing participant. And so there is a continuum.

Johnson: These may not go into litigation.

Fish: Our experience with the utilities is more often than not there is a willing participant who is willing to negotiate a fair price for an easement so that, if we have a pipe or something below their property, that this is the formal way that we kick off this process, but it does not always Result in imminent domain.

Johnson: Thanks for that reminder.

Wheeler: Thank you for your testimony. Please call the roll.

Saltzman: Aye.

Fritz: Well first thanks to commissioner steve novak for passing this bond, and this is in his neighborhood, one of the first that has come through, so, and particularly it's important to stress that its next to the Multnomah arts center, which houses the senior center and also next to meals on wheels. So I am happy to hear about the accessibility upgrades to the ramps. That's a lot. And it's a very walkable neighborhood in Multnomah village so this is an important project. Aye.

Fish: Aye.

Wheeler: Aye. The ordinance is adopted. Thank you. Next item, 836.

Item 836.

Wheeler: Commissioner Fritz.

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Fritz: Thank you. The parks replacement bond was passed in 2014 with 74% of the voters approving it and thank you to all of the voters and taxpayers who made this program possible. It's been one of the joys of my five years of being the Portland parks commissioner to have passed the bond measure and worked with this fabulous team to get so many projects done. It's worth saying that not only have we been investing the 68 million, but where possible, we have also invested system development charges or construction impact fees to make Each of the projects even better, so as promised, in the bond measure, the money to repair or replace aging parks infrastructure. I always have to say we have got another 400 million dollars' worth of repairs so if people are wondering when their local facilities are going to go repaired, the answer is, the city has to work on that and the counselor has to figure that out. We have done what we promised to do in the bond measure, and we have a parks oversight committee, which has the community members who report on the work being done and they provide a separate report to council, and this is the report conducted by the bond team at parks to update the community on the completed projects and to facilitate community feedback. We encourage everyone to give input on this process in order to improve our work on the bond and on community outreach. And another aspect that's important for this process is making sure that we imbed equity in our outreach and construction contracts, and particularly we thank our partners at the, the NAMC, help me with that. What does it stand for?

Lauren McGuire, Portland Parks and Recreation: National association minority contractors.

Fritz: National association minority contractors, apologize for the brain freeze, Oregon, who have assisted in providing 37% of the professional design service work and construction work to certified disadvantaged minority women and emerging small business, and we will continue this great work as we move forward to make sure that we are taking care of our parks And making sure that all have access to the contracts and services that they provide. And please to turn it over to our asset manager. Sorry. Lauren mcguire from parks and recreation.

McGuire: I am lauren mcguire, the asset and development division manager for Portland parks. And with me is robyn, our bond team lead. We had a power point but we will just kind of run through the information.

Wheeler: And I think that we have, don't we have the --

McGuire: You should have a copy of the report. So this is the long form of the report, and this is the short form.

Fritz: We don't have anywhere to do the power point?

Karla: I don't believe so. They are downloaded on the laptop in chambers.

McGuire: I have a copy. I have it.

Fritz: We can put it on the website, right?

McGuire: Yes.

Wheeler: That would be great.

McGuire: We totally can and we will do that.

Fritz: Okay.

McGuire: Okay. We will do that. So we are here today as you said, commissioner Fritz, to thank the voters who supported the parks replacement bond in 2014. The purpose of the report is to summarize and share with you the public and the public, the current status and the Challenges of the third year of this bond program. On November 4 in 2014, as commissioner Fritz said 74% of the voters approved the parks replacement bond, which provided 68 million in funds for urgent repairs and parks, community centers and facilities throughout the city. The bond program has completed its third year, we are going to talk about the background and about the performance and then we will go into the investment and the transparency public involvement. The bond program is implementing 52 projects in

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two phases. In your bond annual report you'll see there's a map. Phase 2 project list to spend the remaining funds on the 18 additional projects. In year 1 we had 34 projects. The first two years established the foundation structure. In year 3 we focused primarily on delivering the projects as the bond team continued to manage scope schedules and budgets. Remains consistent throughout the year. Has focused on seven major established themes for repair and replacement in playgrounds throughout the city, trails and bridges, pools, protecting workers, pioneer courthouse square, accessibility, rest room and other repays. It aggregates all 52 projects representing the \$68 million project. It's apparent it's making significant improvement across the city. Each project site is represented here by black symbols for completed, blue indicate construction this fiscal year. Orange symbols indicate construction to happen in future years. Despite repairs made ppr still estimates the city has about a \$450 million gap for maintenance needs over the next ten years. The map also shows along with the bond projects projects with system development charges. These expansion projects funded by the system development charges are not part of the bond replacement program but sometimes the two overlap creating and leveraging funding sources. It's a very exciting time for parks with over 100 million in stc funds over five years or so. At this time, I would like to turn it over to robin to talk about the performance.

Robin Laughlin, Parks and Recreation: Thank you. In this third year of implementation several projects have moved through various phases of design, construction and completion. We have also utilized extensive mechanisms to make sure on a monthly basis we're staying on track. At this time all 52 bond projects are under way or complete. We have completed 31 right now are currently under way and 21 are fully complete. A majority of projects continued to stay within their originally defined scope. This is one of the strongest performance measures we have been measuring the team with. Fixing most of our urgent problems. Currently five projects have had scope expansions due to leveraging investments by capitalizing where we can with stcs while project managers are working on the projects. Our schedule metric is a positive one with 24 bond projects on or ahead of schedule. 21 are completed. In this last year the above the team has completed 13 in the last 12 months. We're proud of that. Seven of our projects have experienced scheduling delays for various reasons including the very challenging construction climate with some bids not coming in at all, some coming in very high. We have also faced complex permitting and procurement requirements on a couple of our projects and we have had some extended project schedules due to our desire to invest in increasing opportunities for mwesb contractors. They have coached and helped some of the newer contractors learn our system. The bureau believes investing this time and effort is worth it and results in a broadening and diversifying of the pool of contractors and builds our capacity for future projects with the city. Budget overview is as of june 30 the program has spent 28.1 million. We're still spending at a bit slower rate than originally anticipated and we expect with the next 13 projects through construction that's where the money happens and we'll be increasing our rates there. All of our projects are currently within their original bond budgets except for two. Grant pool had an originally -- higher than anticipated construction cost. Due to an accounting error parklane was charged more than it should have however the over all budget stayed within budget as it also had sdc funds assigned to it. Graphic you can see in our report you'll see that our spending on administrative costs has gone down over three years. Right now we are really excited to share the news that our administrative expenses are continuing fall since year one and currently our cumulative percentage over the three years spent on administrative costs is at 5.1%. Original goals for the program were ten so we're happy about that.

Wheeler: To what do you attribute that? That's great news.

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McGuire: We were conservative when we started out. We also had a lot of start-up costs for administration. That's why the administrative were quite high when we were setting up the program.

Wheeler: I thank you and thank commissioner Fritz for making that a priority. That's a huge statement around accountability. I know when people vote to support these bonds we make representations around accountability, the public expects us to uphold that. You're doing a fantastic job. I wanted that to be a footnote in the presentation.

Fritz: Lauren is too modest to say so but it's because staff is working incredibly hard and there's north enough to do all this work so they are working massive amounts of hours and willingly with great skill. Thank you to the entire team.

McGuire: Thank you.

Saltzman: I was curious, are there particular types of projects we're not receiving bids for? Are there still projects we have not received bids for?

Laughlin: There have been a few. You may have heard st. John's roof first time the bids were too high. We restructured the package, sent it back out and got no bids. Roofing contractors were just too busy. Most recently the north park blocks playground project, renovation, we went through that prime contractor development program and no bidder showed up for our mandatory pre-bid so we had to go out on the open mark for that one.

Laughlin: We had them busy on lots of projects.

McGuire: A lot of it is again that tight construction market.

Saltzman: Okay.

Laughlin: Another good note, our investments. We're working not only to improve our parks infrastructure but really investing a lot of money in the Portland community with disadvantaged minority women and emerging small businesses giving them a lot of opportunities to design these projects to build them and to help construct -- design and bid and help construct them. Our success rate with the dmwesb firms has been laudable. 31% of the value of our professional technical services has gone to these firms and 39% of the construction value has gone to these firms as well. The city goals are 20% for those numbers as a reminder. Our bond team is also proud and passionate about our parks system. Really want to share this with the public. With our initial bond work the extensive outreach process helped garner bond support thanks in particular to commissioner Fritz and commissioner Fish. Building on these efforts the bond team was engaged in a public outreach to each of the bond projects. The numbers on your screen we can share with you later. We have done quite a lot of outreach efforts and these numbers show that. These are also represented in the hard copies you have. We realize that our work around community engagement has to reflect our diverse community and what their needs and desires are to help foster these efforts we're ensuring that we heard from a broad spectrum of Portlanders. Our community engagement staff have involved liaisons, members of the community with ties to spanish speaking, somali, and russian communities. These have helped with outreach and translation for a lot of our playground renovation projects. Project specific outreach has been targeted to low income and disability communities and open houses have been held with event such as summer food for all and food in the park. Our bond oversight committee continues to provide oversight for us. One number that's changed in the last year chairperson dion young's term has ended. A search for a replacement is under way. This group has helped us a lot as we have gone through and grown the program and in our annual report the recommendation was to salvage metrics to demonstrate the effectiveness of our efforts to be transparent with the public engage public feels like the process has been open and welcomes participation. To address a suggestion we're develop ago targeted survey to measure out well our outreach and communication strategies have worked. That will be available online at www.parksreplacementbond.org. That will be up until mid-september 2018. The

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oversight committee will also be visiting again in the fall with a report on their work. Audits. Those were part of the bond measure as a requirement. We in order to ensure fiscal accountability we have hired an independent firm to provide performance audit of the bond activities. This audit will serve as a progress check on how well the program is operating and as a guide for future work to ensure efficient delivery of the identified bond projects. The audit is scheduled for completion this fall. Expect we'll be giving a report on that when that is ready.

Fish: Was there thought when we went before the voters to ask that the city auditor to do the audit or what was the thinking here?

McGuire: I spoke to the city auditor about that. They declined because of their workload at the time. So she did help extensively actually with us in our rfp for the auditor selection and also on the committee itself.

Fish: Who have we selected?

McGuire: Harvey Rhodes.

Fish: That's --

Laughlin: They are a professional firm in California. Harvey M. Rose. They did provide auditing service for a lot of government agencies on the west coast.

McGuire: That was recommended by our city auditor too.

Fish: Thank you.

Laughlin: Again, a lot of bond projects have been well received with support from our three main stakeholder groups, the public, consultants and our contracting community as well as city council. Our goals for utilization have been exceeded in the majority of our projects are as I said on schedule and on budget so we're happy with the progress in the first three years. Our slide show unfortunately has a lot of pictures of our competing projects but you can see that in your report. I don't want to go through the details if we content have pictures to support that but I hope you'll find we have a lot of wonderful improvements providing services where things were lacking and have been for quite a while.

Fritz: It's just really unfortunate that some people who want to yell and disrupt are preventing the public from seeing the good parts of government, the things that we have gotten right and the things we have done for the community. Thank you for continuing to present and just know it's unfortunate that freedom of speech apparently is sometimes a one-way street.

Laughlin: Looking ahead, we have ten bond projects scheduled for completion in the near future. We're excited for this work. I do have this list on the slide to read to you so you know what's coming to your neighborhood. Cooch park loo, playground, benedict park rest room, water supply, kenton park playground, north park walks playground, raymond park -- peninsula park pool. With that we're happy to patrick kennedy you with the long form of the annual report for the bond which will be shared with the press and the neighborhood coalitions and will be available on the parks website. The information can be found in that report. It's also intended to be completely transparent and honest. The short version, the one I gave to you, is also available and will be distributed at events throughout the summer. It's available in English and translated into Spanish. So we anticipate we'll be able to deliver the bond, phase 1 and 2 bond projects as promised for the \$68 million. We're happy to take questions at this time. Thank you.

Wheeler: Very good. Further questions? You will post on the website --

Laughlin: We will post the power point.

Wheeler: We wanted to see today but could not.

Laughlin: Absolutely.

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

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Saltzman: Thank you for the great report and thank you, commissioner Fritz, for your leadership in getting this measure approved by voters. I really appreciate the very thorough approach you're taking to monitor your expenses, getting audits done and getting the work done too. When we can find the contractors. Aye.

Fritz: Thank you very much for the report. It's good to see on paper and acknowledge the community what's been going on. Want to tell a quick story about the human impacts of these investments on Sunday I was at the Buckman community association picnic. In the neighborhood two of the projects that are featured here, one the loo, the other the splash pad there. I was approached by a neighbor who said she lived next to the park and do we design these with public safety in mind. I said with some trepidation, yes. Hoping that she wasn't going to say you've done a terrible job. She said it's transformed the park. It used to be a place with a lot of criminal activity going on, a lot of drug use and other things happening. Monday fun day, which was mayhem for the whole community every week. Because the loo replaced the rest room, which was very unsafe, because the splash pad has brought in families to the Warwick, and it was designed in a way that the location was intended to make sure that there was positive activity on both sides of the splash pad, it's not just a recreational facility. It's transformed the park. I don't know what the total investment was in those projects. I'm guessing less than \$1 million. We were spending a heck of a lot before and on crime prevention, police response, various other less positive activities. Now we have this wonderful park that really is bringing the neighborhood together including people who live outside who are very welcome at the picnic and were participating in picking up trash and helping out. Made me feel really good, that that was one of the things I got to do in the last week. I thoroughly enjoyed being the parks commissioner. I thank mayor hales for allowing me to do it for four years, mayor wheeler since he took over. Obviously, my main goal has been to take care of our beloved parks and make sure all Portlanders can enjoy them. We have 50 projects including ten loos and rest room renovations plus the pioneer courthouse square gender-neutral rest room. I'm very proud of being the loo queen and the rest room queen. [laughter] it's the largest expansion in the history of Portland parks and recreation. We leveraged the system development charges from places like peninsula pool which now has accessibility improvements. Accessibility has been a theme throughout as we promised in the bond measure. So we have recently announced an inclusive play area for people of all abilities at Gabriel park in southwest. We're opening cooch park, also going to be and has been developed in collaboration with the playground. With the opening of gateway discovery park Saturday that means four of the five quadrants will have very shortly accessible fully inclusive playgrounds with just southeast waiting its turn patiently. I'm very grateful and happy about that. Thank you to all the staff at Portland parks and recreation including the amazing women in this room. Lauren McGuire, Robyn Laughlin, Maya spencer. Sorry. Kiah elliott, mike abate was part of this whole program. Maryann – the list goes on and on. Thanks to all the community engagement staff, equity teams, and then commissioner Fish, who took the bond measure over the finishing line in 2014 and has been a staunch supporter of parks for as long as I have known you and really proud to work with you, Christina Nieves and Puhja Bott, my staff and my chief of staff, it's been an honor. I wish I could thank everybody by name. Aye.

Fish: Dan and Amanda I think have said it all. I would just say this is a model report. You set the standard and the bar very high. Congratulations. I look forward to providing strong leadership with my colleagues as you continue your excellent work. So thank you very much. Aye.

Wheeler: I want to reiterate my thanks to commissioner Fritz. Her passion and her enthusiasm on this is obvious and it's contagious and exhibited tangibly through the work that's been done at these parks. I do hope people have the opportunity to look at what you

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described as the long form of the report which honestly sounds terrible. It's terrible marketing on your part. [laughter] thank you for your outstanding stewardship. I thank everyone in the community who worked hard and advocated for and helped shape this vision and ultimately supported it with their own tax dollars. This to me is a prime example of our city and what makes it unique and makes it work. Thank you. I look forward to next year's report. I vote aye. The report is accepted.

Laughlin: Thank you.

Wheeler: Next up 837. Commissioner Fish.

Item 837.

Fish: For more than 40 years the city has had an ongoing cooperative agreement with the usgs to collect stream flow and water quality data in the bull run watershed. Today's agreement will continue that successful partnership. My pleasure to introduce edward eddie campbell, resource protection group manager for the Portland water bureau, for a brief overview.

Edward Campbell, Planning Director, Water Bureau: Good morning, mayor, commissioners. Again, I'm Edward Campbell, resource protection planning director for the water bureau. As commissioner Fish indicated, the item before you is the renewal of an intergovernmental agreement with the united states geological survey to maintain and operate water monitoring stations in and around the bull run water source. These 13 stations provide critical real time data regarding tributary flows, reservoir levels and water quality. That's essential will both our operations and also with our ability to comply with the requirements of the safe drinking water act, clean water act, endangered species act and federal energy regulatory commission. This provides the city with the option of adding one additional monitoring site if we deem it necessary and that would be below our intake to help us manage our flows on the lower bull run river so that is an option built into this updated agreement. The city's partnership as commissioner Fish indicated with usgs goes back 45 years and has resulted in an uninterrupted data set which is critical for us in terms of monitoring trends and doing planning for the future. The five-year total cost to operate and maintain this network is \$1,623,235, of which the water bureau share is \$1,026,020. Funding has been included in the current fiscal year budget and in out years it's included in our financial forecast. This is not something that will change or affect our projected rates. With that I'm available to answer any questions about the item.

Wheeler: Colleagues? Did anyone sign up to testify?

Karla: We have three people signed up. We'll get someone to bring them in.

Fish: Okay.

Wheeler: Can we recess, Karla, until they come in?

Karla: Yes, we can.

Wheeler: Very good. Good morning.

Shedrick Wilkins: I'm cedric wilkins. I commend the reelection of commissioner Fish as water bureau chief. In january and in june after the election I went to pub meeting in this building, especially june, and ask do you have any problems or complaints with us stepping into the columbia river wells and the answer I talked to the testimony, no. So if in the future the city of Portland continues to dip into the wells from time to time to get water I don't hear any complaints about it. So I support commissioner Fish, and this is a very difficult situation because there's a no-win situation. There are people who actually think they are getting poisoned from the bull run water system and there's people who think they are getting radon from the columbia river. There's no win but it was like a year and a half later and I'm not hearing any comments from pub. In fact the only comment they wanted is they want a survey about whether commissioner Fish is going to spend too much money on the filtration system. They put it on their website. You can't win here in this whole thing. I think the city of Portland will continue to dip into the columbia river wells and these are

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professional people too. These are not people that comment. These are professional people. I talked to the assistant director of the water bureau, and she said we didn't get any complaints. Major complaints. I'm talking about the month in february of 2017. That's all i'm saying. I commend his reelection and how he handles the water bureau. I never went to pub meetings before. Okay. I'm not hearing any kind of problem with the radon in the columbia wells being a significant problem and it is a no-win situation.

Wheeler: Very good. Thank you. Good morning.

Charles Bridgecrane Johnson: Good morning, commissioners. Charles bridge crane, i'm glad to testify even though we had two of our friends and neighbors removed under police arrest a few moments ago. This is not dialogue but commissioner Fish is often helpful to get things discussed. With we look at the \$1.6 million agreement with the usgs and becoming more informed, perhaps better protecting our bull run watershed, it's hard to determine if the federal contribution or the city contribution in exhibit a2 c, the amounts are broken out, although I don't -- half a million -- oh. Use the glorious language of party of the first part. I don't know if commissioner Fish could maybe indulge us if it's clear which parties are which and if we're getting net benefit. As we know when we have looked at other issues crucial to this city our quality of life, our quality of government services significantly impacted by our ability to keep maximum federal funding for good programs flowing into the city. Water matters... I generally don't have any problem with city funds or general budget being expended for water quality, but it looks a little legaleesish.

Fish: Over the five-year term the water bureau will contribute \$1,026,000, the usgs will contribute \$551,000. The federal stream gauge network will provide another 46,000. That's how it's broken out over the five years. We are required to do this pursuant to permits. This is a long-term relationship and our cost is about two-thirds of the cost of this monitoring.

Johnson: Thank you very much. I guess this is natural stream. We probably have small biological -- don't want to do micro generation like the great new devices you see on amazon that you can charge your phone but I appreciate the work of the water bureau and hope someday there will be a public status report on that. I think we should all be grateful to the makers of protect skate helmets which protected the city from a kent state moment. Let's hope our citizens and our police department can get on a better page.

Wheeler: Thank you for your testimony. This is a first reading of a nonemergency ordinance. It moves to second reading. Next item, 838.

Fish: Could we have 838, 839 and 840 read together?

Wheeler: Please, Karla.

Items 838, 839 and 840.

Wheeler: Commissioner Fish.

Fish: The Portland water bureau has three upcoming projects to improve water quality services including enhanced services during natural disasters and fires. For these projects to meet the proper engineering and safety standards the Portland water bureau will need to acquire permanent and temporary easements through negotiation. Today we present teresa elliott, chief engineer, and ben gossett, right of way manager from the Portland water bureau. Welcome.

Teresa Elliott, Chief Engineer Water Bureau: Thank you, mayor wheeler and commissioners. As commissioner Fish indicated you have three similar ordinances here. Replacement project, north jansen avenue main replacement project and the gresham trestle rehabilitation project. The three ordinances grant Portland water bureau authority to negotiate and acquire easements and include including using the eminent domain authority covered under city charter chapter 9-108 as last resort. By the way i'm teresa elliott, chief engineer. This is ben gossett as well, he's the right of way manager for the water bureau. The projects have been designed to achieve the highest -- greatest public benefit while minimizing inconveniences to adjacent property owners. Water bureau will

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conduct all acquisition activities in accordance with Oregon revised statutes chapter 35 eminent domain and public acquisition of property including with respect to notice, value, offer and if necessary relocation and eminent domain. All affected property owners have intend provided general project information for the three and invited to today's council meeting. I have given you four slides, they are what I provided Karla for the power point. It's of the four different sites included in these three ordinances. Item 838 is the penridge project in the west hills in an area that was annexed in 1986 from the sylvan water district. The penridge area was identified in two different master plans as being undersized and inadequately covering current fire flow protections. The penridge project is designed and will -- is in design and will improve fire flow capacity system pressures and improve system reliability in the service area. The Penridge project will take place in a privately-owned road and the water bureau will be seeking three permanent easements and two temporary easements. Item 839, the second page, is the north Jansen avenue main replacement project located on Hayden island. Hayden island service area was annexed from the Jansen water project. The main segment is predominantly concrete and asbestos transit pipe that was installed by the Jansen beach water company. Existing pipes are in poor condition with a history of leaks and many of the services are not meeting current standards and need to be brought up to standard. The Jansen beach project will replace about 2,000 feet of pipes, improve fire protection and bring the service up to current standards. This will help us improve our safety working around the pipes as well as improving the bureau's system reliability. The Jansen beach project is located primarily in existing easements in Jansen avenue and which is a service route for the houseboat owners and a storage complex. The bureau will be seeking a temporary construction easement for use of the road and three permit easements. Item 840, the last two, consists of two locations, bear creek trestle and el Camino trestle, both located within the city limits of gresham. The trestle projects have three permanent and two construction easements that we will be seeking. The conduit trestles will replace existing trestles to reduce risk during damages from seismic and flooding events. The beaver creek trestle is the bureau's largest, it's over 120 feet in length. It has limited access in a wooded area with a wide flood plain. The el camino is in a residential area in a subdivision and to date we have talked to all the property owners that are affected by these easements. We believe that most will be willing for us to negotiate. Any questions?

Wheeler: Commissioner Fritz.

Fritz: Thank you for the presentation. Very thorough. Interested in the ones in gresham. Kind of surprised the city of Portland gets to do eminent domain over somebody else's area. Can you tell me about that?

Ben Gossett, Bureau of Transportation Right of Way Manager: Certainly. We have easements that run through gresham that date back from the late 1800s. I have worked with the city attorney's office and confirmed that in fact for this public purpose we do have the right of eminent domain to acquire these easements.

Fritz: We have been in contact with those property own centers.

Gossett: We have.

Fritz: I note there was one property owner concerned. Are they able to be here or resolve the concerns?

Gossett: I don't believe that they are here today. My office has been in touch with those owners and my understanding is as of this morning they don't have any concerns.

Fritz: Okay. I hope that's the case because it certainly was not a very hospitable environment being in city council chambers.

Gossett: Agreed.

Fritz: I'm sure you'll work with them to address that.

Gossett: I will.

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Fritz: Thank you.

Fish: Once we give you this authority what's the timeline for attempting to negotiate a willing buyer, willing seller relationship on an easement before you would ever use the hammer of eminent domain?

Elliott: I'm going to let ben answer that since he will be the person doing the negotiation.

Gossett: Commissioner, ors35 requires a minimum period of 40 days to negotiate. We have built into our schedule about twice that. In addition to that, there's a period during which these easements will be appraised, and an offer made based on those appraisals. The ors standard is a minimum of 40 days to negotiate from the date of the offer. Then again we have time in our schedule above and beyond that.

Fish: Thank you.

Wheeler: Very good. Public testimony?

Karla: We have two people signed up.

Shedrick J Wilkins: Can I look at the mayor when I say this? I just said there's nothing wrong with our water. After talking to pub, and I think one time you said you trust commissioner Fish and the water issues. I also said it was a no win situation about drinking columbia river water versus willamette river water. Recently you have been involved with a lot of no win situations, okay? I do not advocate that you resign. Certainly don't resign. I feel that you have said the right thing. After looking at the water, you know, dipping into the columbia, there was no problem with that. You said you support commissioner Fish to run the water bureau. I would say you're a good mayor for that.

Wheeler: That means a lot. Thank you.

Jan Zweerts: I'm john wirtz, currently the president of jantzen beach moorage, representing 177 homes there. On 839 you're going to be putting in about 2,000 feet of water line directly through the middle of our property. I'm looking forward to this and having worked closely with you folks on this i'm interested in finding out if the water line will be earth earthquake resistant. We are built on a fill that's all sand dredged in from the river to build it up, and I don't know if you have these answers now but at least point me in the right direction for that.

Fish: Staff people who can talk to you after your testimony. Thank you for taking time to come in.

Zweerts: Other than that we look forward to getting this done. It's been postponed for many years.

Wheeler: Thank you for coming in. Great shirt. Thank you. 837 is a first reading of a nonemergency ordinance. It moves to second reading. 838 is a first reading of a nonemergency ordinance. It also moves to second reading. I'm sorry, that's wrong. Retract that. 838 is a first reading of a nonemergency ordinance. It moves to second reading. 839 moves to second reading. 840 is a first reading of a nonemergency ordinance, it also moves to second reading. So back to the consent agenda we had two items pulled. 823.

Item 823.

Wheeler: Two minutes, please. Who pulled this?

Karla: This was pulled by edith gillis.

Wheeler: Is she here?

Karla: I believe she's down in the lovejoy.

Wheeler: Take a recess until she gets here.

Edith Gillis: The recognition of amanda Fritz and the parks. I enthusiastically support prep hub and improvements as many solar powered loos including emergency prep supplies and two bucket compost and collection and rainwater purple water collection and filtration systems distribute equally per the population throughout all neighborhoods. Pocket parks, community food gardens, food growing, open spaces for refugee camps for use between major earthquakes, floods and pandemics. Parks well run are one of the best ways to

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ensure public safety not only are we developing community and directing people to have a sense of empowerment and decision making and skill building we're also developing a sense of inner pride and community pride so we take care of each other, we know each other and we prevent crime and interact to come to each other's aid. By having these prep hubs throughout the community and having them individualized for the neighborhoods we are able to incorporate public art and have a lot more pedal stations than just one person pedaling. They need to be modified and we have them modified in different neighborhoods. We can cut some of the cost by incorporating other services in which it aids of community. Neighborhood emergency prep training as done by richmond neighborhood association and multi use art structures of different language and graphics teaching disaster prep at the same places we would do a park exercise station supplemented by rain catchment systems. Every few blocks throughout the neighborhood. How are we going to pay for that? We take back the money we're spending on armaments that are unlawful in war zones against civilians that we are currently using Portland police and instead of having the weapons and this excessive policing that we should have emergency preparedness and crime prevention. Amanda, thank you for all the good you have done for us.

Wheeler: Thank you. Appreciate it. Karla, please call the roll.

Saltzman: Aye.

Fritz: Thank you for your testimony. Aye.

Fish: Aye.

Wheeler: I want to go on just a moment on this. This is a very important collaboration between the city of Portland, Portland state university, and Portland general electric. It comes with strong guidance from mit, massachusetts institute of technology, to partner on this prep hub pilot. As you mentioned it's a program to improve disaster resilience and emergency preparedness throughout the city. This is a pilot. It's going to test the durability of the structure and the capabilities around battery storage, security of supplies, and we'll also evaluate community perception and buy-in. This is going to serve as a place for the community to gather so the community feels safe and well prepared for any eventuality. It's our hope that this will serve as a model for other cities around the country making all of our cities safer and more prepared. So i'm very proud that Portland is going to be serving as a testing ground for this innovation and can serve as a model for other cities in preparing for community resilience. I vote aye. The ordinance is adopted. Just to be clear, this is the dollar part that's already been allocated through our budget process. I vote aye. The ordinance ace proved. Item 824 has also been pulled. Again I want to remind people that this is regarding a payout to a personal injury lawsuit resulting from an event in 2015. We're taking testimony on that and that only.

Item 824.

Wheeler: Who pulled this item?

Karla: Dan handelman and edith gillis also.

Wheeler: Is there somebody from staff to discuss this? Did you want to go right to public testimony? Why don't we hear public testimony and if there's follow-up questions we can have you up?

Karla: Dan handelman and edith gilliss.

Wheeler: Very good. Since there's only two i'll extend the testimony to three minutes, please.

Dan Handelman, Portland Copwatch: Good morning, mayor, city council members. I'm dan handelman with Portland cop watch. First thing I want to say about this item is this should be on the regular agenda. This is a matter of misconduct. There have been other lawsuit settlements about police recently, mostly car crashes. Those don't necessarily need discussion in front of full city council but I think this should have been scheduled for

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regular testimony. There may be others who want to testify who don't know this is being discussed right now. Since I can't hear from the city first, I'll read parts of the lawsuit into the record. It says Portland police over the course of years have demonstrated that they stop and search african-americans disproportionate to the population, that an officer yelled at mr. Allen to stop and said when I tell you to stop you f-ing stop which indicated he violated the profanity directive as well as the profiling law. The officer threw him to the ground, put his knee into his head and neck. He was acquitted with interfering with a police officer. Portland police say the lawsuit came to his workplace and this lawsuit says Portland police should know that they are more likely to stop a black man and use force, no discipline of officers for use of force, and there's been no accountability. I agree with all these items that were listed in this lawsuit. We're not here to oppose the \$25,000 settlement. Hopefully you'll go through with it. But the issues that are raised in here are issues of policy which are not addressed by giving money to the plaintiff. It happens that I ran across the stops data report for 2016 which was published -- to no public trumpeting. I accidentally stumbled on it yesterday, which does say that african-americans are stopped at a disproportionate rate to their representation of the population but it goes through gymnastics with the statistics to say well, but that doesn't prove anything because we have to look at the crash rates and even though it says they are disproportionately searched three times more than they should be, that's not disproportionate. It's a very strange report. They also put the gang enforcement team members in the back even though that unit is far out of whack with everybody else in terms of how many african-americans they stop. We have an ongoing problem with racial profiling in the city. In this case is another symptom of that. I should also mention there's political profiling we have been talking about that goes on in the city. It was done over the weekend. You can't assume that people who are attending or standing somewhere are intending to be violent based on --

Wheeler: This is getting afield.

Handelman: I'm talking about profiling by Portland police.

Wheeler: This is regarding something else.

Handelman: It's very intimidating coming into this room and locking people out of council chambers. It's hard enough to talk to you as a citizen.

Wheeler: Your testimony is completed. Thank you.

Handelman: Well, you have to understand what you're doing to democracy by doing this, mayor wheeler. You should set aside a half hour for people to talk to you. [audio not understandable]

Gillis: One of the reasons that we decide on a dollar amount and to pay amount is because it's a systemic problem via public policy and police practices of racial profiling, poverty profiling and political profiling. My children are ages 32, 27 and 24 who have seen the same kind of behaviors that happened to mr. Allen on every single week when we would take them to and from the elementary school and franklin high school. We have seen police kicking in the back of the neck, in the back of the back, people kneeling or on the ground, face on the ground with hands cip tied or handcuffed behind them totally helpless. Every single week to and from school. Every single protest I have been at for the last 36 years at the end of them and you'll see -- patriots come to town police make false accusations and violently attacked the crowds.

Wheeler: Please keep this to the payout in question.

Gillis: I think they deserve more than this because it's a policy that's consistently going on and that I would like us to have a pie chart of available to folks seeing how much money is being spent on these payouts for police misconduct. We need to take the money away from weapons and just fire these folks that are doing what they do to mr. Allen and instead have mental health support and services and other ways as amanda Fritz has been doing

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in the parks department. This amount of money is less than it should be paid to them because of the ongoing problems our city has been guilty of.

Wheeler: Thank you. Appreciate your testimony. Please call the roll.

Saltzman: Aye.

Fritz: Well, I agree it's very intimidating to be faced with a lot of shouting people and it does shut down public testimony of people who came to speak. I appreciated the citizen testimony this morning. We made an exception a couple of weeks ago and scheduled a special session to listen. This is an accessible council except when protesters make it inaccessible for everybody. That's really unfortunate. I agree we do have things we need to work on. The mayor agreed to that too. So I hope that we have learned from what happened in this incident and that we are working on making sure that it doesn't happen again. I hope mr. Allen is doing fine. Aye.

Fish: Aye.

Wheeler: Well, this is an issue that I had to educate myself on. This happened before I was here, this happened before chief outlaw was here. Having reviewed the facts of this case, and understanding that this is a voluntary agreement that the family has agreed to, I support it. I vote aye. The ordinance is adopted and we're adjourned.

At 11:57 a.m. Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

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2:00 PM

Wheeler: Afternoon session of the Portland city council. Karla, please call the roll. [roll call taken]

Saltzman: Here **Fritz:** Here **Wheeler:** Here

Linley Rees, Chief Deputy City Attorney: I'll begin by discussing conduct during city council meetings. Welcome to 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 and safe. To participate you may sign up in advance with the clerk's office for communications to speak briefly about any subject. You may also sign up 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 record, your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization, please identify it. The presiding officer determines length of testimony and we'll discuss that in more detail for this land use matter later. When you have 30 seconds left a yellow light goes on. When your time is done a red light goes on. If you're in the audience and would like to show support for something said, please feel free to do a thumbs up. If you want to express you do not support something, thumbs down. Disruptive conduct 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. A person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping keep your fellow Portlanders feel comfortable, respected and safe.

Wheeler: I would like to thank our security team, Dorothy and your entire team. You guys did a great job this morning under very trying circumstances. I just want to say for the record I think it is unconscionable that people would come to city hall with the intention of shutting down city hall. Then attack our security. Including Dorothy. Whatever message you thought you were delivering today it was completely lost in your senseless acts of violence against our city staff. With that could you please read the first two items.

Items 841 and 842.

Wheeler: Thank you, Karla. First, the city attorney will make some announcements about the hearing.

Rees: We'll talk about procedural aspects of the hearing. It's an evidentiary hearing which means you may submit new evidence to the council in support of your arguments. I'm going to talk about order of testimony. First, we begin with a staff report for approximately ten minutes. After that council hears from interested persons in the following order. Applicant will go first and will have ten minutes to present their case. Following the applicant, we'll have people who support the applicant for three minutes each. After that we will have the principal opponent, in this case because there's not a principal opponent there will be two people speaking for five minutes each during that time. Following that the other people who oppose the application will speak for three minutes each. Finally, the applicant will have five minutes to rebut and then there will be council discussion. At that

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point, council may close the hearing and deliberate. This is a nonemergency ordinance, so it will necessarily pass to a second reading. Today council may make amendments to the ordinance and findings and direct staff to return with amendments or amendments to the finding. I'm going to identify now due to some portion of the findings that were not included we know at this point that we will have to have revised findings and staff will speak to that in more detail. There are several guidelines for those addressing city council. First any letters or documents you wish to become part of the record must be given to council clerk after you testify. Originals or copies of slides, photographs, drawings, maps, videos or other items you show to the council including power point presentations should also be given to the council clerk so they are included in the record. Second, any testimony, arguments or evidence you present must be directed to the applicable approval criteria for land use review or other criteria in the comprehensive plan or zoning code you believe applies. Staff will identify it as part of their staff report. You must raise an issue clearly enough to give council and other parties an opportunity to respond to an issue. If you do not you'll be precluded from appealing to the land use board of appeals on that issue. The applicant must raise constitutional or other issues relating to proposed issues of approval with enough specificity to allow council to respond otherwise you will be precluded from applying for damage from circuit court.

Wheeler: Do any members of the council wish to declare conflict of interest?

Commissioner Fish. I'll ask for ex parte conflicts next.

Fish: I have no conflicts, no.

Wheeler: No commissioner has declared any conflict of interest. Does any member of the council wish to declare ex parte contacts or other information gathered outside of this hearing that they would like to disclose? Commissioner Fish.

Fish: At the request of members of the southwest hills residential league my chief of staff Sonia Schmanski and policy director, Asena Lawrence, met with a number of citizens for approximately 30 minutes. At the request of the property owner's council my chief of staff met with attorney Christi white for approximately 30 minutes. I have not been briefed on the particulars of either meeting. I also got a letter from bill failing. I read about half of it until I realized it was relevant to this proceeding so I gave it to my staff. Other than that, there's nothing that prevents me from being impartial in deliberations of this matter.

Wheeler: Are there any others?

Saltzman: Yes. My remarks are identical to commissioner Fish. The southwest hills residential league met with my chief of staff matt grumm for approximately 30 minutes. Also at the request of the property owner's council matt also met with her, christi white, for approximately 30 minutes. I have not been briefed on the particulars of the meeting.

Wheeler: Commissioner Fritz.

Fritz: I received an email from david olson, former director of community technology, who is here today, approximately over a year ago before this land use application was submitted. He asked me to look into the conditions of approval and I don't remember what we did at that point and I didn't go back and look at the correspondence. Claire Adamsick, on my staff met with some of the neighbors. She told me that the main take-away from the meeting was that the neighbors are only focused on the retail and are not objecting to the other conditions going away. So if that's not the case make sure you tell me in your testimony. I don't think I read any emails on this issue, and I think that's the sum of my contacts outside of the record.

Wheeler: Very good. I have an identical scenario, one member of my team, michelle plumbeck, met with the southwest neighborhood association, and she understood that that would be ex parte contact and therefore could not share the information of that session with me. She has not. I have been briefed with michelle on the procedural issues around this issue but not on any of the substance. So with that is there anybody here who would

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like to ask any of the commissioners any questions about their declared ex parte contacts? I do not see anyone who has requested that.

Rees: So we'll begin with the staff report for ten minutes, please.

Wheeler: Good afternoon.

Mark Moffett, Bureau of Development Services: Good afternoon, mayor wheeler, commissioner Fritz, Saltzman and Fish. I'm mark moffat, bureau of development services. I have a very brief presentation but will be available for questions. The case file number today lu18-12666cpzc, i'm here representing the hearings officer recommendation. In summary, -- i'll mention I do have kurt kreuger and other pbot staff here. There are no big pbot issue but kurt available. In summary the proposal is a comprehensive plan map and zoning map amendment to amend prior conditions of approval from an old zone change and the related ordinances at the former lamm's swiftway grocery store site in Portland highlights. There's no change in the zoning map proposed, so this is unusual. By the code we're required to go back through the same process we did that applied those conditions. So in 1984 and 1988 the comp plan zoning procedure to get these procedures in place. We have to go back through that same process to amend or delete them. This is just sort of an abbreviated and partial list of the conditions but generally the request is to remove ordinance conditions requiring that the site use be limited to a grocery store. Those conditions also prevented expansions or exterior changes to the building. There are some parking and loading restrictions that go a little beyond normal zoning code requirements. There are several conditions that restate other code requirements that would apply regardless, and then there are some rooftop and equipment screening, detail conditions about setbacks, exterior signage, et cetera. We have the standard approval criteria in chapter 810 for comprehensive plan map amendments. The primary evaluation in this review is on balance evaluation of all the city's comprehensive plan goals and policies. You look at the entire universe of goals and policies, look at the policies that are relevant and decide whether on balance the proposal is equally or more supportive of those goal and policies as a whole than the existing situation. Again, it's not like a yes-no list of criteria that we're dealing with. It's more of a discretionary sweeping big picture look. In this situation because our case crossed the timeline of may 24, old and new code, we got findings onto both old and new policies but it's just the new comp plan goals and policies that are relevant because we're here after may 24th. Then the zoning map amendment approval criteria, basically the public services there. Chapter 855. The zoning map we have two. We have the cn2 zone map in place on the day they applied. That has since changed to cm1, in proximate zones, low scale neighborhood level commercial zone. There's a site plan that doesn't really -- not that relevant or pertinent to the case, shows an aerial view with the footprint and parking on west side then the street. This is another aerial view showing you the site in regs to the surrounding neighborhood, lots of single-family neighborhoods, nice, well maintained homes and Portland heights immediately to the west. With frontages on patton road. There's a bus counsel crest bus runs by the site. There's a stop right out front. Just a picture from patton road looking back at the existing building it's just really one story from the road. It does have a basement level on the interior of the site which slopes downhill to the north. Just a shot of some nice houses across the street. This is the patton roadside of the park. Portland heights park has two levels. This is upper level with rest rooms, tennis courts and small play area. There's a lower field area with a stairway descending from the parking lot down to the lower field on the west edge of the park. This is a vast simplification of the neighborhood comments. The southwest hills residential league has expressed concerns about several of the relevant goals and policies and would like to retain -- i'll let them speak for themselves but they are looking for retention of the grocery retail use at the site and possibly some involvement in the future changes at the site. Most neighbors objected to removal of the conditions. Most neighbors

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who wrote in talking about the need for a local shopping opportunities, neighborhood character, the distance and difficulty of getting to other grocery stores, the surrounding residential and park context, public involvement in the application and process for new development at the site, lack of public transportation to the site and questioning the applicant's claim that the grocery operator is not viable at the property. We had one neighbor write in support of the proposal suggesting that it should just be redeveloped per the new zoning. But in general the arguments were that the neighborhood retail use was critical to the livability of the site and the neighborhood and residential only uses would be problematic in a redevelopment scenario and a lot of just concerns stated in many ways about the neighborhood character and traditions. My job here again is to represent the hearings officer analysis just a quick summary of that, hearings officer found that based on the evidence a grocery store was no longer viable as exclusive use on the site. Noting that even free rent did not entice tenants. It was offered to trader joe's I think. Hearings officer found the conditions of approval are overly restrictive and inhibit the site for housing or other economic developments contrary to city goals and policies and on balance the proposal would support the city's economic liveability and housing goals and policies. The hearings officer found no evidence in the record that the current rezone or some arguments made when they kept the -- changed it to cm1 that that was intentionally meant to include the old conditions. There's no evidence in the record that the planning bureau was aware of these conditions when they changed the zone or kept it because of those conditions. We have a condition of approval for a trip cap. I won't go into the detail. There doesn't seem to be any controversy about that, and no issues with the planning goals or housing loss mitigation. For the zoning map amendment. Most of the public services were available. We have conditions of approval regarding a sewer easement on site and the trip cap for future development. This is just the hearings officer analysis. I won't spend a lot of time on that. It's just a straight cut from the staff report. I will mention unfortunately I just discovered this morning reading through the 100 pages hearings officer recommendation that I consider it a scrivener's error, he left off a2 through 4 of the comp plan criteria which is findings about the statewide planning goals. There's like six pages there. That was never up for concern. A3 and a4, about net housing doesn't apply and legislative products doesn't apply but he significantly left off the zoning map criteria which is where we have the findings triggering sewer and trip cap. We have to plunge those missing findings that are publicly available into council's findings. That was more time than I hoped to take, but I don't have anything else.

Fritz: I have one more ex parte contact to report. I have visited Portland heights park multiple times both for the southwest hills residential league summer ice cream social though I didn't get to go this year, so therefore have partaken in the delights of the ice cream that was available. [laughter]

Wheeler: Very nice.

Fritz: I'm still parks commissioner. I have one question for you. Did the old cn2 zone require commercial?

Moffett: No. You could have done all residential.

Fritz: Thank you.

Wheeler: Anything else? Not yet. Thank you. Could you speak into the microphone?

Rees: White speaking for the applicant for ten minutes, please.

Wheeler: I'm letting you do the --

Rees: I know. I was aware of that. I seem to have forgotten. I'll be on it next time.

Wheeler: No worries. Good afternoon.

Christe White: Good afternoon. I'm christi carlson white appearing for the applicant. With me is rene france, who has also been working on this case through lower levels. The purpose of this request as you were told is to remove a set of conditions from 1984 which

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are 34 years old that among other things require single-user or grocery store on the site. No other use is permitted on the site. If we can't find a viable grocery store we're left with no economically viable use of the site and that is exactly what has come to pass. Strohecker's went out of business in 2016 and the site has been vacant ever since. This occurred and persists even though my client is a grocery store developer who bought the site to continue a grocery store use. This despite three brokers being engaged over the better part of two years to lease or sell to a grocery store to no avail. Before we turn to the substance of the presentation I would like to establish what I think are important procedural history and other elements of the case. My client and his team have met with the community on multiple occasions to explain the dilemma that is created by this condition and we want to be sure it is understood that we get it. We get the neighbors' disappointment that the grocery store is no longer viable. It's disappointing to my client as well. We understand the deep appreciation for the convenience of such a use in that location and the gathering area it became for the neighborhood. I'm sorry, am I too loud?

Wheeler: About this distance is fine.

White: If a grocery store was viable my client would have made it happen but we cannot dismiss the fact that times have changed in the grocery business and such a restricted use on this site leaves us with no use at all. My client will continue to commit to best efforts in the development or marketing this site to find some neighborhood serving retail use to incorporate in any redevelopment. We cannot be sure of what the future will hold but we can be sure that we will use all commercially reasonable efforts that are invited by the new cm1 zone to attract a retail neighborhood serving retail hopefully food-oriented retail to the site. Second the single-user condition was actually requested by the then owner of the property, not the neighborhood, as a way of converting his nonconforming illegal use to legal use under the zoning code. In fact the owner wanted to expand his store but was prohibited from doing so because it wasn't a legal use at the time and expansions of that nonconforming use were also not allowed. That seems a little ironic now I understand. The conditions were placed on the site as a measure to design to limit or restrict commercial uses instead of a permissive set of conditions inviting commercial use. Second, the code under 337301408 a permits changes to the conditions adopted by ordinance or not particularly here where the conditions are over three decades old and span multiple changes. The code requires as mark said that you use the current procedure for the same procedure that originally imposed the condition. That's why we're in front of you with a comp plan and zoning map amendment even though we're not amending comp plan or zoning map. Turning to the recommendation of approval and the hearings officer's decision. In cases like this the planning staff and hearings officer and ultimately council must tether their decision to the relevant approval criteria most relevant here is that the requested designation has been balanced against all the relevant comprehensive plan policies and on balance has been found to equally or more supportive than the old designation, which is the old condition here. The legal question is whether allowing all uses that would be permitted under the cm1 zone which includes retail, grocery store and residential, is equally or more supportive of the comp plan as a whole than restricting the use under that very same comprehensive plan that is the guiding policy document for the cm1 zone. It's hard to decide how we would conclude that allowing all of the possible uses under cm1 zone implemented by the comprehensive plan isn't equally or more supportive than undermining those same policies to restrict it to just one particular user. It's also important to recognize that we are again not changing the comp plan or zone in this case. We're only removing a restrictive condition of approval and a set of conditions around that. Bureau of development services planning staff and hearings officer conducted a thorough evaluation under that approval criteria, read all of the policies, balanced all those policies and found that the majority if not almost all of them maybe absent one was equally or more

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supportive of removing the condition. I think it's important here to remind everyone that under any cm1 zone scenario this proposal is highly consistent with the neighborhood character and all of the policies. Cm1 is by its name a low-density mixed-use zone. The maximum FAR is 1.5-1 and base height 35 feet. The height for the balance of the neighborhood is 30 feet so we're talking about a difference of five feet. Further, the cm1 zone would allow myriad of uses we have heard people are interested in in this property. One a neighborhood compatible use in a residential neighborhood. Two retail without any residential use at all would be permitted in cm1 and seems to be preferred by some involved in this case. A mix of residential and retail uses is also permitted and seems to be preferred by others in the neighborhood. I guess the point here is that each one of these scenarios is permitted and all are consistent with cm1 zoning and consistent with the neighborhood character and compatibility and neighborhood serving convenient retail uses. We're not aware of any other cm1 zoned property in the city of Portland permitted to hand pick a use within a zone like retail use and demand that only that use be allowed even if that use is no longer feasible. That allowance would be a super spot zone and completely inconsistent with the city's comprehensive planning efforts. Lastly the cm zone is a small-scale zone intended for sites and disbursed use mixed zones. It allows a mix of commercial and residential uses. Development is intended to be pedestrian oriented and compatible with scale and characteristics of the residentially owned land adjacent. That exactly describes the relationship of this site to its neighbors. Small scale, a disbursed mix use node, allows a mix of residential and commercial uses and is pedestrian friendly. Thus, it was found on balance this proposal to lift the single-user restriction and restore the balanced cm1 zone was equally or more supportive of the comp plan than leaving the restriction. Evidence in the record about the extensive efforts because I just think this is a really important issue. The zoning code doesn't necessarily require that you demonstrate your efforts to disprove a use but there is a condition here that requires grocery only, so I think it is relevant and appropriate for the neighbors to know what kind of effort we went to. The applicant provided evidence of the extensive efforts to attract a grocery store. There's a letter in the record exhibit 2 to the application. Details the effort to market this to 12 different identified grocers, grocery co-ops and other developers in the grocery industry. Nearly unanimous feedback that the site did not have the population density to justify even a small urban grocery concept and the location wasn't expected to pull customers from other markets. The letter is supported by another letter by Steven Neville reach the same conclusions. Trader joes was offered an opportunity to set up a grocery for a period of one year without rent and they weren't interested in the offer. It probably would have been appropriate for a year, but they said long term viability was not something they could invest in. Some have argued two years is not enough vacancy to demonstrate it's not viable. We can tell you with utmost confidence it's quite long enough for a property owner who has no economically viable use of the site during that term. Finally, most importantly, if a grocer ever does become a viable use on this site again any level of grocer, small meat and cheese deli to a grocery store, it would be allowed under the city's adopted cm1 zoning thus removing the condition does not remove the option for a grocery store, cafe, ice cream shop, bagelry or anything viable in the future. If we can market this as a true cm1 zoned site which allows any developer to potentially develop a mix of residential and neighborhood serving retail, we have a much better chance of attracting the very user that the neighborhood is interested in seeing at this property. If the argument is that my client should not have purchased the site with the condition or he doesn't deserve to have the condition lifted, that kind of seems well off the point. The fact is after 34 years the single-user condition completely removes any viable use of the site for anyone, my client or anyone else. There's no sound planning reason to undermine that cm1 zoning when in fact it invites and would implement what hopefully the neighborhood would appreciate on the

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site. Cm1 zoning is exactly what this site needs to fully serve the neighborhood and disbursed mixed use. We're asking you to uphold the staff recommendation and the hearings officer.

Fish: I have a question. Ms. White, you said at the beginning that your client commits to making best efforts to find neighborhood retail use, all commercially reasonable efforts, blah blah blah.

White: Yes.

Fish: We may hear a request later that that get memorialized as a condition of approval. Could you give us your best sense of the difference between your representation and a condition of approval and what your view is of that?

White: Sure. So they could be the same thing. A condition of approval that requires some commercially reasonable best effort that are typical in the industry. My concern with that language is probably your concern too and planning staff's concern and the neighborhood's concern which is how do we prove it and what kind of slippery slope is that and what standard do we use to judge whether or not we did well enough. A replacement for that is a time period. We do well enough for three months, four months, and then we demonstrate what those efforts were. After being able to market the property as actually a cm1 zone property. That's a fact here. It's a simple fact but a really important one. We haven't been able to go to the market with a cm1 zone. We have only been able to go with grocery store only and have completely failed. The opportunity to go to the market with cm1 zoning and say look at this, it's a neighborhood disbursed mixed use node. Look at the support for a neighborhood serving retail use and emphasize that in the marketing efforts and then I feel pretty confident that with the development community that we have in the city of Portland who knows exactly how to do that and have an ice cream store next to a park in a residential neighborhood we could pull that off. The only concern is how do you measure that, what needs to be proven, what is a commercially reasonable best effort, and how will that operate as precedent and other efforts on other sites that are in cm1 zone. Just make no mistake that my client is ready to market this heavily as a cm1 zone property that would attract such a use.

Fish: Thank you.

Wheeler: Very good.

Rees: If there are no other questions we move to supporters of the applicant, who each have three minutes.

Wheeler: Name for the record. We do not need your address. The microphones slide around about this much distance is the right amount of distance. If you hear your voice popping that means you're probably a little too close. It's a pretty sensitive microphone. When you have 30 seconds left you'll see the yellow light come on and when your time is up you'll see the red light come on. We ask everybody when you see the yellow light, wrap up your points. When the red light comes on please stop so others can testify.

Rees: It's my understanding there's nobody signed up on the supporters of the applicant, so we'll move --

Wheeler: That was wasted breath then. There you go.

Rees: There are other people who will testify. The principal opponent, the two folks who want to do five minutes of testimony.

Wheeler: Very good. Is that five each or five total?

Rees: Five minutes each.

Carrie Ritcher, Bateman Seidel Firm representing Blythe Olson: Thank you. Good afternoon. My name is Carrie Richter, an attorney at the law firm Bateman Seidel. I represent Blythe Olson, who is a neighbor who lives across the street from the subject property. First, I submitted a letter and I participated before the hearings officer so I have a number of letters in the record, first I want to point out that the city commission is not under any

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obligation to revisit this issue. At the applicant's request. As staff explained, these conditions were attached to the property in 1984. The city council revisited all of its zoning as part of its comprehensive plan and in fact rezoned from cm2 to cm1. That suggests that -- and as part of that reaffirmed the conditions. Added to the comprehensive plan policies that talk about local access to food and how important that was, that was part of the Portland plan. Part of the equity in the Portland plan was local access to food. No party during that proceeding objected. No party came in and said when this applicant owned the property and said, I need these owners' conditions that need to be removed. That never happened in 2016. Now they are here asking for special treatment, asking for conditions to be removed when just two years ago we went through this and made a determination that not only were the conditions appropriate we were going to reaffirm them with special plan policies that supported that. The mistake that the hearings officer made in his decision is that he assumed that all the plan policies would actually be met. The replacement project would include everything. It would include housing that would be affordable, local access to food, it would include jobs. It would include officer. It would include improved pedestrian opportunities. The cm1 zoning is compatible with the comprehensive plan because that's the zone you all picked. Whatever that development is it cannot be all those plan policies. It won't as it can't. The reality is whatever is developed it won't do all those things. The property could be redeveloped to be one single family structure. One. It would not encourage housing. It would not encourage jobs. It would not encourage local access to food. It would not do any of those things, so when you say, oh, it opens up the door, it does open up the door for the unknown and it's the unknown that is so scary to everybody in this room. Aside from the three plan policies that were found not to be met the hearings officer failed to consider and give proper weight to specific plan policies both in the southwest neighborhood plan -- it's specific to the southwest neighborhood which means those plans policies deserve extra special attention. One is to preserve a sense of space. You are going to hear testimony that that site as a commercial node preserves a neighborhood character defining element which is the commercial component and a grocery store where everybody can get together and everybody can know what's going on with their neighbor, which is as important now as it's ever been. There are also specific plan policies encouraging local access to healthy food, which is goal 4 c, there are policies about hazard resilience that the grocery store will serve and it talks about focused growth. The city council has an opportunity here to should we open these conditions up? Are many of them unnecessary? Absolutely. I don't think anyone in this room will say that where the garbage enclosure matters at all. In comparison to how important the use is to this community. It's true a number of other plan policies you may hear about are specific to centers and corridors and this site has not been so designated. I would like you to consider the fact even though is not a designated site or corridor it acts like one for this neighborhood. That does not have any other commercial zoned property nearby. This is largely a policy call for the council. Are you willing to see the only zoned and planned opportunity for providing a much needed grocery and services to the property in exchange for a proposal that could be one single house? It's not true that conditions zone changes are an anomaly in land use. The trip cap that's proposed is going to be a condition. We often preserve lapped for purposes that may not be economically viable right now. We do it for industrial land, for farmland particularly. So it's not true that we can't impose new conditions and I urge you to either retain them or think carefully about the replacements and preserve grocery on this site.

Wheeler: Thank you.

Shannon Hiller-Webb: Good afternoon. Thank you for your time. I'm Shannon webb, a neighbor in southwest Portland. I have been part of the grocery city for eight years. I started as project manager for new seasons market and left in 2002 to be co-founder of

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green zebra grocery, a small format local grocer. I currently consult with small format grocers and do product development and strategic planning. I have reviewed the hearing officers recommendation and thought that I would provide some context. The grocery model is rapidly changing. Amazon's acquisition of whole foods arrested the industry and many grocers slowed and halted their growth plans to reassess the impact on the market. New seasons and green zebra slowed their plans. The timing of the market approach to these grocers is not lost on me. They were retained in February 2017 as news spread about the whole foods deal and official announcement in 2017. Risk assessment for the industry was at an all-time high given the timing of their approach to this space. I would like to specifically discuss the grocer's approach from their letter. It appears they may have targeted sheer numbers of grocers rather than good fit. Eight of the 14 stores have operating facilities within three miles of the subject property. That would need a study related to impact on other stores and could limit the likelihood of the space being viable for them. Several companies would not have ideal trade fit to begin with. I provided a list of those in my testimony. The brokers hired may have only considered a traditional grocers approach using the traditional grocery marketing when presenting to fall format and co-ops would prevent them from considering it viable. Did not support the letter with evidence such as site overview, terms or market analysis to determine grocery store viability though it allowed me to come to the same conclusion as their approach findings. I provided a list of those grocers as well. If I may take a moment to specifically address a couple of the grocers listed, trader joe faced neighborhood opposition in 2014. Their new store announcement was met with gentrification concerns and protests. I'm not certain we would be the right trade market as there's high demand for their brand nationally. Thriftway was the last tenant. I'm not certain if they considered that the right site why they would be removed. I'm not certain it was the right timing while they were still perfecting the current opening. Market of choice has a small format store in south Burlingame. I don't believe they would pursue this. Natural grocers was a likely candidate. They seek underserved areas especially for those seeking healthy options and often act as an anchor. They are considered a national small format grocer. The applicant is asking the city to accept a traditional grocery is not tenable and protections must be removed. While we can accept the format is changing it does not make the case that 2 should be removed but rather updated. They are not mutually exclusive. The neighborhood has proven support for a grocery for over a century and shortsighted to conjecture that a grocery store is not needed. It's not supported by critical, independent analysis. I agree all the conditions could prevent a new model grocer from going into the building but an updated mixed-use retail grocery provision the viability increases. The applicant's attorney claims in a letter dated June 2018 that the current owner and operator has grocery sites which begs the question why more industry supporting documentation of a good faith effort was not provided given industry landlord expertise. Demographic data, trade area specifications, forecasts, demographic studies for one- and two-mile rings and daily trips. The companies I work with determine education, population and average household income are the three main demographic indicators. College education levels above 60% and household income above 45,000 determine best fit. With a revised mixed use grocery conditions I believe this current grocery market landscape a small format grocer is a viable candidate and also could really help solidify the space as a commercial node. There are a couple conditions that small format grocers require that is not available in all commercial land. This specific space does satisfy. Parking of 10 to 20 spaces, ingress-egress, high visibility and good daily traffic counts. So in conclusion this small format grocer is oftentimes a fresh shop that includes meats and prepared foods which would help support other retail businesses adjacent to it.

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Fish: I have a question. Ms. Richter, it seems to me we can have a back and forth about what the market is or isn't going to do, but it's also we would be putting the hearings officer in an impossible position to be as smart or smarter than the market. The market is going to do what the market thinks is in its best interests. We have seen that in the kind of housing we have gotten in the last four, five years, almost exclusively at the luxury end. Market has spoken very clearly about that. What I'm concerned about here is imposing a condition that an applicant can't meet. Therefore, having an empty building for an indefinite period of time which I don't think either side views as a win. What did you think of ms. White's concept of putting a time limit on seeing whether with the cm1 zoning there's any additional interest? I'm a big fan of green zebra model. There's one up around Portland state that we go to regularly. I get that there's different models and niches. But at some point the market is either going to say yes or no. So what do you think of the idea that she floated that we allow the change but we put some kind of time limit on testing the waters if you will?

Hiller-Webb: My concern with that is that what happens if it doesn't -- I mean how is the neighborhood going to have a voice in that discussion? In that how the site is marketed and in what ways and to what effect. There's not -- I think the market has spoken when they have shown us that you can build 19 houses on this site and make \$800,000 a house and make a lot more money than you can putting a grocery store. That's why they are doing this. So my concern would be the best efforts. My concern would be what would be the fall-back to if it doesn't work. My concern would be that there has not been any proposal. One of the things that I would suggest rather than this time limit that miss white is proposing, let's have a proposal. Why can't they bring a concept for a proposal? They can market a property as a cm-zoned site and go in with a partner and concept plan this and come in with a proposal. There's no reason why we have to remove the conditions first. Why does the neighborhood have to give up everything first? That doesn't particularly when it's this important. So I would say let's hold off. If we need to -- if we need to set a time so the developer or the applicant has some certainty let's hold off for six months and let them try to market the property for cm1.

Fish: What's a good example of precedent for us where we have had a similar set of facts? I'm struck by the fact that there's a lot of nostalgia here for when there was a strohecker's and a neighborhood gathering place. I grew up in a very small town in upstate new york. If someone had said we're taking away the diner or the corner news store it would have stirred the same feeling but I'm also cognizant that things change. Business models change. The world changes. What is an example of a precedent that you can point to where we have grappled with this issue in some form or fashion?

Hiller-Webb: I can't name you a precedent in Portland. I think you do as a legal matter when you preserve industrial land. We don't look at whether manufacturing is the highest and best use for land. We preserve it for industrial uses.

Fish: In fairness industrial uses is very different because whatever we do on industrial land has consequences to other parts of the comp plan. If we -- we don't have a requirement right now that says we have to have so many acres of grocery store capacity. Now, we are a city that's committed to addressing these deserts, food deserts. We care about access to healthy food, but when it comes to industrial land, if we degrade industrial land, then we potentially get out of step with state law in terms of requirements of setting aside enough industrial land. We can argue about whether we're getting the biggest bang for the buck in terms of jobs on the industrial land, but that seems to me entirely different than the grocery store example.

Hiller-Webb: Well --

Fish: Doesn't have the same from public related problems.

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Hiller-Webb: I appreciate that it's not the protection of grocery stores is not a state law. I fully appreciate that. But you have in effect made it a city law by identifying it as many times in as many ways as the benefit realized by local access to food and the walkability and sustainability values that are achieved with that. But conditional zone changes happen all the time. The example I can give you because I'm the deputy city attorney for Oregon city and Oregon city land gets annexed. When it gets annexed people have to give up certain rights to become annexed. We condition what they can do, we impose limitations on when they can connect to services. There's a trip cap proposed for this. A trip cap is really no different. It's a limitation on trips because it's what the capacity a road can handle. Limiting the zoning because this is the place where a grocery store should go is really no different in terms of looking at what the policies we have identified and working hard to achieve them.

Fish: Thank you.

Fritz: I really appreciated your expert testimony. That was really interesting. I haven't read all of the details that you mentioned. I'm thinking of the hillsdale community. You had a grocery store that went into various different ownerships and is now a food front. Was food front co-op looked at as an option?

Hiller-Webb: It was not identified as one in the letter. They only broadly said co-ops. I think -- I can't speak to it specifically because it wasn't identified.

Fritz: Many people have the thousand strong buttons on. I know the co-op model is based on memberships and people basically committing to shop there.

Hiller-Webb: I'm a member.

Fritz: That's something that wasn't necessarily considered in the analysis that was done?

Hiller-Webb: On the applicant's behalf?

Fritz: Yes.

Hiller-Webb: They mentioned co-ops were approached but didn't list out the co-ops they did approach so it's unknown to me.

Fritz: Thank you. Ms. Richter, I was surprised to find out that our cm1 zone does not require commercial. In fact none of our commercial zones require commercial, which is something I will be thinking about and talking to planning staff about. The cm2 didn't either. Are your clients in the neighborhood completely fixed on a grocery store or would any kind of retail requirement to provide some kind of place where you could walk to get food be all right?

Richter: I represent only one owner. My understanding is that the commitment right now is for some fresh access to food. That fresh access to food is critical.

Fritz: So that's something I'll be looking to hear in testimony as to whether it has to be a full service or specialty grocery store or whether other options, a bagel shop or restaurant or whatever, because I think this is -- there's only a few neighborhoods in Portland where there's no commercial zoned properties. So to me looking through the comprehensive plan, knowing that area, particularly in the relationship to the park, there does seem to me to be some need and desire for if we're going to talk about a 20-minute neighborhood this neighborhood is not going to have 20-minute service on a lot of things but it would have no option for purchase of food if this goes away, correct?

Richter: Correct.

Saltzman: Who do you represent?

Richter: I represent blythe Olson, a property owner on Patton road.

Saltzman: I was thinking like retail.

Richter: A property owner.

Saltzman: I appreciate your expertise. Appreciate your testimony, but I know from all of our hopes and aspirations as a city we want grocery stores everywhere and they are very hard. They have their own chemistry as you very well testified. It's hard to open a location

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we want them to open at whether it's south waterfront, whether it's right over here at river place. We have tried. They have their own calculus and they say, thanks for the attention but no thanks. So I really as much as I have fond memories of strohecker's and everything else I think we're trying to put a square peg into a round hole, and it's just -- we can hold on to this notion maybe as long as our memories want to endure, but I haven't seen anything happen there since strohecker's went away.

Richter: Excuse me. We also have more opportunities and different varieties and types of grocery stores than we have ever had before. You know, ten years ago --

Saltzman: All those things should mean somebody should be there now. There should be a green zebra there, a food front. By all accounts they should be there by now. They should have been open for two years at least. Why?

Hiller-Webb: I can't confidently say why because there was no evidence brought before the hearings officer to show good faith efforts in tailoring a marketing plan to capture something other than a large format grocer. I get that they have conditions on there but it doesn't preclude the other new market landscape to exist there when they have only been marketed to with traditional grocery approach. There was no evidence provided other than a list of groceries, so I can't confidently say how they were approached, but I think it's premature for us to say without that evidence that there are not potential clients.

Saltzman: By removing the conditions I think as the owner's representative said that opens up all the possibilities in the world.

Hiller-Webb: It does.

Saltzman: Any kind of a market or anything else for that matter. Is that the fear? It's going to become a residential property or --

Hiller-Webb: I can't speak for the neighborhood necessarily. I can speak to my area of expertise. I think there's not a lot of commercially zoned properties that suit a grocery store nor do I know of neighborhoods that have quite the limited commercial capacity that this neighborhood does. Again, in line with your own Portland plan and goals, removing this as a mixed use grocery component with new conditions reflecting the new grocery environment, I think it's a loss for this community forever. It will never see this commercial property come back. There's not a single other commercial property within their zone, the neighborhood, that will allow for it to ever come again. That's a serious deficit that they will never regain. Again, there's certain conditions that are required to even have a small format grocery that are suited in this space and no other.

Saltzman: Why in your opinion did strohecker's and thriftway not make it?

Hiller-Webb: I haven't seen their business plan.

Saltzman: They had a following, that following is here in this room. It's served both stores served as strong community focuses for how many decades I don't know. Why did they fail?

Hiller-Webb: I can't speak to them specifically, but I can talk about trends in the market. If they weren't updating their product mix to reflect organic that's a huge shift in how people are purchasing if they were staying with conventional produce I think again our information shows that higher educated, higher income person seeks out organics. If that product mix was not right for the neighborhood and they didn't understand that nor were they testing it that's a business failure. If they didn't have the right marketing approach to this particular demographic and the commuter daily trips through, that could be a deficit to why it didn't work. I don't know if the landlord increased the rent on the property that no longer made it viable. I don't know the conditions of which that specific store failed after grocers did not fail. Were successful for a century there. I can't speak specifically to why that one failed. I mean I think you have to constantly be present with what the market is and respond to that. That takes effort. I don't know if that's what they were applying to that neighborhood.

Saltzman: Thank you.

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Fish: Can I go back? You represent a single property owner.

Richter: Correct.

Fish: Does your client object to a multifamily development at that site?

Richter: Not if it included a grocery component.

Fish: What's the maximum density on that site?

Richter: I think we calculated about 35 units without any nonresidential use.

Fish: So your client would be fine with a substantial apartment building as long as on the ground floor there was some kind of grocery store. Does the hearing officer's report particularly around trip generation support that kind of density?

Richter: It can't support 35 units plus retail. Or residential. I think we figured out -- I can't remember exactly what we figured out in terms of how many units you could have plus 10,000 or so square foot grocery but we figured out I think it was about -- I don't know.

Hiller-Webb: You in your packet will have a model by winterbrook planning there's five scenarios presented to you with the trip cap considered in all five scenarios.

Fish: This is our chance to actually have you answer the question.

Hiller-Webb: Well, but -- sorry.

Fritz: I don't have that packet.

Fish: If you have the from your point of view the ideal grocery store how many units are left?

Richter: I think about 20 -- which are you referencing? About 25. About 25.

Fish: What are the formal boundaries of this neighborhood? So does the neighborhood extend east to ainsworth?

Richter: You would have to ask a neighborhood representative that. I don't know the answer.

Fish: Because there's a restaurant if you go east you hit a restaurant and an antique store. If you go west you hit an intersection with a gas station, convenience store and other things. So i'm curious -- [speaking simultaneously]

Wheeler: Just a gas station.

Fish: Is that all --

Hiller-Webb: I can speak to that. The gas station is zoned r10. The vista springs cafe is commercially zoned but that space with cm1 zoning cannot suit a grocery store based on parking, ingress-egress considerations for a grocery store or small for national grocer or even a deli grocery combo multi tenant grocery combo.

Fish: Okay. Is the neighborhood represented by someone else in this or are you --

Richter: I do not represent the neighborhood. The neighborhood is here to testify.

Fish: Thank you.

Wheeler: Great. Thank you.

Fritz: Really interesting. Thank you.

Rees: Next we have other opponents who will each have three minutes. Karla has a list.

Wheeler: How many do we have signed up?

Karla: We have 22.

Wheeler: Okay.

Fritz: Does anyone else have the packet that was referred to?

Fish: No.

Karla: I show the first three.

John Neumann: I'm john neuman, co-president of the south hills residential league. There are two presidents. I'm one of them, the other president will be speaks as well. We have a neighborhood association that overlays the patton street property. To say that 2855 southwest patton road has been a critical commercial historical and community hub to the southwest hills would be an understatement. For over 100 years the former strohecker's market has been an important focal point. Myself and many of our neighborhoods

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purchased our homes knowing this property would be protected as an amenity based walkable retail node for our community. Testified at both may hearings addressing specific comp plans goals point by point on why we feel that the application is off balance. We have also proposed and offer to collaborate with owner to find an agreeable solution that meets the neighborhood's landowners and city's goals and needs. In the past months we have worked hard researching and talking with residents to try to find middle ground solution. We believe will best represent the neighborhood and landowner's need for viable property. The board's position is to support removal of the grocery store only and 24 related conditions in exchange for a new mixed use grocery condition with the goal of ensuring some neighborhood retail space on the property which cm1 does not require. Such condition should include square footage dedicated to a small format grocery store and we have just heard expert testimony about the viability of such a format in our neighborhood. Additional square footage should be dedicated to other small shops that sell foods and services such as a coffee shop, bakery or cafe but not offices. We are willing to discuss reasonable new conditions with experts and we'll be in fact presenting some viable scenarios put together by an expert today. Those were just referenced as being in your packet. The ordinance represents a consensus between the neighborhood, the city and the landowner that this property is integral to the liveability of the southwest hills. They were put in place to ensure that this property would remain a retail amenities based benefit to the community. We believe a new consensus can be reached. We thank you for your time and your attention to this important matter that has significant impact on the liveability of the southwest hills neighborhood.

Wheeler: May I ask you a question? You put a fairly specific proposal on the table. If have you discussed this with the applicant in any way?

Neumann: I do not believe we have had the opportunity to share a specific proposal with the applicant.

Wheeler: Do you know if the applicant has seen this proposal?

Neumann: I do not believe they have.

Wheeler: Thank you. Appreciate your testimony.

Neumann: Can I add one more? We are all volunteers and we all work in the neighborhood. We have been working diligently over the past few months and so a lot of this has come together and we have come to consensus just in the past few days. So this proposal was hours and hours of work.

Wheeler: I understand. Thank you.

Fritz: Do you have it in writing?

Wheeler: The top. Thank you. Good afternoon.

Aesha Lorenz: Good afternoon mayor and commissioners. Aisha loren so, i'm the secretary for swirl. In 1909 my grandparents, german immigrants, camped in the woods and slept in a tent until the log house was built. My father was born at their house on upper drive. What a convenient place to camp, live, raise a family and shop for your food staples right in the neighborhood. Walking the area was as necessary as it was a pleasure. I'm the third generation of the lorenz family to live within walking distance and now my granddaughter is the 5th. We're anxious to make use of the neighborhood amenities. In 1984, the city agreed to change the strohecker store zoning from r5, single family residential, to cm2, commercial. Allowing a significant expansion of the strohecker's family grocery with neighborhood support. City council agreed to impose conditions of approval limiting the site for use as a grocery, not allowing further expansions that would increase the building footprint. I believe my father, son of a contractor, was very involved with that. This was as in effect a binding contract that gave the property owner permission to erect a larger building up to a specified size and in exchange the neighborhood was assured that an invaluable asset for the community would remain. In early 2016 the grocery closed. The

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property owner applicant southwest hills llc acquired the property in january of 2012 and was admittedly aware of the limitations specified in the 1984 ordinance at the time he purchased the property. The applicant is requesting conditions be removed, asserting that they effectively deprive the property of all economical viable use with an unsubstantiated single claim that he's done due diligence to prove a grocer is not a viable tenant. This request for elimination of all conditions in the ordinance would allow a wide variety of uses at a greater development intensity without any suggestion of what ultimate use will be proposed. The site is currently zoned cm1, which allows for commercial, mixed use or residential only. It does not require any neighborhood serving retail component though it has served as a one-stop shopping offering a variety of services at the heart of our community including a post office, pharmacy, espresso bar, bakery, deli and liquor store. A grocery enjoyed success on this property for almost 114 years. From 1902 until 2016. The times and grocery landscape have changed substantially throughout the century which is why this is a timely approach revisiting its future preservation.

Wheeler: Thank you. Perfectly timed. Good afternoon.

Bill Failing: Good afternoon mayor, fellow city council commissioners. Thank you for the opportunity to testify today. Most of you know me already. I'm on the swirl board. I'm also a fifth generation Portlander. My family past and present have lived in this neighborhood for over 100 years. City history is most interesting to me. I have recently served as board chair of the Oregon historical society and am a strong advocate for preserving those icons which should be preserved. My first memory of strohecker's goes back to 1944. I'm not that old, though, am i? And I have been able to experience its informal community value provided for neighbors, my family and myself. Retaining space for a food market and retail allows this property to continue to keep its community focus. This property aligning with the adjoining Portland heights park enjoyed by kids and adults alike is the perfect catalyst to energize this local community. The city's 95 neighborhoods are each unique and should be viewed with overarching goals of the 2035 comprehensive plan with a lens that tailors an approach to the assets and deficits of each neighborhood. The council's predecessors weighed in on the value and limitations unique to this neighborhood and valued this property as a resource that cannot be replaced. On multiple occasions the city has reaffirmed its commitment to protect the option of a grocery store on this site by adopting a new comprehensive plan and tweaking zoning from cm2 to cm1, a designation that allowed development limitations to remain in place. As council chose to affirm the very provisions that the applicant is challenging here that decision should be entitled to significant if not decisive weight. The current cm1 zone allows a broad range of options from one single family home, multifamily housing options, a commercial retail service restaurant or office use, or some combination of these uses. The ability to provide commercial retail or service uses with the same intention, scale and variety that previously served the neighborhood will be difficult if not impossible once the use of limitations are removed. The hearings officer offered a fair and balanced review of the bulk of the ordinances, however, failed to recognize the singular value of this resource to the neighborhood. He also concluded that the removal of all ordinances would on balance satisfy the comprehensive plan policies which would be impossible. Our desire is to protect the designation proven suitable for grocery stores in the past and update the conditions reflective of the changing grocery landscape so that it may serve as an asset to the neighborhood in the future. Thank you.

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

Wheeler: Good afternoon.

Mark Van de Veer: Good afternoon. My name is mark van de veer, a retired software engineer. I live at one of the 551 residences in southwest hills that are within one half mile of the strohecker site. I lived there over 30 years and was a regular shopper at

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strohecker's. Ask me at the end of my presentation as to why I think strohecker's is no longer there, please. We all agree they are antiquated, irrelevant or superseded by current code, however the hearings officer's finding about ordinance 155609, the one that restricts use of the strohecker site to a grocery store, was flawed. It's the neighbors' assertion that the value of the commercial site as a scarce resource to the neighborhood was not weighed properly against the criteria set out in the 2035 comprehensive plan. Specifically the 2035 comp plan requires in policy 4.86 neighborhood food access and the policy states encourage small food based opportunities such as food co-ops, food buying inclusion and agricultural pickup drop-off sites to fill in gaps across the city. That's the perfect description of what the strohecker site is about. It's not a center. It's vitally necessary for the neighborhood in terms of food access. The applicant's request to eliminate is in conflict with this policy and the hearings officer was incorrect in concluding that the applicant's proposal is supportive of this policy because the proposal doesn't promise any food access. It promises nothing. We have a condition where we're actually trying to remove all restrictions on the property but not offering anything in return. The hearings officer did find that -- i'm quoting, given the unique nature of the site the city council could require some form of commercial development either conclusively commercial or part of a mixed use development. In addition the council could require some form the food related use, small market or restaurant, as part of the commercial development. The neighborhood implores the council, you folks, to exercise its discretion in this matter and require access to fresh food at the strohecker site. I want to point out I put in a six-page analysis of the hearings officer's decision contesting 17 points in that particular document. I encourage you to read it. I did mail it to the council clerk here so you should have it in your packet.

Saltzman: Why do you feel strohecker's didn't make it there?

Van de Veer: I think it became a high priced thriftway. They did not adjust for the times. At the end they had very poor produce, poor meats, poor selection of grocery items. They simply were not trying very hard.

Saltzman: Okay.

Wheeler: Thank you. Good afternoon.

Jonathan Ater: I'm jonathan ager. I lived about a half mile from so strohecker's for 20 years, i'm now retired as senior partner at ager wynn. I'm here to affirm what several people have said. I have submitted some prepared testimony. The gist of it is the evidence submitted by the applicant is that they can't find an exclusive grocery tenant. That evidence doesn't support the fact that a multi use retail is not viable on the site. Particularly i'm paraphrasing because of what we have already heard. I hear the neighborhood saying we're open to some kind of multi use retail requirement. There's no doubt that the council has the ability to impose conditions on a property. That's what we have heard, that's what your city attorney has told you. That's what the hearing officer in the language just cited essentially invites you to do. I think if we look at the balancing which the hearing officer did, he went from a finding that it was weighted too heavily for an exclusive grocery to a finding you don't have to have any retail at all. That's a complete tipping of the scales, not a balance. Your challenge is to get to a balanced result. The neighborhood is willing to do that. I would be happy to entertain some questions. I do want to say, though, as just a neighborhood mobilization prospect the fact that you have 1170-plus people stepping up and signing saying we want to work to get something plausible here is meaningful. I have never been in an effort quite this well supported. Thank you very much.

Wheeler: Thank you, sir. Good afternoon.

Dwight Stegner: Good afternoon. Mayor, city council members, my name is dwight stegner, a resident of southwest Portland. I grew up less than a mile from a strohecker's. I remember visiting with my family as a young child. As I got older I was able to meet my friends for snacks and ice cream after school and during school vacations. A grocery store

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and the ancillary services on that site made a critical contribution to the character and liveability of the neighborhood. It acted as a community gathering place at a scale sized to fit the surrounding residential neighborhood. In responding to comprehensive plan policy 5.6 requiring that the city promote and enhance the social character and identity of Portland's designated commercial areas, the applicant does give significance to the 114 years that a grocery store contributed to the neighborhood. Instead it focused on the last two plus years of the vacancy. A grocery store contributed to the character of this neighborhood as evidenced by the support of the neighbors and those who supported the grocery store regardless of whether that property sat vacant for a period of time before a new store user was identified. It doesn't change the fact that this treasure could be lost forever. Many places the applicant states that the health and social benefits resulting from the grocery store are no longer realistic because of market changes. However economic viability of use is not recognized by the comprehensive policy plan or value for guiding planning decisions. Land use planning we hope would be about making decisions that improve health, safety and welfare of our communities. The nearest neighborhood commercial services are 1.7 miles away, it's 500 vertical feet down the hill. The 2035 comprehensive plan includes a number of topics favoring grocery, local access to food, neighborhood identity, economic benefit and access to services.

Wheeler: Thank you. Next three, please.

Lauren Danahy: Good afternoon. Mayor, city council members, my name is lorne denehy. I'm a registered nurse who works with senior citizens as director of nursing in a small memory care facility. I'm coming to you from that lens. I'm aware how important it is for senior citizens to be able to walk 20 a local grocery store for their weekly groceries. Many seniors lose their ability to drive and the layout of our neighborhood with its many hills is arduous to walk safely. Further than their neighborhood grocer. The elevation gain of nearly 500 feet is also problematic for access to the next available grocer, which is supan's. An article from the aarp states the average length of time that folks live past the point of their drivability or ability to drive is five years for men and ten years for women. Our best service is limited to commuter hours in the early morning and in the evening, not frequent enough to provide adequate travel options for seniors. The grocery provided fresh prepared foods and the opportunity to socialize and connect with the community. Socialization is an important factor for our seniors and for everybody as they often become exceptionally depressed due to lack of interaction with others. The city has crafted thoughtful guides to safeguard this at-risk community. The comp plan guiding principles provided the following. Increase access to complete neighborhoods, complete neighborhoods are places where people of all ages and abilities have safe, convenient access to more of the goods and services need in daily life. These are places where they can get to grocery stores, schools, libraries, parks, culture experiences and gathering places. Safely on foot or by bike. Make it easier for people have active lives and integrate exercise into their lives. Build bikeways can make it easier to make healthier life-style choices. This network complements complete communities by encouraging interaction and nature in neighborhoods. Walking, biking and using public transit become the easy choice. This property is adjacent to the park but as well the 4t trail goes right by there and we highlight that as one of the places to visit in Portland. Coordinate transportation use to accommodate growth and mobility needs for people of all ages and mobilities. I hope you will take our senior population, which is very dense and high in that area, into consideration when evaluating removing the condition for access to healthy, fresh food and community hub. Thank you for your opportunity.

Wheeler: Thank you. Good afternoon.

David Olson: Thanks, I know you miss me terribly. I'm david olson. I was your cable director for many years. It's great to be back in the chamber. This property has special

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meaning to me because I lived in Portland heights while I finished law school, starting my career. In the apartment previously occupied by bud clark. I regularly shopped at strohecker, was active as a precinct committee person, one of the most thankless jobs ever. Portland heights remains one of my absolute favorite Portland neighborhoods with distinct memorable bound up with Portland itself clear back to the trolley to council crest. My testimony is to point out the hearings officer findings did not respond to the provisions of the comprehensive plan specifically a number of the goals and specific planks. In terms of goals, it doesn't really address goal 3 a, city designed for people, 3 b, respecting climate hazard resilient urban forms. I do cable, so I rattle off land use a little less off my tongue but focus growth, goal c. The attorney mentioned human environmental health. Strohecker's also represented walkable scale in a place that's a desert for it in a unique street environment supported by a park and people who love to walk up there. Lots of elderly and people coming up renting rooms. The whole town center concept and market in town centers. Comprehensive plan speaks to that. Finally neighborhood food access has been mentioned here. These need a mix of development, employment, community services. You talk about that in the comprehensive plan. This is a chance to recapture that. Finally in this set active gathering places strohecker's was always that. Any of you who went in in its declining years under thriftway saw the process of it dying. Any of you saw it die. The lamb's thriftway had as much relevance to Portland heights as grocery warehouse does. It just wasn't working. The comp policy refers to gathering places. Portland is a landmark, historic Portland neighborhood. This is the heart of that neighborhood. Housing diversity. The notion that neighborhood doesn't support housing is wrong. Nobody wants to roll the clock back to 1984, they all support that. Let just put a neighborhood center there, where it belongs. In conclusion, please don't remove the conditions and cutout the neighborhood. That's what you'll do if you ratify the hearing officers. Remove the condition, you'll cutout the neighborhood. I was here in 1984, in this chamber, when the neighborhood spoke with this council an I am honored and happy to be here again. Please reject that opinion and keep Portland Heights the distinctive place that it is.

Wheeler: Thank you.

Nancy Seton: Good afternoon. Mr. Mayor, and counselors, I am the co-president and the land use chair of the neighborhood association. I am one of those people who hates to drive, if I can walk anywhere, and I always walk to strive for groceries, pharmacy, the post office, and to meet friends for coffee. It's difficult to drive to multiple places to run their errands and find the services, and I would be so happy to have them back in the heart of the neighborhood, I am going to talk about commercial scarcity, the city's goals should be applied with sensitivity to each neighborhood's deficits without it bias. Portland's greatest deficit individually and comparatively is the lack of commercial property to support the livability of the neighborhood. The applicant's attorney you, in their june 7 letter, while the neighborhood believes that this commercial site is unique, there is not a compelling reason to treat it differently than other similarly situated ones elsewhere in the city. In fact, this property is one of only two commercial buildings within the neighborhood. It does make it unique compared to the rest of the city. As you can see in your packet, it shows southwest hills has one of the smallest percentages of commercial mixed use property within the boundaries. Only 1% to provide for goods and services for the 12.2 goal. It ranks 13th out of 95 Neighborhoods for a commercial property. The hearings officer refers to 12.2, which preserves easily accessible neighborhood commercial modes and states that the site serves as a commercial mode within an otherwise relatively homogenous residential neighborhood. What it fails to state is it is the only commercial one that could accommodate this development. The purpose of the commercial mixed use is to support access to food and services. There is a good chance the goals would not be met without it protection for retail use of the site. The predecessors acknowledged the retail and the

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limitations the neighborhood faces, to ensure the first resource is preserved, we recommend that new conditions of approval be drafted to allow for a reasonable amount of retail space as part of the future development, to include a small format grocery and shops and services. Thank you.

Wheeler: Thank you. Appreciate it. Thanks all three of you. Next three.

Wheeler: Good afternoon.

Blythe Olson: I think I would like to be in the middle.

Dale Farr: However, you like it. Mayor and city council I am Dale Farr. I've been a resident of Portland heights for 45 years. In various types of residential conditions from small apartments to houses I designed to big houses, small houses, and back down to little apartments and moved away and come back again because Portland heights is a special place. For those 45 years I've been the head design partner at Pledger Architects. And they take the special interest in the neighborhood and especially the area Stroeckers and around it. I have no problem myself in a multi-use development with housing except I think that it really needs to have the condition that there is some component of retail included. I was the designer of Orenco station, which is different, but it is a large mixed use development, and there was nothing there before. It was one of those things. They did not have stores. They did not have anything. It was design it, design it well, and they will come. I believe that the developer, if the project is developed and designed properly, that retail will come there because I think that they need, they need the pictures of what's going to be there. It's kind of an amorphous kind of thing trying to talk to the retail and, and other users for that property. Again, you are not involved in design review, I know. But if this -- I am not sure because of where it is and the zoning, whether it is included in the design review process. Does anybody have any knowledge of that?

Fritz: The planner behind you is shaking his head.

Farr: That does worry me it is not part of the design review process. And that what could go in there would not be compatible, not fit, I think that there is potential here for, I think, Stroeckers, having seen it, was not really a very well-designed store and it did not fit in as well as it could have with the parks and neighbors. I think the opportunity is there to enhance the neighborhood with a well designed and well-scaled project, so if there is no design review, I hope that the developer takes that into account when he does do his development, and I ask for a condition be added so there would be some small or large portion of retail potential.

Wheeler: Thank you, appreciate it. Good afternoon.

Blythe Olson: Good afternoon, Mayor Wheeler and Commissioner Fritz, Saltzman and Fish. I am Blythe Olson, a 26-year resident of the Portland heights neighborhood. I've been deeply involved in the changes with the site as I personally know the neighbors from decades before me who have worked to preserve this site for the best use of our community. I circulated a petition, a statement for city council, starting at the beginning of this application. To try to determine what the neighborhood wishes were and to gather their support. For retaining our voice, and in the whole process. This included a lot of door knocking, and many conversations with neighbors throughout the neighborhood. The petition has had overwhelming support from neighbors with over 11 -- 1,150, 70, something like that, signers as of yesterday. That is why we're here today wearing these blue and yellow, blue and yellow buttons saying 1,000 plus strong, just general number. And I will read you the statement that we have this many endorser for, and that is this. This is what unifies us all. We, as residents of the Portland heights neighborhood and nearby respectfully request the following. Any modest occasion of the allowances/restrictions on development of the historical Stroecker grocery store should not be approved by the Portland city council until Portland heights neighbors have been consulted and allowed a meaningful opportunity to review any development proposal. Such proposal should

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recognize the distinctive character of the neighborhood, address the need to restore a retail grocery and ancillary services and mitigate the possible parking and traffic impacts and preserve the integrity of the adjacent Portland heights park. The hearings officer was placed in a position to speculate findings without it having a meaningful development to respond to and analyze thoughtfully. A conclusion void of a plan compromises the city's goals being applied appropriately. The city should consider some conceptual development proposal to make this analysis Meaningful, and which goals apply to this valuable resource, and in absence of which a decision should not be made. Should there be a decision we hope code 33.130.050a and 33.130.050b will provide a voice for us in the process. Thank you very much.

Wheeler: Thank you for your testimony.

Olson: Thank you.

Adam LaMotte: My name is adam lamont, I lived in council crest for about four years. One of the reasons we chose this neighborhood over others is because of the store. We have launched an online survey to solicit the thoughts and feelings of the neighbors most impacted by the development of this site. The response was overwhelming with 516 households taking the survey. The results show that the majorities of neighbors would like a retail-only, or mixed use development that ensures the grocery component. Retail services and community focused use for the development is preferred and safety with access by foot and by bike are important. Increased traffic congestion, resulting from the new use development is also a concern. One of the things that we put on the survey was the chance for people to put in a bit of their own opinions, so I thought out of the 170 or so that I would boil it down to just a few choice ones. This is one. Stros was a place that we could all walk to. Losing it means getting in our Cars to do anything. For this reason loss of retail services is a major step backwards to the many people's health, for the neighborhood, and for the city. Another one. I am just really hoping that we can make this space truly benefit our community in the future and provide a grocery store for our neighborhood, especially during snow and ice. Walking four miles round trip to over-priced zupans is simply not sustainability. Here's another one, it's damn near impossible to get downtown and back to get groceries during the worst parts of the winter. I had no idea how good we had it with stroheckers, and another, hoping for a place to walk to, something to buy something, coffee, ice cream, baked goods and drinks to eat, meet others, and a reason to take a walk. Another one, I have deep experience in commercial real estate, private equity and would be happy to provide a balanced opinion as someone who lives two blocks from the stroheckers yet understands the obsolete zoning currently in place for the site. In my opinion a mixed use plan that activates retail along patton while enabling the owner to build multi-family apartments or condos, which would provide demand for the retail and possibly provide for additional community amenities is our best bet. That's all that I have, thank you.

Wheeler: Thanks all three of you.

Wheeler: Next three, please, Karla.

Karla: We have got changes here.

Greg Ewer: government camp, mayor and city council members, I am greg, I am a homeowner in the southwest hills area, and we believe the hearings officer recommendation that a trip cap be imposed is premature. Without it a development to consider. A reason traffic plan can only be crafted with an informed plan. We are concerned if a trip cap is retained, that it will limit the potential use for the community. We understand the necessity of not imposing undue burden to the owner and hope that there is a solution that can weigh the community need for mixed use grocery and the potential for diverse housing should that be the desire. We engaged winterbrook planning who drafted realistic scenarios, within the trip trap criteria to prove viable options that serve the

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interest of the owner and the community. We hope that is weighed in your decision to apply a condition to the property. We would be remiss if we did not point out the intention of the owner is to remove the limitations while also requesting a limitation that could potentially prohibit the true commercial retail services for the neighborhood. We understand that pbot is moving forward with adopting new transportation standards, the alternative mobility standards, and that would eliminate the need for a trip cap. The alternative mobility measures will allow the city to identify the smaller cost Pedestrian or bicycle improvements that will make up for the additional congestion caused by the use. As there is not a development to directly respond to, we would ask a trip cap not be imposed in light of future change, and if a trip cap is necessary, we would ask for a trip cap self destruct condition that would invalidate it when the new alternative is available. Thank you.

Wheeler: Thank you. Good afternoon.

Erik Lawrence: Good afternoon. Mayor, city council members, I am eric lawrence, a Portland metropolitan native, a husband and father of three, a business owner, and I am a resident of the southwest hills. Our thanks to each of you for your dedication and service to the city. Evidenced by the applause coming from the street for the good job that you do.

Wheeler: I think the heating system turned on.

Lawrence: Is that what it is? It sounded like applause with me so I'm going to roll with that if that's okay. We have important issues in the city of Portland to work on. The work you do is invaluable. On the service this issue is a small thing on the surface. It is just another project in a city besieged by development, but in our neighborhood, it is so much more. There are only two zoned retail properties within the neighborhood serving 200 households. It is a scarcity that we cannot afford to lose and the city in Support of the comprehensive plan and strategic goals cannot allow it to slip away. The 2035 comprehensive plan contains specific provisions to protect the lands, suitable for grocery stores and for the local neighborhood commercial nodes which keep our communities connected. In 1984 our neighborhood seated in existing residential limitation in favor of the limited retail grocery limitation to ensure a value, a valued community connector and scarce resource remain in perpetuity. The city reaffirmed that commitment to this neighborhood in 2016 with the adoption of the comprehensive plan and subsequent zoning designations. The hearings officer was unduly positioned in the report to conjecture, applying the city code in the absence of a development proposal by the owner that they could thoughtfully respond to. The report leaned too heavily on the only expert testimony, which we have shown to be fundamentally flawed. The report did not weigh the importance of the site as a scarce resource to the city and the neighborhood. There is no scenario where these policies, which encourage local access to a grocery store, will be met to or will be met and to an equal or greater degree if these restrictions are removed. One of the most important takeaway is having a voice. If the council votes to support the property owners' request to remove all development conditions on the site, the Neighborhood could lose its voice. We could lose an essential tool available to negotiate responsible development of the site, which matches with the community's needs and reflects the strategic vision of our city's leaders. We support the removal of the grocery only zoning and 24 related conditions in exchange for a mixed use, a new mixed-use grocery condition to include a small grocer and retail mix so we could maintain our scarce neighborhood retail space.

Lawrence: We have been and continue to be willing to sit down at a neighborhood and discuss the reasonable conditions with experts which would be fundamentally beneficial to the neighborhood, the city, and the owner. We ask for our chance to have a voice and we remain a thousand plus strong. Thank you.

Wheeler: Thank you. Good afternoon.

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Randy Miller: Thank you. I am Randy Miller, Mr. Mayor, Commissioners, I appreciate being here. I am also a Portland resident, kind of a business guy with a diplomatic position, and not to let Bill failing upset me, I am a fifth generation Oregonian, and all my life within five years, I guess, I have lived within a mile of the store, very familiar with it. I switched around what I was going to say because everything will be redundant and you have heard no facts. What I want to talk about is how other cities aspire to be like us, and why. And most of you know I've been living these best practice trips. We have gone all over the city and the world. When we go to these places, it's amazing how well respected Portland is, so they are very prepared when we get when to have dialogue about what it is that makes us special and what they aspire to be like us. It is instructive. A lot of it has to do with certain themes, the same ones come up everywhere about how much they know about Portland. Real quickly: environmental stewardship, land use, urban transportation. And our metropolitan form of government, being a, not a city but an autonomous agency, and they know about this, the 20-minute neighborhood concept. They are overwhelmed with that, and that's how it relates to this. In a 20-minute neighborhood concept with being as close as we are to the property and the ability to get the neighborhood services as well as food, of course, that is the major drive for this whole thing. And with that concept comes, of course, the sense of community. And all of you probably have read Robert Putnam, everybody knows about Robert, a sociologist and former dean of the Kennedy School that writes about civic engagement. He puts Portland at the top because of our ability to bring people together. And also for civic engagement, one of the qualities of Portland here that is among the most important elements that we possibly have. As we take a look at this, I think, signature, we have been so fundamentally successful with this concept and what we are trying to achieve, that other cities, all over the place, are looking to, to aspire to be just like us. It says something because we have something really special, and the Strohecker's property and proposition and proposal underscores everything that that's all about.

Wheeler: Next three, please, Karla.

Sharon VanBuren: Good afternoon, Mayor and Councilman.

Fish: Carla, one more?

Karla: Paul Kennedy.

VanBuren: Thank you. I live far from Stroheckers. I live by Helide Park so when I need something from the store, not having them, the plaid doesn't carry eggs by OHSU, so your choice is Food Front, New Seasons, or Fred Meyers, or Zupans. It makes a lot of driving. And during the inclement weather, we can walk to Stroheckers and get milk, but now we cannot walk to Zupans in the ice or Food Front, so I wish that you would really consider the availability of food for the neighborhood. That's all that I have to say.

Wheeler: Very good, thank you for coming in. Appreciate it. Good afternoon.

Marilynne Eichinger: Thank you for listening. I am Marion, I lived on Sherwood Drive for the past 35 years when I was brought to Portland to run OMSI. My concern in part has to do with the lack of respect being given to a legally executed deed. People's sole property, with honored encumbrances for ownership of lumber, oil and mineral rights for centuries. In this case the property was sold to an out of state individual who was cognizant of the restrictions that made the local citizens the beneficiary. Mr. Strohecker, who I knew, knew the community benefited by having a local grocery store, a place within walking distance of most. He also knew that a multi-storied building would add to congestion. The question I have is what right do I have to sell my property in a way that benefits my neighbors? How can I know that my gift will be honored? When land and building were given to the Episcopal Church, near Military Road, it was stipulated that the Elk Creek Gardens, also known as the Bishop's Close would remain open to the public. The deed was honored and hundreds of people benefited every year by it. Why shouldn't Stroheckers property be treated similarly? He was community minded going out of his way to bring specialty foods

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and drink into the neighborhood. He treated his customers with love and caring, his place was a center this served us during snowstorms, when home-pounded and when we needed a cup of coffee or ice cream cone. He advised us about wine and organized food events that brought neighbors together. It's not surprising that the store could not succeed. My guess is the rent was too high. Nobody knows what it is. It was more than necessary, probably, than to return a decent profit. But the store did not sell quality merchandise. People do have a right to make a living, but just because they want to maximize the earnings does not mean that they should do so on the backs of a settled neighborhood. People who live in this area are the deeded, recipients of the sale. We demand the city honor Mr. Stroheckers' encumbrances. They knew the restrictions when they purchased it, and it was only a week after they purchased it that I was told that the process that they would go through in order to get the restrictions lifted. I don't like it. I certainly do not believe that the hearings officer had the community's interest at heart. And over and over again, I worry that the city is not paying attention to the local community.

Wheeler: Thank you. Appreciate it. Both of you.

Wheeler: Is there anybody else who thinks they signed up and whose name has not been called? Very good. You get the last word.

Sarah Bachman: is a rotten place to be, between the people conducting your hearing or the coffee or wherever you are going after this so I will make this short. I want to pick up on what Randy Miller said about the civic engagement. And address the issues that were alluded to by Commissioner Saltzman and Commissioner Fritz. I am the newly minted net volunteer. And I want to bring you up to date with the development in our neighborhood. I live about 25 minutes walk from Stroheckers up on the hill, and until recently was taking care of my mom, who died just short of 90, and my dad who died at 93. And it was extremely important to me, both as a caregiver and a net volunteer to be able to get to emergency services that were closer than the emergency services that we currently are closest to. As they are now the closest emergency caches of medical supplies, are at Bridal Mile and Ainsworth. Too far away for me as a caregiver to get to by foot. If I was -- my parents were still alive. So I've been working with Father King at St. Thomas Moore to bring together some emergency supplies there at St. Thomas Moore closer to where 110 houses are at the top of the hill. Before Stroheckers closed, they were our closest emergency meeting place. When it closed, the net volunteers had to move their emergency meeting place down to Ainsworth, farther away from the People in my neighborhood. So that's a kind of untold story about the importance of Stroheckers and the adjacent park. To our neighborhood in a way that Portland is commendably building a -- an ability to bounce back from a large earthquake or other emergency. With regard to Commissioner Transit's concerns about parks, the park, good news, is very well used and is becoming more well used over time, and I would hope that any restrictions would be placed on the use of the property adjacent that would allow cars to park there where they have always parked for people who are using the park, and I have run out of time, so thank you very much.

Wheeler: Thank you, we appreciate it. Very good, so thank you everybody who testified. Legal counsel, could you give us a frame?

Rees: The last remaining is the applicant has the opportunity for rebuttal for five minutes.

Fish: And what comes next?

Rees: So what I would anticipate is today that council would have some discussion of, I guess, we would call it almost developing some sense of where council wants to go, and then directing the staff to work on the revised findings, revised ordinance to the extent that the council decides of any revised condition.

Fritz: I would like to have staff come back. I have some questions from the staff.

Wheeler: Welcome back. If you could state your name.

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White: christy carlsen white, for the applicant, and I will make my rebuttal as quickly as I can and under five minutes. First, the legislative action of 2035 did not reaffirm these conditions. Nothing in the record establishes or supports that fact. Two, in fact, the code requires this process, and this process only for removing the conditions. And food front and green zebra were both approached for this property, provided all of the marketing materials and declined. The prior grocer was allowed to reduce the rent is, to stay business, and that still didn't save that operation. And specific user restrictions are not precedented even in an annexation, a zone is the restriction, not a specific user within the zone. We have heard a majority of opinions here about grocery, about retail, about a single residential home. There is a divergence of opinions. We've been asked to predesign a projected before we come through the plan and zone change process, which is not a requirement of the code. We understand all of the thoughts around that, and they seem to boil down to this idea that it is very hard to lose strocheckers. It is very hard for us to change that fact. We have not been able to change it for years. But the neighborhood still wants some access to retail in this Particular project, so listening to the testimony, my, my applicant can accept a condition of some minimum amount of retail square footage that would be dedicated on the property through the building permit approval process, and again this is a minimum. What we think we can make at least market feasible is 1500 square foot of retail. If you compare that across the market, that, that is a bagel shop, a cafe. It could be any other small retail use. Again, this is a guaranteed minimum. It is not a maximum. The cm-1 zoning would, of course, allow us to exceed that. The trip cap would allow us to exceed that. So it is something we are willing to propose because we understand the, at lease the neighbors that have testified today believe they would be able to access that retail and support that retail. Another point the hearings officer's decision where he was cited as saying that the council could require some form of food related use, small market or a restaurant as part of the commercial development, the last half of that quote is however as the current application demonstrate, such site-specific conditions can reduce the flexibility for development on the site as shopping habits, consumer preferences and market conditions change over time, and the cm-1 zoned properties are not subject to these restrictions, allowing the local economy to determine the best Use. And lastly, what's great about the new cm-1 zone in terms of the design, is that it comes with the design standards. So there are new design standards under the cm-1 zone that speak to neighborhood compatibility and design of the project, which is a good insurance mechanism for the architect who spoke about the design. The scale is 1.5-1, so you can go a little higher than that if you build affordable housing but the base is 1.5-1, and lastly there is a new community outreach requirement in cm-1 zoning so in that prior to the submittals of the building permits you are required now where usually you were not to go to the neighborhood, review your proposal, and submit your building permit.

Wheeler: Commissioner Fritz.

Fritz: It seems clear that we have consensus that many of the conditions should go away. At the very least, last one thing that's likely to happen in this proceeding. I am going to hand out to my colleagues and to Karla to hand you, the requested condition from Portland parks and recreation. It's not clear why the hearing officer did not include there or why the staff report doesn't recommend.

Wheeler: Do you need a copy?

Fritz: It's coming around. Thank you. So basically, Portland parks, this memorandum is dated april 16 from brett horner in Portland park and recreation Says goal hh, 2035 comprehensive plan, states all Portlanders have convenience and equitable access to high quality parks, natural areas, and operational opportunities which contribute to the health and wellbeing. The city manages the natural areas to protect the urban habitat. And offer Portlanders an opportunity to connected with the nature. To support this goal Portland

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parks and recreation requested a condition of approval this proposal and any future applicant be required by development services to maintain the public access to and from the existing stairway and Portland heights park that connects to the edge of the subject site, and also to review any application to ensure that the proposed developments allow for safe and inclusive accessibility to this pedestrian connection. Do you have any comments on that condition?

White: So just reading it, some concerns, I don't know that there is a dedicated public access currently on this property. And there are existing, I think, improved sidewalks, completely surrounding this site and accessing the park. So the concern would be not knowing where this access is, I don't know how we would design a site if the access went through the middle of the site.

Fritz: There is no accessway. It is just from the parking lot of the grocery store, that's how you get to the top of the stairs. There is access from the Sidewalk, but at a minimum, I know that parks would like to see if there is a residential only building on this property that the residents of the building could get directly to the park without it having to go out and back and around.

White: Sure. So what -- so what I understand about this is that right now it's a parking lot but upon redevelopment there won't that be parking lot so the concern would be to understand the access point, how it would be possible to design around it, and then I think, and I could be wrong about this, so it's really more appropriate to ask the bds planner, but as I understood it, this was requested down below and the answer was this would be determined at the time of the redevelopment proposal, to see if the use being proposed was related to a park access condition, and there would, some conversation about that.

Fritz: Thank you very much. I wanted to give you, an opportunity to comment and I appreciate that and I will ask the planner. Thanks very much.

White: Great.

Saltzman: Has the applicant, or you ever sat down with the southwest hills residential league and talked about the newest proposal?

White: No. There was a suggestion for a meeting a couple days before the hearing. But that meeting was canceled because it was preconditioned on grocery only. We can't live with a grocery-only condition. We can live with some minimum, at least a commitment to some minimum level of neighborhood retail, which of course does not preclude or prohibit reaching the maximum under the trip cap and cm1 zoning, when you get one user in there, there is the potential more users come as you heard testimony and feed off of that user. So this could be one way of a clear path.

Saltzman: You cannot commit to the grocery only condition?

White: No.

Saltzman: Because of your experience to date trying to --

White: The experience to try to market to a grocer, there is no viable way that we can do this with the grocer, and the kind we are talking about have square footages that, obviously, they don't think are supportable on this property. Even at a free rent.

Fritz: You can do two stories above whatever is on the ground?

White: Not really. If you do retail it's generally -- you could modify this, but generally in the industry retail is ground floor, and 18-foot floor to floors to invite that ground floor window environment. The height limit is 35 feet, so you cannot put two floors of residential within 35 feet above a ground floor of retail. That's not how it is.

Fritz: At Portland state, there is housing above it.

White: But they don't have a 35-foot height restriction. We have 35 feet total. So you could keep going, but you have that height limitation so What I am saying, if you have retail understanding to the ground floor, you have 17 left. You can't get two floors of residential and 17 feet, so you would have one floor of residential, so it would be a lower density

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residential if you were going all across the site with the ground floor, but I am not sure that would be the right proposal, either. The point is the cm-1 zoning allows you to mix and match that.

Fish: It sounds like we are going to close the record today, but I am a little concerned that when hasn't been this conversation with the neighborhood about alternatives, and there is a proposal that we really have not had a chance to really evaluate. Ultimately, we will have to make a decision, and that includes whether there are additional conditions of approval. Is there a value in first giving the applicant and the neighborhood a chance to sit down and have that conversation? Or are we at a point where you don't think that that would be advantageous.

White: Let me be clear, there have been previous conversations, but as to whatever was handed to you, and I understand and sympathize with what was said when that was presented. It's difficult to get everybody together, and we have heard very diverse opinions, so I will say that I am not left with a great level of confidence that when we meet we will figure out those that want the grocery store and those that are not, or retail or some minimum square footage. What we are saying today is that we are definitely able to agree to what we have stated as a condition of approval knowing that it is a minimum and not a maximum.

Fritz: You would be willing to sit down with them?

White: Always willing to sit down with neighbors but we have to be clear about where we think that might head. Given the previous conversations.

Wheeler: I heard a starting point here, southwest hills, the board position is to support the removal of the grocery store only and 24 related conditions in exchange for a new mixed-use grocery conditions to maintain some neighborhood retail space. And they go on.

White: Right.

Wheeler: But I believe that I heard you indicate that first part is, actually, okay.

White: Yes.

Wheeler: We maintain retail, not grocery but retail.

Wheeler: Okay. I share what commissioner Fish said, it feels like just by virtue of the fact that we have had this hearing, like the parties are moving closer together.

Fritz: 1500 square feet is not acceptable.

Wheeler: No, and I heard that, but there is not diametric opposition. That's not what I am hearing.

Fish: So the council has been asked to decide this. Just be clear mayor, 4:30 I have to go, so we will decide this. We have a history of making tough decisions. I would prefer to make the decision knowing what the best option on the table is that the neighborhood could agree to and the best option that the applicant could agree to and then being able to decide how we're going to reconcile those two if they are not aligned. It seems to me the stakes are high so I would urge that we give the neighborhood and the applicant a chance, a brief window, mayor, to have a follow-up conversation, come back and close the record and come back with options that have been discussed with the understanding that those would be presented to us in advance of the next hearing date, and council will decide this question based on whether when has been tentatively agreed to, and if not we will make our best judgment.

Wheeler: First I will ask the applicant representative, does that seem from your perspective like a viable path forward? Would you accept that?

White: Without it turning around and looking at my client, I am always wanting to be optimistic that there is an easier path that we can pursue here that meets everyone's needs and interests. I am a little pessimistic because you are hearing grocery, grocery, grocery, and we cannot do a grocery.

Wheeler: Commissioner Fish is saying what we may end up with is two final positions.

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White: And you make the call.

Fish: The council will make the call.

Wheeler: And the council will have two Reference points.

White: Of course.

Fish: I would not extend this more than 30 days if you are a little skeptical. I would say 30 days is plenty of time to have those conversations, have a time certain, we have done this recently, not that long ago, where we required to close the record, required submissions as to the potential conditions, and we decide the case, I would prefer that.

Wheeler: I would like to ask the legal counsel having heard this what your advice would be.

Rees: If the parties are amenable, we don't have a 120-day clock for a comprehensive plan, so you have the flexibility to do that if you think that it would be fruitful to come back for a time and date certain, and that would not require us to send additional notice.

Wheeler: If we wished we could close the record today?

Rees: You could close today.

Wheeler: And if there was, I am being hypothetical, some compromise or a proposed alternative, that would be put on the table.

Fritz: We could reopen the record for that.

Rees: I think that's a good idea to close the record today so we are not continuing to get new material in, but anticipate that you will have to reopen it to take more testimony from the parties about the final.

Fish: What I would propose by way of a test, straw person, here, that we close the record, we set a, we continue the hearing for 30 days. We give the parties the applicant, the neighborhood a Chance to meet, encourage them to give us submissions as to their best positions, prior, several days prior to our reconvene date with the understanding we would reopen the record to hear those proposals, and council would deliberate and make a decision.

Wheeler: Commissioner Fritz would like to hear from staff as well.

Fritz: Thank you.

Wheeler: You dropped your i.d. There.

White: Wow. We had to bring these today, thank you.

Wheeler: It's a special day, Portland city hall, wednesday.

Fritz: So before we close the record, I did put in my acknowledges of what the comprehensive plan, the new comprehensive plan says in regards to this application, so that's in the record. Both sides -- sides' attorneys have them. Is there a minimum density in the cm1 zone?

Moffett: There is no minimum density.

Fritz: So it's complete? As possible that one family home could be put on this property?

Moffett: Correct, whether the market would allow it or not.

Fritz: Could there be 17 single family homes on it?

Moffett: They have to be on their own lot, that would be a subdivision.

Fritz: That's allowed in the cm-1 as well?

Moffett: Yes, there is no unit limit, just an far so 1.5 to 1 of the site area. So basically three-story building on there, would not be able to cover the whole site. That would be kind of the max.

Fritz: And I am correct in thinking Before the stroheckers got the conditions of approval it was zoned r5.

Moffett: 1984 change was going from residential since the store opened in 1902 to the cm-2 zone.

Fritz: And at the time the neighborhood was opposed to that, and these conditions were intended to put side boards around it?

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Moffett: I was not there in those records, I know very little in terms of the findings, we have the ordinance. But yes. The results speak for themselves.

Fritz: My deduction, and I think the attorney said it was intended to be a restriction rather than a requirement. Miss Eichinger, sorry if I am butchering your name, in a sense these conditions are encumbrances when the stroheckers agreed to, and I am thinking back commissioner Fish and Saltzman in our comprehensive plan process if somebody had come to us, that this entire neighborhood is zoned r-5, and we want to do this one lot of cm-1, I think that the answer might have been no. But because it was already an existing use, that's why we changed it to cm2 into the cm1. So I appreciate commissioner Fish's suggestion for how we move forward, and I am also thinking a single multi-family dwelling unit without it any retail there is not in compliance with the comprehensive plan, certainly one single family home on a massive lot by a park is not what I envisioned the highest and best use for a lot, which is what we were thinking of in the comprehensive plan. What are the highest and best uses for this? So in the process where you do this, and I would suggest you have some mediation with the facilitation to have this conversation, I would like you to consider the Portland parks condition of approval or requested, and if that's not what they said, is not feasible, could there be something that would be indicative that this development on this lot needs to relate to the parking in some way?

Moffett: I will mention because it's a bit of a mystery why the condition went away. The hearings officer -- the staff had reworded this condition from parks to be slightly different. Requiring them to coordinate with the parks on the public access, and then suggesting they provide the vehicle ownership, or the vehicle parking for parks users, off hours, and provided that they met the joint use parking requirements which is something that they did not catch up on. When you want someone else to use parking you have to give us some analysis that says that there is room for both, so as long as they could show us that there was room for both the conditions said yeah you should provide parks parking and to be clear what that condition would require would be a minimum six foot walkway running from kind of the top of the stairs all along that western property line out to Patton road, that would be the minimum requirement. It has to be six feet wide. You need to get from the stairs to the street.

Fritz: If you could include those discussions in your mediation to figure out if you can come back with a package of conditions of approval, everybody can agree with or something that addresses the parks concern when you come back to council. Thank you.

Moffett: Okay.

Saltzman: I had a question also. So if we heard testimony about the 35-foot height limit, if there were mixed use redevelopment that included affordable housing is there a higher height limit that could be built in?

Moffett: I didn't bring the code but you get extra f.a.r. You do not get the extra height in cm1, so that is the one zone where you don't get the bonus height, the other commercial zones, cm2 and 3 and c-e, you get ten feet of height. But cm1 no matter what you do you get, you never get the bonus height.

Fritz: We here at city council make the rules so that might be part of the discussion, too. The additional height would allow a ground floor grocery in exchange for more housing on top, would that be acceptable? That's something that I think that you should think about.

Wheeler: So the path forward as I understand it, and I am not doing this. I just want to put it on the table and make sure we have got it right, and I am specifically looking at the city attorney, we will close the record today. We will continue both the report and the ordinance to, we will say, a month from now, and Karla will work on a specific date. Some number of days prior we will receive the last positions, is that a fair way of putting it, of both parties? We will then reconvene on that date certain and time certain that Karla will find us. We will

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reopen the record very specifically to hear those two proposals, and take testimony on those two specific proposals or no?

Rees: So one of the things that we need to clarify is that it's clear who the applicant is. It's not necessarily clear who the party is on the other side. I am not sure if that's the neighborhood association or somebody else. So I think that would need to be clarified as well.

Fish: I would limit the testimony to the parties that submit the direct, the party that submits any proposal so that, for the purpose of making sure that we understand what the proposal is, we go to deliberations.

Rees: I think that's what I am trying to get clarification on is who would be bringing the proposal back. I am not clear on that yet. I think -- the concept makes a lot of sense to me, and I think that Karla has looked at the dates that might work but I do think that you need to have clarity on who would be submitting, who would be submitting something.

Fritz: And who participating in the mediation, so who, the who would be participating in the mediation seems to me could be Designated by the neighborhood association since they have been represented. If we decide a number of people they can work Ms Richter and whomever else they want to, to have the people they want at the table.

Rees: That makes sense to me.

Fritz: And recognize the neighborhood community group.

Rees: In terms of having this group of council members back, Karla identified that september 6th in the afternoon is, at 2:00 p.m. Is really our only option in the weeks before and after that. That's not quite 30 days but close, and we would ask for the submission of the best offers by the 4th, which is a couple days before that. Those would go to the council clerk, the records would be closed up until september 4th, and open to allow those submissions, and then we would deal with reopening the record for testimony on the 6th.

Fish: At our discretion? We would take more if it's at our discretion?

Rees: Correct. I suppose if the proposals are self-explanatory and you don't need to hear from anybody you would not necessarily need additional testimony.

Fish: My preference is not to have dualing proposals and lots of testimony but a self contained document with a proposal, hopefully one that's a consensus document but if not your best shot, and we are able to have a deliberation which is all we're doing is postponing the deliberations.

Fritz: It would go in by close of Business on september 4th?

Rees: Yes. 5:00 Karla?

Karla: Yes, that's a tuesday, september 4. 5:00 p.m.

Fritz: And that gives you one day of development services staff and the city attorney staff to look before the hearing 6th. Is that enough time?

Moffett: Literally we would be like emailing you the stuff the morning of the 5th, right. The day after.

Rees: It would be to the benefit of both the parties to be talking with bds staff so that it's not a surprise what we are seeing on the 4th but yeah. We could have it the week prior, before labor day. But I don't think that we are going to be working on it over the weekend.

Fritz: Well, that might be the only time that I would be able to so if you could have it in by the end of the close on the 31st, because I don't think that it is unlikely they would be doing mediation meetings over the labor day weekend.

Moffett: Our usual, I will throw there out, our usual deadline is noon on Thursday the week before. That's so you get it usually on Monday. There is all these steps involved.

Fritz: We are trying to strike the balance between giving the community and the applicants enough time versus you enough time. Should we take a five-min recess so the applicant's attorney and the neighborhood associations can huddle?

Wheeler: Why don't we Do that, a five-minute recess. [recess taken]

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Wheeler: There's a conversation, what do we know?

Moffett: A few things we have agreed to return on the 6th and with the deadline of the 4th for submission of the new information, so you will get it right before the day before we come back. The co-president will be acting officially as the neighborhood representatives, with the involvement of other neighbors and the attorney for miss olsen. Just as staff I will assume the direction from council is to reimpose the parks related condition about the walkway, there was not a lot of discussion, I will bring new language on our part.

Wheeler: So to frame this a bit, to narrow the conversation, and my colleagues may have heard something differently, and first I want to thank both parties in agreeing to get together and see if there is an opportunity for agreement. I appreciate that. And a key question is the nature and the size of the commercial/retail on this site. And the secondary pertains to park access. What I heard the applicant say was that retail should be considered more broadly than just grocery store. And I heard varying opinions on that but I think that needs to come back with some clarity, if possible. There was an offer put on the table with regard to the minimum amount of retail, and I think that there is a question about what is the floor of the retail, And commissioner Fritz raised the question of access to the park given that it is an immediate proximity to the park.

Fritz: Minimum from the development, but for the public, as well.

Moffett: That's what I was understanding. Great. Does that square with your reservation, commissioner Saltzman? Very good.

Saltzman: Your emphasis on the point that I think that we are open to some retail, but not sure what it has to be grocery. Just to fulfill the needs that I have heard expressed for a presence in the community, a place to go and do things. Getting food is nice but it may not have to be part of an ultimate compromise.

Moffett: We will cover those bases for sure.

Wheeler: Okay. So legal counsel listen to me carefully, and if I get this wrong please do not hesitate to correct me. So we are going to keep the -- we are closing the record today accept as it pertains to this compromise in which case the record for that remains open until september 4. Or do we keep the entire record open until then.

Rees: My understanding is the entire record is closed until september 4. The parties either together or individually, so if they come to a compromise can submit something on september 4 or individually submitting their own.

Wheeler: And only those Designated parties so that is the case. So we will continue both the report and the ordinance. We are closing the record until september 4, on september 4 we will open the record for the designated parties to be able to submit proposals, and we will be back here on september 6. Time certain, 2:00 p.m., is that correct, Karla?

Karla: That's correct.

Wheeler: To continue the hearing. Is there anything else that we need to do legal counsel or is that it?

Rees: No, I think you are good.

Wheeler: With that, thank you, everybody. We are adjourned. [gavel pounded]

At 4:42 p.m. Council recessed.

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Closed Caption File of Portland City Council Meeting

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Key: ***** means unidentified speaker.

AUGUST 09, 2018

2:00 PM

Wheeler: This is the August 9, 2018 afternoon session of the Portland city council. Karla, please call the roll. [roll call taken] now we'll hear from our wonderful city attorney.

Saltzman: Here **Fish:** Here **Wheeler:** Here

Heidi Brown, Senior Deputy City Attorney: Thank you, mayor. 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 so that everyone can feel welcome, comfortable, respected and safe. To participate in council meetings, you may sign up in advance with council clerk's office 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 state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization, please identify it. The presiding officer determines length of testimony and individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on and 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 want to express that you do not support something, feel free to do thumbs down. Disruptive conduct 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 meeting. After being ejected a person who fails to leave is subject to arrest for trespass.

Wheeler: Thank you. Just one footnote to today's meeting some of you may notice on the agenda an item 845. I want to be clear that is not an agenda item to be brought before city council. That's an executive order and that's just the formal documentation of reassigning the bureaus, the departments and liaison responsibilities amongst the council members. With that, Karla, please read items 843 and 844 together.

Item 843.

Wheeler: Commissioner Saltzman.

Saltzman: Thank you, mayor. I'm pleased to introduce two items today for the division transit corridor project. We'll be hearing a status report on the progress made in addressing conditions of approval that city council adopted with the locally preferred alternative in December of 2016. Also, before us is an ordinance to authorize city to provide a portion of the local match funding for the project. The division transit project is grounded in an ethos of partnership and collaboration almost collaboration like the Portland street car, a strong partnership between the city and TriMet. They help us he responds to broader community needs including affordable housing, equitable community development, and other opportunities to enable current residents and businesses to remain and grow with smart transit investments. We are being joined by a number of agency and bureau partners and I want to thank them for their contributions. They include TriMet, metro, the bureau of planning and sustainability. Portland housing bureau, prosper Portland, and the Portland bureau of transportation. And I want to thank the community

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partner organizations that have helped shape this project. Many have been involved from the very beginning and served as members of the steering committee during the planning phase. A few will speak today to us as part of the public testimony. Again, thank you. Now I'll turn it over to staff to start us off then we'll hear from TriMet general manager Doug Kelsey.

Wheeler: While they are making their way up, I want to point out that the ordinance is a first reading of a nonemergency ordinance, so it will not be voted on today. Two of our colleagues who could not be here today asked if we could continue it until next week after public testimony so that they would have an opportunity to weigh in prior to casting their votes. We'll take all the testimony today. I just want people to be aware that we will not actually vote on the resolution until next week so commissioners Fritz and Eudaly have a chance to weigh in as well. Sorry for the interruption.

Teresa Boyle, Portland Bureau of Transportation: Good afternoon, everybody. I'm Teresa Boyle, the city's major projects manager. The large regional projects done in partnership and cooperation with other entities such as TriMet or odot through our office and myself to manage the city's involvement so we can hopefully be streamlined. You'll be hearing from a lot of people today. You heard commissioner Saltzman reference the fact that this is a partnership. It really isn't anything that any one entity can lift so glad to have them here. As far as the agenda goes I'll be providing introductory overview remarks and then doug will be filling in probably the real part of the story there. April bertelsen, a senior transportation planner with pbot, will do the status report and I'll do cleanup with the iga. I think we all are very excited to talk to you today about division transit. It's better bus service but it is a first for Portland. This is unique for us. This system will be unlike anything we have so far. It's a 15-mile treatment for an entire corridor replacing the number 4 bus which today carries over 10,000 daily riders. It carries a lot of people. Those buses are crowded and they get full. When they get full people are passed up. We don't want to do that. There are a lot of people that need this system. This is a high capacity transit project. We will be utilizing 60-foot-long buses with a great deal more capacity. They will have that three-door boarding akin to a light-rail project. They come in stations just like light-rail when you think of it it has two platforms but is considered a station. We have 42 stations between Portland and Gresham, and they are spaced out I would say very thoughtfully, and we have more information on that. One of the other exciting elements is we'll be doing traffic signal upgrades with transit priority. This is something that is our first venture into being a smart city from a technology standpoint. This is a treatment of an entire corridor with new technology. So we are anticipating a 15 to 20% reduction over all in travel time with frequent buses and really a very high quality of service the service runs on the original transit mall and in south waterfront and omsi on the existing stations that we already have prepared, but from southeast 11th to the east they are all new and reconfigured. So we're 30% designed. We have a ways to go. I will target to be ready to go for construction at the end of 2019 for a service opening in 2022. The project team's ethos as we complete design is to -- we're creating -- inventing a new project, a new thing. We're determined to bring something that provides reliable service in a cost effective manner ultimately that can be replicated elsewhere throughout Portland and the region as other corridors start needing that kind of service.

Doug Kelsey, General Manager TriMet: Thank you, good afternoon, mayor, commissioners. I'm Doug Kelsey, general manager at trimet. We are really excited to be here today. Thanks to teresa and the team as the commissioner outlined it really takes a team to pull a complexity like this off so it's an exciting, unique time. As teresa outlined on one of the charts, this is a great connector, this route. There's 42 stations, 35 of them in the city of Portland, 83%. It also has not just the 42 stations, there are some real connectors. It connects to the orange line, the green line, to psu, to ohsu, franklin high

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school, david douglas. You can do down the list. Pcc's campus. It really is part of a connector not only as a unique project, but if we look at the region it's really part of how we move the region in a faster pace.

Fish: Can we remove that box in the middle? It popped up --

Kelsey: Probably driver error, being me. There we go. Thank you. It really is part of an investment in a network of mobility. Each one has to be kept in that context as well. In terms of the stations again 35 stations in Portland, 75% of the transit users would have service near their current stop. This becomes important, talk about this later. 95% of the riders would have service within three blocks of the current stop, about a third of a mile. So a lot of this is based on feedback from the listening sessions done to this point in the project. I'm hitting the wrong one, clearly. So part of also the stations are also we need to take into consideration the amenities. It's not just a list of buses, of 35 articulated buses coming into play. It's also the amenities, land shaping, station shaping. With the stations there will be weather protection either existing or new investments to come with all of those stations. There will be lighting, real time travel information for our customers that will be part of this. The amenities themselves will include things like seating, leaning rails, trash receptacles, bike racks and other things. That's just a start. In terms of meeting riders' needs, this is actually the equivalent of almost a timbers soccer stadium every single day. So we're going to have a lot of improved sidewalks. 59,000 square feet, equivalent of 25 basketball courts. This is one of our most productive lines today. Our line 4. It also includes part of the problem we're trying to solve together is it's also one of our biggest pass-ups in the whole system. The investment as teresa referred to by putting not just more frequency but unit capacity it will allow the frequency plus the capacity to be able to carry far more people and yes, it's going to reduce travel time as well. Up to about 20%. So if the full length of the line is 50 minutes, 20% is 10 times two. If you go home that's helping to increase the health, the mobility and competitiveness of the city in this region. These are all excellent investments from our perspective. Three-door boarding is part of it. We need to get people on, and off quick to meet our travel times and our commitments. Buses alone on an invested corridor, there are constraints obviously that come with existing real estate often, so this is a wonderful example of a first smart city application. I think it's going to be a total winner. Part of transit signal priority, this is quite interesting, is also that the technology will have the capability to determine how many people are on which buses, are they on schedule, allows you to make choices based on the technology of those configurations. Who is on schedule, who is off in terms of allowing which gets the trigger if you will. The technology changes really start to optimize this and learn from it as we have applied this to other enhanced transit corridors. It will also help us with safety. Really crucial. In terms of the improvements, with this 175 million dollar investment, very significant in total, you will see investments, safety cameras, more street lights, safer crosswalks, completed sidewalks, raised center medians, shorter crossing distance at crosswalks. offered bike lanes, safer speed limits, marked crosswalks. This is currently a high crash corridor. In terms of our customers, part of the outreach we did, we did a survey of about 3600 riders so statistically significant. 93% of them really supported some or all of the changes on the division corridor. Interestingly enough, 74% or just under three-quarters prefer to travel farther to the stations but for faster trips. So travel time and amenities do matter. Anecdotally as a new general manager I did about 23 -- my own town halls. This came up my first 96 days as general manager and this did arise surprising to us the importance of amenities to go with bus service. Some even said rather versus less bus service that have proper amenities. It's really part of a combined package. You can see 89% prefer traffic signal upgrades, prefer faster boarding, quicker trips. 60% had fewer stations so we did get a spattering of different feedback, but all in all very high strong percentage of support with those prepared to vote with their feet, our customers. In terms

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of division it's going to take a bit of time for any construction projection this complex, this exciting with all the partners to pull this off, but just wanted to share with you in terms of east county we're not waiting for the project to be fully implemented. In terms of our current trimet fiscal '18-19 for east county you can see before you in the chart we have some expanded. We're actually extending service and frequency this year. The division transit project will be an overlay, exciting overlay, on top of it. You'll see line 74, 81 with new service to the airport now we're going to while the trains are getting maintained over the night we're introducing this fall, September, 24/7 bus service from pdx into town as well. So we need to move to a 24/7 type of service, not just be on our clock. We need to be on the region's clock. These are part of the investments pre-hb 17 that TriMet is not waiting for the revenue to come in. We're moving now. It's an exciting combination together. We will also be extending service to very important mount hood community college as well as you'll see. You can also see on this chart in terms of house bill 2017, a draft still working through the process of the advisory committees. We'll come to the trimet board, ultimately to the Oregon transportation commission later on. But you can also see some of the reallocation, what often gets forgotten is when new investment such as division transit corridor come into play, the existing service hours, if you will, of current service are not going away. The really doubling up and getting reallocated to feed this system, so this in itself is a very significant investment to not just reallocate the dollars and take them somewhere else. They will stay and be reallocated to double down on an even higher capacity investment for this important part of the community. So more east county to come. It's on its way before and while division transit project goes into play. I think they have to be looked at in context, together. Finally, I also wanted to -- it does take a village as people say to pull off complex projects like this that teresa referred to earlier. We have also at trimet been working on a dba, disadvantaged business enterprise agreement, for a lot of years. In our audience today is one of our -- the partners here from raimore construction who started as a dba on interstate max project a number of years ago. They worked on the Portland mall, station rehab projects and for pbot fixing our streets. Now we just awarded construction manager general contractor for the division project to them. This will be the largest dba in state's history once this comes to pass. We're very proud of that heritage and that relationship, and we think it is part of that all boats should rise when events like this happen. We're very proud of that dba relationship. I wanted to share that with you as part of the thought process that we include as many people as possible. That would conclude my remarks. I'm happy to answer any questions at the right time.

Wheeler: Very good. Thank you.

April Bertelsen, Portland Bureau of Transportation: Good afternoon, mayor, council, thank you for this opportunity. I will be kicking off the status report on the conditions of approval that were adopted with the locally preferred alternative by city council in december of 2016. Pardon me while I move over. So as a part of that adoption by city council, several conditions of approval we developed with community members that have been participating in the planning process. Including members of the steering committee. Many of these conditions of approval address the concerns that we heard from the community, particularly around preventing displacement, and they continue to be critical to the support of our community partners for this project. The elements of the lpa conditions of approval go beyond just the transit project. What we were hearing was that please take a holistic approach when planning in this corridor, and implementing projects. To look for the needs beyond the transit need is real too. So the categories of these conditions of approval fall into one, future updates which we're doing now, one of those. Community engagement, affordable housing investment strategy, economic development and business mitigation, and transit service enhancements. Doug kelsey, trimet general manager, has led with some of those traffic service enhancements around added service

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in east Portland as well as dba goals. Many of these other conditions are things that we don't do as transit providers or transportation providers. We really look to other partners, agencies and bureaus to help us meet these goals together. So I have with us inviting up some of our partners to help give this status report. Starting with Eric Engstrom from Bureau of Planning and Sustainability, and Malu Wilkinson with Metro. If you would like to join me here, while they are doing so, I'll highlight a little bit more about the background of the conditions. We have been saying synchronized swimming for us to do this together in a holistic manner. The origin of the Ipa conditions really are grounded in the goals and outcomes that were adopted by the steering committee during the planning process. We can touch on those, as well as the Portland local action plan adopted by council that helped to forward those goals and Eric can talk more about that. We are ultimately grounded in the comprehensive plan at City of Portland. With that I'll turn it over to our agency partners. Thank you.

Eric Engstrom, Bureau of Planning and Sustainability: Good afternoon, this is Eric Engstrom with the Bureau of Planning and Sustainability. I'm here to give a little planning context. The division project and the local action plan are helping to implement the 2035 comprehensive plan in several respects. The regional high capacity transit network is the Skelton holding up our centers and corridors' growth strategy. It's key in the climate action plan which has a goal of doubling transit commute share by 2035. A core pillar of the comprehensive plan was equity. Of course, you've heard some of project partners talk about equity goals and the local action plan helps the city meet its equity goals in that respect. The affordable housing needs and targets identified in the corridor were grounded in the city-wide targets, 10,000 units targeted adopted with the comprehensive plan this is the first major transit plan to come along since council debated and adopted anti-displacement policies in the 2035 comprehensive plan. I wanted to call your attention to one policy in particular. There are others. 8.33 says encourage public engagement processes and strategies for large public facility projects to include community members in identifying project impacts, mitigation measures and community benefits. So, I think the division local action plan was done in the spirit of that policy. I think it was being written at the same time honestly, in the spirit of that policy and conditions of approval that you adopted are continuing to help implement that action plan and that policy. Displacement is a growing risk in east Portland not just in this corridor. Frankly when we started the comprehensive plan overhaul displacement was not actually a major concern in this corridor or in much of east Portland at that time but that has changed. The risk is now real. Now part of the context for this project. The project is not the primary cause of that risk as you all know, that's a citywide phenomenon in terms of rising rents and concern. But we need to be proceeding with major projects like this in a way that ensures the projects are part of the solution. I want to acknowledge that with that in mind I want to acknowledge that what we're doing now is probably not enough yet. We know that there are larger needs in east Portland. Towards that end BPS allocated some staff resources within our planning groups to assemble a larger team to focus more on east Portland now that central city plan is under our belt we can make that shift. It's been more than ten years since the east Portland action plan was adopted and it's probably time to renew and refocus and recommit our energy in that direction. Finally, I want to thank Metro for funding some of the planning work in the corridor. I think two of our projects that helped us do the work towards finishing the action plan were Metro funded grants.

Bertelsen: I was remiss in not covering a few slides. I'm going to jump back to that quickly. One just highlighting the importance of affordability and the relationship of transportation and housing. These are the two highest costs proportion of the household budget. Many within our region are cost burdened where their combined cost of housing and transportation exceed the ideal of 50%. All the way up to 105%. The more that we can

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do to co-invest and collocate our affordable housing and our transportation investments particularly on transit the more we may be able to help reduce that burden. That is part of our goal here too is to coordinate those investments in order that people can remain and prosper. Additionally, we are building more than just a transit project. We have over 255 million dollars of investment in projects in east Portland. These include projects like sidewalks, neighborhood greenways, high crash corridor, safety improvements, and more. This does include the outer powell improvement. It's even more if you throw in paving projects. Many of these projects will help provide access to division, and we have more that are in the planning and project development phase including some project development of more projects in the midway area and a funded project in the jade district for more connected center there. So again, the need is still more so we'll continue on identifying additional projects. I wanted to share with you, the map is exhibit b, the investments that we have under way now that are funded. Then i'll turn it back to metro, to malu.

Malu Wilkinson, Metro Investment Areas Manager: All right. So malu wilkinson, investment areas manager. I'm happy to be here today. I want to take us up to the regional scale with the image on the screen. Remind you that from a regional perspective we began this project as one of the ways that we work collaboratively together to implement our collective vision for growth in our region. That is the 2040 growth concept and vision. That is as eric mentioned to focus development and investment to support our centers and main streets and downtown, employment and industrial areas and protect farm and forests and our neighborhoods that we enjoy so much. We're about halfway to 2040 from when we started this, so I also want to say that this we do all of this work and you see a lot of maps and reports and words, and I would not doing this for that purpose. We're doing it to support the people in our regions. It's about the people. Now we can move to the next one. I think it's really important for us to remember the faces of the people that we are trying to address the needs of as we do the work that we do as a region and as the cities in the region. Those people that we are doing this for really need choices about how they can get to the places that they need to get to to get to their work, to get to the places that they need to shop, to play, to learn. And the region's high capacity transit network is one way to provide the choices that the people we all need. Eric mentioned that as well. The map that you see up there shows the region's high capacity transit network with two dotted lines, one being southwest corridor, more importantly today the division transit project. That really addresses a missing link in our regional high capacity transit network. That is a key reason that we began this work. But if you can go to the next one, when we started this project as the powell division transit and development project, we were really excited as metro to apply an investment areas approach starting with the land use and community goals for affordable housing for business growth and retention and access to education in this part of the region. So when we began this project we created a steering committee that really -- that really reflected that. Considered how our investment in transit is a big public investment could help support other community goals. The steering committee we created was over half representing community groups and the less than half part were the elected officials and agency heads that we needed there as well. That was an important component of our work. That steering committee really defined a very broad set of goals as april referenced from transportation and the transportation in a broad sense was more focused on the sidewalk improvements and the bicycle safety improvements, the well-being of the community, equity was a really critical component of the goal setting that the steering committee did. Then efficiency in terms of transit projects and how it would operate. As metro we're excited to see this move forward. As eric mentioned it creates and doug kelsey it's a new type of transit service in our region and we hope they can be applied in other regions as well and we are learning lessons. As a region we have

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committed \$25 million of federal flexible funds to this project. In addition we having created that steering committee and working through the process of it's the transit is just one of the elements that we need to help support the community goals. One of the early implementation elements that we were able to move forward with was that our transit-oriented development program was able to purchase a key site at 82nd and division. I wish we would have used a photo of the furniture store that used to be there that was defunct for a very long time. A little bit of an eyesore for the community and so what was a furniture store will soon in partnership with the city and the community be the image that you see up on the screen. It's about maybe halfway there right now if you drive out there. We're excited that it's not only affordable housing that's being provided but also a community space for apano that can meet the needs of the people who live in that area. You'll hear more about that project from your own staff. While we were working on the powell division transit and development project that became the division transit project and all the other work at the regional level you know from the city perspective housing has continued to rise to the forefront of community concerns. We have been hearing that over and over again. We have up here the draft framework for regional housing bond, metro staff worked on developing a framework in partnership with the community over the last year. The framework was for a \$652 million general obligation bond that could cost the average homeowner about \$60 a year. It would be a significant step on building on the work that Portland has already done with your housing fund that you have. It was referred to voters in june, so it will be on the ballot in november. We're excited about the potential of addressing housing needs in this region. A huge thank you to your staff and to the Portland city council with the leadership you have provided in working collaboratively to address some of these needs in our region.

Wheeler: Thank you.

Bertelsen: Next I would like to invite interim director shannon callahan from the housing bureau and tony campbell, the entrepreneurship and community economic development manager.

Wheeler: Welcome.

Shannon Callahan, Portland Housing Bureau: Shannon callahan from the Portland housing bureau. We have been an early partner in the project to ensure that we are able to capitalize on the transit investments with new opportunities for affordable housing. To work early to mitigate and prevent displacement. Some of our earliest work was as a funding partner with metro on apano and rose on the jade development. We contributed just over \$1.8 million to make that an affordability development and we're proud to be a partner with that. Our first new housing bond project is actually on the corridor as well. It's at 30th and powell. As you know it will begin community design work this fall. We estimate approximately 200 units from this development roughly a \$60 million total investment. That picture before you is conceptual just so everyone knows we have not at all begun design work. We wanted to give you an idea what it could look like. We are presently working on opportunities on the eastern edge of the corridor. We are particularly interested in acquiring already occupied buildings with an eye toward preventing displacement. One-third of the total bond buildings planned or acquired are on the corridor because of 30th and powell, so thank you for having us.

Tony Campbell, Prosper Portland Entrepreneurship & Comm Econ Dev Mgr: Good afternoon. Thank you for the time. I just want to take a few moments to talk around some of the economic development and business mitigation efforts that prosper Portland will be supporting in tandem with our partners. As you're aware we're calling it our division street business and community support. The corridor is from one of the most diverse areas in the city of Portland and the support we're intending to provide really helps support needs of both residents as well as businesses particularly people of color, immigrant and low

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income population so they benefit not only from future transit improvements but they can make it through the construction processes particularly around businesses. Prosper Portland will request funding in the fall bump to support this fully with respects to economic development activities for this coming fiscal year. There're four areas I want to briefly touch on. The funding will leverage with other resources to fully fund the following activities. The first is going to be the business technical assistance and support. This is offering that one on one technical both light and intense touch for businesses that are going to be in the corridor to ensure that in preparation for the construction as well as through the construction and afterwards their position to not only just survive but to thrive during that time. There's also funding allocated for our mpi community outreach corridors, individuals who specifically go really a step deeper into the community with community engagement particularly around language with the plethora of languages and communities that are there we also feel like it's incredibly important to ensure there's adequate support and context and relationships there to make folks aware of the opportunities and resources to support them during and after the transit project. The next one is the business loan fund, which is a mini-micro loan fund which again is important to help businesses to not only have an idea how they will make it through but more importantly to seed them with funding to help actualize those ideals so ensure their businesses stay afloat and move forward. Lastly is work force navigator recognizing this corridor is ripe with opportunities for employment. We want to continue to support that. Those elements wrap into how we see our efforts in partnership with those that are currently at the table and many of our partners that we work with to ensure that things move not only smoothly for the project but also just as important that the community finds it to be something that when they look back they say not only did we get inherent benefits from transit and infrastructure, our businesses not only made it but they grew. The opportunities are very tangible.

Bertelsen: Thank you very much. That concludes our presentations on the status report. Next I will turn it back to teresa boyle to talk more about the iga and ordinance element.

Wheeler: Thank you. How are you doing today?

Boyle: I'm great. We call this synchronized swimming. You could also call it musical chairs.

Wheeler: I have never heard a synchronized swimming analogy.

Boyle: It came from transportation people. Go figure.

Wheeler: It's innovative. A new one.

Boyle: One of the things that is not new is the fact that all of the high capacity transit projects that we have done in this region have required local support to make them go. The division transit project is a small starts project under federal guidelines and at \$175 million we expect a 50% federal match which means locally we need to come up with 87.3 million. Portland has a role to play in that. The ordinance before you today that you will be voting on next week fulfills and completes what we believe to be a healthy contribution of 17.73 million. The funding would be paid out in two increments, one at the start of construction, the other the following year. We have already provided 2 million of that amount to metro previously, so when you look at the ordinance it says 15.73. I don't want you to be confused about the numbers. Partnership has been a big theme today. One place you can most clearly see partnership is in terms of what it takes to lift local match for a project like this. In particular this is for division transit but if you were to look at any of the other big light-rail projects you will see many, many partners helping make the project go. In this particular case the largest contribution is trimet at 34.7 million. Portland is split up on this chart a little bit. There's the bulk of the money is attributed toward construction. Our other services, the other million that makes up our 17 is in kind. We get a lot for our contribution. When you look within the Portland segment about the elements and the value that we get in terms of street infrastructure there are any number of important things that

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we receive, and we also get that intrinsic value of setting ourselves up and establishing for future projects as the need arises and funds are available.

Wheeler: Could you go back?

Boyle: I think I can. Let me get back there.

Wheeler: Perfect. You did it. Concrete bus pads as opposed to what?

Boyle: As opposed to a standard asphalt road. When we have large volume of buses right now on a route trimet and the city partner together to put a concrete bus pad at the bus stop because the idling of the bus and the full load when it takes off tends to really erode away the asphalt.

Wheeler: This is a long-term maintenance capital project?

Boyle: It's a huge benefit.

Wheeler: Cost savings.

Boyle: Huge benefit in the long run from a maintenance standpoint.

Wheeler: I'm not going to show up and say, oh, good, this is a concrete bus pad.

Boyle: I will take you there. It makes us all very happy. It's a subtle benefit but one that's very real.

Wheeler: Awesome. Thank you. Appreciate it.

Boyle: You're welcome. So we're talking about leverage really for the investment of our transportation sdc, we calculated we get about \$68 million worth of direct infrastructure improvements in Portland. There's a split so you can see gresham's as well for their investment. That is everything I have in terms of information. We are all available to you if you have questions either from the status report or from the info I have provided.

Saltzman: That completes invited testimony. We'll take public testimony.

Wheeler: Karla, do we have anyone signed up?

Karla: Yes. We have ten people signed up.

Wheeler: Very good.

Fish: It's our normal procedure to have elected or former elected to speak first.

Wheeler: Very good. Three minutes. Name for the record. For those who have never testified before, it's supereasy. The microphones move around six to eight inches is about right. There's a yellow light there. It will go on when you have 30 seconds left. When your time is up it turns red. Thank you for being here. Do you want to go first?

Bob Stacey, Metro Councilor & Co-Chair of Steering Committee: Thank you. I'm bob stacey, met rob councilor district 6. With me is my colleague shirley craddick. Together we co-chaired the division powell later division transit project steering committee. So we have a long history now. We have been at it for some years. It's exciting to be here now and to both welcome this advance and to thank the city council and the city of Portland for its commitment both in resources and future expenditure to this, which is one of two major transit commitments and priorities in the regional plan. The other one, of course, being the southwest corridor light-rail project, which will also directly serve the city of Portland. We have already heard from malu wilkinson. Most of the points I would have made have been more than adequately expressed. The 25 million which the region put into this project from regional flexible funds was an important contribution but the city's leadership in terms of funding share of this project, working so hard on the planning and other preparation that's been described by your staff is exemplary and sets a standard for the rest of the region. This of course this project investment will better serve the corridor through which it passes, the businesses, providing essential services, and increasing access to other parts of the city. It's also the case that the city's investment in bicycle and pedestrian accessibility and safety along much of this stretch of division will make the project even more meaningful and the results even safer. Our committee heard often about the direct connection between housing affordability, displacement and transit as we looked on the design and siting of this project, so i'm very pleased to once again acknowledge the commitment by

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the metro council to put a \$652 million bond measure for those counting. That's \$5 per month for the typical homeowner. On the november ballot. We hope that mechanism not only to better serve the folks in this corridor and to avoid unnecessary displacement but to ultimately house as many as 12,000 individuals who are homeless or in danger of becoming homeless. So once again, greatly appreciate the city's leadership in this and other measures to improve the live ability, quality of life and economic prosperity of our communities and encourage you to take positive action on both measures. Thank you.

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

Shirley Stacey, Metro Councilor: Thank you for this moment. I fully support the comments that councilor stacey made. I won't take long but I want to add three things. First of all many years ago this Portland city council created the east Portland action plan. I think it's been one of the best decisions your council has made for the east side of the region. They are a group now that are working together. There's over 60 people at every meeting. They come up with common goals and they have really influenced how this project is shaping. In particular the emphasis on housing. They demanded that we make sure this isn't just a transit but a housing project too. We recognize this project doesn't pay for housing but it sure is guiding our effort in that. Just as testimony occurred previously by your staff, you're putting a lot of emphasis on housing. As councilor stacey mentioned it's influencing the metro to look at housing too. I thank you for listening and for creating that organization. They are a powerful group and really appreciate all they do to help guide us in helping making sure that we're trying to meet the needs and goals and become a really active part of the larger Portland metro region, so thank you.

Wheeler: Thank you.

Duncan Hwang, APANO Associate Director: Good afternoon, mr. Mayor, commissioners. I'm duncan hwang, associate director at apano. I'm here to talk about outer division and what we're experiencing on the ground. Outer division is first a commercial corridor, which is home to about 100 immigrant and person of color owned businesses, many of which are served by the jade district and the division midway alliance. We really believe our businesses, our community centers, they are employers and have been been economic engines of our neighborhoods however many of our residents and businesses have difficulty making ends meet due to rising rents and other expenses. Outer division is also a dangerous street. 82nd and division is the fifth most dangerous intersection in the city and 122nd and division is the third most dangerous intersection. The last four years four of our asian elders have died on outer division. All were immigrants over the age of 60 and they all happened at night. That to me is really unacceptable to have so many people from the same demographic being impacted. Big problems require big solutions, so first I want to thank the city for all the investments lined up for outer division. We have division safety project which will add crosswalks and medians. It's a long time coming and construction will begin this fall. You saw earlier the jade district affordable housing development is nearing completion. Will be done by april or may of next year. Of course division transit project has been under planning and development for a number of years. As important as these projects are they can have a destabilizing impact on the local community during construction, and we want to ensure that the community living and working along division can stay and enjoy these new amenities that we'll have. When our organization first began to engage in 2015 on what was then known as powell division transit and development project we really believed it was not just a transportation project but also a community development project. As the project evolved, this council adopted a unanimous resolution, 37254, to adopt a locally preferred alternative and directed city agencies to collaborate with community stakeholders to create a memorandum of understanding to address community concerns around the transit projects. Community worked with city agencies, metro and trimet in good faith to create mou, signed on march

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2017. This memorializes expectations to provide culturally responsive resources for business mitigation and approximately 300 to 600 units of affordable housing of which 25% will be located in east Portland. Called for additional north-south transit lines, which are now --

Wheeler: You can finish.

Hwang: Which are now starting to be in place. Transportation projects are really about weighing tradeoffs and we believe that with these mitigation measures that this was a new, more holistic approach to community development and transit, and combined they would be a net gain for the community. However at the moment we're only able to give the project an incomplete grade. The mitigation measures for local businesses were not funded, and the housing bureau has not announced any housing projects in outer division. I believe all stakeholders wants this to be the best project it can be and that requires us to live up to the commitments that were made and I believe that we really need the center equity and making sure that we honor our commitments, especially as we work on southwest corridor and the Broadway corridor. I do look forward to the day when I can get down to city hall in 20 minutes on the transit line rather than the 30-some it takes me now. We do support the project as long as all of the mitigation measures are in place as well. Thank you.

Wheeler: Well said. Thank you. I appreciate it. Next three, please. Welcome.

Clint Culpepper, PSU: Thank you. First thank you to the council for seeing us and talking about this project. Thank you to trimet and metro and bureau of transportation for having us. My name is clint culpeper representing Portland state university and the transportation options manager there. I want to say that we wholeheartedly support this project. We are one of the largest transit users in the city and the region. We have a very robust travel demand management program subsidizing transit passes for our students and our staff. We do have a transit ridership rate of over 40% so when we talk about 30,000 people moving 40% of those by transit, this is something that is very important to us. We also definitely support the bicycle and walking improvements that are coming along with this project and we have really noticed that in the past expansion of the city more and more students are being pushed away from the neighborhoods that are close in and more and more are finding themselves living in east Portland, and with that limiting their options to transportation to campus. So as things have become more expensive that's put more of a strain on our students, who as I see it are one of the most vulnerable users of transit at this point. This project will make a huge improvement for some of the students, quite a number of them as it does improve service, speed up the trip to campus and as was just mentioned hopefully seeing some of the trips down to 20 minutes from home to campus. So very excited about that. We also see that within the division corridor that has been noted as a high crash corridor with five intersections of particular danger to pedestrians and cyclists and other vulnerable road users. So along with the transit improvements that we see want to stress the importance of those new bike lanes, new safe crossings for pedestrians. Really want to see the city stand behind this and make this project happen. So thank you.

Wheeler: Appreciate your feedback. Thank you. Good afternoon.

Michael Harrison, OHSU: I'm michael harrison. I do government and neighborhood relations for ohsu. I'm the registered lobbyist which I think I need to say at this point. Much of what clint said covers ohsu as well. We have extensive programs to attract people to transit. But they are only so much you can do. We give people bus passes that just cost a few dollars a month so they are practically free. A great many people use it but we find it's hard for us to budge much above 30% transit usage. That's why a project like this is so powerful where you provide people a one-seat ride makes a pretty extensive difference. We do a lot of surveys of our employees to try to figure out how to get them to bike more, walk more, use transit. One seat ride is certainly something that comes up. We're very

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excited about the project. One thing I wanted to add as the city's largest employer we take attracting and maintaining diverse work force very seriously. A few percentage points at ohsu, given we have 16,000 employees, translates to a big impact on the work force. We also have programs like the city has with the water bureau and bureau of environmental services to hire folks with wide range of abilities as well so that everyone can contribute back. Having a one-seat ride out to outer east Portland and gresham really makes our job so much more accessible to people who would be seeking employment in that area. As you can probably imagine as a public entity ohsu has good jobs, quite good jobs, sort of help fill that missing middle. So if you're someone who lives out there and maybe has a kid and are struggling to figure out how to pick them up from school or what not having a faster transit trip could allow someone to get a job that has more benefits and more of a future maybe than a job they would otherwise choose. So thank you so much.

Wheeler: Thank you. Good afternoon.

Lori Irish Bauman, TriMet Board Member: Good afternoon. Mr. Mayor, members of the city council, i'm lori irish baughman. I'm a member of the trimet board of directors. I represent district 4 which covers much of southeast Portland and the division transit project is located largely within district 4. But i'm here to testify primarily as a mom. I have twin daughters. They are young adults who experience developmental disabilities. They are loyal transit riders. Just about every day one of my daughters are on the bus or train to go to work, school and visit friends. For them it means independence and self-reliance. As a trimet board members I serve on the committee on accessible transportation. That committee advises the board on ensuring that transit works for everyone. Based on that work I have learned public transit will have a positive effect on everyone in our community. The division transit project in particular will make a huge difference for the segment of the population that a lot of us don't think much of but that I interact with quite a bit, the community of people who experience disabilities. Here are a few examples. The design of the stations will make a difference for people with disabilities. The stations will have a distinctive look. They will have shelters and reader boards that will convey the message that this is where I need to be and that's a simple but important message. The bus line as we have heard is very popular in fact oversubscribed. There are frequent pass-ups and you can imagine the confusion and disorientation that may occur for a person experiencing disabilities when the bus passes them. This project will end that problem. The big articulated buses are going to serve this route. They will carry a lot more people at a higher frequency. That means quicker trips for everyone. Finally, the articulated buses will have ample space for mobility devices and aids. That will be very important for people experiencing disabilities and really every rider. So the division transit project will just be a big step forward for our community and I urge your support. Thank you.

Wheeler: Thank you. Appreciate your testimony. Next three, please.

Larry Stewart: Thank you. I'm larry stewart. My wife susie. We are property owners on 167th and division. We have a commercial building there. We're very excited about this project. It's really going to clean up the whole neighborhood. It's going to help make it more livable, more safe, and it's a great project. At that area, 167th and division, there's the traffic light there and buses stop right in front of our building. I have seen more and more opportunity to drivers running red lights or the bus going through so it's going to be a great project. That whole area out there is in our particular place is an older neighborhood. There's quite a few mobile home parks, a lot of riders are living there. We have a lot of folks in wheelchairs. So they ride the bus. We have brand new housing going up in the area too so it will attract a lot of folks. I know with the new covered areas it will help folks with wheelchairs, help them stay at least dry, maybe not this week but in the future this winter. We're really excited. I want to thank you for the project, and your support.

Wheeler: Thank you.

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Susie Shih: My name is susie shih. I want to say thank you very much of the trimet tom mcgrath, him and his staff really helped to work with us and listen to us. Thank you for the city hall to support this project because I think as so many testimony proved it needed to be done and i'm very happy. I think it will build up the southeast Portland image. That's very important for the neighborhood in our area. Thank you.

Wheeler: Thank you. Tom is right here.

Shih: Thank you.

Wheeler: Thanks, tom. Good afternoon.

Sydney Mead: Hi. I'm sidney mead with habitat property management. I'm on the board of the clinton business association and in that capacity served on the citizen advisory committee with and in met and improvements on the division 4 line. So our district stretches from 11th to 50th on division and clinton. This historic street trolley lines in that area of town. We have had some amazing development in that area. So we are actually looking for all of the amazing support services to help bolster all of that development. So we're really looking forward to this project as a way to reenvision our streetscapes and really focus in on things that can help enhance the business services and the small businesses in this area. So we are looking at partnerships where we can talk to trimet and other agencies about wayfinding, lighting, benches, garbage cans, all those things that are really important for business districts to have a vibrant business area. Again, everything has been said so well before me, we really are excited about this project and have been very encouraged about some of the design choices that are making this project one where we can customize the stations for inner Portland where we have had two lanes of road and very narrow sidewalks. There's been some modifications for the inner southeast that really work well for the area.

Wheeler: Thank you.

Karla: The last two.

Wheeler: Last but not least. Good afternoon, gentlemen. Thanks for being here.

Nate McCoy, Executive Director NACM: Thank you. Mayor, commissioners, thank you for having me this afternoon. My name is nate mccoy, executive director of the Oregon chapter of the national association of minority contractors. I would like to join in thanking some of our other partners, trimet, metro, and obviously city of Portland as being leaders on today's meeting around the division transit project. I wanted to start out by saying a quick comment about some of the public serving that namac has been doing. It's been all over the place if you will working with the Portland housing advisory commission, trimet southwest corridor committee. Metro's housing bond committee, house bill 2017's transit advisory committee, the city's fair contracting forum and metro's current c2 p2 project.

Fish: Time to put in for a raise.

McCoy: If my board was here I would ask you to say that a little louder. [laughter] thank you for that comment. Our work is tireless but i'm so excited today. If I had eyes in the back of my head I would be looking at trimet's leadership as well. Why i'm excited is for those businesses and those communities that will be getting these improvements to their transportation systems. But i'm equally if not more excited about trimet's leadership in the minority contracting community. What I call and others have said it before trimet has been a legacy agency for our city, appeared has literally built I would say 50% of our members within namac from the work trimet performs in the community. Hats off to them and i'm really ecstatic about honestly if we're not aware trimet just awarded the biggest contract in the mbe contract community's history. Never been done before. I think obviously that can present risks but the real unique relationship that happens is trimet is at the table with minority contractors hearing their concerns, really appreciating what they are saying, trying to course correct so those outcomes meet objectives. I think city of Portland and metro are starting to do the same and we should all take notice. If we can I would honestly like a

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round of applause because of this award and we should be excited about it so if we could, a quick round of applause for trimet and raimore construction? [applause] all those sleepless nights, this effort today really makes it worthwhile for me, my family, and I think even this division corridor community, so I just wanted to be here today to just thank everybody for rolling their sleeves up and honestly keeping namac at the table at these discussions. The fruits of those labors are forthcoming today so thank you.

Wheeler: Thank you. Good afternoon.

James Posey: Good afternoon, mayor, commissioners. I just wanted to be here. I just got wind of this presentation today. I heard about it and I wanted to run down here and shout out the praises of trimet. This goes back many years. The interstate light-rail, fred hanson, those days when as I as a trucker was coming down interstate and all the white truckers would call out the n-word, here come those ragged black trucks and those you know what in it and so forth. This particular award represents a huge -- I can't tell you how it affects me in terms of all the years of coming to your commission meetings and all the other commission meetings and watching and begging and pleading to see that we get a situation in which we have a minority contractor who really represents what the ideals of what these programs represent. The unfortunate part about it is you have an individual running the company, raimore, who wants to be low key and don't want to tout his own horn but at the end of the day this is a huge proposition for communities across the board. I'll tell you why. Oftentimes in rfp, the rfp doesn't represent what a company's values really are. But raimore is a company that will reinvest back into the african-american community and other communities. You can actually see who those resources will trickle down to. That's something that you all don't pay a whole bunch of attention to, but at the end of the day, that's why these programs were invented in the first place, to lift up communities of color, give them a chance to have equity and to live like everybody else in the community. Other thing is, in addition to the business proposition, there will be some employment. You won't have an african-american contractor who is not hiring other african-americans. You know, I shudder to think how many contracts you all have let to so-called minorities who really do worse than white contractors in hiring their own people. You won't find that with raimore. Raimore will be actively trying to maximize participation of minority contractors. Then the other thing is he's active in the community. He's a church leader. Church leadership business group he spends time leading with and working with. So you can see he and his staff and people working in there really their tentacles are in this community to make it better. Then the dude teaches basketball team. It's crazy. He hollers at those kids, they run up and down. You're getting a guy, an organization committed to those things that we value. You spend money trying to create. They are doing that on the basketball team. Finally, I can't tell you about the example of his leadership and the leadership of that company and what it represents to the psychic of people of color trying to achieve in our community. We have an individual and a company that really stands out as an example of trying to make things better then you have -- you got a triple hit double. Use all kinds of sports analogies that you want, but this is a phenomenal thing. If I were to get up here if I had some money I would get me a band and get me some trumpets and shout this all down the boulevards. The community as a whole wins because now we're coming closer to parity. We're bringing together an opportunity to make this city what it really can be. So thank you very much, trimet, and I don't know the new director or the people there, but the legacy of trimet has been doing in this community is something that I will be trying to share with the rest of the community in the best way I know how. Thank you very much, trimet.

Saltzman: We danced around it but nobody said black and white what is the award? Who is the contractor?

McCoy: Raimore construction, one of our 50 members at namac, who has had a long tenured relationship with trimet doing various projects, has had in its will house cmgc

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experience, a big requirement on this job. It's a \$60 million contract. When I say historic, raimore will be the general contractor. So not a sub but a g.c., and I think that speaks volumes to where we're headed.

Posey: He's also working on the convention center with metro, which is huge. We're on the move. I mean, I ain't complaining right now.

Saltzman: I want to meet this dude someday:

McCoy: Thank you very much.

Wheeler: Great testimony. Legal council if we're going to continue the resolution we have to do that to a time and date certain. Is that correct?

Brown: I think that's correct.

Wheeler: We would like to do it at the same time as the second reading of the ordinance. Karla, could you find a time for us?

Fish: Could I ask staff to come back for two questions?

Wheeler: You bet.

Fish: Primarily pbot staff but whoever would like to come up. Two questions while we're working out the scheduling. The line intersects a number of our business districts in the city, so it begs the question, what's the level of coordination that you anticipate with venture Portland?

Boyle: Yes. So I did speak with prosper Portland, our representatives here, to inquire, and my understanding is that prosper staff was actually meeting with representatives from venture this very week.

Fish: So venture Portland is our lead on all of our major business districts in the city. I encourage you to lean on them as much as possible and get them involved early on, particularly because there's going to be communication issues. We have used -- until -- well, through september i'm still in charge of both utilities and we use venture Portland to get the word out about major capital construction projects and disruptions in communities. I urge you to do that. That raises a second question, which is given that we're talking about 16 miles and given that it is such a high use area, it strikes me that over the next four, five years or during the construction phase there's likely to be major contract work from the water bureau and bureau of environmental services upgrading pipes, upgrading infrastructure, other things. I assume that you are working hand in glove with them to coordinate so that if there is something in the pipeline we dig the street up once, not twice.

Boyle: That's correct. We have been working with both water and bes throughout the entirety of the development, and they have looked at their service planning and their capital improvement programs to make sure. We are as cognizant of that really as you are that need to minimize disruption to the greatest extent possible for everyone.

Fish: That's great. Pbot in fairness has a very good track record particularly of late of working with the other infrastructure bureaus to coordinate major capital construction projects. But if we're going to be doing some sewer line replacements or if we're going to be doing other work with the water bureau let's make sure we're on the same page.

Boyle: Thank you, we will. I believe you'll see a great deal of effort from us over the next 12 months or so in terms of keep division moving, pbot has a lot of work to do, construction work that's going to be happening prior to division transit. We all know that it means that businesses and community members need a lot of support. How we plan our utility work regardless of whether it's project triggered or improvements is a very fundamental part of that.

Fish: I'm going to continue to have at least half the utilities. The bureau of environmental services is really deeply committed to working with you throughout this. The disruption will be significant. We're doing a lot of work in that area now and in the future, so the more we sort of anticipate this work and can do it in one fell swoop, the better, because it will be disruptive to the businesses and residents along that route. Thank you very much.

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Boyle: Thank you.

Saltzman: I doubt any of you will be here next week when we vote to thank once again.

Boyle: I will.

Saltzman: Except for pbot staff. Of course. [laughter] I'll start by thanking teresa boyle and april bertelsen for their great work. I also want to thank trimet, metro, the housing bureau, prosper Portland, and all the other community partners that have stepped up to make this what i'm sure will be a very successful project in getting people from point a to point b in a more expeditious manner and reshaping the community in which it serves and providing lots of job opportunities this is a win-win-win project. Thank you all for your good work.

Bertelsen: Thank you.

Wheeler: I'll say this is a partnership that creates fantastic leverage. As you heard from many people in the community this is an opportunity to really catalyze the community in a positive way. It's all good. We do not need a time certain i'm advised, so the resolution that is 843 we will continue that item to next wednesday morning's session. Item 844 is a first reading of a nonemergency ordinance. It moves to second reading. We are adjourned. Thank you, everybody.

At 3:24 p.m. Council adjourned.