



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12<sup>TH</sup> DAY OF SEPTEMBER, 2018** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Eudaly and Fritz, 3.

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

Due to the absence of two Council Members, emergency ordinances were not considered, and items were not heard under a Consent Agenda.

Consent agenda was rescheduled to 3:00 pm, September 12, 2018.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>957</b>	Request of Joseph Walsh to address Council regarding communications (Communication)	<b>PLACED ON FILE</b>
<b>958</b>	Request of Aimee Franklin to address Council regarding Portland Police Officers actions at the September 4th counterprotest (Communication)	<b>PLACED ON FILE</b>
<b>959</b>	Request of Marcus Gibson to address Council regarding a sustainable solution to housing (Communication)	<b>PLACED ON FILE</b>
<b>960</b>	Request of Dee White to address Council regarding update on lead poisoning from drinking water and stalling by Portland Water Bureau (Communication)	<b>PLACED ON FILE</b>
<b>961</b>	Request of Alan Ellis to address Council regarding welcome of exchange students from Portland's sister city in the Russian Far East, Khabarovsk (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>962</b>	<b>TIME CERTAIN: 9:45 AM</b> – Report on recent work from the City Auditor: Police Training follow-up; Bureau of Environmental Services Stormwater Requirements; Short-term Rental Regulation (Report introduced by Auditor Hull Caballero) 30 minutes requested <b>Motion to accept report:</b> Moved by Fritz and seconded by Eudaly. (Y-3; Fish and Wheeler absent)	<b>ACCEPTED</b>

<p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>Mayor Ted Wheeler</b></p> <p><b>Office of Management and Finance</b></p>		
<p><b>*963</b></p>	<p>Create a new represented classification of Instrument Technician, Apprentice and establish an interim compensation rate for this classification (Ordinance) Rescheduled to September 12, 2018 at 3:00 PM. (Y-4; Wheeler absent)</p>	<p><b>189162</b></p>
<p><b>*964</b></p>	<p>Declare one modular building as surplus personal property and authorize the Office of Management and Finance-Facilities to proceed with disposition of the property (Ordinance) Continued to September 12, 2018 at 3:00 PM. (Y-4; Wheeler absent)</p>	<p><b>189167</b></p>
<p><b>*965</b></p>	<p>Amend contract with Compass Computing Group to continue ongoing programming and support for Revenue Division tax applications software for \$695,000 (Ordinance; amend Contract No. 30002015) Rescheduled to September 12, 2018 at 3:00 PM. (Y-4; Wheeler absent)</p>	<p><b>189163</b></p>
<p><b>*966</b></p>	<p>Authorize an Intergovernmental Agreement with Multnomah County for the City to provide quick copy work and printing services (Ordinance) Rescheduled to September 12, 2018 at 3:00 PM. (Y-4; Wheeler absent)</p>	<p><b>189164</b></p>
<p><b>967</b></p>	<p>Extend term of franchise granted to Qwest Communications Company, LLC n/k/a CenturyLink Communications, LLC to build and operate telecommunications facilities within City streets (Second Reading Agenda 933; amend Ordinance No. 171914) Rescheduled to September 12, 2018 at 3:00 PM. (Y-4; Wheeler absent)</p>	<p><b>189165</b></p>
<p><b>968</b></p>	<p>Extend term of OnFiber Communications, Inc. franchise to use designated City streets to provide telecommunications services (Second Reading Agenda 934; amend Ordinance No. 175793) Rescheduled to September 12, 2018 at 3:00 PM. (Y-4; Wheeler absent)</p>	<p><b>189166</b></p>
<p><b>Commissioner Dan Saltzman</b></p> <p><b>Fire &amp; Police Disability &amp; Retirement</b></p>		
<p><b>969</b></p>	<p>Authorize the City Attorney to institute legal proceedings to recover overpaid benefits in the sum of \$69,631 (Resolution) Rescheduled to September 12, 2018 at 3:00 PM. (Y-4; Wheeler absent)</p>	<p><b>37385</b></p>
<p><b>Commissioner Chloe Eudaly</b></p> <p><b>Bureau of Transportation</b></p>		

September 12, 2018

<p><b>970</b> Amend grant agreement with Portland Business Alliance for \$30,000 to continue the Downtown Retail Strategy implementation (Ordinance; amend Contract No. 32000521) Rescheduled to September 12, 2018 at 3:00 PM.</p>	<p><b>PASSED TO SECOND READING SEPTEMBER 19, 2018 AT 9:30 AM</b></p>
<p><b>REGULAR AGENDA</b></p> <p><b>Bureau of Transportation</b></p>	
<p><b>971</b> Assess benefited properties for street, sidewalk and stormwater improvements in the SW Dolph Ct – Spring Garden St Local Improvement District (Second Reading Agenda 931; Ordinance introduced by Commissioners Saltzman and Eudaly; C-10053) (Y-3; Fish and Wheeler absent)</p>	<p><b>189160</b></p>
<p><b>Mayor Ted Wheeler</b></p> <p><b>Office of Management and Finance</b></p>	
<p><b>972</b> Authorize \$15 million of long-term bonds for local improvement and sidewalk repair projects and financing of system development charges plus additional amounts for issue costs (Second Reading Agenda 946) (Y-3; Fish and Wheeler absent)</p>	<p><b>189161</b></p>

At 10:59 a.m., Council recessed.

September 12, 2018

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **12<sup>TH</sup> DAY OF SEPTEMBER, 2018** AT 3:00 P.M.

THOSE PRESENT WERE: Commissioner Saltzman, Presiding; Commissioners Eudaly, Fish and Fritz, 4.

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

Item No. 964 was pulled for discussion, and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<p><b>973</b>      <b>TIME CERTAIN: 3:00 PM</b> – Consider the proposal of Andrew Tull, 3J Consulting, Inc., and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Map Amendment, Zoning Map Amendment, Conditional Use Master Plan, and Adjustment Review for Parkview Christian Retirement Community at 1825 NE 108<sup>th</sup> Ave and properties at NE 106<sup>th</sup> Ave (Hearing introduced by Mayor Wheeler; LU 17-113086 CP ZC CU MS AD) 45 minutes requested for items 973-974 <b>Motion to tentatively adopt Hearing Officer’s recommendation of approval with conditions:</b> Moved by Fritz and seconded by Eudaly. (Y-4)</p>	<p><b>Disposition:</b></p> <p><b>TENTATIVELY ADOPT HEARINGS OFFICER’S RECOMMENDATION; CONTINUED TO SEPTEMBER 19, 2018 AT 10:45 AM TIME CERTAIN</b></p>
<p><b>974</b>      Amend the Comprehensive Plan Map and Zoning Map and approve a Conditional Use Master Plan and Adjustment for Parkview Christian Retirement Community at 1825 NE 108<sup>th</sup> Ave and properties at NE 106<sup>th</sup> Ave, at the request of Andrew Tull, 3J Consulting Inc. (Ordinance introduced by Mayor Wheeler; LU 17-113086 CP ZC CU MS AD) <b>Tentative motion to amend the Comprehensive Plan Map and Zoning Map:</b> Moved by Fish and seconded by Eudaly. (Y-4)</p>	<p><b>CONTINUED TO SEPTEMBER 19, 2018 AT 10:45 AM TIME CERTAIN</b></p>
<p><b>DUE TO LACK OF AGENDA THERE WAS NO 2:00 PM MEETING THURSDAY, SEPTEMBER 13, 2018</b></p>	

At 3:40 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.

September 12, 2018

## 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.

**SEPTEMBER 12, 2018**

**9:30 AM**

**Saltzman:** Good morning, everybody. Karla please all the roll.

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

**Saltzman:** I will turn it over to heidi brown for our statement.

**Heidi Brown, Senior Deputy City Attorney:** Welcome to the Portland city council. The city council represents all Portlanders and needs to do the city's business. The presiding officer preserves the order during the city council meetings so everyone can feel welcome, comfortable, respected and safe. To participate in the council mediation you may sign up in advance with the council clerk's office for communications to speak briefly about any subject. You may also sign up for a public testimony on resolutions or the first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record, your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless it is 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 you would like to show your support for something that is said, please feel free to do a thumbs up, if you want to express you do not support something, please feel free to do a thumb's down. Joe walsh is demonstrating it there for us. 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 disruptions may result in the person being rejected for the remainder of the meeting. After being ejected a person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel welcome, comfortable, respected and safe.

**Saltzman:** Okay. Thank you. Karla do we have items, any items that were pulled from the consent? Calendar?

**Karla:** Yes, we have had 964 requested by mr. Lightning. We don't have enough city council members here this morning. We are going to do our consent agenda at our afternoon meeting, which starts at 3:00 p.m. I do understand mr. Lightning you pulled 964. If you wish you could present your testimony at the end of the agenda or you can wait until the 3:00 p.m. Session, and we will have somebody there. Want to wait until 3:00? Or --

**Lightning:** I will submit it.

**Saltzman:** Okay. Great, why don't we start with communications, item 957.

**Item 957.**

**Saltzman:** Good morning.

**Joe Walsh:** Good morning, my name is joe walsh, and I represent the individuals for justice. And once again, I come before now the to praise you, I come to petition you to do your job. Your sweeps are killing me people and must be stopped immediately. Ice is a criminal organization and must be stopped, where is our governor on this? Where did the mayor -- why did the mayor break his promise and break up the encampment when he said that he would not get involved. You must pull out of the joint terrorist task force because you cannot trust these feds any more. You must say what you are willing to do to

September 12, 2018

stop ice from operating in Portland. Don't use sugar words. I am willing to go to jail and be beaten and be treated badly. What are you willing to do, the five of you, the two absentees included? We are on the streets helping with, where they can, and meet with them and work together or be eaten by the feds. You must learn how to build bridges, and I am going to go off script here because I hate reading. It indicates you do it in your head and not your heart. We have to come together folks. I've been battling you for a long time. We have to figure out how to Make the, to mend the bridges. I don't know how to do it. We need to talk about it. We need to have meetings. Stop talking to people that agree with you and talk to people that you don't like. That's how you learn. You learn from your enemies. You learn from people that are mad at you. If you listen to what they are saying, I know that you are leaving us. And I know the mayor may be leaving us. But we need your help. This aggravation is throwing out the security guards that you have, coming down on people, makes it worse. It just does. Some of you are, your security guards I like. I get along with. Some I don't. You have to make this place a place of welcome, and the way it is being done right now, even though the mayor is not here, for the record, you are wrong. Totally wrong. And you need to talk and change this. Thank you.

**Saltzman:** Thank you. The next item is 958.

**Item 958.**

**Saltzman:** Miss franklin, are you here? Okay, next item, 959.

**Item 959.**

**Saltzman:** Mr. Gibson? Okay, no mr. Gibson, either, so next is 960.

**Item 960.**

**Saltzman:** Give us your name and you have three minutes.

**Dee White:** Hello, my name is dee white, First I would like to say that the days of discrediting and silencing citizens who raise critical water quality concerns, well, I hope that those days are over with a new water commissioner. The same can be said for you all downplaying evidence-based data. Once again this chart shows lead levels in western cities, Portland is right there in the middle, the tall one. Until our elected officials stop stalling, on sufficiently treating our water flowing into the homes, schools, and the parks and businesses, and I will continue to speak out. The truth is on my side. Poor corrosion control and negligent maintenance resulted in this. In 2013, when mr. Fish became the water commissioner of the water bureau exceeded the federal limit for lead for the seventh time. Here was an opportunity for him to show leadership. He did not. After the 9<sup>th</sup> exceedance last year, mr. Fish did escalate concern but shockingly not for lead. Instead he cried alarms about an intestinal malady, cryptosporidium, urging council to approve a half billion dollars filtration plant paid for by water customers. While ignoring this decades' old threat of lead poisoning due to skirting the law. Last year a council member opined that shutting off the water to homes with unpaid water bills is a form of child abuse. Let me ask this. Isn't it child abuse to under-treat the water, which the City engineers know causes higher lead leaching into our drinking water? Clearly, they have not immediately minimized the lead at customer taps as the spirit and letter of the federal law requires. The data doesn't lie, it's time to acknowledge the singular role in elevating the lead levels citywide. This is a travesty. One, that water bureau p.r. Staff have been busy convincing the public that their under-treated water is safe to drink. Two that commissioner Fish blames customer plumbing, and three, that water bureau engineers are not holding public health and welfare paramount. What you have done is protect industry and your own financial interests over public health. The next time one of you sees a baby sucking from their bottle mixed with formula and perhaps water from a faucet, will you do the right thing and ask that parent whether they know about Portland's high lead levels. Will you say, you are working on a free water filter program or will you continue to be willfully blind and keep walking?

September 12, 2018

**Saltzman:** Thank you. [applause] and our last communication item, 961.

**Item 961.**

**Saltzman:** Good morning. Welcome and just we need your name for the record and you have three minutes.

**Alan Ellis:** I am Alan Ellis, president of the Portland sister city association, and on my left is Sonia, who is a Russian teacher at Franklin High School. To her left is Natalia, who is -- brought a group over from Khabarovsk, and I will be here through the month of September. And all of you are familiar with our sister city, Khabarovsk. It is not far from Korea and Japan by plane. It's a cultural center. The trans-Siberian railway runs through it, etc., and like Portland, besides having a couple of rivers run through it, it is an educational center. We did a long-standing exchange program with our sister school gymnasium, number five. And so Zoya and Natalia will tell you a bit about that exchange. As you know speaking of building bridges, there is no better way to build bridges internationally than through the sister city's program. We have a ban going, a bluegrass band going over there at the end of October, scratch dog string band, and this is a way, despite the problems between our two countries, our relations with our sister city couldn't be a more, more cordial.

**Zoya Surits:** I am originally from Khabarovsk Russia, and I have been here for more than 20 years, I think it's a great opportunity for me to continue my relationship with my native town to their sister city association as well as being a teacher of Russian language at Franklin High School. It has established their student exchange program three years ago. I know that this program was very popular in the 1990s when Alan Ellis was the teacher, who was bringing the students back and forth, and now I think it's a new stage of that you, like a renaissance of exchange program. This is the group from Khabarovsk. I brought to go another teacher, the group over American students to Khabarovsk in June.

**Natalya Dyomina:** Good morning. My name is Natalia, and I am a teacher at one of the state's comprehensive schools in the city of Khabarovsk. We have been in the twin cities, I am in Portland as a city of Khabarovsk for 30 years since 1988. And we are here with -- I am here with a group of students from gymnasium number 5. There are eight of them.

**Saltzman:** Welcome. Glad to see you.

**Dyomina:** And thank you for being here. We are happy because it is a great experience for us. Of course, the main goal of visiting your city and America, well, to learn more about your culture, and to improve our English as well. So, we have already visited Seattle. It was a great experience being on the baseball match. Yonkers against Mariners. We have never seen such a thing in our country, in our city, and the system of education differs from ours greatly, but my children are happy to go to Franklin High School because everybody is polite, helpful, and it is great. Thank you.

**Saltzman:** Thank you. And thank you all for visiting Portland, and the United States. And thank you Mr. Ellis for all the work you do on our sister city relationship.

**Fritz:** Thank you. Could we get a photograph with the students, would they like that? Would you like to come up and get a photograph?

**Saltzman:** Yes, okay. We are ready for 962.

**Item 962.**

**Saltzman:** Good morning.

**Mary Hull Caballero, City Auditor:** Good morning Mayor and Commissioners. I am City Auditor, and I am here today to share the results of our latest audits and introduce brief presentations by the staff who led them. We began delivering audit results to the City Council on a quarterly basis about a year ago. Our hope was in that these appearances would be taken in the spirit in which we intend them which is for the city to become more effective, efficient, and equitable. We hope to use these opportunities -- these opportunities to speak to you as a group and highlight things that can apply to any operations and programs whether they are the subject of an audit, we are presenting on

September 12, 2018

any given day. I appreciate your attention to our findings and recommendations, and for spirited discussion that follows our presentations. The performance audits are independent, methodical assessments of how well management is implementing the Policies and programs established by this body. We choose topics based on a variety of factor, such as indications that a bureau or a program is in danger of not achieving its goals, or the level of taxpayer funding invested in them. Most important we want our audits to be timely and reliable sources of information for the public, counselor, and city managers. Today I am introducing three recent reports. The first highlights the police bureau's progress on recommendations we played in a 2015 audit of the training division. The second focuses on two programs managed by the bureau of environmental services to prevent sewer and stormwater from damaging property or ending up in our waterways. And the third is an assessment of the sty's -- city's regulation of short-term rental market and it's effect on the housing crisis am and we will begin with the police training follow-up.

**Martha Prinz, Senior Management Auditor:** Good morning commissioners. I am martha prince, I am a senior management auditor, and I led our june 2018 audit of the police training, which is a follow-up audit, on a follow-up audit we visit the recommendations made in the original audit. The audit was released in March of 2015 and had 12 recommendations. Gaining and maintaining the public's trust is more likely when officers do their jobs as they should. And training helps the officers keep up with the rapid pace of changes in societal, legal, and policy expectations. Is the 2015 audit found improvements had already been made to training since the 2012 u.s. Department of justice report on the police bureau. Which included a number of training related recommendations? In this 2018 audit, we found that five of our, of our 12, of our 12, 2015 recommendations were implemented, six were considered in process, and one was no longer relevant due to an operational change made by the police bureau. They are grouped by topic area, I won't go through each recommendation individually, but the comments I will make are grouped according to the theme shown on this slight. It's important for police agencies to know their officers receive required training, our audit found some problems with the aspects of how Portland police tracks the training. And the bureau got a new data base in january of this year. They are still working out the kinks. But we found the new system has better search capabilities that long the old system. It also has a robust reminder system if an officer is found to be missing and required training as well as other improvements. At the time of the audit, the bureau was figuring out work-arounds for the unresolved issues. It's also important that the police bureau know what types of training officers need and after Training is delivered the bureau needs to evaluate how well that training actually worked. The police bureau had just begun doing formal needs assessments when we did our 2015 audit, and now is completing an assessment each year. The assessments draw upon a variety of sources and have been improving over time. The bureau also is doing more and better evaluations than they were in 2015. This police bureau graphic shows some of the inputs and the outputs in their needs assessment and evaluation process. Although the bureau is doing more evaluation than in the past, they are not doing as much as we said that they should in the 2015 audit. The police bureau also still needs to work on how to communicate with the chief about training effectiveness. Police training programs should address the important topics thoroughly and consistently. In 2015 we recommended the bureau provide more scenario-based training as opposed to classroom-based training, and you have got a photo there of the scenario village. And that they more consistently cover such topics as confrontation management, dealing with mental health crisis, and the need for officers to get medical help for subjects when needed, and not using profanity. In 2018, we found a lot of variability, the bureau offered since the time of our original audit. As you can see in the chart on the slide. The bureau also didn't use actual cases as part of the training for tenured officers as much as they could have. In 2018, we found that officers

September 12, 2018

were receiving more training on the need to get medical help than they had been in 2015. They needed additional training on not using profane or demeaning language. In 2015, we found the bureau's three precincts had inconsistent procedures for checking out weapons. We also found that officers didn't always include weapons information when they logged into the bureau's dispatch system, which they were required to do. The bureau now has consistent and more thorough procedures for checking out weapons. Those procedures include directing supervisors to conduct an inventory of the armory during each shift and to make sure that the officers check out weapons properly. Finally, our 2015 audit recommended that the bureau provide refresher training on how to store ammunition for less lethal weapons to avoid repeating an incident in which an officer accidentally loaded live ammunition into the, into a less lethal shotgun. That's no longer possible because the bureau changed to a different less lethal launcher which can't be loaded with live ammunition, and that concludes my presentation and I would be happy to take any questions that you may have.

**Saltzman:** Thank you. Questions.

**Fritz:** Thank you. This is helpful, and I am happy to see the improvements made under the chief outlaw. The audit confirms that we are making progress, and that graphic showed does, and what kind of training do they do on the issue of profanity and language?

**Prinz:** One of the things that we saw, why we did not consider it to be totally implemented is they are saying that it's woven into a lot of different trainings. But I reviewed all kinds of lesson plans and other materials, and I did not find as much as we thought that there should be, very specific trainings. We also found that there was more of that type of training in the initial training that officers receive but it did not seem to be as much in the ongoing in-service training for the tenured officers so we wanted to see more about that.

**Fritz:** I wonder if they knew what proportion of the complaints to the independent police review are related to the profanity, if that would be helpful?

**Prinz:** And they did talk about their impression that, that the complaints were often more about respect and not specifically profanity. Demeaning language. There is, you know, a lot of variability in how you look at that. But it was -- that it was kind of part of the procedural justice work that they are Doing, and you know, just in short we wanted to see more and talk about that.

**Fritz:** And how often do they receive the training on deescalation?

**Prinz:** I don't know off the top of my head, and I don't recall if it's on a specific schedule.

**Fritz:** So I appreciated you highlighting the new tracking system. Are they required to take a refresher course on a regular basis?

**Prinz:** Yeah. There is a lot of training, you know, ongoing and one reason, one hope for the new system was that they will keep better track of -- a lot of the training, a good portion of the train is delivered via video, not always going for the two days of in-service training that we might think of. So it's sort of pings you continually, the officer, at the officer level, if you did not take it and then it goes up the chain of command. So I think that they like that place, and can go up to the chief, so to make sure that everybody is doing all of the different trainings that they are required to do.

**Fritz:** I am glad that we have that. When I worked at OHSU, you have to watch five videos for electrical safety and fire safety and every year I am like I have seen there 15 times, and every year, oh, that's new, so, and it was very helpful to have those automatic reminders.

**Prinz:** Right.

**Fritz:** Great.

**Prinz:** And they want to keep things fresh in the officer's minds.

**Fritz:** Thank you.

**Saltzman:** Are there any standards for scenario-based trainings in terms of how many hours a year an officer should have?

September 12, 2018

**Prinz:** No. They did not have a goal. They were not entirely sure why, why they had that variability. I think they want to do more. They talked about, you know, it takes a lot of planning. It takes a lot of time. And the ear thing that they mentioned, of course, there are always new requirements, and it's been an intensive time, you know, this audit of being concurrent to the doj settlement. So I think that, that they, they just expressed that they would like to do more.

**Saltzman:** Okay.

**Fritz:** How do they manage that? The policies have been changing, what policies do they use to make sure the staff know what the latest changes are? I get that police directive.

**Prinz:** Well, I guess that I would say that they -- they did talk to me about the fact that it's challenging. And that it's so fluid. And I think that that's one reason why the audit basically says, you know, it's improving. There is work to be done, and it's one of the most dynamic areas of the police bureau. I think as far as people tend to look to the training as being important, and there are other things that they want to look at if things don't go as they wish that they had but it's -- it's a high-profile area. It gets a lot of attention.

**Fritz:** So many changes it seems like every month that they should have an update of what's the most important thing of the latest changes.

**Prinz:** Right. Right. And satisfying the doj and sort of ongoing, you know, a lot of back and forth and then something else changes, and in their opinion, they need more staff and we did not comment on that, but just, it is a very intensive area or has been in the last couple of years.

**Fritz:** When did you finish your analysis work to move into this?

**Prinz:** I don't have an exact date. The audit came out in, oh, gosh, when, in june, so usually there is at least a month when you are, you are finalizing things and sometimes as much as two months so roughly may.

**Fritz:** So we did approve more training staff in this budget?

**Prinz:** Yes.

**Fritz:** Thank you.

**Prinz:** Right.

**Fritz:** That helps.

**Saltzman:** Okay, thank you.

**Elizabeth Pape, Senior Management Auditor:** So the next audit, we want to discuss the audit of private storm water management. Do I need to move this closer? My name is Elizabeth, I am a senior management auditor and I led our july 2018 audit of the private storm water management. This is the first in a series of two audits of the stormwater manage. We are still working with the bureau, and we will release a second audit on management of green streets and restoration projects this fall. Stormwater is the rain that runs off the hard surfaces like roofs and pavement. They rely on private property owners to treat stormwater, sewer backups, erosion and pollution and natural waterways. This shows how private structures prevent sewer overflows during the heavy rain events. On sunny days, and days with light rain, the system collects and treats all sewage and stormwater. On days with heavy rain, untreated mixed wastewater can flow into the river. But when stormwater is managed on private property, the system is less likely to overflow during the heavy rain. There are a variety of types of structures, property owners can use to manage the stormwater. Eco-roofs collect rainwater to reduce the run-off. Dry wells collect run-off below the ground and allow it to disperse into the ground. Planters collect run-off above the ground, filter it and can allow it to disperse into the ground. And swales collect run-off at the ground level and filter it and can allow it to disperse into the ground. We looked at two of the bureau's programs related to storm water management on private property. The first was the requirement associated with the development contained in the storm water management manual. Des requires management for any development that increases the

September 12, 2018

impervious surface more than 500 square feet. The second program was the clean river rewards program, which offers discounts for the on-site portion of the stormwater utility feed, and these can apply to rate payers who operate the kind of structures required by the storm water management manual and also similar structures retrofitted to existing properties. And not only those associated with new development. Our first finding was the data management systems were not adequate for the design of the stormwater infrastructure. The calculation the city uses to decide on the size of the pipes and the number of regional stormwater facilities requires knowledge of what structures are out there. Individual systems interact with regional facilities. And they need data on where the facilities are located, how much stormwater they are designed to handle and what conditions they are in. The bureau relies on a variety of collection methods for private structures not organized in a coherent system. Information is stored in three data systems, each managed by a separate group. Data collected involves manual transaction between two systems introducing the potential for data entry errors. One program relied on geographic information systems layer that did not include the participating accounts. And one program's information was not shared with the planners. And in addition to issues with Data management, the bureau also did not have good information on the condition of private structures because it did not regularly inspect most of them. Of the total 37,000 properties, 6% were regularly inspected and 78% were never inspected. And most of these were single family residential properties. The bureau risked overspending by building higher capacity stormwater infrastructure, because data systems could not account for the benefits provided by private storm water management. Private structures can have significant impacts on budget, the Woodlawn king budget, decreased from 6.4 to 2.2 million after including private structures. The bureau used field researchers to compensate for incomplete data. To its credit the bureau's field research meant that the city incorporated information on private structures into project planning and did not build more pipes and system upgrades than needed. However, the process could have been faster and easier if information was available through well managed data systems. Our recommendations to address these issues were to develop a single information system to inventory private stormwater structures and to develop additional risk-based monitoring programs. Our second findings was related to the program evaluation. Since the bureau adopted the permitting program almost 20 years ago and the clean rewards program ten years ago it has not Gone back to assess whether the programs meet the goals for storm water management and rate fairness. The staff said that they were unable to quantify the effects of the private property structures on the entire system without it investing a couple of months of work. The bureau did not have information on the cost of private stormwater structures so we could not calculate the cost associated with the permitting program. Adjusting thresholds could make the program more efficient. The bureau threshold for incorporating the development into the, into the program is at 500 square feet, which they said was one of the lowest in the country. This low permit threshold may have a high cost with little benefit for stormwater control. Increasing the threshold from 500 square feet to a more standard 1500 square feet would reduce the number of permits by 8% but decrease the area of impervious surface managed by less than 1%. Goals for rate fairness were also not evaluated. Most rate payers do not participate in the clean river rewards program. The bureau estimated that only 30,000 of 90,000 eligible properties participated. We calculated that 86% of the properties with permitted structures were not participating even though they should have been eligible.

**Fritz:** Can you explain to folks what is the clean river Rewards program?

**Pape:** Sure. It's a program where this one is better. You get a discount on the on-site portion of the stormwater fee, which is in this chart, that \$9.60, so the rate payers still pay

September 12, 2018

the stormwater fee that applies to the entire system, but they don't have to pay the part that goes towards managing the stormwater on-site.

**Fritz:** And the rate payer has to apply for that discount?

**Pape:** That's correct. So these, these rate payers, though, who are, who had permitted stormwater structures, but were not participating in the clean river rewards program, not only missed out on the \$9.60 a month discount, but also paid 1.70 more each month to cover the expenses not paid by those who did participate. So therefore, the majority of eligible rate payers were worse off than they would be if the program did not exist. The outreach efforts had a large impact on participation. Over half of the participants enrolled in the program's first year when there was more extensive outreach. First year enrollment was over 16,000 accounts compared to around 1500 accounts every year since then. Without it evaluations, the bureau could not prove that the benefit of private storm water management exceeded costs imposed on the private sector and could not adjust the elements to optimize the efficiency or effectiveness. Our recommendations to assess the performance of the bureau's Approach to encouraging private storm water management were that the bureau should create a schedule and assign staff to periodically evaluate the outcomes of the permitting and clean river rewards program against stated goals and to use the results of the evaluations to ensure the achievement of program goals and expectations. And that concludes this part. So if you have questions, we can answer them.

**Saltzman:** Thank you, questions.

**Fritz:** Why do you not recommend that they just automatically enroll people if they have got the permit?

**Pape:** We usually don't issue very specific recommendations and leave the decisions like that up to the management. That's one of the things that I brought up with them. There might be some complications related to the details in there data systems. So that was why.

**Fritz:** I am sure commissioner Fish will be looking into it. It seemed like although it says there is an increase effect for paying for those who participate, if they saved 4 million, on having a smaller pipe, that's kind of a built-in, actually, save the rate payer still, even after paying for the discount, I am sure that commissioner Fish will look into it. Thank you.

**Saltzman:** I had one question. So I want to make sure I heard that right so the king, the woodlawn king project decreased by \$4 million when they documented how Much stormwater was being retained on the site?

**Pape:** So when they did the original project design, based on what information they had about assets within the system, it was -- they needed 6.6 million in improvements or something like that. And once they went out into the field and they looked at the actual structures in the neighborhoods, they found that a lot of the homes were actually connected to the drywell, so they did not have a need, they anticipated and reduced the project budget by 4 million.

**Saltzman:** That's impressive. And why do you think that there are so few people enrolled in the clean river discount program? Is it just lack of knowledge?

**Pape:** I think people don't know about it. There is not a lot of outreach. Especially compared to the first year of enrollment. Most of the people who enrolled, enrolled in the first years. So I think that the people don't know about it.

**Saltzman:** Okay.

**Fritz:** Do they have to keep reenrolling?

**Pape:** It's based on the rate payer not on the property. So if you are a tenant, and you would have to enroll each time, so each new tenant would have to re-enroll for a property.

**Fritz:** You would not know that was available to you necessarily?

**Pape:** You would not necessarily, no.

**Fritz:** Thank you.

**Saltzman:** Thank you.

September 12, 2018

**Alexandra Fercak, Senior Management Auditor:** So the next audit is on short term regulation, I am alexander fercak and I led the audit, which was released just last month. And this audit we found that the most short-term rental hosts do not have the required permits. And the city rarely enforces its regulations. And despite the concerns about the effect of short-term rentals on the housing availability and affordability, the city does not collect data needed to effectively regulate the rentals and to monitor the housing market. The city began regulating short-term rentals in 2014 when council changed the zoning code to allow residents to rent their homes for short-term. The intent of the regulation was to preserve the residential character of the neighborhoods and to prevent commercial short-term rental activity. We found that the city's current regulation approach cannot assure this. This graph shows that the market has more than doubled since 2015. Know that the largest growth is in the rentals of entire homes compared to the private rooms within a home. I should also note here that in order to evaluate the regulation of short-term rental market, we had to obtain the data from a third party because the city does not have this information. We presented an interactive version of this data on the city's auditor's website. So people can go on there and look at all the details. The regulations require each host obtain a short-term rental permit and to follow certain restrictions. As of october 2017, developments services issued over 1600 active permits. However, during that time there were over 4,600 rentals listed just on airbnb alone. Adding the number of rentals from all the other booking agents operating in Portland, such as home away or mi casa, we estimate that only 22% of the rentals are actually permitted. One factor that has limited the bureau's ability, as I mentioned earlier, is to enforce the regulation is the lack of data about the short-term rental activity. And this includes the addresses of rentals and also how often or for how long the listings are rented. Of the approximately 15 booking agents that are active in Portland, none provide the data to the city. This map shows the rentals available in the city of Portland. As you can see clearly shows some neighborhoods that have a higher concentration of these rentals. And as the number of these units has been increasing since 2014, the effect on the housing market and the neighborhood quality has not been monitored. No city bureau has officially been assigned the responsibility to monitor the impact on housing. And this map is broken out by neighborhoods where we account for short-term rental activity And also the number of housing units per neighborhood. As you can see neighborhoods in the inner northeast and also inner southeast are more frequented by renters than other parts of the city. These are also neighborhoods that have experienced gentrification and are facing affordable housing shortages. These neighborhoods should be monitored to determine how this market affects them. The data also shows that there are hosts with multiple short-term rentals. This map shows hosts with six or more rentals. Since the city doesn't have the information on these, such as addresses for the host, and also their listings, rentals, it's not clear how much of this activity actually represents the illegal renting. For example, some of these hosts are hotels or bed and breakfasts that are listed on the platforms. Some are separate rooms that people are listing in the houses. And some, some may be management companies that list units for the clients. The main concern here is that these may be host listing multiple rentals that are not the primary residence, which would be a violation of the city code. And because the city doesn't have access to the complete data on these listings, it cannot determine whether these renters are legal or whether they are removing residents from the housing market, such as the, specifically the is long-term Rental market. So to effectively regulate the short-term rentals we make a number of recommendations summarized here, and they include obtaining complete data on active short-term rental host and their listings, and the data should be obtained from the booking agents or from other publicly available sources. And the city should use it to enforce the city's zoning and tax code. We recommend revising the permitting and enforcement process to meet

September 12, 2018

intended regulations. And to assist the impact of short-term rentals on the housing market, we recommend the housing bureau develop a monitoring process of the market in order to evaluate the effects on the city's housing and to report also the, to report the results to the city council. And that concludes my presentation. If you have any questions.

**Saltzman:** Thank you.

**Eudaly:** I have a few comments I would like to put on the record and I welcome your feedback. I try not to use the Airbnb as like the jello or the Band-Aid of short-term rentals because we know that there is 10 or 15 platforms, but most of mine have been with airbnb and I will say that while the city has really tried to listen to and to respond to their concerns and frustrations, especially those of the legitimate small time hosts who are actually following our rules, I have not felt that airbnb is bargaining with us in Good faith. They have been dismissive of the impact on our rental market. They have refused every simple suggestion that we have put forth to exclude hosts not in compliance with the rules. And they are dragging their feet on giving us their host data, and it's one of the biggest frustrations and disappointments that I had with bds was that I was not able to advance enforcement because of the lack of data. It's difficult to impossible for us to prove that people are violating the owner-occupied home rule. And it would be extraordinarily expensive because it would basically be, I don't know, we're going to hire hundreds of private investigators to sit outside of people's homes and see how often -- however the multiple, the host with the multiple listings seems like it would be very simple for airbnb to eliminate, and in fact, they rolled out something called the one host one home. Yeah. Which was a pilot project where they supposedly eliminated all of these multiple listings from hosts. But we know that simply is not the case. There is someone on airbnb right now named nadia who is renting out 54 units and a highrise apartment building in downtown Portland. So it's -- I appreciate the audit and even though this is no longer in my portfolio, it is something that I am going to continue to hammer on and Pursue. And if they don't want to comply with the rules they should get out of our city.

**Fritz:** So once we know of a violator, then what happens?

**Eudaly:** I see the person I need right there. It does not like he wants to come up but mike would you be willing to come up and explain that process? And feel free to respond to anything that I said as long as you entirely agree with me -- no.

**Mike Liefeld, Bureau of development Services:** Of course, of course. Mike, bureau of development services. With respect to enforcement of accessory short-term rentals, we changed our enforcement response in, I want to say 2017 or 2016 to move away from a compliance-based approach where we provided notice, compliance period, and we found that just was not effective, and we needed to adopt the citation-based program, and so that is now receiving violations receiver citation, the first is \$1,000, and the second is, for repeated offense is \$3,000, and third offense in all other future offenses are at the 5,000 mark. In addition, if those simply are not working, we still retain the right to proceed with the code hearing and seek up to 1,000 a day, which we have done successfully.

**Fritz:** So commissioner eudaly pointed out with over 50 units. is that 5,000 per unit or per person doing the violation?

**Liefeld:** It could be -- the admin rule states that it's -- I believe, per violations. So it could be implemented on a Unit-based approach, and it could be, for each night, you know, in terms of trying to gain compliance and educate, we found it to be effective.

**Fritz:** Then 5,000 over the 50 is, the cost of doing business.

**Liefeld:** If we reach a point that we issued a second citation, the goal is to not do the admin work, so our approach has been upon issuing a second citation, we do increase the penalty, we let them know that while we do it per booking, generally, we can -- we may move to a nightly offense, and that would be 5,000 for each night. So, there are some tools at our disposal that allow us to get compliance.

September 12, 2018

**Fritz:** I think at some point in the future it would be helpful to have a report from bds about what kind of compliance enforcement you have, you know, obviously it has been complaint driven and there are community members who see this happening and yes, we cannot afford to hire the private investigators but some of these cause a lot of problems with late-night partying and becoming like a hotel and having similar problems, so then you get is a complaint, you investigate it. So obviously you have a new commissioner in charged with mayor wheeler, but it would be interesting to me to get the report, to report on a summary report of over the last year, how many complaints and what the outcomes were. And was that looked into, in the audit?

**Fercak:** We did, we did look at complaints and we -- and the Report also contains a map of where the complaints are actually originating, where the rentals are, complained about.

**Fritz:** Did you look at what happened? Whether they were enforced upon?

**Fercak:** We did. We did look at the, as far as tracking when the complaint was submitted and whether they were substantiated or not. Yeah.

**Fritz:** And as to whether they continued to do it or not? Or if they came into compliance?

**Fercak:** Yes. We did look at that. Yes. Yeah. Yeah. I don't have that information right now but I can provide that.

**Fritz:** I would be interested to see that and it's something that we've been grappling with for several years and until we get a handle on this all the discussions about zoning code changes and accessory dwelling units really should be pending getting us in line. Thank you both for your work.

**Saltzman:** When did you move to the citation-based approach?

**Liefeld:** I believe I wanted --

**Saltzman:** Like a year ago?

**Liefeld:** It might have been -- it may have been December, or February of 2017 or December of 2016. That's the time period that I am recalling.

**Fercak:** I think finalized in January or February of 2017. Yeah.

**Saltzman:** And have you found that so far that the hosts that are cited initially are coming into compliance after Their citation? Or is it like commissioner Fritz suggested a cost of doing business type of a thing?

**Liefeld:** We have fewer repeat violators. We do have properties that have received multiple citations, and have allowed a balance to grow quite large, but overall, the citation-based approach is extremely effective. \$1,000 for folks who were making the calculation that it was the cost of business quickly answers that question for them. They are not willing to engage in that risk-based approach, and that listing is taken down, and we are seeing that other, that the property is being put into legal uses. More conventional, 30-day rentals or it's simply being sold because it's not a good investment property any longer.

**Saltzman:** And the rules about private homes, you have to live in the home? Is it six months a year?

**Eudaly:** Nine.

**Saltzman:** Nine? Okay. So that's pretty alarming I guess. There is so many private homes that are apparently not -- apparently not getting permitted at all. Well thank you. Thank you very much.

**Fercak:** Thank you.

**Saltzman:** I appreciated auditor you doing this periodically. I think it's important to bring the audits to us and summarize them and get our feedback.

**Hull Caballero:** Great, thank you.

**Mimi German:** Thank you. I think it's important to allow the testimony on these items as well. I think it's really important to have this as a report.

**Saltzman:** I am willing to allow testimony. We have time this morning. For one thing.

**German:** Beautiful, thank you.

September 12, 2018

**Saltzman:** How many people want to testify? Okay. We have three or four or five, okay. So why don't you come up in a group of three, and I will give you three minutes.

**German:** Thank you.

**Saltzman:** You know the drill, give us your name and you have three minutes.

**Dan Handelman, Portland Copwatch:** I am dan handelman. And I appreciate the ability to testify on the reports. We think it's very important especially when it involves the police. About the report on training, like many statements coming from various parts of city hall and the bureau, it seems to imply that the bureau is doing a great job, almost done with the doj settlement agreement and we would argue because it has been documented how many people who have been subjected to the deadly force since the doj came to town were in mental health crisis. The underlying issues of racial profiling han changed nor has any progress been made as required by the agreement. Is the bureau is not willing to use real life Portland scenarios and training because they don't want to embarrass the officer involved who might be present at the training. This is out rages that the bureau is committed to learning from its mistakes, the person involved recognizes that they could have handled the situation better and there should be no embarrassment. It is not second grade. These are people trusting with guns and tasers and flash bangs and a number of other weapons and tactics that cause harm and trauma. And the analysis of the need assessment process where the bureau decides what training is needed based on various factors there is no mention of public input, this includes a council with a meeting tonight and I doubt that they were given a copy of this report ahead of time. They are tasked with helping to develop this assessment. The report says that the officers are not consistently told to avoid profanity, and demeaning language and labels, there is training for new recruits but little in service training as you heard a while ago. The bureau claimed they weaved it into other training and plan to do more about procedural justice in the future, but that means that they have plans and there is not really progress. It's also of interest that the auditor dropped a recommends that they talked about, about not loading shotguns with live rounds because the ppd changed their less lethal systems but we have seen, of course, some of this happen after the report came out but they were using flash bangs and other less lethal devices and there is no Mention of them looking at the training for those systems. They only said the old one is gone so we don't have to continue making that recommendation any more. We sent you these comments on email yesterday, and I hope some of you had a chance to read them but the auditor's office also received independent police review and their report came out in june of this year, it has been years since the last time the report came before the council for your edification about what's going on and for the community to have input into what's going on, and we would like the council to request the auditor bring that report before you, and we hope that you will encourage the mayor when he presides to allow the testimony because it's not taking up much of your time and it is helpful for our discussion.

**Mimi German:** I'm mimi german, and thank you for allowing us to testify on this report, which should not be a report. But a regular agenda item, and especially when it has to do with the police and the audited on what's going on with the police. The mayor ran on a platform of transparency for the police, not allowing us to testify on what's going on is a complete negation of the part of what transparency is all about so again thank you for allowing this testimony. During the audit report it was interesting that the police cannot figure out how to work their computer system. I know that there are kids in high school and perhaps middle School who could help them get a grip on their computer system. Fairly certain of that. So for that to be an acceptable, I don't know, piece of the review that this is, this is just okay this is what's going on, after the city council last year or the year before gave them money to revamp their system, thinking that maybe they could revamp the system, there was no oversight on who is going to do that. Because still a year or two later

September 12, 2018

after having given them money and chloe's vote was a part of that, we are still seeing audits where they don't know how to work the machinery or computers. It's unacceptable. Many of the things should be unacceptable to you and the mayor and to the residents of Portland when hearing that certain things that should be in compliance are not in compliance. As the auditors report told us today. There are certain things pending and that haven't gone through and certain things that they waived and certain things that they have not figured out how to tell the chief what's going on with reference to the aspects of the audit. They can't figure out how to tell the chief certain things and that is unacceptable. The chief is supposed to know what's going on but her, you know, the people beneath her cannot figure out how to get it to her? Unacceptable. So much was unacceptable. The fact that we had for -- to yell out to get testimony, which is called a report, which should not be referred to as a report, it is unacceptable. This is the thing that joe was talking about earlier that joe walsh was talking about that you have to bridge the gap between this lack of transparency, call for transparency and for honesty and bring the city, the city's people to the table to discuss these things, unacceptable. Thank you again for allowing this testimony. [applause]

**Mary Sipe:** I am mary sipes and I would like to echo everyone's words about allowing testimony and to try to persuade mayor wheeler to change his position on not allowing testimony on reports. I've been here many times where I have had information that I really think if I had been able to share it with you would have been surprised, and that it would have been very beneficial for you to know, but because it was a report, I was unable to share that. What I want to speak about is the short-term rentals. I am certain that the building that commissioner eudaly referred to, that is renting out 54 units is the building across the street from where I live.

**Eudaly:** It's not in the pearl.

**Sipe:** The building across the street from where live is doing the same thing. And there is a number of things about it that really alarm me. One is that there is two buildings across the street from where I live that are using airbnb. And it is like living across the street from two high-rise hotels, and one of the big concerns about it is that what this is doing is it is allowing them to offset the problem that they are having in that they built almost 800 units of luxury homes in this six-block area in a three-year period that they cannot rent. Because they can use abnb, the progression of things is not allowing that situation to drive the rents down in the neighborhood. And we definitely need to do something about this. I also was doing some research, and I was -- my conclusion was it appears the regulations may only apply to residential zones and not mixed use zones. That was the conclusion that I was getting which tells me that there is no regulation in the pearl district because it's a mixed use zone, and all these buildings could be doing, what the buildings in my neighborhood are doing. So what I would like to say is if that is the case red flag. That needs to be addressed. In the scope of what you regulate.

**Saltzman:** Thank you.

**Joe Walsh:** Good morning. I am joe walsh.

**Saltzman:** Were there two other people that wanted to speak? Come up to the table. We have two seats available. Okay. So -- we will take these two and then you. And that will complete the testimony.

**Walsh:** Are we ready?

**Saltzman:** Ready.

**Walsh:** I am joe walsh. And I represent individuals for justice. And again I would like to echo our thanks for allowing us to speak. I realize that it is an option called by the presiding official on the president of the council. Chloe if you leave we have to adjourn. One of the things I thought about during the presentation from the auditors was that this all began as an idea that suspend had -- someone had a house and they were vacant rooms

September 12, 2018

and they decided to rent them out. It seems like a reasonable idea for everybody. People were coming to town, to get cheap rates, and they would not have to pay the going rate at the hotels, and they couldn't afford them anyway so they stayed with the people in the house and kind of like couch surfing except that they had a room. The city said wow, what is going on here? We could make some money on this. So the city wants to permit it, and it seems that that's big government. It's overbearing government, and it seems like we have better ways of doing it. Why couldn't we ask the organizations that pop up to legislate themselves, you know? We attempt something, and it does not work, and then we just get really nasty, and we start with 1,000 fine. A 5,000 fine. And why don't we continue Working with these groups and say, you know, we are worried about these items, you know, the cleanliness, and people are usually reasonable, I think, they don't want to pay for the permit or the extra expenses. So you know, that crossed my mind, it seems like big government, that someone came out with a good idea and government said we can make a buck over here. And this is almost like you guys permitting apartment buildings with no off-street parking, and then building parking garages, and owning them and making money off them or subcontracting to them. See what I am saying? Solutions that you come up with really suck. They really do. And I don't understand that. You have really bright people in your committee, I've been around them. So why don't you do really good stuff? I don't know. There is something wrong here. There is a message being missed. By somebody. Thank you. And by the way, we do fully endorse dan's presentation.

**Saltzman:** Okay, who is next? Mr. Johnson?

**Charles Bridgecrane Johnson:** Thank you. Fellow commissioners. I think that joe walsh, for your practical concerns and for the concerns of all the citizens, listening, that is probably the best use of our time is to go back and review the testimony of dan Saltzman, but that should not necessarily be the most Useful part of this whole 30-minute, in excess of 30 minutes song and dance. Those of us here in chambers have a lot of paperwork that we can review, but people who are at home looking at the agenda, when they click on 962, they get a little bit of two-page, pdf, none of this material is available. For public officials that are supposedly campaigning on transparency and accountability, there is so much room for improvement that I hope that you will look at ways to, you know, it's complicated because there are silos and turf, and no turf wars between bureaus or people in Portland ever, and I am sure never that happens. But some things can happen quickly. Within the past few months somebody came and said you know, when Portland.org/governor -- I am sure you can improve the delivering all of this information, this copy of a june 12, joint letter from the mayor and the chief of police to the -- excuse me, from the mayor and the chief of police to the auditor, there is the e-file system but it should be linked as part of this item. We should not be expecting citizens to become masters of the e-files document system. So later on people probably make an outtake a separate video file to put on facebook and twitter and all of that and share with notify pdx twitter so you can review mr. Saltzman's testimony about the hard work that's ahead of us, to not have a paramilitary police organization but to really live up to this Idea of the psep committee and have community engaged policing where every community and neighborhood feels safely and fairly engaged with the police ask it does not become a dramatic thing when the chief of police goes on the lars larsen show to do her public engagement and talks about how whiney the citizens are and how thrilled she is that they got smashed down within weeks of having a grenade, videos all over where you can see the police officers not using five degrees of -- not using five or 15 degrees of elevation shooting things into the back of people's heads.

**Fritz:** The auditor had to leave. She is an independently elected official so I would suggest you contact her with your suggestion because they are really good reports.

**Karla:** They are.

**Eudaly:** They are.

September 12, 2018

**Karla:** They are linked there.

**Johnson:** Okay. When I just clicked on the 962, I got two pages. Sometimes there is a separate breakout underneath.

**Eudaly:** It says all audits can be viewed on the web page and has a link.

**Johnson:** Okay. More interjections from Karla would make this a better program.

**Eudaly:** I agree.

**Saltzman:** Do you want to come up? We have a chair now.

**Lightning:** I am lightning, and I represent lightning super create creativity disrupter attack dog. One of the concerns that I have on the short-term rentals from the platforms themselves is that when we think of technology, and the advance of technology, these companies need to also show a social responsibility to the city. And they need to understand that if you do not begin to provide the proper data and show the true effects which they have done in san Francisco on these registration says, on the housing for all the people in the city to utilize, and it's being limited because of this platform, you are showing a dis-service to the city and the people of the city, and let me make an example, or show you an example to look at, it's the same on uber and lyft. When I was speaking against them to have a cap put into place and then see what the market does this can get out of control, if you do want show social responsibility to the people of this city and to provide the proper data and make sure the permits are utilized. It is your responsibility as a technology company, as a platform provider to assist the people in this city and you need to step up and start doing that because this can get out of control very fast, and literally create homelessness. And we can decrease the homelessness if we have the proper data provided. The information number two on police training, I want more training on deescalation. I want more training on the profanity, and these issues know what profanity is and what it isn't. We need an understanding, and let's just tone it down, do your Job in a professional manner, and a lot of people in this city will begin to respect you. You used profanity and we are not going to respect you for that. On the stormwater fees I think that we are missing the mark. A lot more people should be in this. I am not sure how you came up with the discount rate on that. We are missing the mark on how many people are in that program. It does need to be increased in some manner. Whether it's more efficient marketing or more face-to-face or knocking on the doors but they need to get into these programs. Thank you.

**Saltzman:** If you could give us your name, three minutes.

**Richard Hernandez:** Okay. I am richard hernandez. My first item I would like to talk about is gentrification. Folks a lot of people of color have experienced, okay, they talk about why america was never great, these gentrification policies follow, you know, I am white and of course, I have had some benefits, but people of color, you know, and you ask them why, except for if you have never been able to experience this full, you know, what america has found, has been founded on, on the basis, you be, and people from the times of martin luther king, every time a person is shot and killed, it stirs up hatred, as being put down, as being put down, continually put down by the system that enslaves them over, over 300 some odd years ago. And the policy of the neighborhood still goes with the policy of instead of improving these neighborhoods for people of color, and minorities and gender, as being improved so a bunch of rich white people can have all of that property. So what policies are being in place? Nothing, so you know, here's my prediction, so when these white nationalists come back here, you know, I probably think that flash bangs are going to be used again because they are going to protect them because there is a lot of people that think that they think that they are right and they want, and they want people of immigrants to be pushed down, and these white nationalists are not going to stop, you know, trying to push their agenda and push their racist bullshit on people. And, you know, and I hope that that's not the case but, you know, as long as these issues come up the police will have

September 12, 2018

their paramilitary because it will protect the people that they think that are, that are the better of everybody of society. And of course, these white nationalists in neo nazis think that they are the select people to govern over the rest of the world. Thank you.

**Saltzman:** We need a motion to accept the report.

**Fritz:** So moved.

**Eudaly:** Second

**Saltzman:** Please call the roll.

**Eudaly:** Aye.

**Fritz:** Well thank you to the auditor and her team for the work done here, and I am, I am Pleased with the results in the training audit. They are making progress, and it shows a lot of progress in 2017, which of course is when the chief danielle outlaw took over, and obviously still things to improve upon, and thanks dan for pointing out the things that you did, and I will be following up with the chief on those things. I appreciate that. And I know that the environmental services stormwater manager was here, and will take the feedback, back to the commissioner Fish and you already reviewed the audit. And evidently we still -- evidently we have a problem with short-term rentals that we all need to help to address, and I appreciate the audits it's that pointed that out. Aye.

**Saltzman:** I want to thank the auditor, it's very -- a good, healthy thing to bring audits periodically to the council and for the presentation, to make it to them and by also to the larger public who is viewing us, aye. Okay. We will move to the regular agenda now. Item 971.

**Item 971.**

**Saltzman:** This is a second reading. Okay. Please call the roll.

**Eudaly:** Aye.

**Fritz:** Thanks again to andrew abbey, the local improvement district coordinator, great cooperation between transportation, parks and the other bureaus, I appreciate it, aye.

**Saltzman:** Aye. Okay. The ordinance was adopted and Item 972.

**Item 972.**

**Saltzman:** Second reading, call the roll.

**Eudaly:** Aye.

**Fritz:** Aye.

**Saltzman:** Aye. The ordinance is adopted. And that concludes our regular agenda. Mr. Lightning did you want to present your testimony on item 964? Karla you need to read it.

**Item 964.**

**Lightning:** Yes, I am lightning super creativity disrupter attack dog. One of the concerns that I have on this again, this is relating back to the homer Williams purchase of the parking lot underneath the Broadway bridge. And moving that forward into another location. And again I must say to the city, of anyone that should be able to do something correct and right and get the job done, it would be the city considering you handle all the permits, zoning, and everything else, and know how to do that up front. And not spend money on structures that may end up oh, we cannot end up doing our plan there, which is to me foolishness. I would like to have this looked at under the insurance policy, and of just plain missing the mark. And now you are going to try to sell this modular structure that my understanding was purchased at 216,000, and you want to do a sealed bid auction, no I want to have that open to the public so that we can hear the numbers being thrown out on this property, and also I am really kind of concerned, did you Really show it and present this to a lot of nonprofits? I would think someone like homer Williams might have an interest in this structure. Considering that it was originally his money that went from the parking lot over into this other project, and funded this. His money done, which I didn't get a chance to bid on that parking lot, that was underneath that bridge which I think is, is, was inappropriate at the time, but which I have investors easily could buy in and stand

September 12, 2018

alongside homer Williams all day long and purchase this. I didn't have that opportunity to do that. And the reality is that I think that a lot of this was done in a back room deal. A lot of this stuff was done with charlie hales who should be out on a sailboat, and I am glad you left the world of politics, and you are not coming back, because you are not going to get reelected anyway, that was one of those deals that was just mishandled, done wrong, and didn't know what they were doing, and again, you are the city of Portland. You should set the example for the public on doing things right, and not spending that money up front and coming back and saying hey, let's give away the 216,000 structure, and you know what, you know what's going to be more interesting here? I wonder how much you will sell this for. You know maybe this should be another deal like randy leonard liked with the fire trucks and we give them to mexico. Let's give our taxpayers' money away to mexico like randy leonard does, or let's give this away for little to nothing. This is absolutely incompetence at the highest level. Congratulations city hall. You get the lightning award of f minus. F minus. Have a wonderful day city of Portland and I love you, too.

**Saltzman:** Are you going to testify on this item?

**Johnson:** Yes. Good morning commissioners charles bridgecrane johnson, pleasure to be here with the president dan Saltzman and lashonda tova. And anybody else who might be observing the lunar calendar holidays. On this item I think that if you filter through the super watchdog's testimony, and look at the pdf we will realize even though we are proposing to get an unknown amount of money from unneeded, unused modular thing, the plan for services, the need is even greater than when this expenditure was made. And the agenda link, there is talk about showers and services related to a particular rest area but we know there are more people living without homes and under bridges and living in campsites all over the city, and it's not the highest priority to task the money we recover from this. If you go to, I guess it's on page 4, under the now therefore part c, we do get down to the end, the very last line, see if there is a remainder, allocation to the campsite services programming. The reason the city has so many people calling you to complain about the smell of urine, or open feces is because we are not allocating enough money to the campsite services keeping the heavy duty toilet open 24 hours a day, three stainless steel jail almost indestructible lavatories but we lock them for mythical, idiotic reasons. It's like well we have never heard you rationalize why you can sell a modular unit and lock these toilets. What are you thinking, if somebody goes in there, if the door is locked, nobody will overdose outside the bathroom. They will just decide not to overdose or not to commit a rape. That is ridiculous. I don't know which bureau is in the shuffle has control of that bathroom, but it needs to be open 24 hours. Put a camera around the gate if you want to, but this city deserves feces and urine all over the building as long as that bathroom is locked. Thank you.

**Saltzman:** Okay. That completes the morning meeting.

**Saltzman:** Sorry, testimony is over. [inaudible]

**Saltzman:** We are debating another item right now.

**Karla:** This will be continued to 3:00 p.m. Today.

**Saltzman:** Okay. We are adjourned until 3:00. This afternoon.

**At 10:59 a.m. Council recessed.**

September 12, 2018

## 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.

**SEPTEMBER 12, 2018**

**3:00 PM**

**Saltzman:** Wednesday, September 12th. Karla, please call the roll.

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

**Saltzman:** Could you please read the item.

**Lauren King, Deputy City Attorney:** Would you like me to read the council conduct script first?

**Saltzman:** I'm sorry, yes. Let me turn to our attorney to cite the rules of council conduct.

**King:** Welcome to Portland city council. The council meets to do the city's business.

Presiding officer preserves order and decorum so everyone can feel welcome, comfortable, respected and safe. You may sign up in advance with the council clerk's office for communications to briefly speak about any subject. You may sign up for public testimony on resolutions or first readings of ordinances. Your testimony should address the matter being considered at the time. When testifying please state your name for the record. Your address not necessary. Please disclose if you're a lobbyist. If you're representing an organization please identify it. Presiding officer determines length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left the yellow light goes on and when your time is done a red light goes on. If you're in the audience and would like to show support, please feel free to do 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 the meeting. A person who fails to leave the meeting is subject to arrest for trespass. Thank you for helping your fellow Portlanders feel comfortable, respected and safe.

**Karla:** Do we want to take care of the consent agenda and that pulled item from this morning?

**Saltzman:** Yes. Forgot about that. Please call the roll on the consent agenda.

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

**Saltzman:** Okay, those items are adopted.

**Karla:** 964 got pulled.

**Saltzman:** Okay. Do that separately.

**Karla:** Staff was here if you had any more questions.

**Saltzman:** I don't have any more questions.

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

**Saltzman:** Aye.

**Saltzman:** Okay now we're ready for the 973. Main attraction.

**Item 973 and 974.**

**Saltzman:** Okay, thank you. First the city attorney will make some announcements about the day's hearing.

**King:** Okay. This is an evidentiary hearing. This means that you may submit new evidence to council in support of your arguments. The testimony will be heard as follows. We will begin with the staff report by bds staff for approximately ten minutes. Following the staff

September 12, 2018

report city council will hear from interested persons in the following order. Applicant will go first and will have 15 minutes to address council. After the applicant the council will hear from individuals or organizations who support the applicant's proposal. Each person will have three minutes to speak. Next the council will hear from persons or organizations that oppose the applicant's proposal. Again each will have three minutes. If there was testimony in opposition to the applicant's proposal the applicant will have five additional minutes to rebut testimony given in the opposition to the proposal. Council may then close the hearing and deliberate. As this is a nonemergency ordinance it will pass to second reading. The council may make amendments and findings or direct staff to return with more. Submitting evidence into the record. Any letters or document you wish to become part of the record should be given to the council clerk after you testify. Similarly, the original or copy of any slides, photographs, drawings, maps, videos or other items you show to council during testimony should be given to council clerk to make sure they become part of the record. Any testimony, arguments and evidence you present must be directed toward the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code you believe apply to the decision. Bds staff will identify applicable approval criteria as part of their report to council. You must raise an issue clearly enough to give an opportunity to respond. If you don't, you'll be precluded from appealing to the land use board of appeals based on that issue. Additionally, if the applicant fails to raise constitutional or other issues related to a proposed condition of approval with enough specificity to allow council to respond the applicant will be precluded from bringing damages in circuit court.

**Fish:** How many people here in the audience is this the first land use proceeding you have been to. Can you raise your hand? Then I'm just curious, how many people -- this is a very robust turnout for one of our afternoon sessions. We're grateful you're here. How many people here today are from the park view Christian retirement community? Can you raise your hand? Good turnout. So thank you. Welcome to city hall. Can you hear? Is the sound system working now? We had a work session this week where we were sitting around a table. I found it very hard actually to hear the testimony. So let us apologize in advance it's not as good as it could be, but Karla can make some adjustments.

**Karla:** I got it on pretty high. We have some assisted listening devices if anyone would like one of those. [audio not understandable]

**Fish:** Karla has some assisted listening devices for anyone which are available. Which will boost the sound even beyond what we have here. I encourage you to use one because they are very helpful. Again, apologies. Our sound system is not as good as it could be.

**Karla:** They work with hearing aids as well

**Saltzman:** Do any members of council wish to declare a conflict of interest? No council members have conflicts of interest to declare. Do any members of the council have ex parte contact to declare or information gathered outside of this hearing to disclose?

**Fish:** In plain english have any of us visited the site or been lobbied by anyone with a particular interest in this matter on either side. I'll start by saying no.

**Fritz:** I believe I may have visited the site but not recently.

**Saltzman:** Okay. That was my next question, if anyone has visited the site. Do council members have any other matters that need to be discussed before we begin this hearing? Okay, with that we'll turn it over to bureau of development services staff for staff report.

**Andy Gulizia, Bureau of Development Services Planner:** Thank you. Good afternoon, I'm andy golitzia, planner with the bureau of development services. This is a type 3 land use review, a zone map amendment, conditional use master plan and one adjustment. This hearing is not for appeal. Land use reviews that include a comprehensive map amendment are subject to recommendation by the hearings officer and decision by city council. I'm here representing thing hearings officer's recommendation. This shows the

September 12, 2018

location of the site, between northeast 106th and northeast 108th avenues just north of northeast wed letter at the northern edge of the gateway area. You see here an existing conditions plan for the site on the left. And the proposed site plan on the right. The site is currently developed with 117 apartments for retirees all of which would remain and five houses on the west side that would be demolished. Three projects are proposed. 26-bed memory care building on the west side with a new parking lot adjacent, a new 22 unit senior apartment building on the north side with a new parking lot adjacent and 1500 square foot addition to an existing building in the interior of the site for use as residents' common area. The current zoning map is on the left. Most of the site is zoned r7, single dwelling residential zone, a small portion is zoned r2, multidwelling zone. The r7 is for single dwelling houses and doesn't generally allow apartment buildings. Existing apartment buildings are nonconforming to the existing zoning. The proposed zoning on the right would rezone it to r1, which does allow apartment buildings, and it would continue the existing r1 zoning south of the site. This is a photograph of the site viewed from north. You can see a couple of the existing senior apartment buildings that would be retained. One parking lot would be in the grassy area in the foreground. This is a photograph from the west from northeast 106th avenue. The houses would be demolished and new memory care building constructed in this area. This is a photograph of northeast 106th avenue adjacent to the site just for context this shows a low density neighborhood with single dwelling houses, neighborhoods like this about the site on three sides to the west, north and east. Neighboring properties to the south are developed with apartment buildings. The comprehensive plan map amendment would apply to multidwelling 1,000 to the site. That corresponds to the r1 zone. There are two approval criteria for the comprehensive plan map amendment. The hearings officer found these criteria were met, that the proposal is equally or more supportive. Hearings officer's findings said this is contiguous with the same designation proposed. It increases housing potential for a site well served by transit immediately adjacent to the gateway center. It would create new housing for older adults. Multidwelling billings can be more affordable and energy efficient than single dwelling houses. The stability of the neighborhoods adjacent to the site would be largely maintained. Most of the subject site is already developed with apartments and dish proposed development would only be one or two stories in height. Applying the new comprehensive plan map designation allows rezoning to r1. There are three approval criteria for the map amendment relevant to this proposal. A for compliance with the comprehensive plan map and the hearings officer found it was met because r1 is the only zone corresponding to the proposed comprehensive plan map designation. Criterion b, adequacy of public services and the wear bureau, police bureau, fire bureau and bes, found those were adequate. Pbot found the transportation system was adequate for the proposal. Some expressed concerns about traffic and parking impacts on the streets adjacent to the site. The hearings officer addressed those in his recommendation and found professional transportation impact studies submitted by the applicant and pbot's review were persuasive enough to conclude the proposal would not cause significant adverse impacts on the adjacent streets. However pbot considered senior apartments to impose lower demands on the transportation system than other residential development and pbot did not find that the transportation system is necessarily adequate to support the maximum development that could be allowed in the r1 zone so pbot and the hearings officers recommended that if the retirement community were ever demolished redevelopment on the site would either be limited to 70 dwelling units or the redevelopment would be subject to a type 3 zoning map amendment review to evaluate adequacy of the transportation system at that time. So with this condition of approval the hearings officer found that adequate public services were available and that criterion b was met. The last one, criterion d, the site must be within the city's boundary incorporation

September 12, 2018

which is mapped for this site. In the r1 zone group living with more than 15 residences are conditional uses so the new 26 bed memory care building triggers review. A master plan is a kind of condition at use review valid for ten years rather than three years a standard review is valid for. The hearings our found each of the approval criteria. The applicant included components submitted by a, for criterion b, the hearings officer found conditions were met. Force c, the hearings officer found with one adjustment requested by the applicant which i'll go over in a moment it would apply with the applicable zoning code requirements. There are five conditional use approval criteria apply. A requires the proportion of household living residential uses in the neighborhood is not less than to the point that the residential character of the area is lost. The hearings officer found criteria a was met because a majority of site would be developed with apartments which are household living residential uses so it would still contribute to the residential character of the area. B, physical compatibility, specifically it would mitigate differences in appearance in scale with residential development. There are three projects proposed in the master plan. One is a relatively small addition to a building in the interior of the site. From outside the site this addition would mostly be blocked from view by other buildings. The other two projects are the new memory care building and new senior apartment building which are both illustrated here. The memory care building would be single story. The apartment building would be two stories and one of the neighbors expressed concern to the hearings officer that this would be out of character with the one story houses across the street. The hearings officer addressed this in his recommendation writing that the two-story building would be 25 feet in height, substantially lower in height than the maximum in the r1 zone, which is 45 feet, that the new building would also be lower than the 30 foot maximum allowed by the r7 zone allowed across the street from the site. The hearings officer noted both would have a residential appearance about horizontal lap siding and gable roofs and both would be set back further than required from abutting lot lines. For these reasons the hearings officer found criterion b was met. Criterion c, for liveability impacts, noise, glare, late night noise. None of the proposed developments would create significant impacts on any of these factors. Most of the site would be in-house hold living use allowed outright in a residential zone and the new memory care building would house nor more than 26 people needing care. Criterion d, for the adequacy of public services. This is essentially the same approval criteria applied for the zoning map amendment. The hearings officer found that adequate public services are available. Criterion e, for consistency with area plans. This site is within at the cully park rose community plan area. The hearings officer found the proposal consistent with this plan because the development would be close to arterial streets and transit service, because there are adequate public services available, and because the perimeters would have substantial landscape buffering. The nonconforming upgrade standard in the zoning code would apply bike parking requirements to the existing apartment on this site, in addition to the new ones so applicant requested one adjustment to reduce long term bike parking requirement for the apartments from 1.1 per unit to one for every eight units. The three adjustment approval criteria relevant are shown here and the hearings officer found each was met. The hearings officer found one bike parking space for every eight units was appropriate for senior apartments and the present standard to provide adequate bike parking to immediate demand would be met. The hearings officer found nothing about the adjustment proposal that would detract from live ability or appearance of the area and did not identify any negative impacts from the adjustment that would need mitigation. The hearings officer found all of the approval criteria could be met and hearings officer recommended approval with conditions of approval related to redevelopment, stormwater management and sequencing of projects. That concludes my presentation. Thank you.

September 12, 2018

**Saltzman:** Thank you. Any questions of staff? Okay, next we'll hear from the applicant. Welcome. If you can just give us your names for the record and you have a total of up to 15 minutes to make your presentation.

**Garrett Stephenson:** Good afternoon, commissioners. I'm garrett stevenson, an attorney with schwab, williamson and wyatt representing the applicant. With me is keith millsark, executive director of park view, and andrew tull, who is our land use planning consultant on the project. I'm going to give a really quick intro and then turn it over to the two gentlemen next to me. As a point of order I would like to reserve extra time we don't use in our presentation for rebuttal in case somebody actually comes up and has testimony that we would like to rebut. Before I begin I just want to thank staff, particularly andrew and bob, who did a wonderful job and put this project through its paces, but I think we got a better project for it. I wanted to thank the two of them. Also make a clarification on one of the statements that andrew made in his presentation when he said that the site is nonconforming with current zoning. That's largely because this was developed under Multnomah county jurisdiction. It was later annexed into the city of Portland. So it always had apartments on it, then when it was annexed it got this very low density residential zoning placed on it. That's kind of one of the things we're trying to fix with the application. As andrew explained what you have before you is a recommendation for approval from the hearings officer who found all the applicable criteria are met or can be met with conditions. We don't have any problem with the conditions as proposed. We think they are reasonable including the trip cap that andy talked about. So i'm going to leave it to keith and andy to talk about the project. But I just want to touch briefly on two of the issues that were raised during the hearing below. I think that andy did a pretty good job covering that but in addition to what andy said, one of the issues a lot of folks at the hearing had was how is this going to affect parking on site. We actually did as part of the transportation impact study a parking study to take a look and see when we develop this, what's the effect going to be on on-street and off-street parking. Are there going to be -- are we forcing more parking on to 108th or will there be additional capacity. We found that with this project you'll have a net increase in 15 parks spaces, at least that's what we anticipate, over what it would be if we didn't do the project so we'll see an additional supply of off street parking to accommodate residents, staff and on on. I'm not going to add too much about the compatibility explanation that andy provided except to say that the reality of the site is that park view basically occupies an entire block that's surrounded by three rights of way so we think this new zoning boundary makes sense. You don't have an arbitrary zoning line running through a neighborhood. It's completely surrounded with rights of way, and in addition to the setbacks that we have which are going to be greater than required you'll have that entire right of way providing that buffering. With that I don't really have anything to add to staff's presentation unless you have any questions I will turn it over to keith.

**Saltzman:** Go ahead.

**Keith Milsark, Executive Director Oregon Baptist Retirement Homes:** Thank you. Thank you for letting us be here today. I'm keith millsark, executive director of Oregon baptist retirement homes which does business as park view retirement community. We're a church related nonprofit retirement community chartered in 1944 providing low and moderate cost retirement housing and services for senior citizens in Portland. We provide an array of senior living services including independent living and assisted living. We're here because we wish to expand our services to cover more seniors. Our current facilities were built in the mid 70s and include a mix of studio, one and two bedroom appearedments. Our independent living consists of ten buildings. Our assisted living -- our residents come from every cip code in east Portland from the willamette river to gresham. Market study we had done recently indicated that there's enough demand in the east Portland area to support as many as 159 additional independent living units and 90

September 12, 2018

dementia care units. Our plan includes a memory care building so we can provide care for residents with alzheimer's or other dementias. The additional independent living building of 22 studio, one- and two-bedroom apartments will help provide services and housing for some of the more than 100 people on our waiting list. Our plan includes an expansion of our main building which houses offices, dining room, chapel, library and other facilities so that we can expand the services we offer to our residents as well as enhance working life of our employees. We desperately need a larger library. We have books in boxes on the floor in our current library because there's no room on the shelves. We also need an art studio, larger chapel, private office for our chaplain and an employee break room. They have no break room right now. These are necessary upgrades to keep us competitive in our industry so that we can continue to serve low- and moderate-income seniors in Portland. We are the only moderately priced church affiliated rental community in Portland, and as a nonprofit we're committed to keeping our rates as low as possible. Seniors have limited income who desire a christian atmosphere really have no other place to go. I have over a dozen residents here today in support, which really touches me. So we appreciate staff's guidance and help through this process and we really hope and pray that you will approve our project. Thank you.

**Saltzman:** Thank you.

**Andrew Tull, 3J Consulting:** Good afternoon, councilors. I'm andrew tull with 3j consulting. Staff once again has done a very good job describing the application that is before you today. I do not have much to add to the presentation so I will keep my comments brief and just say that we are very excited to be a part of this project. The applicant has accepted all of the staff's findings and conditions of approval which were upheld by the hearings officer. We believe this is widely supported by not only the residents within the area but certain aspects of this project such as a significant amount of tree retention within the right of way is widely supported by our immediate neighbors who were concerned about seeing that retained. Closing us out today I will just say that we respectfully request your approval of the application before you and we look forward to bringing an amazing project to bear in a great neighborhood. If you have any questions my office is here to answer any civil related questions. We have traffic consultants, our architect is here and we are happy to take any questions you may have.

**Saltzman:** Seeing no questions, thank you very much. Next we will hear from supporters of the applicant.

**Karla:** I show three people signed up.

**Saltzman:** Come on up to the table.

**Dan Edwards:** Commissioners.

**Saltzman:** Give us your name. You have up to three minutes.

**Edwards:** I'm dan edwards, architect for the project with lrs architects. My intent is just to say that we have been through this process for about a year now. All the hearings I have been to, all the support meetings we have been to for neighborhood associations and that sort of thing have all garnered a lot of support for the project. And I just want you to consider that as you move forward with your decision. Thank you.

**Saltzman:** Thank you.

**Charles Bridgecrane Johnson:** Good morning. Charles bridgecrane johnson. Also in support of this project. The project is needed. Only two similar but not church affiliated facilities i'm familiar with are near the mt. Tabor reservoirs, on division, further in, and holgate, so I think what's critical is you heard that on their own the ordinaries baptist retirement homes looked at the need in the community and their expansion is not equivalent to the need, so while we approve this we need to even though this city is not the primary regulator or developer we need to be thinking about the generation before us and what's there for them. This number of complicating issues. We have an aging population in

September 12, 2018

prisons that the state is going to be looking to offload from the state's budget. So while we're here on Leonard Pelletier's birthday you should all be thinking about not just approving this project but also the responsibility you have to Portland citizens of every generation to make sure good projects like this are available in accord with the demographics. The site on Division and 60th, the Oddfellows at Holgate which was recently brought up with the county. There may be reasons for the housing bureau or home forward to look at financing options with the hospital board, which is actually the same as the county commission, to finance further growth so we can see creation of units that really serve actual people instead of imagined high income investors who are going to someday move in and fill up all our airbnbs that are empty. I encourage your approval of this project.

**Saltzman:** Thank you. Now we'll hear from opponents of the project.

**Karla:** No one signed up.

**Saltzman:** Okay. Anyone in the audience? Okay, that concludes the hearing. No need for rebuttal I think. We will now move to council discussion about this. I'll be happy to entertain a motion to approve or disapprove.

**Fritz:** This certainly seems like a really good project. Obviously, it's near our gateway discovery park. I hope you have been able to walk across the street and visit that. It certainly brings a smile to my face every time I go there. I'm happy to support this project to bring more people close to our new park and there will be more senior living next to the park and affordable housing which is going to enliven the community. Thank you for coming down here. I move approval of the recommendation -- approval of the hearings officer's report.

**Eudaly:** I'll second that. I would like to say you have a bigger library.

**Fish:** I thought they had you at the art space.

**Eudaly:** The art studio and the break room. Of course, additional housing is wonderful. What a lovely hearing. Not always like this. [laughter]

**Fritz:** I want to add my parents in law live at Cherrywood Village, a little further south. I really appreciate the opportunity for people to live in a community like you provide and especially that you provided in the kind of way that the residents obviously support. Thank you for coming here today. It's good to know that we are a community that cares about seniors and wants to help you thrive.

**Saltzman:** I forgot to mention the evidentiary record is now closed for this hearing. We have a motion and second. Is this a tentative decision?

**King:** It's a tentative vote. Do we know when council is coming back? Do we have a date to come back to adopt final findings? There's two items with comp plan map change

**Fritz:** Can we do it next week? Does the city attorney's office need time to review the findings?

**King:** We'll want to just take a look at the findings. It's not an emergency ordinance so it needs to come back for another reading.

**Fritz:** How long do you need?

**King:** could come back next week.

**Fritz:** Next week then.

**Fish:** It comes back next week for a second vote without further discussion, so it doesn't have a formal hearing, just part of our agenda. We cast our second vote. We take a tentative vote today, we get to vote again next week.

**Karla:** Next week, September 19th, would be 10:45 time certain. Commissioner Saltzman is gone but everybody else will be here.

**Saltzman:** All right. Then we have the final vote scheduled.

**King:** You can take a tentative vote now.

**Saltzman:** Please call the roll.

**Eudaly:** Thank you, everyone, for coming today. I'm very pleased to vote aye.

September 12, 2018

**Fritz:** Thank you to those who have done the project. Thank you to the staff who reviewed it. Thank you especially for reaching out to the neighborhood association. That's the way to have a splendid hearing like this where everyone is on board is by making sure everyone has had their say beforehand. The vote next time is just because it's a legal issue we have multiple different things to do, but this is the real one where we say yes, good job, carry on. Aye.

**Fish:** Well, this is a very rare hearing for us. It's very rare that it lasts -- rather it is this quick. It's very rare when there's no opposition. And it's rare where we adopt hearings officer's findings without any discussion about the conditions. So I want to begin by complimenting the applicant, the professional team that was assembled, of course staff. We are spoiled here with the quality and folks that are here for the first time you got to see that staff presentation, we're very spoiled. That staff presentation was timed to the second and gave us all the information we needed. As illustrative of the high quality of work that we get from the bureau of development services. My grandfather lived to 102, and on the occasion of his fourth or fifth marriage at 100, he was asked what the secret of his longest is. He said everything in moderation. [laughter] so he had a good sense of humor too. I read somewhere recently that with this big tsunami coming through our society of boomers retiring we have an enormous challenge in that too many of our soon to be retirees are entering retirement with little or no savings. So if we don't have nonprofit and faith based care providers that are offering quality care to people of modest means, then we're going to have a heck of a problem in this country, so I want to thank the applicant for the services that they are providing. I assume you screen your applicants, you don't take sinners. [laughter] I have been on this body for ten years. No one has ever concluded a presentation by saying they hope and pray that we do the right thing. I think your prayers were answered because we're about to do what you asked us to do. So good job on the advocacy front. And thank you for the thoughtful design. I think what we're all struck by was how attractive the building is, the fact that you didn't build to the full footprint, full height. The fact that there's a setback and that it does make an effort to harmonize with the surrounding community. Not every developer does that. That's why these hearings sometimes last longer and are more contentious. When you do the right thing hopefully you get rewarded for it and today I'm pleased to vote aye.

**Saltzman:** Well, I also was very impressed with the plans and I -- it looks very attractive and in a very tranquil setting at 106th and 108th. I think the designs and improvements are going to only make it a better place for all the residents and the neighborhood as well. So I do want to also compliment the design team for their work. I'm pleased to vote aye. So with that --

**Fish:** Could we take 974?

**King:** A motion and a second to amend the comprehensive plan and zoning map is needed.

**Fish:** So moved.

**Eudaly:** Second.

**Saltzman:** Moved and seconded. Please call the roll.

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

**Saltzman:** Aye. Okay, so the comp plan is approved. Change is approved. I want to commend staff for their good work as well. With that we are adjourned.

**At 3:40 p.m. Council adjourned.**