



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **29<sup>th</sup> DAY OF JANUARY, 2020** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Hardesty, Presiding; Commissioners Eudaly and Fritz, 3. Mayor Wheeler arrived at 11:03 a.m. and presided, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney and Lory Kraut, Senior Deputy City Attorney from 12:25 – 1:11 p.m.; and Cheryl Leon Guerrero and Tania Kohlman, Sergeants at Arms.

Item Nos. 69, 70 and 72 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 10:54 a.m. and reconvened at 11:03 a.m.  
The meeting recessed at 11:50 a.m. and reconvened at 11:55 a.m.

<b>COMMUNICATIONS</b>		
<b>59</b>	Request of Bridget Bayer to address Council regarding proposed changes to Code Section 3.96, relating to questions of equity training and support (Communication)	<b>PLACED ON FILE</b>
<b>60</b>	Request of Byrd to address Council regarding the Williams and Russell Project (Communication)	<b>PLACED ON FILE</b>
<b>61</b>	Request of Lauren Courter to address Council regarding community impacts from the Water Bureau's proposed water filtration plant (Communication)	<b>PLACED ON FILE</b>
<b>62</b>	Request of Injured and Pissedoff to address Council regarding Portland made it to a list (Communication)	<b>PLACED ON FILE</b>
<b>63</b>	Request of Melinda Pittman to address Council regarding another perspective on reducing houselessness in Portland (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>64</b>	<b>TIME CERTAIN: 9:45 AM</b> – Venture Portland Annual Report to Council (Report introduced by Mayor Wheeler) 1 hour requested <b>Motion to accept the report:</b> Moved by Eudaly and seconded by Fritz. (Y-3)	<b>ACCEPTED</b>

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65	<b>TIME CERTAIN: 10:45 AM</b> – Amend the Introduction, Modal Plans, Implementation Strategies, and Glossary Chapters of the 2035 Transportation System Plan (Resolution introduced by Commissioner Eudaly) 45 minutes requested for Items 65 and 66	<b>CONTINUED TO FEBRUARY 5, 2020 AT 11:00 AM TIME CERTAIN</b>
66	<p>Amend the 2035 Transportation System Plan and the 2035 Comprehensive Plan in compliance with the Regional Transportation Plan; adopt findings of compliance (Ordinance introduced by Commissioner Eudaly; amend Ordinance Nos. 187832, 188177 and 188957)</p> <p><b>Motion to include the new projects and project amendments from Southwest in Motion and the Building Healthy Connected Communities Along the Division Transit Corridor Plan as listed in the Amendment 1 table:</b> Moved by Eudaly and seconded by Wheeler. (Y-4)</p> <p><b>Motion to remove the proposed Major City Walkway pedestrian classification for the entirety of the private SW Campus Drive from SW Sam Jackson Park Road to SW Terwilliger Blvd. The entirety of the private SW Campus Drive from SW Sam Jackson Park Road to SW Terwilliger Blvd shall not have a pedestrian classification:</b> Moved by Wheeler and seconded by Eudaly. (Y-4)</p>	<b>PASSED TO SECOND READING FEBRUARY 5, 2020 AT 11:00 AM TIME CERTAIN AS AMENDED</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Ted Wheeler</b>		
<b>Office of Management and Finance</b>		
*67	Pay bodily injury claim of Anna Corrie in the sum of \$15,000 resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance) (Y-4)	<b>189831</b>
*68	Pay bodily injury claim of Tracy Hartse in the sum of \$50,000, resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance) (Y-4)	<b>189832</b>
<b>Commissioner Amanda Fritz</b>		
<b>Water Bureau</b>		
69	Amend contract with Analytical Services, Inc. for a no-cost extension to provide back-up Cryptosporidium laboratory testing in support of Portland Water Bureau's Bilateral Compliance Agreement with Oregon Health Authority (Ordinance; amend Contract No. 30004436)	<b>PASSED TO SECOND READING FEBRUARY 5, 2020 AT 9:30 AM</b>
70	Authorize an Intergovernmental Agreement with the Board of Governors of the Colorado State University System for laboratory services for Cryptosporidium wildlife scat analysis in an amount not to exceed \$400,000 (Ordinance)	<b>PASSED TO SECOND READING FEBRUARY 5, 2020 AT 9:30 AM</b>
<b>Commissioner Chloe Eudaly</b> <b>Bureau of Transportation</b>		

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<p><b>*71</b></p>	<p>Authorize an Intergovernmental Agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, for Wildlife Damage and Conflict Management Services (Ordinance) (Y-4)</p>	<p><b>189833</b></p>
<p><b>*72</b></p>	<p>Authorize an Intergovernmental Agreement with the Oregon Department of Transportation for right-of-way services for the NE Halsey Street Bike/Ped/Transit Improvements Project (Ordinance) (Y-4)</p>	<p><b>189836</b></p>
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Ted Wheeler</b></p>		
<p><b>73</b></p>	<p>2020 Joint Terrorism Task Force Report (Report) 30 minutes requested <b>Motion to accept the report:</b> Moved by Hardesty and seconded by Eudaly. (Y-4)</p>	<p><b>ACCEPTED</b></p>
<p><b>Office of Management and Finance</b></p>		
<p><b>74</b></p>	<p>Authorize an Intergovernmental Agreement between the Office of Management and Finance, the Office of Equity and Human Rights and Prosper Portland to pilot the administration of the Community Opportunities and Enhancements Program (Second Reading Agenda 32) (Y-4)</p>	<p><b>189834</b> <b>AS AMENDED</b></p>
<p><b>75</b></p>	<p>Authorize the Office of Management and Finance to utilize funds from the Water Bureau Washington Park Reservoirs Improvements Project in the amount of \$1,120,000 to support the Community Opportunities and Enhancements Program (Second Reading Agenda 33) (Y-4)</p>	<p><b>189835</b></p>
<p><b>Commissioner Amanda Fritz</b></p> <p><b>Water Bureau</b></p>		
<p><b>76</b></p>	<p>Declare surplus real property at six Water Bureau locations and request authorization to dispose of these properties (Ordinance) 15 minutes requested</p>	<p><b>PASSED TO SECOND READING FEBRUARY 5, 2020 AT 9:30 AM</b></p>
<p><b>Commissioner Chloe Eudaly</b></p> <p><b>Bureau of Transportation</b></p>		
<p><b>77</b></p>	<p>Amend Sidewalk Repair Program to update the appeals and hearing process (Second Reading Agenda 57; amend Code Section 17.04.010 and Chapter 17.28) (Y-4)</p>	<p><b>189837</b></p>

<b>78</b>	Authorize a contract for \$4 million with Conduent State & Local Solutions, Inc. to provide ongoing photographic traffic enforcement services for the City's current photographic enforcement system (Second Reading Agenda 58) (Y-4)	<b>189838</b>
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At 1:11 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **29<sup>th</sup> DAY OF JANUARY, 2020** AT 2:00 P.M.

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

Commissioner Fritz left at 4:00 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Matt Farly, Senior Deputy City Attorney and Lauren King, Deputy City Attorney; and Daniel Sipe and Ian Williams, Sergeants at Arms.

The meeting recessed at 2:36 p.m. and reconvened at 4:02 p.m.

79	<b>TIME CERTAIN: 2:00 PM</b> – Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Title 33 Planning and Zoning to revise the Single-Dwelling Residential designations and base zones (Previous Agenda 50; Ordinance introduced by Mayor Wheeler; amend Code Title 33 and Comprehensive Plan and Zoning Maps) 2 hours requested	<b>CONTINUED TO FEBRUARY 12, 2020 AT 2:00 PM TIME CERTAIN</b>
80	<b>TIME CERTAIN: 4:00 PM</b> – Proclaim February 2020 to be Black History Month (Proclamation introduced by Mayor Wheeler) 1 hour requested	<b>PLACED ON FILE</b>

At 4:49 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **30<sup>TH</sup> DAY OF JANUARY 2020** AT 2:00 P.M.

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

Mayor Wheeler left at 3:30 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees, Chief Deputy City Attorney; and Cheryl Leon-Guerrero and Daniel Sipe, Sergeants at Arms.

The meeting recessed at 3:40 p.m. and reconvened at 3:49 p.m.

81	<b>TIME CERTAIN: 2:00 PM</b> – Update on the Broadway Corridor (Report introduced by Mayor Wheeler) 1 hour requested <b>Motion to accept the report:</b> Moved by Eudaly and seconded by Hardesty. (Y-4)	<b>ACCEPTED</b>
82	<b>TIME CERTAIN: 3:00 PM</b> – Authorize the Office of Community & Civic Life to convene an internal multi-bureau work group to develop a plan for updating cross referenced responsibilities for public involvement and commit to renewing District Coalition Office contracts through June 2023 (Previous Agenda 24; Resolution introduced by Commissioner Eudaly)	<b>REFERRED TO COMMISSIONER OF PUBLIC SAFETY</b>
83	<b>TIME CERTAIN: 3:30 PM</b> – Appeal of the Portland Japanese Garden against the Hearings Officer’s decision of approval with conditions limiting the Garden’s office use in the house at 369 SW Kingston Ave to four years (Hearing introduced by Mayor Wheeler; LU 19-192268 CU) 1.5 hours requested <b>Motion to tentatively uphold the appeal and extend use for 10 years and adjust the findings accordingly:</b> Moved by Fritz and seconded by Eudaly. Vote not called.	<b>CONTINUED TO FEBRUARY 12, 2020 AT 11:00 AM TIME CERTAIN</b>

At 5:09 p.m., Council adjourned.

**MARY HULL CABALLERO**

Auditor of the City of Portland

Karla Moore-Love

Digitally signed by  
Karla Moore-Love  
Date: 2020.07.14  
11:18:48 -07'00'

By Karla Moore-Love  
Clerk of the Council

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

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

**Key: \*\*\*\*\* means unidentified speaker.**

**JANUARY 29, 2020            9:30 AM**

**Hardesty:** We have commissioner Fritz on the phone, with [inaudible] commissioner Fritz is participating by phone. Failure to allow participation of a city council member by electronic communication would jeopardize the public interest, health, safety, or welfare. Mayor wheeler is also not physically present but was contacted and given an opportunity to participate by phone. Do any of the council members who are physically present object to having commissioner Fritz participate by phone?

**Eudaly:** No.

**Hardesty:** Seeing no objection, welcome, commissioner Fritz.

**Fritz:** Good morning.

**Hardesty:** Good morning. I have a panel of individuals that will be coming up so that we can acknowledge that january is human trafficking awareness month. The individuals that I am going to ask to come up is diana gutman, lieutenant bisner --

**Lieutenant Leo Besner, Portland Police Bureau:** Besner.

**Hardesty:** I always have a 50-50 shot at getting it right. [laughter] welcome. Please introduce yourself, and take it away.

**Diane Gutman:** Good morning, madam president and council. I am diana gutman. I am here today in regards to The proclamation reading for the human trafficking awareness month. I first want to take a moment to acknowledge and honor the host people of the lands that we are currently on. This includes the tanook, the clackamas, the cowlitz, and the clatskanie tribes. National human trafficking awareness day is recognized annually in the united states on january 11th. This is to bring awareness and opposition to human trafficking. Human trafficking is a modern-day form of slavery, and this affects so many communities. It affects the entire -- our entire country, but when we bring it down into a smaller scope, it has a major effect in our community statewide, even here in the state of Oregon. We are at an epidemic. Women and children and our elders are most susceptible to human trafficking, and public safety is a community effort. We have to work together as a community to bring awareness and talk about the things that are very difficult to talk about. Human trafficking, sexual violence, these things are not easy for anyone under any circumstances to talk about at all. And so, as we come together as a community, it's important that we are able to talk about these things because talking about it, acknowledging it is going to be one of the ways that we bring prevention, awareness, and education, and education is so important. Lack of education has never been A benefit to anyone. So I just want to say thank you to the Portland city council, to the, to bring this to the attention of the city, and I think that it is very special because we started the beginning of the month with Multnomah county doing a proclamation reading of human trafficking. It's very fitting that we close it here in city hall. So it is an honor to be here today, and I thank the council for being able to shed light on the serious subject and to bring awareness to the community, so thank you, madam president, and thank you, council.

**Hardesty:** Thank you for being here. Lieutenant.

**Besner:** Good morning, ma'am. I am a lieutenant with the police bureau. One of my areas of responsibility is supervising the human trafficking unit within the text division am I am here to ask for support, raising awareness with human trafficking with the proclamation. The goal of the unit is to identify people being victimized, exploited, and trafficked. Identify

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the person, people involved in the exploitation and hold them accountable to the fullest extent of the law. We currently have three crime victim advocates, which are new additions to the police bureau working internally, and they work with the victims providing support from initial contact throughout any criminal justice proceedings, and also helping with identifying and procuring the long-term needs and finding Support for each individual, and they do that by working with our external community partners. In 2019, the human trafficking division was assigned 31 cases for investigation, and then wrote approximately 100 search warrants in support of those investigations. During that time we also conducted six street level enforcement missions targeting online prostitution, and arrested 11 individuals engaging in online prostitution activities. During that time, we have also conducted 13 training sessions, which are designed to educate the public on the human trafficking and specifically, working with some of the business community with hotels and motels in the area, so that they are aware of what it looks like and how to best identify it, and also, to establish the partnership with our business partners, so that when we do find evidence or we do have special information, that they are helping us in identifying the suspects. And we have also attended 20 community events raising awareness of human trafficking, and the crime victim advocates made 37 initial victim contacts. We are working collaboratively with the misconduct human trafficking collaborative and crime victim advocates are newly members of that collaborative. Each individual case and each individual victim need our support, and we are here today asking for yours, as well. Thank you.

**Hardesty:** Thank you. Thank you both. Colleagues, any comments? We are waiting for the time delay for the phone. Not hearing any, commissioner eudaly.

**Eudaly:** No, just thank you for being here.

**Hardesty:** I want to thank you, also, for being here. I want you to know that I know we talked a little earlier, maybe, with you, diana, but kind of revising the proclamation. The language about human trafficking being like a modern day slavery was language that I personally have a problem with. There is nothing like slavery. Absolutely nothing in the world. So I appreciate your willingness to work with me to change it so that we can really focus on was the core issue is here today. So I want to thank you for your flexibility because it was really quick that we did that this morning. Thank you very much. I will read the proclamation. We could take a picture. There is not a lot of us, but we would be happy to take one with you anyway. Okay. This proclamation is from the entire city council. Whereas January 2020 is human trafficking awareness month. And whereas human trafficking involves the use of force, fraud, or coercion to obtain some type of laborer commercial sexual act, and whereas Portland has demonstrated a long standing commitment to addressing this problem as part of the human trafficking collaborative, which is a partnership with the state of Oregon, Multnomah county, the sheriff's office, the district Attorney's office and community-based social service providers. Whereas, as a community we must acknowledge oppressive social structures and crimes contributing to human trafficking in our community. Only when this ugly reality comes out of the shadows giving victims voice, we can bring an end to this trafficking and victims can begin to heal. And whereas the city of Portland recognizes and thanks all the organizations and groups committed to addressing, preventing, and healing from human trafficking, often working directly with survivors to ensure that they have access to employment opportunities, housing, legal resources, and other services. And despite this commitment, far too many in our community are affected by human trafficking, and whereas human trafficking affects every community, but there is something each of us can do about it. And whereas, if you or someone you know are a victim of human trafficking, help is available for the national trafficking hotline at 1-800-373-7888. Or [humantraffickinghotline.org](http://humantraffickinghotline.org). Now therefore Portland city council, the city of roses, do hereby proclaim January of 2020 to be human

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trafficking awareness month and Portland and encourage all residents to observe this month by gaining awareness of these issues and supporting organizations that work to address, prevent, and help those affected by human trafficking. Thank you very much for bringing This resolution to us. And you have our full support in moving this work forward. Thank you. [applause] a quick picture and we are back to business.

**Hardesty:** Good morning. This is Portland city council. For January 22, 2020. Karla, can you please call the roll. [roll taken] thank you, before we begin, our city attorney will read the rules of decorum.

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

**Hardesty:** Thank you. We will begin with the communication items, Karla, please read the first item.

#### **ITEM 59**

**Moore-Love:** Item 59.

**Hardesty:** I don't see miss bridget bayer. I will go to the next.

#### **ITEM 60**

**Moore-Love:** Item 60.

**Hardesty:** Good morning, welcome.

**Byrd:** Hello, thank you. I am byrd with the manual displaced persons association, epa-2, our contact is -- our email contact is contactedpa2@gmail.com. For the last years we have met with mayor wheeler considering the hospital expansion and the property located at north williams and north russell. At our -- our most recent meeting it was the request to come up with a plan. At that meeting we requested that a day with a proclamation is established for the descendants of the emanuel hospital expansion, and we also presented a pretty robust plan for what can go on that property and it has a community engagement component with that where it provides internship opportunities starting as young as middle school with harriet tubman middle school being in close proximity to that. The emanuel hospital expansion is a unique situation in that it was the most egregious, abuse of eminent domain. It changed the urban renewal law regarding eminent domain and community engagement in urban renewal plans. But it's also unique because it was so

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egregious, there was an agreement made. It stated for every home that was demolished, it should be replaced. For every family that lost a home, a home should be replaced. That agreement is, actually, couched in city policy. There was a city policy passed, a relocation housing policy for the families who lost their homes during this emanuel Hospital expansion. On August 1, 2017, emanuel hospital, city of Portland, pdc, announced they would return some of the land taken away from the families during that time. More than 55 acres were taken away, yet only 22,000 square feet is being returned. My question today is how can the city of Portland claim to correct a racist past in regards to the emanuel hospital expansion and not address the damage? The descendants of the families whose homes were taken should be considered in every conversation that take place, and anything that is returned should go to the descendants because a lot of the homeowners have died off because it has taken 50 years for this property to be released.

**Hardesty:** You ended up with time to spare. That was right within the time line. I had a conversation with mayor wheeler about this particular project earlier this week. Byrd, I understand that your organization has a seat at the table of this williams and broadway redevelopment project, and I understand that you left, and then you sent a representative who also left that table, so the message that I want to give you is that it stole your organization's seat and we need your voice at that table. We need a strong voice that really understands the legacy of what's happened to the inner northeast community over and over again.

**Byrd:** I appreciate that, Commissioner hardesty. Here's the problem -- our questions never got answered. We were met with hostility, and our last meeting with mayor wheeler in december, he directed the working group leaders to follow up with us. Jamal fox sent us an email. He cc'd cupid alexander and mustafa Washington. I replied back and no one followed up. No one followed up to mayor wheeler's directive.

**Hardesty:** So we should make sure that there is follow-up to -- you sent a written email?

**Byrd:** I sent a written email, cupid alexander, and mustafa were included. We never received a response.

**Hardesty:** This is a legacy problem as you well know in Oregon. Again, I will help you make a connection with the mayor's office. If they are not being responsive, but I want your voice, you need your voice at the table.

**Byrd:** Thank you.

**Hardesty:** If you are not at the table, you are for lunch, that's true. We need your voice and your organization at that table. You need to make that committee do the right thing.

**Byrd:** Commissioner hardesty, I want to say one more thing, it was not just a legacy pdc issue, it was a coordinated effort. This whole city.

**Hardesty:** I understand. Ma'am, I understand the redlining and the displacement and I understand every urban renewal removed black family, Homeowners, I understand that. I know the history, and I feel the pain that you are carrying around with that legacy. So know that I am very, very mindful and aware of the harm that's been done.

**Byrd:** Thank you.

**Hardesty:** Appreciate you being here. Karla, the next communication item, please.

#### ITEM 61

**Moore-Love:** 61.

**Hardesty:** Good morning. Welcome. Please introduce yourself. Three minutes.

**Lauren Courter:** Good morning. I'm lauren courter. I am a neighbor to the proposed filtration project site, and I dedicated countless hours over the last year of my life to understanding the history rationale and impacts of the project. My opposition to this project was initially driven by a motion and the injustice. Research has led me to the deeper understanding of the facts. Over and over again I am shocked by the blatant, strategic misrepresentation of the Portland water bureau's leadership and engineers. It is the

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corruption of the agency that motivates me more to fight against the unnecessary project for my community and the people of Portland. This is a \$1 billion project. This is a mega-project on the scale of a shipping canal, a large hydropower facility, airport, nuclear power plant, and the list goes on. Portland wants to drop this mega-industrial project on the Quiet rural agricultural residential community. I am certain that Portlanders value families, affordable living, community and the environment, and the best tasting water in the country. This project opposes every one of those values. According to Portland water bureau's own documents, rates will double for the average family, and just for this project alone. During construction there will be hundreds of diesel trucks running through the rural roads daily disrupting our lives for more than five years. Pipeline construction will devastate the topsoil and productivity of the farmland. And this project is authorizing the condemnation of property of hard-working families and farmers, and this project is next to an elementary school. This project will sit on top of the headwaters of the Johnson Creek and our community's groundwater within the Sandy River watershed. Below the proposed site is an aquifer, the source of cold, fresh water to salmon and steelhead in the Sandy River. Additionally, 8,000 dry tons of chemicals are needed annually for treatment. Forever changing the taste of Portland's cherished drinking water. Why should our community be the sacrificial land for a city project? This is not a nifty issue. This is a community wipeout for a project you want and don't need. We are unincorporated east Multnomah County, and we can't vote for you. Yet you are allowing a mega-project to proceed that will destroy our property and way of life. The town of Pleasant Home will never be the same as you transform our town into an industrial operation. Portland water bureau's subcontracted engineers told us directly that this will do so. It's not any government project that snuffs out a small group of people for the greater public good ever a virtuous decision. As an elected official, is that your legacy? Thank you.

**Hardesty:** Thank you. Appreciate you being here today. Karla, would you please read the next item.

#### **ITEM 62**

**Moore-Love:** Item 62.

**Hardesty:** Good morning. Welcome back. Please state your name.

**Injured and Pissedoff:** I swear my name is injured and pissed off. When I was addressing the council, November 17 of last year, I signed up for this, and it says Portland, Oregon, made it to the turd list. There are other names for that. The turd list could be a coli or salmonella, they tell you to cook it or boil it. I don't go for that at all. And after seven dog attacks within six years of my service animal, I would say that it's a dog eat dog world here in Portland. You don't understand that, I have had a broken hip and two fractures to my spinal cord, and I took the name injured and pissed off because when I was seeking medical treatment at OHSU, the biggest employer here in Multnomah County, they operated on my hip the next day after they realized after four hours I couldn't get up, and then after the next three days, they were standing me up with two fractures in my spinal cord. Of course, I know that anybody that's had a spinal cord injury would appreciate that sense of humor that they have up there at OHSU. Of course, I have got the same sense of humor myself, injured and pissed off. I canceled my Medicare part B any more, and I had to go to the hospital last month, and of course, the doctors are not getting paid. So I think that they can figure out what injured and pissed off feels like. And there is an absent chair here in the council chambers. As a child, they used to play musical chairs with music, and take a chair away, and that's what they are doing to the homeless people and other people such as myself that have been injured, and never got any justice. It's just ice, and with everybody being farmers, with the rain that everybody has and the B.S. Of the council puts out, such as this censorship of today's speech, the FCC is not going to say anything against me. Saying free speech like that, it's not pornography or anything. Even my name is

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spelled here wrong at the city council. They just write pissed off, as two words, it's one word. **Hardesty:** It's one word on my document, sir.

**Injured and Pissedoff:** I have seen it where one of the guys spoke here, and when they talked about terrorizing the city council and they had it spelled at two words. Pissed off.

**Hardesty:** I think we corrected it. Thank you very much. We appreciate you being here as always.

### ITEM 63

**Hardesty:** Good morning, welcome.

**Melinda Pittman:** Good morning.

**Hardesty:** Put your name in the record. Your address is not necessary.

**Pittman:** Thank you.

**Hardesty:** Please begin.

**Pittman:** Thank you, i'm melinda pittman. I am a parishioner and volunteer at the st. Francis dining hall, and I want to thank you, commissioner hardesty and eudaly and hi, amanda. Mayor. For this opportunity to ask some questions about houselessness. Trump and moscow-mitch, aren't they a pair. ¶ one locks kids in a cage ¶ ¶ one just doesn't care ¶ ¶ who are these clowns who hired these clowns ¶ ¶ tax cuts for the rich ¶ ¶ the wealthiest few, while minimum wage doesn't pay for me or for you ¶ ¶ who are these clowns ¶ ¶ we have got to send them the clowns ¶ ¶ how can we stop slamming shut doors ¶ ¶ blaming it all on the weak, the outsiders, the poor ¶ ¶ in this city of treasures our spirits lie bare ¶ ¶ if you hold out your hand will no one be there ¶ ¶ I don't think that there is time to just wait and see ¶ ¶ old folks sleep outside cold, abandoned, hungry ¶ ¶ low-wage workers get blamed, condemn them, betrayed, while more union jobs just keep going away ¶ ¶ have our hearts been replaced by wallets and wine ¶ ¶ by titan investments, hff's bottom line ¶ ¶ are we expanding our souls, or just fear, greed, and hate ¶ ¶ if christ needed food stamps, would we empty his plate ¶ ¶ we will never be rich if we don't become just ¶ ¶ we will never have justice if compassion is lost ¶ ¶ who are these clowns ¶ ¶ we have got to send home the clowns ¶ ¶ for the time it is now, and the choices are real ¶ ¶ how can we feel safe if we no-no longer feel ¶ ¶ who are these clowns ¶ ¶ these ridiculous clowns ¶ ¶ oh, I fear now they are here ¶ [applause] we invite to you spend an afternoon with us, and with Portland people suffering and to listen to them. Would you eat with us, please? Come eat with us. Mayor wheeler, when you listen to this, would you please stop excluding the parishioners of st. Francis dining hall from community meetings held here in city hall with the powerful police, the catholic archdiocese hypocrisy, and business association members who have bought the property around our church. And mayor, if you are brave enough, you might not shave or wash for a week and get dropped off at 122nd and powell.

**Hardesty:** How much more do you have?

**Pittman:** Ten seconds, and I am talking fast. Without your car, without money, without a cell phone, wearing goodwill clothe -- and try to make it on the street without calling your friends. It's dangerous, but I bet the folks that help you will be houseless, too. Thank you. Peace.

**Hardesty:** Thank you. Let me just tell you that that is the most creative communications I have seen in the time I have been here, and you know, I love you. You are a wonderful performer, and artist and activist, and I thank you kindly for coming.

**Pittman:** Thank you.

**Hardesty:** Have a great day.

**Pittman:** Thanks, amanda, and mayor. Bless you.

**Hardesty:** Okay. We are now through with our communications agenda. We are going to go to item 64.

### ITEM 64

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**Hardesty:** Venture Portland serves for 50 business neighborhood districts. They organize community events, provide training and grant and add staff capacity to develop the business districts in east and north Portland. With us today is brad james, interim executive director, matthew [inaudible], owner of the red castle games. Welcome. You were here last year, and the venture of Portland board of Directors. Thank you for being here. Take it away.

**Matthew Micetic, President of Venture Portland:** Thank you for having us this morning, commissioner hardesty, and eudaly.

**Hardesty:** Don't forget Fritz.

**Fritz:** Hi.

**Micetic:** Oh, you are, hi. His I am matthew masetic, the president of venture Portland, as well as the owner of red castle games in southeast foster. I have also in the last year become a property owner in foster as well as signed a long-term lease to secure myself from displacement of my game store, so it has been a great year for me. It's also been, I think, a sign of you know, foster has been this up and coming neighborhood we've been saying since I was a kid. It really seems to have turned a corner. That's thanks to a lot of the investment the city has put in both in terms of the foster streetscape project as well as community improvements like the laurelwood shelter and other items that benefit our entire community. So thank you for that investment. Onto venture Portland's business. Venture Portland also has had a big year last year. We launched a new program. We stabilized our catalytic investment initiative, which focuses on historically disenfranchise and business associations in the city, as well as continued our partnership with the city Council. As you know venture Portland is the support system for all 50 neighborhood businesses in the city. We are the only entity in Portland that works down at the district level working with street fares, with individual businesses, working with any small business in the city that wants to engage. Venture Portland -- Portland also promotes these critical commercial corridors and the volunteers that run all these organizations. All of the neighborhood business associations in the city are primarily volunteer run, and the very few, like our own, may have paid staff, but it's a staff member for about ten hours a week, so we are very small-scale operation trying to make an out-sized impact on our community. In the last 23 years there's been a 1.6 million investment into these districts and partnerships with the city. That's also leveraged over 5 million in private dollars. So those dollars would be matched over a 3-1 basis to make sure that we are improving the commercial corridors for all individuals. As president, I know the strength of our organization has always come through our collective efforts, and the belief that small business in Portland is more than just business. It's about our people, our neighborhoods, our communities, our employees, our clients, making sure that that's an inclusive environment that we Can all enjoy Portland. It's about a vision for our city that business owners, residents, and elected officials can all share and partake in. Over the past year we've been preparing for the future as we wrap up our 2020 strategic plan and determine priorities to support business districts into the future. Our community engagement committee, led by my colleague, liz, here has been working on updating our organizational values, creating an equity statement, and preparing for our annual strategy summit this february. Every year we meet with the business district leaders from across the city to report on progress towards accomplishing our strategic plan to take the pulse of the business district community and sets goals moving forward. Internally we've been making important updates to our trainings, technical assistance and resources to respond to the needs of the business districts in all parts of the city, and really adapt to our rapidly evolving city and economy. You may have noticed there is a different person at the far end of the table. That's brad, our new interim executive director. In december, heather stepped up to after ten remarkable yourself with venture Portland. It was thanks to her strong leadership, vision,

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and unwavering support of venture Portland that we are the strong organization that we are today, and has set us up for success going into the future. To help us complete the strategic planning process and set the organization up for success, we want to really make sure that we have all stakeholders input moving forward with the strategic plan. Brad is going to be reaching out, if he's not reached out already to each of your individual offices. We want to be sure that we have all your input. Many of you recognize brad as the first tire of the catalytic investment initiative in 2015. He has more than a decade of experience with nonprofits. He's also guided nonprofits through change management, which is exactly where we are, so he's the perfect individual for that. He's also worked in economic development, managing commercial districts. He's worked in the catalytic investment initiative so we know what everyone in the organization is doing. He's also worked with the award-winning downtowns of Oregon city and mcminnville. Our board of directors is confident in his experience and deep familiarity with venture Portland's work, and we are sure it will set us and him up for success. With that, I will turn it over to brad.

**Brad James, Interim Executive Director of Venture Portland:** Thank you, matthew. Good morning, commissioners. As matthew said I previously worked at venture Portland helping to manage the catalytic investment initiative, and as heather's executive assistant. I got to see first hand the behind the scenes that made her tenure venture Portland so Successful. Her contributions were invaluable, and leadership resulted in unprecedented growth for the organization. A few of her accomplishments include rebranding the very easy to say alliance of Portland neighborhood business associations to venture Portland, with a new logo, program's website, social media and manifesto. Increasing the business district membership 154% citywide, by helping the districts become more diverse, equitable, and welcoming. Increasing the district staffing 175%, since 2013 by helping districts hire ongoing professional district organizers, 21 of them doing so for the first time, and investing over 800,000 in business districts for 294 projects that together leveraged 3 million in almost 4-1 match. Also changing the conversation locally about the value of shopping locally in Portland by securing nearly 1,000 positive media stories. We are grateful to have had heather's leadership for the past ten years and very excited about the coming decade. Venture Portland supports Portland's neighborhood business districts. If you are in a business and you are not downtown, you are probably in a neighborhood business district. To go these districts contain 23,600 businesses, and provide 308,000 jobs. This is a huge sector of Portland's economy, and the vast majority of them are small Businesses. The fundamental goal of our work is to help these districts be more successful and create a more robust economy. The following brief overview provides a snapshot of our work over the past 12 months. After nine years of sustained double-digit growth, venture Portland expanded our access to capacity building services, our training and technical assistance program, that's designed to help the districts meet the real on the ground challenges that they and their businesses are facing today. Topics cover everything from creating enhanced services districts, asset mapping and diverse and rapidly changing districts, inclusive marketing, creating district events, economic resiliency in the face of online competition or unexpected hardships, and the legal responsibilities of nonprofit officers. In total, we increased the participation in our training and technical assistance program 39% over last year. That's more than 400 business district leaders attending one of 46 trainings. Last year we addressed 649 districts' specific requests from business districts citywide, and a 9% increase over what we reported to you last year. For those doing the mental math, which is probably none of you, but I did it, that is 1.8 times a day, 365 days a year a district calls us and asks us for support that falls outside of the, here's a template I can email you in ten seconds, Category. We are talking custom solutions, tailored to the specific needs. This in-depth support helps districts navigate major leadership transitions and effectively manage significant business mix,

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demographics changes, among a multitude of other varied, occasionally random, but equal important things the district faces every single day. To that end over the last year venture Portland provided 3,560 hours of training and technical assistance of business district leaders citywide. That is a 34% increase over 2018. Keeping in mind that our staff has not increased by 34%, or any percent, venture Portland continues to be a nimble, adaptive organization able to respond to district needs and deliver high-quality services by continually refining, streamlining and updating our approach to the work at hand. Venture Portland's grant program helps business districts make strategic investments in a vibrant economy and strong sense of place unique to each district. Funds can be used for a number of things that fall under one of the benchmarks or markers of success for a strong business district. The district identity projects, significant events, marketing and larger scale economic development projects. In 2019, we awarded more than 85,000 for 26 projects, leveraging more than 230,000, in additional district investment. That's nearly a 3-1 match. From our perspective, that makes these some of the most efficient dollars that the city spends, so thank you. And we also continued our partnership with travel Portland on our destination investment grant that helped the districts invest in significant physical improvements that benefit both customers locally and visitors. As you know, neighborhood business districts are not only essential components of Portland's livability, but our signature tourism grants, it goes to Portland's international appeal. Two-thirds of our total grants went to underserved districts in east and north Portland. As I am sure you are well aware, a huge portion of the Portland businesses are neighborhood-based, which means that the neighborhood business districts truly are a driving force for Portland's economy, culture, and the sense of place. This is not my first rodeo with managing commercial districts, and I often hear from people that you reach a tipping point where development and the natural free market takes over and makes a place unique and beautiful and fun, but I am here to remind us that that's not true. Without business districts, advocating for smart planning and growth, fostering a healthy mix of the neighborhoods serving businesses creating innovative events tailored to the assets and quirks of each district and partnering with residents on creative place-making projects, it would not feel different than mississippi, than northwest District, than Multnomah village, lents, and etc., etc. Each has their own vibe, and we believe it is driven by the locally owned businesses. One of the key ways this brings us to showcase the districts and cultural assets is putting on exceptional events, and festivals. In 2019 the districts put on 80 events and promises bringing 1 million customers to locally owned business's front doors. All year, and especially during the holidays, venture Portland ensured cash registers rang citywide. In 2019 venture Portland helped launch or expand 17 events between halloween and new years. These free family friendly celebrations feature festive lights, holiday treats, shopping discounts to help Portlanders stretch their dollars. And with 70% of every dollar spent in local businesses, staying in Portland's economy, business districts are doing their part to ensure that Portland's economy thrives.

**Hardesty:** Can I stop you for a second? I have a question. How many -- let's take one business district, how many businesses are connected to the business district in working with venture Portland as compared to how many businesses exist in that business district.

**James:** It will vary by district and how many businesses there are. Our overarching goal is to ensure half of the existing businesses in a district are connected with the association, and participating, and we will have the final results at our Study summit this february, but we are close to accomplishing that across the board and the city.

**Hardesty:** Thank you.

**James:** Yeah. And in 2019 we helped city council and bureaus connect with neighborhood businesses. Commissioner eudaly, we worked with your office to coordinate the foster streetscape ribbon-cutting. We had a wonderful view up there. We worked with mayor

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wheeler's office to connect districts with his anti-hate and shop local precedent. We worked with bes and pbob to mitigate the impact of major construction on districts, we help them understand and navigate new land use notifications, thank you all for continuing to send those out, and we maintained the age friendly business and sustainability at work certifications, and supported neighborhood economic and including neighborhood prosperity initiatives and joined as an early adopter for the Portland means progress. As you also know, we helped facilitate the city council testimony for central east side, foster, hawthorne, and northwest industrial, and Multnomah village and stadium districts. These all greatly appreciate the time that they had in front of you to share their stories, their successes, their challenges, and their requests for support, so thank you for the time and consideration that you gave each of them, and know that we intend to introduce you To more districts and business owners in the coming year. After our success working with the bureau of planning and sustainability to implement a neighborhood business district demographic database, we are excited to work with the police bureau to finalize feedback on an accessible business district crime summary giving districts more tools at their disposal to understand the complexity and challenges that they face. Last but certainly not least, I want to be sure and recognize venture Portland's dedicated volunteers. As an independent nonprofit we are able to nimbly respond and adapt to needs of the districts we serve. It would not be possible without our volunteer board. Made up of one representative from each business district, our board contributed 926 volunteer hours last year. That adds up to .46 fte, or nearly 19 hours a week over the year. Our success would not be possible without this incredible commitment that they make. Of course, one of our strongest advocates, commissioner nick Fish, is missing today. As a long-time advocate of our work and supporter of small locally owned businesses, his loss was felt deeply by venture Portland and the business district community. His accomplishments on our behalf are too many to count. I remember him as always willing to show up and lend his support whenever needed, and no problem too large or too small to tackle. Nick Fish consistently helped us promote shopping local during the holiday season, created the inaugural age friendly business awards, and launched the all user restroom challenge, and so much more. Perhaps one of his greatest impacts on our organization was helping to conceive, plan and implement the catalytic investment initial they are. After noticing how disproportionately the east districts were struggling and not seeing the benefits of the post-economy return as quickly as districts closer to central city, he and venture Portland's team put their heads together, and with city council support, launched a pilot project to see if we could move the needle on east Portland's economy. Two years later with nick's support we expanded the project into north Portland. This catalytic effort addresses disparity and gentrification in seven districts. Three short-term goals to increase membership, volunteers, and revenue. I am thrilled to report that last year we once again exceeded all those goals. Once again we added significant new members across those districts. In 2019 we saw a 27% increase in the business district members across east and north Portland. Currently a third of the business district members are new in those districts. We saw a 64% increase in volunteerism across districts, diversifying the businesses, all volunteer board leadership so it's more in line with the District demographics and brings new voices and perspectives to the table. And finally we help the districts generate 158,000 in new revenue to support their neighborhood businesses. We have made significant progress on the long-term goals to create a network that crosses the boundaries, and creates ties between businesses and residents and improves district identity and positive public perception of east and north Portland. We help the districts launch two dozen events designed to connect residents with businesses, and attracting 30,000 customers to make cash registers ring and economically lagging parts of Portland. 17 districts cleanups in partnership with the neighborhood associations, prosperity initiatives and other

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organizations, and we improved perception of east and north Portland with 65 positive media stories, and we increased the district capacity to serve their member businesses with 74 brand new or significantly strengthened member benefits. So, we talked about the goals of the program. Members, volunteers, and money. But what are the methods? We hire professional staff and place them directly in business districts. Business owners are busy. Hiring staff support is one of the greatest lists to a district's capacity, and also enables us to visit more than 3,000 individual businesses and get input on the districts they are existing in. We provide seed funding to help The districts experiment with new programs that can better serve their businesses. New programs take time and resources to get off the ground so having grant funds allowed dues to be spent on existing successful programs, and we provide innovative and personalized assistance to districts. This is not venture Portland's first rodeo, but for many it is. Working more closely with them one-on-one allows us to navigate them. This helps business districts generate unprecedented success last year. To share the success of our east Portland districts I am happy to introduce you to venture Portland's catalytic investment manager joy church.

**Hardesty:** Hi, welcome.

**Joy Church:** Thank you, brad. Good morning. I know you were busy, commissioner hardesty, in my neighborhood, in lents. I was not there. I was at an event supporting, it's called chocolate for congo, to support the congo.

**Hardesty:** Why did I not get invited to that.

**Church:** You will have to come with me. Anyway, it's nice to see you commissioners. Last time I think I saw you was here after the ribbon-cutting, which was my first day with venture Portland on the street, the foster streetscape so nice to see you again, I am in a new role with venture Portland so I started as an organizer on foster, and helped out with northeast Broadway, and now I am The catalytic investment -- we call it cii, catalytic investment initiative does not roll off the tongue. So i've been in this role no a couple of months and am excited to be a part of it. I get to work with amazing organizers, who really have education and passion for small business, and working with volunteers and putting people together. So it's a real joy to, no -- no pun intend, so I live in lents foster area, so I was attracted to the foster position with venture, but it has led me into helping the entire city so I am excited to be a part of it. Our district organizers, you know, something that I think is so important about them is not only are they highly educated, but they are passionate and they have perseverance, which is really what it takes to get the job done because as brad mentioned business owners are so busy, and these are independent business owners, so they have a mind of their own about how things are going to happen. To get everybody in the same room to go can be challenging, and to give them that high level expertise around what does board governance look like and volunteering and the high level things mean so they can get a good, firm foundation to go out and do the fun activities of the significant events and street fares and raising the revenue for their businesses, and all of those things take a lot more time because they are volunteers. Right. So the board members are Volunteers only, right so we have got these amazing organizers who have very little time, and they are out there running. So I am really excited to be working with them and really happy to share some of their successes. So as brad mentioned I will talk a built about east county and what we are doing there. We will start with 82nd avenue. We use that as a thoroughfare, but there is a lot of vibrant business on the street and many people of color own businesses there. So we have a wonderful significant event around the world in 82 dishes, and that's over a period of two weeks, and these restaurants put on a \$5 dish, so it's a special for those two weeks, you can go and pay the \$5 and you get a sticker and you can win prizes if, you know, you have the most stickers, and it's called eat around the world in 82 dishes, and that's been really successful so this year, they added an additional 6,000 in revenue from that. So for those people, in those, in that area, that was really

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meaningful for them because again, we just use that as a thoroughfare, we get on the bus, and we drive, and we don't think about the amazing people there, so to focus on what they are doing and their specialty dishes, I know that I gained a little extra weight for that event. So that again raised the extra 6,000 that was a 20% increase over last year, so again, we will continue that event because it's proving to go well so we are pleased about that. It reflects the diversity of the district with 70% of the participating restaurants owned by people of color. Part of the improvement over the years for the event is that we've been translating the event into Spanish, Vietnamese, traditional and simplified Chinese. So that everyone has an opportunity to understand what's happening and how they can go out and eat for two weeks. Let's see, what else am I going to talk about with this for 82nd? I will move onto Foster. We all love Foster. As we all know, the streetscape, we have millions of dollars, and lots of intentional planning went into that. Really excited about it, as Matthew mentioned. He's a vital person on the street and we are excited to have him on the board, and we have a couple of signature events, and one of those is the tasting tour in the summer. We encourage you to come out for that, that is a one-day, 12-hour event, it has been expanded this year because of the great streetscape. We highlighted the street and the biking on the street by hiring pedi cabs to take people around from, well, from carts to carts because there are a lot of food cart pods, and so those are really fun and it focused this idea that the street has changed and it is safe to bike as a family, to come out and really use the street in a meaningful way, that was really amazing for us. This year it generated more than 8,000 in revenue again in 12 hours, and that was the 43 -- it was a 43% increase so I think we are going to continue that, aren't we, Matt, and with it a winter fest. We've been change that go around to address the needs of the neighborhood but we did a winter fest event and had the uni-piper out, so that brought a lot of people, and that was a really family-friendly kid eccentric kind of day. We added an adult-only component meaning we went out for beers after and did an ugly sweater contest. That was a fun thing that we will expand on as we have so many lights on the street. It's really beautiful, and we want our neighbors to understand that Foster is a destination, even when it's raining and cold, come and shop. That's the point of Winter Fest. Gateway is another great neighborhood. And the Gateway Business District Association in September had the Cruising Gateway. That's to celebrate the history of cruise in culture, while update it go from their current district. Thanks to strategic investments in the city, advocacy from the business association, and support of partner organizations, and there is so many ways to [inaudible]. They have bike lanes, the 130th Greenway, investment in e-bikes, and improved walkability as a result of the Streetscape improvements. This event celebrated all the ways Portlanders travel bringing 300 people together to celebrate the community and discover new businesses. That was a big deal, so we say 300 people, that neighborhood and business district is really spread out. So for 300 people to gather for a new event, it is a big deal. We think 300 people, well, that took a lot of effort and will expand year over year. The people that came really loved it. We are very excited to get it on the schedule for 2020 right away so that is meaningful for -- for us, and sometimes, big numbers, you know, we want to see those, but we are getting there. We are getting there. So for Gateway that 300 was a lot. So this [inaudible] we had the Gateway Winter Fest that brought 250 residents out to participate in a shop local promotion around the tree lighting event. In the second year, they saw an 88% increase in business participation for this community-focused events. With the winter fest, the 250 residents, this is an outdoor event, the tree lighting ceremony, and it was meant to be a three-hour event if any the first hour was amazing, 250 people came out and it poured. Pouring, so we felt like we would have seen a lot more people come out since we had 250 in the first hour. But really, it was truly Portland winter. We are looking at a restructuring of that, so maybe Indoor tree lighting so we won't have that issue of winter Portland. Gateway continued their partnership with pbot

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represent, business owners on the halsey streetscape and 106 ground-breaking. Their newly redesigned website puts focus on connecting local residents and employees and business owners to district news, construction, and infrastructure updates and additional resources. In particular for these environments where people are disconnected, not all together like on hawthorne, a website, that kind of social media, that can be highly, highly important and impactful, so for us to invest in giving grants for websites, that has been very meaningful not only for the individual members, but for the residents to see, to have one place they can go to understand what is available for them in the neighborhood, so thank you for supporting us so we can give out grants for this thing. And we have midway so it is a little like gateway, it's long, stretched out, and hard to get people to realize that they are part of this place called midway. And there is a business district association, so in partnership with the water and parks bureau, midway expanded its third midway thriving event, connecting businesses with district landmarks and key community partners like johnson creek watershed, and lents gilbert church. Updating branding gave midway business association a fresh Look for the 21st century. I forgot to bring a tote bag. We will get you some. Strengthening the power of the website, a critical asset for such a geographically large district where business owners do not know they have their own website so all of this branding kind of stuff is really important, too. Those tote bags look beautiful. There are banners, as well, that we used for events, so having that noticeable logo, that has meaning. We know that that's an important thing for individual businesses, and it's important for a district, so now we have got the people carrying the highly colorful awesome looking tote bags, and they are marketing the midway district. The new brand inspired the design of a map, and the beautifully, it integrates the businesses, and landmarks, and look for that is coming out early 2020. The business association continues to be a critical advocacy hub. Information, disseminator and sounding board for the businesses in the outer division safety project and transit project as well as 122nd avenue construction. This is strengthened with division, midway alliance prosperity initiative, that's a mouthful on business support, and events like the festival of nations and advocacy for their shared district.

**Eudaly:** I like the photo bomb, by the way. [laughter] the catalytic investment Initiative is a part of venture Portland, and it is helping east Portland districts address economic disparities by creating innovative district-specific events and promotions to drive revenue businesses, and I have seen this first hand, but the cii piece is working. Initiative staffing increases, district capacity to partner with the city, neighborhood association, and community groups to advocate and help shape investments in infrastructure, transportation, safety, and public spaces. And with the support of venture Portland east Portland districts are making clear progress on the goals to ensure their programming, membership, and board represent the growing diversity of the communities where they live and work. In 2017, the city council supported the expansion of the cii initiative into north Portland. And to share the successes there, I am happy to introduce liz smith, st. John's booster's board president.

**Liz Smith, St Johns Booster's Business Association:** Thank you, joy. Good morning. My name is liz smith, president of the booster's business association board as of january 20, so very new for me. I chair the st. John's banner committee and represent the boosters on venture Portland's board and own the busy [inaudible] a small consultant.

**Hardesty:** That's a cool name, busy lizzie.

**Smith:** That's me, I am always busy. My neighbors have been able to use the initiative resources to leverage partnerships and Capitalize on district branding to drive sales to the kenton businesses. In september the garage sale partners with the neighborhood association to create a district-wide day of sales for residents and businesses. Their holiday promotion incentivizes holiday shopping throughout december. Together these

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events increase revenue for businesses 39%. Last may kenton kicked off the Portland street fair with the street fair focused on celebrating paul bunyan's statue's 60th birthday. [inaudible] the holiday season kicks off in kenton with their deck the paul celebration. This year 450 residents gathered at the historic paul bunyan statue to like the district-wide tree lights and kick off the wooden nickel promotion. So if you have not seen the bumper stickers around, st. John's loves st. John's. Like all of Portland, st. John's is changing a lot. With hundreds of new apartments, residents and employees and commuters in the district, we wanted to make sure our identity did not get lost in transition. Working with venture Portland we secured granted funding to hang 40 banners over the last 24 months. They were designed by an artist and referenced the unique assets including the river, parks and historic bridge. St. John's has used initiative resources to strengthen and expand the programming to support the businesses and strengthen the business identity. This past spring st. John's bites celebrated our district's great eateries and generated 15,000 for businesses over a ten-day promotion. Our pre-thanksgiving night on the town, and our tree lighting, the first in Portland, I don't know if you remember but commissioner Fish was our initial lighter of the tree, which was a wonderful memory for all of us. Brought more than 1,000 customers to shop and dine at locally owned businesses over two days. In response to the summer construction projects we created a booster bucks promotion to support impacted businesses, and remind customers st. John's remained open for business during construction. This fall we expanded the halloween walk providing a fun event for 1100 residents to trick-or-treat at st. John's businesses. Additionally, we partnered with the st. John's parade and bazaar and cathedral park jazz festival to host a fundraiser to support our public plaza, bench replacements, clock-face restoration and mini library. This connects businesses to residents and strengths the st. John's sense of place. We'll go onto williams. The williams district has been a construction zone for years. You know this. We know this. Everyone knows this. Ten highrise buildings, more than 1,000 new apartments and 100,000 square feet of retail and 400,000 square feet of office space opening up is Impossible to ignore, so instead williams district is focusing on honoring the history while embracing change and more importantly, supporting the businesses through the challenges that come with massive construction. Williams used catalytic -- williams used cii. This fall williams use the initiative resources to coordinate a rapid response to the businesses who lost the revenue during a major street construction closure. By using the giving component to encourage the customer spending they generated 5900 in revenue for businesses in a single day. This past year williams continued their successful community partnership bringing residents and businesses together. The halloween event provided safe trick-or-treating options for more than 1600 neighborhood residents. The holiday seen, williams gives promotion, raised 2,500 for local residents in need. Funds were distributed through the boise elliott school district, vancouver avenue first baptist church and self enhancement, inc. And the business association continued to serve as an advocate and point of information for businesses. Actively engaging with the developers, pbot and tri-met while providing information and construction updates to businesses. Next year maybe I will sing this portion of the program.

**Hardesty:** I think it's important to remind folks when I Look at the increase in revenue for businesses, for most of us if you look at that on a spreadsheet you would say that's just a drop in the bucket. I think that it's a good reminder that most of our businesses are very small businesses that are really operating on the edge. It's a wonderful visual to remind us that none of these small shops are, you know, making fortunes. They are community resources that we should tap into and support. So I think the visual really highlights that. Thank you.

**Micetic:** I agree.

**Hardesty:** Commissioner eudaly.

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**Eudaly:** Well, I just wanted to thank you for the report. It was a pleasure to work with venture Portland while I was on the historic mississippi business association. Another one that does not really roll off the tongue. Hmba. You are doing great work. I have a ton of questions, and I have just decided to schedule a meeting with you instead of asking all those questions right now. I do want to say that I am very supportive of the catalytic initiative investment. Really impressed with your solution, your work with the business districts on solutions to the community-wide challenges, and your equitable grant-making. I wanted to clarify, so the business district organizers work 12 hours a week, so you Don't have one per district. Do they have three districts each?

**James:** Typically, yeah, have two or three depending on how many hours they want to work.

**Eudaly:** So how many people is that total?

**Church:** Right now -- that's a good question. 5.5. We are a small team. And we have some support staff, as well, that are more in the office, but out on the street it is a few of us, so yeah, and it varies, some people really are closer to ten hours versus 12, which two hours is a difference, when I was on the Broadway, I had five hours. It does vary. We do what we can. If we could we have one organizer for each, at 40 hours a week, and that would be a massive impact but we're not there yet.

**Eudaly:** I look forward to meeting with you, and I will highlight a couple of things that I want to talk about. I am interested in bringing the small business advisory commission back to the city. That's a conversation that I tried to initiate when I first got here, didn't get anywhere but I think it's time to talk about it again. I am also very interested in establishing something, something similar to what they have in San Francisco, as far as the legacy business registration and preservation fund. We know that small businesses are under threat of cost burdening and displacement just like residents are, and we have lost some really vital, heritage businesses and organizations over the last 10 years, and if there is anything that we can do to help them, broker a lease, like you mentioned earlier, or remain in, remain in their historical locations, professional very many, and technical assistance, and which you are doing some of that. I would like to see a program. I look forward to our meeting.

**Hardesty:** Thank you, do you have closing remarks? We will have to wrap this up.

**James:** I will wrap up quickly, thank you. So to your point about the initiative, we love it always. One of the -- when we created it we knew it had a big impact in the districts that we were targeting towards. But what we did not realize that we would stumble on a really great recipe that could work elsewhere. So one of the beautiful things that come, has come out of it is we've been able to take that model and open it up to districts who are hiring their own staffers, so instead of them going out and finding someone on Craigslist and sitting in a co-working space, reinventing the wheel, we offered them a chance to tap into the resources that we had created. So with that we are able to right now, we do that with five districts, and we are seeing the same overwhelming results you have in your report with those folks, as well. And then I want to highlight a few things. Certainly not news to you but the city of Portland is facing unprecedented challenges today. Many of which are the result of decades of disinvestment in places and people and systems of support. Each of you and your teams work very hard on that every day, and we are grateful for your efforts in that regard. But business districts are also doing their part to come up with innovative solutions and creative opportunities to address some of those needs. In the past year the central east side created the first enhanced services district in 18 years in Portland, focus on cleaning, safety, streetscape improvements, workforce development, services they are providing are thoughtful, human centered and reflect the needs of businesses, property owners and residents and people in crisis. Foster area, has spent the last couple years working with their shelter steering committee to create great solutions and strategies to

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ensure that all residents, including those in the shelter are part of the district, and today their board has a seat for the laurelwood center shelter to ensure that partnership continues. Kenton partnering with the Portland police bureau to host trainings on dealing with people experiencing mental health crises, and a few years ago venture Portland asked the city to adjust the inclement weather messaging to encourage people to stay off the roads but to safely walk to your neighborhood businesses when possible. Thank you for that. And to ensure that they held up their end of the bargain, is the Division [inaudible] developed a block captain program with stashes of shovels and de-icer that they can help each other keep the sidewalks clear during the severe events. Like many districts, kenton has a problem with people lighting off fireworks. They held a post-july 4th cleanup and collected eight truckloads of trash. St. John's, one of the other amazing things they do in response is stepped up to be active participants in place-making. They currently servesets stewards for the plaza and activate the space by scheduling community events and ensure proper permitting occurs and host fundraisers to fund maintenance projects, and they have a rapid response crime watch and reporting with the businesses adjacent to the plaza, and my personal favorite fact about this is they provide the materials for a wonderful gentleman who is a retired business owner who conducts near daily tidying up of the plaza to ensure it's maintained. We also know because we ask them and they tell us that local businesses donate to charities more than twice the rate of national chains. So in 2019 Portland's neighborhood business associations donated more than 100,000 to other charities citywide. And individual neighborhood businesses collectively contributed more than a million dollars to help keep Portland a wonderful place to live, work, and play for all. As mentioned previously venture Portland works with the districts to develop diversity strategies, help them understand the demographics makeup of the district and to ensure their membership and leadership is reflective of the actual place, and understanding and using this information has been a key component of our three-part diversity, equity and inclusion series this year, and most recently it helped the east side designate board categories for their enhanced services district. For me what is one of the most interesting aspects of the work is I don't know that anybody else is walking around the streets talking to business owners and collecting information about their demographics. Who are the people who own the business in terms of the race, gender, age, primary language spoken, and immigrants or second generation. That really help us have a better conversation about what are the barriers to starting a business? So we're excited about that work going forward, and our ongoing public-private partnership drives Portland's economy, as I hope I have made this clear our goal is to ensure the economic viability of the neighborhood business districts which means when they succeed, Portland succeeds. Thank you for your continued support.

**Hardesty:** Thank you very much. I am rushing you just a tad but we have a full agenda today. You have laid out more than enough information for us to contact you. Thank you. Colleagues, do you have any questions or statements? Karla, would you call the roll to accept the report? I am sorry, are there any people signed up? It's a report.

**Eudaly:** I move the report.

**Hardesty:** Thank you, is there a second?

**Fritz:** Second.

**Hardesty:** Karla call the roll.

**Fritz:** It is difficult to, to participate remotely. Thank you very much for that presentation. It was really good on the television as well as in person, I am sure. Thank you first of all to commissioner Fish who was, as you said, a great supporter of venture Portland, and his policy advisor, thank you for continuing the great work and providing such support there. Thank you for mayor hale, who as mentioned, gave ten years of [inaudible] and for stepping in, the new leadership team is inspiring. Portland is our neighborhood business

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district, and this is one way that we need to focus [inaudible] places where people can walk to their neighborhood businesses and enjoy them without having to drive there, and I appreciate this, especially the note about getting, giving to charity, and I know many businesses are very generous with their time and treasure in supporting all kinds of different [inaudible] to make The organizations right here in Portland. Thank you very much. It's really a credit -- I was reminded, thinking to myself of commissioner Fish's efforts to bring more park services to east Portland when he was the park commissioner in his first term, and how the greater community some how didn't want to invest in east Portland. But when he tried again with the business district, and making sure that the [inaudible] and in the african-american communities in the inner northeast. It's so much more accessible, so I am glad to see that we're making progress incrementally and also [inaudible] and happy to accept your report. Aye.

**Eudaly:** Well, thank you again for being here. Thank you for your acknowledgment of commissioner Fish. He quietly did a lot of really innovative work across the city in multiple arenas, so thank you for helping us continue to honor him, and I look forward to meeting with you soon. I vote aye.

**Hardesty:** I want to thank you for your very detailed report. There seems to be a sense of excitement that continues with venture Portland and the work you are doing in the local communities. I am looking forward to a toy that I am -- to a tour on the central east side because we did set up that service district different than all the other ones that have been set up previously. Really centering the people as Compared to centering some other activity, and I am looking forward to seeing it in action, and thank you for the work you do, I vote aye. We are going to take a five-minute recess and we will come back and continue with the agenda.

**Roll Y-3**

**Recessed at 10:54**

**Reconvened at 11:03 (Mayor present)**

**Wheeler:** We're back in session. Have any items been pulled from the consent agenda?

**Moore-Love:** Yes, we had a request for 69, 70 and 72.

**Wheeler:** Please call the roll on the remainder of the consent.

**Fritz:** Aye.

**Hardesty:** Aye.

**Eudaly:** Aye.

**Wheeler:** Aye. Consent agenda is adopted. Please call time certain items 65 and 66 together.

**ITEMS 65 & 66**

**Eudaly:** This is a 20 year plan that provides for how we will get around in a growing city. It must be regularly updated based on sound analysis. This is especially important as we continue to face the climate crisis and overcome historic inequities in transportation investments. We must have both a sense of urgency to move quickly and to have a long range vision for what we're trying to achieve. This update incorporates planning done since the adoption of the 2035 tsp. It brings in recommendations from ped pdx, growing transit community plans and the corridor plan representing the aspirations of community and hundreds of hours of time community members spent on development of these plans. The update also supports the 2040 regional transportation plan which metro passed in 2018 and maintains compliance with this important regional plan. All of these updates are considered minor and technical. Moving forward pbob will be reviewing the tsp on a biannual basis so there's plenty of time for people to engage on that larger conversation starting very soon. I would like to offer two amendments. Amendment 1 includes the new projects and project amendments from southwest in motion and building healthy connected communities along the division transit corridor plan as listed in the amendment

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1 table. The justification for this amendment is that in december 2019 council passed a resolution, the southwest in motion plan and building healthy communities along -- could someone have come up with a longer title for that? [laughter]

**Wheeler:** No.

**Eudaly:** Along the transit corridor report. Both plans included recommended projects to be included on the tsp project list. Because of time and scheduling the projects weren't considered in november as part of the update. Since these plans have been adopted by council it makes administrative sense to include them as part of this update. Number 2 is to remove the proposed major city walkway pedestrian classification for the entirety of the private southwest drive from sam jackson park road to southwest terwilliger boulevard. The entirety of the private southwest campus drive from southwest sam jackson park road to southwest terwilliger boulevard shall not have a pedestrian classification. The justification for this is that southwest campus drive is private that goes through the ohsu campus. This part of pdx was recommended to have a major city walkway classification included in the tsp update. Ped pdx tried to avoid placing classifications on private streets. Since it's a private street and to be consistent with the approach taken by ped pdx this should not have a pedestrian classification.

**Wheeler:** I'll second both and we'll keep them open and listen for testimony on these items.

**Eudaly:** Thanks. I would like to ask eric and bob from pbob to provide an overview of the update. Hopefully I won't have to say terwilliger again. [laughter]

**Wheeler:** Before you jump in, commissioner, to be clear both amendments related to the resolution or to the ordinance?

**Bob Kellett, Portland Bureau of Transportation:** These are both for the ordinance.

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

**Eric Hesse, Portland Bureau of Transportation:** Thank you, commissioner, mayor, commissioners, I manage our policy section of the planning division and we're responsible for maintenance and update of the plan so we appreciate the opportunity to bring this to you today after engaging with our community members and a number of other bureaus on this work to do this minor technical update. We appreciate the note about moving to a more frequent update so we continue to update our transportation system accordingly. I appreciate that. [audio not understandable] thoughtful about building that ongoing cycle into the future. We look forward to engaging with you on that in what will be a more significant policy refresh going forward.

**Wheeler:** Good idea.

**Kellett:** Thank you, eric. Mayor, commissioners, i'm bob, planner with Portland bureau of transportation. Eric provided context and I will provide a brief overview of the substance of what is being updated. Just as a bit of background the 2035 transportation system plan was adopted by city council in three stages between december 2016 and may 2018 it became effective june 2018. The first two stages were part of the state periodic review of the 2035 comprehensive plan so the tsp is the state mandated transportation element of the comprehensive plan. This update is technical, administrative in nature, only amends a small portion of what you all adopted in the 2035 transportation system plan. This follows the legislative process with a discussion open for public comment followed by a proposed draft and public comment planning and sustainability held a meeting on november 19 and voted on the draft before you today. Why are we amending the tsp? The reason is a number of the plans and projects that influence the transportation system plan have been adopted since the adoption of the tsp. These include ped pdx, which you all adopted in june 2019 as the city's new pedestrian master plan, enhanced corridors plan adopted by council in june 2018 looking to improve the speed and reliability of transit in our city. And transit community's plan adopted in september 2017 and that's a plan that looked at

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increasing and improving access to transit in three corridors in east Portland. Finally the regional plan, 2040 regional transportation plan adopted by metro council in december of 2018. The regional transportation plan is the region's transportation system plan and the tsp has to maintain consistency. As part of this update we'll maintain consistency with what was adopted by metro council in december 2018. All of these actions also helped further the comprehensive plan, another layer of planning that the transportation system plan is part of. So four categories. Policies, classifications, major projects and supporting chapters of the tsp. First for the policies minor changes to a handful of existing policies including policy 9.22 it related to public transportation stems from a recommendation from the enhanced corridors plan. We have a couple of housekeeping changes as well as community involvement objectives then broadening 9.68 and 9.69 --

**Hardesty:** Could you give us a one-sentence description of what's being updated as it relates to each of these policy areas?

**Kellett:** Sure. So the policy 9.22 public transportation, it's essentially adding language that says for trips three miles or longer we want to be able to prioritize public transportation, make it easier for people to get longer trips. [audio not understandable] 9.9 we adopted, it's a performance standards that we do to measure vehicle delay and so we adopted as part of the transportation system plan but the table that was adopted was not part of the comprehensive plan so it's just bringing that into alignment. The community involvement objectives as part of the update to the comprehensive plan we got into the term objectives and made them subpolicies. That's what we're doing with that housekeeping. 9.68 and 9.69 are related to the future, autonomous vehicles. We're trying to go ahead ahead of what we anticipate will be coming out on the roads. In the interim we have seen new technology like e-scooters that are emerging and we're trying to broaden that so we can reset the broader framework of addressing new technologies. I know this is very technical so i'm happy to take a breath and pause. Next up are classifications describing how the corridor is used today as well as in the future. To put those changes from this update we're bringing in the proposed pedestrians classifications and descriptions as recommended in ped pdx. We're changing some bicycle classifications. We have two laser, one city bikeway, the second major city bikeway. So we're changing for portions of four existing bikeways, 20s bikeway, the 50s bikeway, southeast foster as well as northeast and southeast 48th. In the regional transportation plan the classifications are a little bit off. Finally we're proposing changing the bike classification on sandy boulevard. Finally in the process of doing this update we have discovered some technical errors so we're correcting some mapping errors for the bicycle emergency response and design classifications. We want to thank the bureau for pointing those out to us. We work closely with the fire bureau, the bureau of planning and sustainability so we are making our policy the same as what they are trying to accomplish as a list of major projects that will help us accommodate the growth for the next 20 years in the city so through this update we're amending a subset of the existing policies as recommended from the plans I mentioned earlier as well as adding new projects to our financially unconstrained list as recommended from communities enhanced corridors and the 2040 regional transportation plan. All these projects as we develop a list we put it through a methodology where we evaluate for equity, safety, health, access, cost and economic benefits. We have done that and feel comfortable adding to our list based on our evaluations. The final bit that we're changing, this is part of the resolution, changing the supporting chapters of the tsp, these are not part of the official comprehensive plan but it explains what the tsp is and how we're going to implement it and go forward with it so updating that for readability, clarity. We recognize this is a big, lengthy document not very accessible so every time we update we want to make it more accessible, shorter, easier to understand. I want to thank everybody along the way who has provided feedback and comments. We have gotten really good feedback from

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community members. It's not always easy to access a document like this. I thank people who showed up today to testify. It's really valuable to hear from community members what we can do to make things better. It's a lot of community time spent and I really value what they have done to help us get to where we are today. Some of the things you may hear that we have heard, discussion about the bicycle classification on sandy boulevard. That came up with the planning and sustainability commission. Chris smith can talk about that you might hear about how pedestrian classifications will be implemented and conversations about -- [audio not understandable] what commissioner eudaly did with her amendment the southwest in motion planning projects as well. So what we are asking is the components of the comprehensive plan then the resolution is the supporting sections. So today you'll hear testimony and you heard the amendments, offer other amendments then we anticipate a second reading and final vote on february 5th. With that I want to close by thanking a lot of people because even though this is a minor technical update it takes a big effort. First my colleagues at pbot, excellent team that has worked really hard for many years to do this. Also thank the staff of other bureaus for their collaboration including the bureau of planning and sustainability who are excellent partners in this. Parks bureau, we have had great conversations. Bds, fire, many others as well as our regional partners at metro, trimet and odot. They have all been very helpful as we move forward with that. Thank you.

**Wheeler:** Are your colleagues who work with you, are some of them here?

**Kellett:** They are back there.

**Wheeler:** Thank you very much. Appreciate it.

**Eudaly:** Thank you. [audio not understandable]

**Eudaly:** Next up we have invited testimony, correct? Psc commissioner chris smith to summarize the planning and sustainability commission's recommended draft. Welcome. Please state your name for the record even though -- welcome back, chris. Can't get enough of this place. [laughter] unlike eric. Please state your name for the record even though I just said it five times.

**Chris Smith, Member of Planning and Sustainability Commission:** Chris smith, member of the planning and sustainability commission presenting the recommendation. I would like to highlight first our excitement at including the two transit projects in ped pdx. These are important projects for our ongoing goals of modal shift within the city. I want to highlight a couple of conversations during our briefing process, don't actually show up in formal motions but they are important. One is around privacy. There is language in this tsp update about how we treat and anonymize user data for scooters, they are starting to throw off a lot of data. How that reconciles with the privacy standards created through our open data and smart cities initiative and there's work happening at that intersection and we encourage that to continue. Bob also touched on the autonomous vehicle section and that was important conversation I think because during the three stages of tsp development we completed as part of comp plan we focused on autonomy which is to be the big technical innovation coming down the road. Any time you try to predict technology you're at high risk of being wrong. We didn't see the scooters coming but between the ability of acts to locate resources, aggregate users and changes in technology, batteries and motors we have a whole new phase of micro mobility happening. Whether that's scooters or e-bikes there's the potential for much smaller people to help move people around, very complementary to our strategy in the tsp. That got renamed new mobility, a broader set of thinking and it's important to realize we're encompassing a bigger set of technical innovations happening in the marketplace. This goes back to a conversation we had in the comp plan. Some of you may recall we had adopted the bicycle master plan in 2010. Didn't integrate it into the tsp and comp plan until the second or third update, 2017-2018. The bikeway network was already seven or eight years old and we asked the question, things have changed. We

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built new things, other things have changed, should we reexamine the major city bikeway network. Staff at that time said no, the right time is when we reconcile with tsp, with the regional transportation plan, so when this process started we had a new set of faces at staff and we were reminded of that conversation several years ago, replayed the tape, oh, yeah, you did promise to do that. We had a good conversation about that and the metro model pointed to a number of segments that should be added to the major city bikeway including foster boulevard which we have done a modest round of streetscape and bike improvements on but it's an important bicycle connection. It did not include sandy so we brought that. Noticed that sandy boulevard has the highest available classification for walking, for transit, for automobile traffic, and for freight. It only has the ordinary classification for bicycle movement. So we said that's really not consistent with comp plan policy 9.6 which is our strategy for people movement. Walking, biking, transit then motor vehicles so we unanimously recommended to add a major classification to include sandy. It's the other digital connector that will be important in the future. Two final thoughts. One is that we knew that southwest in motion was in place as we were doing this. It wasn't adopted by the time we made our recommendation but we specifically put in our letter. If southwest in motion gets adopted you should include it in this adoption so we're in favor of amendment number one commissioner eudaly has proposed. The commission wanted to highlight how important these changes are to our climate change strategy, reducing amount of vehicle miles traveled, reducing greenhouse gases. These are all important steps forward.

**Wheeler:** Thank you.

**Eudaly:** That's it is for the presentation and invited testimony. Back to you, mayor.

**Wheeler:** Do we have others signed up for the resolution or the ordinance? [audio not understandable] i'm sorry, 65 or 66.

**Moore-Love:** terry parker, maggie, charles "bridge crane" johnson.

**Wheeler:** Three minutes, name for the record. The microphones slide around. Six inches is about right. You're all pros at this, though.

**Terry Parker:** Thank you for the three minutes. I appreciate it. I'm terry parker, I live in northeast Portland. Changing the classification of sandy boulevard from a city bikeway to a major city bikeway is not a minor tsp update. For northeast Portland it's a major update that will have negative impacts on liveability. Removing a full service traffic lane to add dedicated lanes of privilege for bicyclists which is what I understand pbot wants to do will significantly increase congestion, increase fuel consumption and increase emissions. Although some drivers will disperse to other already congested routes the plan will not reduce the number of cars. Cut through traffic will increase. Any removal of on-street parking possibly due to the rose lane project will create a negative impact for the small and minority businesses that line sandy and double the negative impacts on nearby residential streets. Everything will simply not fit on sandy. It's my understanding pbot and odot have a binding agreement where pbot cannot make a change to a surface street that will add congestion to i-84. Since sandy is a release valve for i-84, pbot cannot reduce the motor vehicle capacity on sandy without the state being involved. Where is the necessary environment impact statement? There's not even been a full motor vehicle count on middle sandy since october of 2015. Why weren't the impacted neighborhoods directly notified before the planning commission railroaded its ivy tower recommendation? Almost every time pbot has mentioned at some of the community meetings somebody makes a comment you can't work with pbot anymore or they just do whatever they want. They have lost trust with the community in my neighborhood ignoring options or objections, excuse me, pbot chose the most unsafe route for the 60s bikeway. We still would like that changed. You should have gotten the message from our neighborhood chair on that. Removing traffic lanes or on-street parking are excellent reasons for tax paying motorists

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to vote no on renewing the street's 10 cents a gallon gas tax. Reclassification of sandy as a major bikeway needs to be rejected. Thank you.

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

**Maggie:** Hi. I'm going to comment on this in a general way since 2018 there's been a \$15 tax on new bicycles. I think they should get something for their money. Also there are a variety of ways to get people out of their cars into public transportation, and I think we need to work on reducing the number of cars on the road by increasing the number of choices that are available for people to commute and so it's really sad that I love these market driven things of uber and lyft and it's really sad there have been just like in india as in here there have been attacks on women driving those cars and we need to make it safer for customers to use these market driven uber and lyft whether we have more women drivers on the road, this would be great for immigrants. They have got those cars with the new \$99 lease it for \$99 a month. That would be great for immigrants for extra money or anybody else. Students, seniors to drive these -- to be lyft or be uber. They pay \$99 a month on a lease and they go around. So these are ways to reduce congestion and also one more comment. I would like to say that I traveled in mexico back in 1994, and I was amazed at how they had a market driven system and how much less infrastructure they had in terms of their transportation but I always, always had transportation whether it was a colectivo, a micro bus and you can sit eight people in there and they pile the bicycles and all on top or in a cattle car or bus. The bus drivers were always the nicest people I ever met. So I believe in this. The bus driver are great here too, but we have enormous behemoth and all this overhead, and then we have a lousier system. So let's make it a market driven system and get people to -- students, seniors, get them in the lyfts and ubers, make sure they have background checks. They are specialized maybe to drive women or children or students. So let's make the market driven safer and get more cars off the road.

**Wheeler:** I know who you are. Could you state your name?

**Maggie:** Maggie, Portland homeless town hall.

**Charles BridgecrAne Johnson:** Good morning. I'm just going to take this and completely digest it in three minutes. I do want to thank the pbot team for getting the 90 pages of the tsp electronically linked so when people go to the agenda there it is. Generally I like eis, one that tells us the rose quarter freeway expansion is insane. Hopefully because everyone is beginning to realize that is a dead, dumb idea. Thank you, governor brown, even for getting on that. Let me talk about inter modality, some different changes are happening. We used to have a very large kind of saudi arabian airport canopy style greyhound bus station. We don't have that any more. Used to be a whole bunch of homeless people there but they got swept yesterday. It's hard to think this town gives a crap about pedestrians because you have fenced off with ugly, cheap chain link the covered walkway that covers people from the rain when they walk from the max stop to the union station amtrak station. So when we look at the boots on the ground's impacts right here in the heart of downtown, there's not a pedestrian sensitivity. There's homeless -- chain link fence is more important than pedestrians. Elderly people taking their wheeled luggage back and forth from the greyhound station, screw you all, we had to fence you out in the rain because we had to fence closed covered sidewalk that was part of the architecture of that building. Sandy came up. The idea of an impact study killed off the rose quarter freeway expansion I don't know what the proper tact to take is. As an occasional bicyclist to me any kind of hypotenuse is very important so we should make some way for bicycles to safely access sandy because as it was described it's a diagonal cut from the grotto into downtown instead of having to zigzag two sides of the triangle you access one side. I'm not a deep researcher and some call it the war on cars but the cars never die. It's people that die. So I hope that we can hear from pbot some of the facts, not just the idea that we put groovy

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bike lane labels on things but we know why it's important to get people and bikes on that diagonal route. Thank you very much.

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

**Eudaly:** Mr. Johnson, I want you to know the former greyhound station is privately owned and the owners of that property would have had to apply for a permit and put up that fence. That wasn't something pbot or the city did.

**Johnson:** I know they are closely linked but I had not had a chance to look at the Portland maps. Thank you for your input.

**Wheeler:** Next three.

**Wheeler:** Welcome. Thanks for being here.

**Moore-Love: Edith Gillis, Debbie Small, and Don Baack**

**Edith Gillis:** Thank you, commissioner eudaly, for your caring and integrity for your staff and for the Portland department of transportation coalescing this. Thank you, commissioner hardesty, for making sure we're looking at more inclusivity and public engagement. I'm grateful for the good intentions and grateful for the progress and I want to celebrate and support more progress. Part of the community engagement is to have us go out to the communities during their hours with free transportation, free parking, child care, protection, inclusivity and translations. Over all i'm really grateful you're putting walking then bicycling, public transit, safety, and I like us to have multiuse space so that it's also a pathway to green ways and that we're prepared for the gas line explosions and the earthquakes in which we need to have pathways to be able to transport when the roads and vehicles are not accessible. Over all i'm saying thank you, yes.

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

**Deborah Small:** Good morning. I'm deborah small. I'm here representing southwest trails. I'm vice president of this organization and we have a long history of advocating for walking and bicycling in southwest Portland area. I'm here today with two simple things. I have an ask then I have the statement of support. My ask is that there have been -- i'm sorry, i'm looking specifically at the red electric trail, part of the tsp. There have been two proposed accepted approved routes, and I am asking that both of the routes be given equal space if you will. Equally represented in the plan. That's basically what we are asking. So the two routes that we're talking about is the one that ends at willamette park, and then there was another approved route that ends at the ohsu waterfront pathway which goes along flavin. It's my understanding that the one that goes along flavin is footnoted without any kind of supporting documentation and we would ask that both would be treated equally as you consider going forward with the project. Then my statement of support is going to be for the flavin corbett route. I'll tell you why. We do have a slide three that basically -- anyway, we have slides that show -- there we go. I don't see the colors, maybe you do on your screen, but there's one that's like a lime peel green. That's the flavin and then a red zigzag one that goes from willamette -- the one from flavin provides better access to the public housing facilities that are close to there, which is important when we're looking at access. The walkability of the flavin is much easier walking than it is if we looked at the one that goes from willamette park. The one from willamette park basically is a \$253 foot elevation. 8% grade. It goes for about 3,000 plus feet. The flavin if we're looking at the construction it needs we're looking at five to 600 feet of sustained climb with only a 43 foot elevation. So we would express our support for the flavin and basically that's why. Thank you.

**Wheeler:** Thank you.

**Don Baack:** I'm don baack, commissioners, mayor wheeler. Basically the reason for this is we have been told by staff it's already in the tsp, however there's a footnote. There's been a problem with that. In 2011 when the i-5 bridge was let for bid it was much lower numbers than had been expected. Regional officer of odot invited two staff people from pbot, one from parks to potentially look at this where he would fund actually approving it. He told me

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we're not interested. Why would that be if it's on the tsp system second when metro was going through their planning for the southwest corridor I was told we didn't have to consider electric because it doesn't affect us. It's at the bottom of the gully. That's a huge investment and number two it's not feasible even though metro's model shows huge demand for an accessible way to get into southwest without barbur or capital highway. We want to see as the preferred route the route from park hill drive down across what's currently -- well, basically across the new bridge that would be built across the gully and connect to the bridge via flavin road. As was noted that's really an important connection. You look at all these zigzags, that's switchbacks. That whole hillside would be basically concrete if we did what parks is thinking is their preferred alternative. This is much more economical. Second following up on that southwest trails are capable of building a pedestrian trail that would get us from the -- sorry. Get us from flavin road about 700 feet of construction there, and then in addition to that we could build short segments of trail in Portland parks. We are very experienced at doing this. We got back as you saw the testimony, I won't go through detail but a long explanation from parks that we can't because of all kinds of reasons in my view total nonsense, not true nor valid. It is the kind of thing where we can open up a pedestrian connection for a lot of people in the low income identified in an earlier slide to give them a way to walk into hillsdale. It makes one more avenue we can move forward. The thing is in addition to make sure because of the change in the tsp that the current southwest corridor planning includes that. Thank you.

**Wheeler:** Thank you, don. Appreciate it.

**Baack:** We have blue ribbons for human sex trafficking month for you.

**Wheeler:** Thank you. Appreciate it.

**Moore-Love:** The last person is diana gutman.

**Diana Gutman:** Good morning. Good morning, madam president, mayor, council. I am in favor of this amendment. I wanted to say thank you to the presenters and especially providing the tsp link in the agenda items. I review that every week so when going through the city council agenda it was really nice having all the information. So thank you very much. I appreciate that. I think that the bike updates is going to be a really great thing. Even taking the extra mile for correcting the maps that's vitally important to our city because we are a transit city whether it's vehicle, bikes, buses, e-scooters, e-bikes, walking, et cetera, we are constantly on the move as Portlanders. I really did have a question, though, for the pedestrian classification implementation. That was a little unclear to me so I was hoping get a little more clarity how that affects the pedestrian in general and really what is that. I have been reading through it and i'm not understanding that. That is my question. Mostly I want to acknowledge someone that was speaking about having equal attentiveness to the two pathways that are going to be updated and improved. I think that is so, so important to have that so that the pathways for the willamette park and for ohsu would be something safe for all Portlanders to travel on and even people visiting our city will be able to enjoy that pathway just as well. So with that said this is going to have a lot of great things for our city. We're not done here. I'm just excited and encouraged for this presentation. Thank you.

**Hardesty:** Thank you, mayor. Diana I want you to know that pbot staff were taking notes so I think they are going to have answers to your questions. They were listening intently and writing. Appreciate you being here. I also want to say good for you. That's the only part of that document that you didn't understand? There's a lot of info in that document. Right?

**Gutman:** A little confusing.

**Hardesty:** I want to say congratulations for a layperson to read through all that document and you only had the two questions that you had, i'm amazed. Thank you.

**Gutman:** Thank you.

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**Wheeler:** Commissioner eudaly.

**Eudaly:** I would like to call bob back up to the table, please.

**Kellett:** Eric doesn't get to come up again? [laughter] i'm joking.

**Eudaly:** I was just taking a stab at who might want to answer the issues raised by southwest trails advocates.

**Kellett:** Sure. So I really want to appreciate and honor the southwest trails folks. They are tremendous advocates for their community, our community, and we share with them the enthusiasm, excitement for getting the red electric trail built to serve all of Portland. It's an important regional connection as well. The red electric trail is currently in the tsp, in six different segments. It was adopted based on the red electric trails study which pbot and the parks bureau jointly did back in about 2005. So in the tsp, the segment brought to your attention today it says basically build red electric trail as referred to in this red electric trail study. So in the red electric trail study it does have a few different alternatives path for how the trail can go. It's not saying it has to be one way or the other. It's just saying we want this built. So when we get the project level is when we actually would build the trail that's when the decisions would be made based on feedback from the community, topography, financial constraints, et cetera.

**Eudaly:** There will be opportunity for public input at that time.

**Kellett:** Absolutely I talked with parks and they agree there's nothing prohibiting the trail from being built the way it's described here.

**Eudaly:** What's your response to the request for it to be more explicitly referred to in this document?

**Kellett:** I don't think the tsp is the place for that to happen because this is the 10,000 foot view. Then the actual alignment at the project level.

**Wheeler:** Commissioner hardesty.

**Hardesty:** Thank you for those explanations. If you're talking about southwest trails these folks are the experts. If they have been volunteering in their community for as many years as they have been volunteering and repairing trails if they say to me just having it as a footnote means it's not at the same level as something else I would actually really take that into consideration. Figure out how to incorporate it so that when we're long gone other people will look at it and say, no, these things are on equal footing. You know, I really trust these folks because they put their hearts and souls into our trails. Figure out a way to revise it so it clearly reflects both options are on the table, just depends who does what first.

**Kellett:** Thank you, commissioner. I appreciate those comments. It may be an issue we don't necessarily have to revise the description of the project, more how we're showing it on the maps.

**Wheeler:** That's exactly right.

**Kellett:** The maps are not necessarily tied to a legal requirement, more of this is an illustrative alignment. We could probably work to do that to show the maps in different alignments.

**Wheeler:** I'm in agreement with commissioner hardesty on this. I believe you're technically correct. I want to be really clear about that. I think that the intent should be crystal clear in case it takes more time to execute. I want to respect the work that don and others have been doing on this.

**Hesse:** We'll make sure -- we agree with the intent as well. We'll try to do that without adding to the one central map --

**Wheeler:** We don't need to do that. Thank you.

**Eudaly:** There were a couple of other items.

**Kellett:** Yes, the last testifier had a question about pedestrian classifications.

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**Eudaly:** Still talking about southwest trails. There were three items, right, not just the red lines?

**Hardesty:** That was the big one.

**Eudaly:** Okay. All right. Go ahead.

**Kellett:** Just to touch on the pedestrian classifications, through ped pdx, a network was identified based on safety and equity and demand so the lines that we are proposing are implementing that. How that translates into real life, not just tsp life, is that when a new building comes in and has to build a frontage, a sidewalk, it can impact the width of the sidewalk or the standards that are in place in terms of bigger project, transportation projects, it gives us direction about spacing for crossings and those sorts of issues as well. In general the higher the level of the classification the pedestrian classic the wider the sidewalks the more frequent the crossings, et cetera.

**Eudaly:** Thank you. Any other questions?

**Wheeler:** Commissioner Fritz, did you have any questions?

**Fritz:** No, I don't. Thank you.

**Wheeler:** I want to wait for commissioner hardesty to come back. Let's take a two-minute recess.

**Wheeler:** We're back in session. Thank you, everyone. We have now completed testimony. Item number 65 is a resolution. At the suggestion of legal council we will move that to february 5th. I'll get to that in a minute. We'll not vote on it today. Item number 66, we have two amendments that are on the table. I believe we can go ahead and vote on those two today then we'll move the ordinance to the second reading. Karla, on amendment number one please call the roll.

**Fritz:** Aye. **Hardesty:** Aye. **Eudaly:** Aye. **Wheeler:** Aye.

**Wheeler:** Number 2. **Fritz:** Aye. **Hardesty:** Aye.

**Eudaly:** Thank you for the presentation. Thank you to everyone here who testified today. Before I vote I want to apologize to my colleagues for the use of comic fans in this pbot report. [laughter] some people think it screams fun. It screams something else to me so I want to go on record I don't want to see that in any pbot materials moving forward. [laughter] I vote aye.

**Wheeler:** I wish I could come up with something that interesting. [laughter] I vote aye.

**Wheeler:** The amendment is adopted. So item number 6.. we voted on it. Didn't we just vote?

**Eudaly:** Yes.

**Wheeler:** We have approved both amendments. They are good amendments. Congratulations.

**Wheeler:** Item number 65, which is the resolution, will be continued to february 5th at 11:00 a.m. For second reading and final vote. Item number 66 is a nonemergency ordinance. It also moves to second reading as amended. That will also be february 5th at 11:00 a.m. For second reading and final vote. The record is now closed on both items.

**Eudaly:** Thank you.

**Wheeler:** Legal counsel is shaking their head yes. So we're good. That gets us to our first regular agenda item, number 73.

### **ITEM 73**

**Moore-Love:** Item 73

**Wheeler:** Colleagues, item 73 is a report from the police bureau regarding ppb's cooperation with the joint terrific task force following formal withdrawal in may of 2019. The council is committed to ensuring Portland police bureau has clear guidelines on when it can partner with the joint terrorism task force. City council resolution 37424 and Portland police bureau directive 750.00 spell out the parameters of that engagement and cooperation. Per resolution, 37424, the chief of police may upon the request of the

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Portland fbi special agent in charge, temporarily assign Portland police bureau officers to work with the Portland fbi joint terrorism task force to assist in the investigation of any individual suspected cases of terrorism and/or threats to life including hate crimes in or having a direct nexus to the city of Portland where there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. The chief of police while remaining in compliance with Oregon state law shall request the fbi jtff share any and all information related to terrorism and/or threats to life including hate crimes, pertinent to the health, safety and welfare of all people who reside, work, worship, attend school in and or recreate in the city of Portland. The chief of police shall request that any such information that requires ppb action to be immediately shared with the Portland police bureau criminal intelligence unit for review and investigative action. Resolution 37424 required a directive be written by the Portland police bureau. Portland police bureau directive 750.00 has been created and adopted. The policy details the specific circumstances when ppb can cooperate with the fbi pertaining to specific threats to our community. Today the Portland police bureau is here to provide a report detailing the frequency with which the fbi special agent in charge requested the assignment of Portland police bureau criminal intelligence unit officers for an investigation. The number of cases that were referred to the Portland police bureau by the fbi, the number of cases that were referred to the fbi by ppb. The nature of the closed cases referred to the Portland police bureau by the fbi including the demographics of the person involved and the disposition of those cases. With us today are chief resch and sergeant simpson to give us a presentation. For the record, there were a number of organizations that submitted letters relative to this report. While the report is fairly specific in terms of what we are asking the police bureau to present today, I did ask the chief to review those letters and comment on the questions raised by those letters. Many of the questions go beyond the scope of this report but I think it's still healthy for us to have a discussion about some of the issues raised in those letters. Without further ado, chief, welcome. Thanks for being here.

**Chief Jami Resch, Portland Police Bureau:** Thank you for having us. I'm going to turn it over to sergeant simpson to present the report and hopefully answer the majority of questions.

**Sergeant Pete Simpson, Portland Police Bureau:** Good morning, mr. Mayor, madam president, members of the council, would you prefer I read the report throughout or just highlight the main topics?

**Eudaly:** [whispers] Highlight

**Hardesty:** I think we prefer you not read the report.

[Laughter]

**Simpson:** That's why i'm asking, Maam.

**Wheeler:** Highlights are sufficient. We have all had time to review it. You don't want the long version? We have all had a chance to review the report. Thank you for the report..why don't you just highlight –

**Resch:** For the community's knowledge there will be a link so you can read the entire thing.

**Wheeler:** Where is that link?

**Resch:** On our website.

**Wheeler:** Alright, Portland Police Bureau website

**Simpson:** It's a fairly brief report but there's a lot of information so i'll talk about the main points that the resolution calls for us to do. The resolution was passed in may and one of the things it established was the police bureau create a directive. That was created and enacted on january 2nd. It's fairly comprehensive and requires every member of the organization read and acknowledge their understanding of that directive. The resolution also requires that annually the city attorney train members of the criminal intelligence unit

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on applicable state, federal laws, ensure compliance. That training did occur this January. It did occur last January as well. The city attorney's office confers with the state attorney general's office. At this point the city attorney has conveyed they are not aware of any changes in state or federal law precluding us from legally working with the JTF, should there be a request for assignment by the FBI. The four areas are the frequency with which the FBI special agent in charge requested an investigation. The number of cases that were referred to the police bureau by the FBI. The number of cases referred to the FBI by the Portland police bureau. And the nature of closed cases referred to the police bureau by the FBI including the demographics of persons investigated and disposition of those cases. To the first question, the frequency with which the FBI requested assignment of PPB officers for investigation, the answer is none. No requests came in post resolution for PPB to assign someone to the FBI. The number of cases that were referred to the police bureau by the FBI, there were ten cases the JTF referred to the Portland police bureau. Nine are closed and I will go over those cases in brief. The number of cases that were referred to the FBI by the Portland police bureau, PPB, CIU, referred 12 cases to the JTF for review. The nature of those cases includes bomb threats to critical infrastructure, public buildings, private entities and places of worship. Reports of racially motivated violent extremists and threats to public officials. Officers conducted preliminary investigation of the known individuals involved in those cases. There was one black male and all others white males. Several of those cases did not have identifiable subjects. On the closed cases refer to PPB by the FBI as I said there were ten cases. Nine of those are closed. Out of those nine, the demographics are eight white males and one white female. There is one open case that we do expect would be reported in the next year's report barring anything unforeseen. Would you like me to go over each of the nine cases?

**Hardesty:** I don't think so.

**Simpson:** Regarding oversight and improving processes moving forward, as stated last year all PPB officers are required to follow all directives, policies, state laws and applicable federal laws whether working with or without the FBI. They are subject to all accountability measures that are covering all Portland city employees as well as police bureau employees regardless of their assignment. If they were to violate any of those actions could prompt investigation resulting discipline up to and including termination. Legal violations could result in criminal investigation and prosecution. Chief Resch has indicated she will take an active role in this process and regularly meet with the criminal intelligence unit to review and discuss any information that is going to or from the FBI. That is an added layer of oversight that we are going to do in the next year. And the directive that was enacted in January of 2020 is up for annual review. So we will seek specifically seek public feedback as well as council feedback on things that we might need to add or change in our policy, and the feedback that's been given to us so far will certainly be incorporated, reviewed and discussed to determine if we need to make additions or changes to policy. We can't change much because there is a resolution that's binding, but we could certainly add or tweak things accordingly. With the feedback was provided to us in the form of letters I reviewed, chief and I reviewed those. There's a couple of areas I would like to address some of the concerns raised. One of the areas was in the ten cases that were sent to the police bureau nine of which were resolved no. Involving criminal offenses, one of which is still open. The process piece there is these are incidents or information that is reported to the FBI that has been assessed at their level and they determined that there's a local nexus or this should come to Portland for Portland's review and determination of any violations or threat. Once they pass it to us we do that same process of determining is the information, is there an active threat, is the information here a crime, what investigative steps might need to be taken or what resources do we need to address this issue. So the result of them is that there's no criminal violation but at the front end when the reports are

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taken from people it's unknown. There may be indicators there is a crime that may be occurring at some point which triggers the review. We're very conscious of the state law that prohibits looking to things that are not crimes and gathering information about people exercising their first amendment rights or otherwise not violating the law. One of the other issues was raised that the report does not get into the same level of detail about the 12 cases that referred to the fbi as the ten cases that were referred from the fbi. That's specific to the resolution which dictates the layer of information that should be provided. We did add the paragraph that summarizes the 12 cases to provide some context to what we're sending their way. But certainly that concern we heard that from a couple of commissioners and the community, and that's something we'll discuss for next year's report about ways to expand that level of information to increase sharing information with the community. The third issue that was raised in a couple of hearings was a concern about the jordan cove pipeline in southern Oregon and communication between the police bureau and the fbi on that matter. It's a little mischaracterized in that there's a lot of information about jordan cove in the public sphere that i'm aware of. We were contacted that the police bureau's contacted by a sheriff's office, coos county sheriff's office, asking us if we had any information regarding anyone planning to go down to the pipeline protests and commit criminal acts. If we had anything could we let them know. Our response was of course. If we have information about criminal activity coming your way we'll let you know. That was the extent of that conversation. That was between a sheriff's office and the police bureau. It really is outside the scope of the jttf from our angle. We didn't work anything to do with it there. The concern about the environmental activism and law enforcement intervention certainly is an important one raised in a number of these letters. For clarity sake, for people in the community, behavior is what we're looking at, so it's not the topic and it's not the affiliation with an ideology that necessarily is going to get law enforcement looking at what's happening, it's what behavior might occur or has occurred or is occurring. Blocking a highway for example is a behavior-based issue. We're not concerned with why someone might want to go, it's only if they are planning to commit criminal activity. I realize it's a fine line for some people but for us it's a very bright line for law enforcement. The other issue that came up in one of the letters was regarding immigrations and customs enforcement, being a member of the jttf. It's homeland security investigations. That's a different branch, if you will. Ero is the immigration side. Hsi does investigations of things like intellectual property and trafficking of goods in and out of the country. Either way we are not involved at all with ice as clearly stated in state law, city policy and directive. It's not been an issue at all for us, there's never even been a question regarding this process and ice.

**Resch:** The only thing I would like to add, commissioner hardesty, when we met earlier I had reviewed all of the cases sent to us or we sent to the fbi so i'm fully up to speed now.

**Hardesty:** Excellent. Thank you so much for the presentation. Thank you, mr. Simpson, peter simpson. Sergeant?

**Simpson:** Sergeant is fine.

**Hardesty:** I find it hard to read those things sometimes. I appreciate your report. But there's some things I want to make sure we have on the public record. As you know the public has a huge interest in whether or not we are cooperating with the joint terrorism task force and the public was very involved when we actually passed this resolution to really limit how we would be involved with the jttf. So one of my first questions is just what I asked you, chief resch, when you were in my office, whether or not, how the process works. There is a potential terrorist act that Portland police is notified of. Can you tell us for the public record what the internal process would be? What would the very first step be in actually determining whether or not you would send this to the joint terrorism task force.

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**Resch:** I think as sergeant simpson mention, pete, correct me if I misspeak, if we had an incident occur we would look at it and take that investigation to the end of our limit and realize maybe this doesn't have anything state or city related but it could have a possible federal nexus. I would be notified by pete at this point moving forward. I would then contact a member of the fbi and forward that information to them.

**Hardesty:** Excellent, chief. The fbi calls and they say we need pete to come help us with x, y, z.

**Resch:** They would have to call me if they are asking for a member the Portland police bureau to assist in an investigation they would have to call me. I would have to be briefed on it and make that decision.

**Wheeler:** Then report that back to us at the end through this reporting process.

**Resch:** Yes.

**Hardesty:** Excellent. Excellent. It would be part of next year's report.

**Resch:** Correct.

**Hardesty:** I had a little problem with some of the language. When we talked in my office I was fine with the language reorganizing it so we were focused on Portland. But when I saw what was submitted for city council, there's a sentence on the bottom of the front page that reads the city attorney's office has advised ppb, ciu, that they are not aware of any changes in state or federal law that would preclude them from legally working with the jtff in any capacity. I'm hoping you will reform that language because this language is very disconcerting to me because what it implies is that the ciu can do whatever they want to do with the fbi. That's just the opposite of what we have voted on as a city council. So we don't want to create anxiety among community members where we don't need to have it. So if you would revise that to be very clear that we are in fact not expanding your ability to work with jtff, in fact we're very narrowly focused on when you would have authority only based on the chief making the decision to work with the jtff.

**Resch:** We can refer that right back to the first paragraph.

**Simpson:** For clarity, that is -- we will address that but it's in accordance with the resolution. It's not an expansion, just saying the four corners, there's no problem there should that be enacted. We'll fix that.

**Hardesty:** You may want to add as per the resolution, blah blah blah. Just so there's clarity. People will be upset but at least let them be upset about the right things rather than things we just misworded.

**Simpson:** Okay.

**Hardesty:** Let's see. I think for me it would be very helpful for me to know whether or not who does the community go when a hate crime happens? I hear it's the jtff, the fbi, port police. Can you tell me, who does the community go to when a hate crime happens?

**Simpson:** Can I take this one?

**Resch:** Sure.

**Simpson:** So primarily if someone is a victim of any crime we want them to call the police whether it be 911 or nonemergency to report that crime. That's the entry point into the criminal justice system. With hate crimes we have done the police bureau and with help of partners has done a lot of outreach to encourage more reporting and certainly I think we recognize there are some people who are -- sometimes there's confusion between a hate crime and a hate incident. That's where Portland against hate under commissioner eudaly steps in and had has done a lot of outreach there. With changes in state law there's going to be at some point a hotline I believe that will be the state level for some reporting.

Whatever form we encourage people to report first and foremost and let investigators look at it. With the police bureau specifically when it comes to a police report of a hate incident, crime or bias crime, bias crime detectives which are not part of the ciu, they investigate every incident. If there was an indication, for example, that that incident was connected to

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perhaps a known group or a larger national or international based organization, they might come call us and say, can you help us with this because this appears to be linked to something else. At that point we may funnel that to the jtff, pending the chief's approval. The hate crimes, the other hate crimes as I understand them are reported to the fbi which is a different division that does the hate crimes at the fbi level. They are separated so like the police bureau. But to put a fine point on it we encourage more reporting of these incidents. For some people if they feel like they are threatened we want that report because that's maybe the first indicator of a problem where we may not be able to take police action through an investigation or assessment, there's no crime, however, that person is now perhaps being looked at for future events if their name comes up again we can see they were subject of a prior report or location. There's lots of reasons for that reporting but we want to encourage it strongly.

**Hardesty:** Thank you.

**Wheeler:** Commissioner Fritz, did you have any questions?

**Fritz:** No, thank you.

**Eudaly:** Thank you, mayor. I appreciate the outline of the cases that were referred to ppb by the fbi. I'm wondering about the 12 cases referred to the fbi by ppb. Do we have any kind of similar data on those?

**Resch:** Right. We talked about trying to expand on that in future reports. Part of the problem that we want to make sure that we're not doing is reporting on inaccurate information. I could forward something that tons out to be something completely different but once I forward it to them I don't have any follow-up. I want to make sure i'm not reporting on something that wasn't accurate. We will look for ways to try to expand that, but I want to make sure it's accurate in the future.

**Eudaly:** Thank you.

**Wheeler:** Very good. I'll entertain a motion.

**Hardesty:** So moved.

**Eudaly:** Second.

**Wheeler:** I have a motion and second. Please call the roll.

**Fritz:** Thank you very much for all your hard work on this. I appreciate the report. I have read all of the community testimony that's been sent in. I share some of the concerns. I think back to this time last year where commissioner hardesty was bringing the resolution to council and then after -- well, to get the resolution that passed it was probably six weeks of negotiations between her staff, herself and her staff and the mayor and his staff and my chief of staff. So this process has turned out the way I was hoping it would. I think the information that we have received is what I was expecting, and I appreciate the transparency. Aye.

**Hardesty:** I want to thank you very much for coming to meet with me and talking about this report ahead of time, chief. I appreciate your grace being a new kid on the block in this position. I am put a lot of heat on you and you have handled it with grace.

**Resch:** Thank you.

**Hardesty:** It's my responsibility and obligation to make sure that our participation with the joint terrorism task force is extremely limited so I appreciate the openness about where we are now and how we improve this process. I will also put on the record again like we did last year that if we need to refine the resolution so that we're really more clear about how limited that participation is that i'm very open to that idea. The fact that, pete, you have been very straightforward this is how the process works i'm very appreciative of that but I will certainly hold you to the standard that the community has set for our involvement with the joint terrific task force. I understand the fear because this is a presidential election year, and when major protests happen it's really easy for people to get swooped up and be labeled something that they are really not a part of. I look forward to deepening my

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relationship with you, chief, and continuing to work with the ciu to make sure that you are not stepping over the line. Thank you so much and I vote aye.

**Eudaly:** Thank you for the report. I appreciate and I think my colleagues and the public appreciate the level of transparency we're getting. It was somewhat of a mystery to me what the jtff was doing prior to our withdrawal. I think it's notable that of the 12 cases referred by the fbi to ppb, the ten referred by ppb to the fbi that only one involved a person of color, and only one involved a woman because that more accurately reflects the truth we face domestically despite public perception and despite I think some of the focus of resources on immigrants, refugees and communities of color. So i'm looking forward to more of these reports. I vote aye.

**Wheeler:** I want to appreciate the report and chief, I also want to thank you for acknowledging that this is an evolving process and with each iteration it will get better and get more specific. I also want to give a shout out to our federal partners. They could be given us the cold shoulder on some of this. Instead they have maintained open communications on issues particularly related to hate crime and to potential acts of terrorism. Those still ring as significant threats to me even here in this community. I appreciate the work that you have done and I appreciate the work our federal partners have done to keep those lines of communication open in a fairly narrow confine and then being very transparent with the public about what we are doing, what communications are taking place. So thank you for the hard work you've put in. I vote aye.

**Roll: Y-4**

**Wheeler:** The report is accepted. Thank you. Appreciate it.

**Hardesty:** See, it wasn't as painful as they told you.

**Resch:** I appreciate that.

**Wheeler:** Next number 74, second reading.

**ITEM 74**

**Moore-Love:** Item 74

**Wheeler:** This is second reading. We have already heard presentation and taken public testimony. Is there any further discussion? Seeing none, Karla, please call the roll.

**Fritz:** Thank you to the community members who testified earlier this month. You have advocated so long for this work and you have continued to invest your time through participation in the community equity and inclusion committee. Thank you, kimberly branam and your staff at prosper Portland, rinehart and in particular thank you to dr. Markisha [audio not understandable] in the office of equity and human rights for your continuing partnership. Thanks to tim and clay on my staff. Thank you to tiffany in the office of management and finance and dante james, former director of the office of equity and human rights who brought this vision to council more than two years ago. When my colleagues and I on the council committed to this concept in november 2017, we made a commitment to the community. Construction [audio not understandable] i'm deeply concerned about the time it's taken to get to this point and the various changes in direction and I believe we continue to place community trust in city commitments on thin ice. That said, as I said last week in response to community testimony i'm humbled by affected parties willingness to give us yet another chance. In response to that testimony I vote aye.

**Hardesty:** Thank you. I will say that I agree with the statement just made by commissioner Fritz. It's been a long, long haul getting these dollars out the door to support minority and women and emerging small business enterprise. I'm still not convinced that what the process that we have will lead to stronger minority and women owned businesses, but I will make a commitment to continue to work with prosper Portland to hold them accountable to what our vision is about how these dollars are spent. It's shameful that it's been 18 months trying to get these dollars out the door, but it's really important to not only

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get them out the door but make sure we're strengthening the small businesses so that they can thrive in our community. I vote aye.

**Eudaly:** Well, i'm pleased with this pilot is supported by the community and builds on the good work the city has already done partnering with community to ensure public dollars spent lead to diverse contracting. Thank the office of equity and human rights, prosper Portland and our many community partners. I look forward to continuing to engage through pbpt on how this program will be administered and implemented. I vote aye.

**Wheeler:** Colleagues, we all agree that the city has a responsibility to ensure public dollars spent benefit the community by optimizing diverse participation in contracting and acknowledge the historical disparities exist in the construction industry, specifically for women and people of color. Those disparities then filter down to the projects that we invest in across all of our bureaus. As we heard in the testimony two weeks ago this funding is needed to increase diversity of the construction work force, assist apprentices as they move towards journey status and provide support to the many small firms that would like to undertake larger public contracts. Why some people may ask are we focusing dollars towards women and minority contractors rather than just focusing on the bottom line? The answer is because these are broad resources that come from the public and therefore all entities who provide these types of service should be entitled to equal access to the kinds of investments that we are making. I want to acknowledge again that we have kept the construction community in our business and our work force development partners waiting too long to see these funds. However, we did so to ensure that we were setting up a program that would maximize our ability to get the funding into the community and achieve the outcomes of the program. This intergovernmental agreement enables us to do that by leveraging existing partnerships and programs like prosper Portland's inclusive business resource network and by drawing on the collective expertise of city bureaus including prosper Portland, the office of management and finance, and the office of equity and human rights to develop an effective program with a robust system of accountability. At the first reading we heard testimony and from my colleagues the importance of making sure we're measuring and tracking out comes to be accountable to the program goals and I agree this is essential. I'm glad that with this vote we're now moving forward to start the disbursement of the funds into the community. I want to thank tom rinehart and the omf team including tiffany, kimberly and all the crew at prosper Portland, dr. Makisha smith and judith mallory in the office of equity and human rights and my tireless team. I vote aye.

#### **Roll Y-4**

The ordinance is adopted.

Next item 75, also a second reading.

#### **ITEM 75**

**Moore-Love:** Item 75

This is also a second reading. Please call the roll.

**Fritz:** The Washington Park Reservoirs Improvements Project is a ratepayer funded multiyear construction project that is such broad scope to require the city to create economic opportunities and benefits for disadvantaged firms. The water bureau included a community benefits plan as part of the project led by commissioner Fish. This was an agreement and community and equity and inclusion plan. The Portland city charter required expenditure of ratepayer funds must be reasonably related to the provision of water and sewer services ruling at the Multnomah county circuit court. Funds from the project's community benefits plan to support technical assistance for disadvantaged firms and work force development construction trades served by this project will be consistent with the project's goal as I just referenced if expended on matters of water service which is the intent. I'm happy to vote aye.

**Hardesty:** Aye.

**Eudaly:** Aye.

**Wheeler:** Aye.

**Wheeler:** The ordinance is adopted.

Next item, 76.

**Moore-Love:** Item 76

**Wheeler:** Commissioner Fritz.

**Fritz:** Thank you, mayor. The ordinance before us authorizes the water bureau to dispose of six properties listed in the ordinance documentation. The bureau has followed the city ordinances and relevant policies including polling the other bureaus to see if the property fits any of their needs and none were interested. We credit again commissioner Fish for his leadership in making sure that the surplus property disposition process is clear, accountable, inclusive and provides lots and lots of public notice and all of that was provided. The properties in question surplus to water and city bureau needs. Sell properties at fair market value, returning the land to other uses and the money will go into the water fund as required. Portland water bureau director michael stuhr.

**Michael Stuhr, Portland Water Bureau Director:** Good afternoon. Is it afternoon? Good morning. It's still morning. Good morning. Mr. Mayor, commissioners --

**Wheeler:** We need to get this guy a new watch. It's 12:30.

**Stuhr:** Is it? Good afternoon. It's all gray outside. [laughter] so expanding a little bit, i'm mike stuhr, director of the water bureau. I'll expand on what commissioner Fritz said. We are bringing six properties here to get your authorization, permission to dispose of them. We have indeed followed the city's process. That process couple things are worth mentioning, we coordinate with all bureaus including the housing bureau. We also coordinate with a bunch of other groups, pdc, metro, trimet, the port of Portland, county, state, and the joint office of homelessness. I have provided maps for the property and what I would suggest to you is that we floated these properties kind of in a group because all six of these properties are challenged in one way or another. Two of the properties have ground tanks on them. They are easy to deal with for a developer. It takes a bulldozer, an excavator with a pavement breaker and a dump truck. One has an elevated tank on it. In this piece of property we're testing the market and we will see what that looks like. Then two remaining pieces of property are access challenged in one way or another. The only way to find out whether there's a market for these properties is to sort of test the market and that's what we're doing. If we don't get a satisfactory agreement in any of these we'll have to back up and dream up another scheme. For example, one that might be a challenge is the elevated tank. There may be no takers. Something I would do in that regard is perhaps we would take the tank down and we would have to balance the expense expense of that against other properties we might sell. That's the basics of it. We hope that in the second reading you'll approved the ordinance. Questions?

**Wheeler:** Commissioner hardesty has a question.

**Hardesty:** So I apologize for just popping this question on you. I had asked my office to talk to commissioner Fritz' office about whether any of these properties are suitable for temporary camping that would be of course self-managed. If we own these properties and there's really no rush and actually acquiring the money that the sale would have you said you talked to the office. Joint office of houseless services and they didn't see any opportunity to utilize these five pieces of land for folks who are suffering on our streets.

**Stuhr:** I have to trust the judgment of the housing bureau and the joint office of homelessness. As I said these properties are kind of awkward.

**Hardesty:** Awkward is not bad if you need a place, right?

**Stuhr:** All I can say is that they are awkward and access challenged and I think it's in our best interests to sell them. None of them are very big.

**Hardesty:** Thank you. I appreciate your answer to the question. Even if it wasn't a satisfactory as I would have liked to it have been, maybe we'll have some opportunity between now and when we have our second reading to do some due diligence because --

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**Fritz:** May I say something, please?

**Hardesty:** Please.

**Fritz:** I would like to further respond to your question. The challenge is we're required to use water bureau property for things related to the provision of water services. So even if these properties were suitable for tiny housing they would need to be -- the rent would need to be paid by the joint office and I would assume given the expense of setting up the small villages they are looking at places with better access and more amenities.

**Hardesty:** Thank you, commissioner. I appreciate that. Again i'm just asking the question and would like to make sure that we're not giving away property that we could temporarily use to house houseless folks. So thank you.

**Wheeler:** Could I ask a follow-up on this. My assumption is that this is tied into all of the discussions that we have had here and some of the legal proceedings around water bureau assets being used for the delivery of water. But in theory we could buy these properties at assessed or market value, could we not, use them for other purposes if we so desired?

**Stuhr:** Yes, in fact we sold one big piece of property to the housing bureau up in northeast Portland because it was suitable for them to pick it up and develop it. From my point of view somebody who owns lots of pieces of property that we have inherited over the years as we have taken over these small water systems, I bear a huge liability for vacant property that's not used, and often we don't think about that, but to imagine a really bad outcome if there was a violent crime committed someone could take us to civil court and sue us because we weren't appropriately managing the property. So from the bureau's point of view we have huge liability for real estate that we actually don't really have a use for. The second thing I would say is one of Portland's challenges in dealing with low-income housing and so on is we have a supply problem with bare land. Returning property that we don't need to the general supply of land in the city is actually I think quite a benefit. These particular six properties are challenged in one way or another and i'm not sure i'll be able to sell all of them as they are. I'm kind of thinking in my own mind it will be pretty easy to sell the roan property, tucked behind where we have home forward, used to be the old powell valley water district, and the two pieces of property with ground tanks on them is pretty easy to deal with. The others may have no interest, and i'm not sure what we'll do about that but we need to find out.

**Wheeler:** Thank you.

**Hardesty:** Thank you. I appreciate your concerns about liability but somebody would fall on the sidewalk outside city hall and sue us we can't prevent people from suing us but when we declare an emergency I suspect that means that we operate differently than we would if we were in a nonemergency situation. So I get really frustrated when I get told from this podium that this is the what I we have always done stuff. If the state declares a housing emergency, I expect that again would give us more flexibility to do things differently than we have done them in the past. I would be appreciative of directors open to new possibilities because of the emergencies that we're in rather than informing me of how things have been done all along the way. Thank you.

**Fritz:** Actually this is not how it's been done all along. Commissioner Leonard specific amounts of water bureau. [audio not understandable] since we got sued on that and as I mentioned in the last item we lost, we have had to be extremely careful. In any case we have already asked and asked again to the housing bureau and the joint office if they are interested in the properties and the answer was no.

**Hardesty:** Thank you very much, but again, this is not a Randy Leonard toilet project and we were not in a housing emergency when he decided to do the fancy toilets. I think we're maxing apples and oranges but it sounds like Commissioner Fritz and I need an eyeball to eyeball conversation when this comes back on the agenda. Thank you.

**Stuhr:** Thank you for your time.

**Eudaly:** I appreciate this conversation. This issue of whether or not the city owns property that could be used for alternative shelter sites has been going on since before we came here. It has been frustrated because it doesn't seem like we're getting straight answers all of the time. And while I understand the restriction on the water bureau in particular because of the ratepayer issue, I do think it's reasonable for us to ask if the sites have been evaluated and would they be appropriate for use for these kinds of sites. We're doing that through pbob. There are a number of criteria that we need for a site to really be useful for that purpose, and there of course are often conflicting interests adjacent to the site. So it's a really touchy conversation, but I guess I would just like to say the ratepayer issue aside, any city property that we're thinking about what are we calling it?

**Hardesty:** Selling. [laughter]

**Eudaly:** Discarding or disposing of.

**Hardesty:** Surplus.

**Eudaly:** That we get an actual valuation of what it could or couldn't be used for. Does that seem --

**Hardesty:** That seems very logical. I'm still not convinced that if we're not selling the water property and we're not doing anything on the property except letting people sleep and camp, i'm still not convinced that that is not -- we're not violating any water policy because we're not actually doing anything except giving people a safe place to lay their head.

**Eudaly:** In the event it can't be sold.

**Hardesty:** Even if it could be sold, is it in the city's best interests to sell it now or create small self-managed camps where people can take control of their lives. It's a longer conversation. Thank you.

**Wheeler:** I think there's a really good conversation to be had here. You may be several steps ahead of me. Is there currently any centralized disposition process that would include the housing bureau or the joint office of homeless services?

**Stuhr:** The process that we went through, this all began 15 years ago when we were trying to sell a piece of property and it turned into a huge kerfuffle. During that time I think it was either commissioner Fish and/or commissioner Leonard, I don't remember who started it but we worked this process out. What I have done here is follow the city's ordinance and policy for the disposal of property. The process is basically we go to each bureau and we ask do you have a need for this property. In my case I would sell it to them or rent it or something because we're the water fund and I can't help that.

**Wheeler:** There is already protocol in place.

**Stuhr:** I tried to be careful and mention for both commissioner Fritz's benefit and commissioner Hardesty's benefit that it includes talking to the housing bureau and to the joint office of homelessness. I can only trust that they know what they need and where they need it. Because you had asked commissioner Fritz's office and they told me check this out last night, I called Shannon in the middle of the night -- not exactly the middle of the night, said can you check this again. Make sure that i'm not doing something that could be done differently.

**Wheeler:** I appreciate that. I respect that.

**Stuhr:** There's a pretty detailed process and if you wanted more of an evaluation you could slide that into this process and people would make it.

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

**Hardesty:** This has been a really good conversation, mayor. For me I need to know what an emergency means. Right? Because if the state of Oregon is going to declare a housing emergency, what does that mean as far as how we can remove barriers to making sure that we can get more people in housing. I get really frustrated when everything is so, no, we got to do this, do that, what does the emergency mean if it doesn't mean we can act

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differently and how will the state emergency help us do things differently. Do you have any idea about that?

**Wheeler:** I actual will do. The city declared a housing state of emergency. It removed some of the impediments to locating both shelter and affordable housing in the city of Portland so actually as the state takes up their question of the housing emergency they are looking at the code we adopted several years ago.

**Eudaly:** I wish we could apply the same rules to federal metro and county owned property as well. Instead of returning property to the private market --

**Hardesty:** Why can't we?

**Eudaly:** Evaluating every property for suitability for development.

**Wheeler:** Good conversation. There's a lot of food for thought here. I'm going to move this along. Does that complete your presentation?

**Stuhr:** Yes, sir, it does.

**Wheeler:** It was great. I really appreciate it. Do we have people signed up to testify?

**Moore-Love:** Yes, five people.

**Fritz:** I'm going to try to get in for 2:00 but I don't know that i'll have much leeway on that. I wanted to bring that to your attention. We have two items pulled off the consent agenda as well.

**Wheeler:** Given that we have commissioner Fritz only for a short while could I please limit testimony to two minutes. Do you want to start, maggie?

**Maggie:** Okay. A while back I put one dollar on those water bureau properties, so if they sold them without contacting me, hey, you know what? I could sue you guys. [laughter] I would like to say that i'm the perfect person to put on these water bureau properties. I don't smoke. I don't light candles. When I used to go hiking when I was young I didn't light fires because I thought that was an imposition to all the wild animals. So if you are looking for someone who is going to take care of the property and reduce liability, just do some background checks and say, look, we need people who are not going -- who are low risk, who are not going to be lighting fires, and if you guys can have solar panels on your little tiny homes rather than propane, right, so there's no risk of propane exploding. So really there is a way to do it. I mean, I can get enough money and put a 20 foot thing on there right now if you guys would let me and then cascadia wouldn't have to pay \$40 for me to go through and screen on every place that isn't available because they are very mysterious about whether they have an apartment available or not. So yeah. There are low risk homeless people that you could put on these properties.

**Wheeler:** Thank you.

**Lightning Superkarma:** My name is lightning, I represent lightning superkarma. Land banking, the city of Portland as the gentleman stated you have been holding these properties so long, let them out to the private sector. Here's my big problem about this. We need real estate brokers involved in any deal. I'm sick and tired of the city doing back room deals between developers and certain people that get their campaigns funded. I'm demanding that we have real estate brokers brought in to do fair market assessments on what is out there, what has been sold, be professionals and when they make a mistake they have insurance and guess what if they make a big mistake and undervalue a property and sell it I will pull your real estate license. My biggest problem on these surplus properties if you transfer them or try to sell them to another bureau in my opinion the public just paid twice for a property. I'm sick and tired of public being taken advantage of paying double for a property and I want that to end immediately. If you go from one bureau to the other it transfers at zero value and quit double dipping the public. Thank you very much.

**Charles BridgecrAne Johnson:** Good afternoon. Charles "bridge crane" johnson. Of course this situation is exacerbated by mr. Dilorenzo's lawsuit but the point is we have heard I think the gentleman from the water bureau has done all he can. One of the

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problems is that the extent of his procedure that he's instructed in is to go to home forward and go to the joint office of homeless services. In a different context the joint office of homeless services is administered by an addict. Marc Jolin is addicted to taking money and dumping it on transition projects after skimming off a little bit to staff, the joint office of homeless services. Right to dream and his neck grove were not envisioned or assisted in their birth by the joint office of homeless services so we need to do better with this process and find out what groups are there. When we look at the list unfortunately I don't have access to appendix b. Some are on extreme ends of streets as close as 58th but most particular is going street. Just 18 blocks west of Vancouver and Williams is a going street property. I don't know which one has elevated tank because appendix b wasn't available on the electronic documents but the idea that these properties might be difficult to sell is all the more reason to consider that even if it's a short-term camp that doesn't have the duration of hazelnut grove or right to dream was able to move it seems like 1800 going street is not very far from hazelnut grove which we're trying to send out to st. John's where some people are saying oh, my gosh, homeless people might live next to the library they spend their whole day in anyway. [laughter] there's room to dig deeper and talk to people on the ground.

**Wheeler:** Thank you both. Next, please. Somebody go.

**Diana Gutman:** Good afternoon, mayor, president, council this is a heavy conversation, and so over all i'm in support of this because this has been extended far too long. Action needs to be taken, however I do have questions. For the few properties that have ground tanks on them I understand it will take a bulldozer to remove -- to fix that property. So my question is how is this going to affect the land that is going to be bulldozed? What is going to be the pollution overflow? If that has not been thought about that's something that needs to be on everyone's radar right now because we're in a climate crisis as well, so for all these other crises, the homeless crisis is a real crisis, the climate crisis is a real crisis. The two i'm speaking about affect our community and affect how the city of Portland is going to even operate and whether or not we're going to be able to sustain for years to come. I think it's very important that we start thinking about the pollution overflow for these six properties. Start thinking green. Finding renewable materials that we can utilize to bring these properties to be something so much more than what they currently are. I think that it would be really beneficial to do a land recon on all six properties with pbot and community partners and when I say community partners i'm talking about community partners that will help look with the homeless crisis, community partners that will help with our environmental crisis that we're currently in and also have people give bids, estimates on what materials are going to need to bring these lands up to code. I think that has to happen before the next report.

**Wheeler:** Thank you.

**Edith Gillis:** I'm Edith Gillis. I would like you to have posted online and then have with continuous loop radio in multiple languages in different community centers descriptions of the locations and asking within a criteria of climate emergency, housing emergency, public health with biodiversity and emergency preparedness and disaster resilience so they are looking at how can this property build community and be a community gathering place supporting art and our indigenous and multi-cultural values. How can this help us get to know each other, care about each other and be prepared when disasters happen. How will this provide a place for us to have our internal refugee camps when the buildings fall down and the gas lines blow up we can't and the red lines blow up how will we increase our permaculture food for us and provide an ongoing democratic process. Local ownership and getting more connected to the land. I'm thinking it's very possible in these places just as we had in Parkrose a water tower once a year that local dentist painted a neurosis for that year until he was told it had to go. It was a great source of pride and you saw

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vandalism, et cetera, he painted a paint drop as he was leaving. In these areas we can have local community governed housing that have permaculture food for fencing, for beauty, have local folks learning how to develop community gathering places as we have on burnside near park.

**Wheeler:** Very good. Thank you both. Does that complete public testimony?

**Moore-Love:** That's all who signed up.

**Wheeler:** This is a first reading of a nonemergency ordinance. It moves to second reading. Could we please briefly go to the consent agenda? There are items on the agenda that have been pulled, one of which we need to get to right now because it is an emergency ordinance. 72. Please read 72. Is there public testimony?

**Moore-Love:** Terry parker pulled this one.

**Wheeler:** Come on up. Two minutes, please.

**Terry Parker:** Yes, sir. I didn't have anything written for this. I'm terry parker. I live right off halsey street in northeast Portland. I was concerned about the fact that the lines of communication to the neighborhoods have not been held up. There's some issues with the projects, growing transit community's projects that have not been settled. I'm not sure where these right of way acquisitions are going to occur. My first thought was the overpasses over 205 and 82nd and i-84 because the state was involved. I don't know if that's it or not. But I really have some concerns because there's like four or five neighborhoods involved in this halsey thing. At least my neighborhood is in the middle so whatever happens to halsey it is our access and in and out of at least my portion of the neighborhood. So i'm concerned about as to what is taking place here particularly in that it was an emergency ordinance because from 42nd to about 62nd I understand that project is pretty well under way, probably 60% designed. I don't know that there's any right of way acquisitions in that. The same with the 60th avenue sidewalks. I don't think there's any acquisitions in that. So i'm very concerned when I read this and it's hard to read. I just saw it for the first time today, that the lines of communication to the neighborhoods so that we can comment on it particularly when it's an emergency ordinance are not being maintained and are we going to get streets that are too narrow like in gateway where a bus can't even stay between the lines? I don't know. Thank you.

**Wheeler:** Thank you. Is there any further discussion on this item? Please call the roll.

**Fritz:** Aye. **Hardesty:** Aye. **Eudaly:** Aye.

**Wheeler:** Aye.

**Wheeler:** The ordinance is adopted. Read 69 and 70 together, please.

#### **ITEMS 69 & 70**

**Moore-Love:** Items 69 & 70.

**Wheeler:** Public testimony?

**Moore-Love:** Dee white requested this be pulled.

**Wheeler:** Come on up.

**Dee White:** I'm dee white. Do I only have two minutes on both of these?

**Wheeler:** Yes. Unfortunately we're down one person.

**White:** Okay. I'm going to cut to the chase. I would like to talk about both but i'm only going to talk about the first one. It was given this contract in 2015. They go way back. They had contracts in 2005 when it was clancy environmental. Now they are up for renewal with this contract. In 2015, in 2016 the state of pennsylvania pulled their certification and banned them from conducting water quality tests including tests for cryptosporidium because they were suspended immediately for violating failing to ensure accuracy of the data and for failing to meet the test method requirements. They do not tolerate any of those violations especially when it comes to safeguarding public health. They were banned from testing in pennsylvania. Several other states looked at doing it as well. I think new hampshire did. But nevertheless the contract with them stood with us. No questions asked. So the first

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testing that came in I have the chain of custody forms. The chain of custody forms not only lack the ones where they found crypto, the chain of custody forms are completely incomplete. There's no date received by on it, no date of the analysis that was made, and so you don't know what the holding times were which is very critical in any sort of test. The holding tanks are not apparent, the validity of the data is questionable and the Portland water bureau lab can't say firmly that there's no -- crypto was found because there's no dates on these chain custody forms and nobody signed them. Nobody even signed having received them at this asi lab. Their certification has been pulled by another state. Yet we allow these chain of custody forms through, nobody looked at them, nobody said, you know, these chain of custody forms are wrong. They are incomplete. How can we trust the data that's being reported here meaning they found some crypto. They found one one, then two more, then three more just in january. [audio not understandable] i'm just saying that --

**Wheeler:** Thank you.

**Hardesty:** Do you have data you want to leave with us?

**White:** I have all this data and i'm going to leave it at each one of y'all's desk.

**Wheeler:** It's first reading. We will have time to look at that.

**White:** Oh. Okay. Thank you.

**Charles Bridgecrane Johnson:** Charles "bridge crane" johnson. You know, i'm old. I grew up on boogie men, now in Portland we have cryptosporidium. A billion dollars worth. Wow. We have to say how unfortunate between Oregon health sciences university, Oregon state university and the university of Oregon they are not competent or not lowest bidder to receive \$400,000 to talk about things in the water in our own state. Instead we have to go to colorado state.

**White:** And vermont.

**Johnson:** And worry about sketchy documentation paying out hopefully colorado state will do better but it's painful for average income people to hear about out of state contractors being able to do shoddy work and get fully paid. So I hope that in a situation, Portland, epa is going to spank us if we don't spend eight times as much as seattle spent to get cryptosporidium out of the water. You need to have your crap tight. Please get the data at the quality of what you're paying for or maybe back away from a bad idea. Thank you very much.

**Wheeler:** Thank you. Is there further public testimony?

**Fritz:** If I may provide some information. As of july of 2017 the Water Bureau's water quality laboratory is equipped for cryptosporidium testing and the majority of the samples are analysed in-house. The use of a contract laboratory has been intermittently necessary as a backup during normal analyst outages or when monitoring exceeds in-house capacity which happens maybe two to four weeks out of the year. Retaining a backup lab is essential in the case of unforeseen emergencies or loss of accreditation. The not to exceed value with the existing analytical services, Inc contract, has sufficient funds for the next five years.

**Wheeler:** Thank you. Further discussion? Item 69 is a first reading of a nonemergency ordinance moves to second reading. Item 70 is also a nonemergency ordinance and moves to a second reading. That completes the consent agenda.

**Wheeler:** We will go back to item number 77, please.

#### **ITEM 77**

Moore-Love: Item 77

**Eudaly:** I don't have an intro for this. It's second reading.

**Wheeler:** I did not see this. This is second reading. We have heard testimony on this item and a presentation. Any further discussion? Seeing none we will call the roll.

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**Fritz:** Aye. **Hardesty:** Yes, yes, yes. Aye. **Eudaly:** Aye.

**Wheeler:** Aye.

**Wheeler:** Ordinance is adopted. Last, item 78, also second reading.

**ITEM 78**

**Moore-Love:** 78.

**Wheeler:** Further discussion? Commissioner eudaly?

**Eudaly:** No. Go ahead.

**Wheeler:** Please call the roll.

**Fritz:** Aye.

**Hardesty:** Aye.

**Eudaly:** I want to thank my colleagues for their questions and ultimately for their support and trust that we'll be working to expedite the new rfp. I understand the contract is paid for with fee-assessed on the tickets but I have ongoing concerns about the cost. I'm hopeful we'll find a more competitive bit through the rfp process. I'm interested in expanding the use of radar traffic cameras as the most safe and equitable tool for traffic enforcement that we currently have available. I look forward to continuing this discussion with our team, with community, and my colleagues. I vote aye.

**Wheeler:** I want to thank commissioner eudaly, the pbot team, the Portland police bureau and sergeant lorenzo and everyone who worked hard on this. I vote aye,

**Wheeler:** the ordinance is adopted and we are adjourned.

**Council recessed at 1:11 p.m.**

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**Key: \*\*\*\*\* means unidentified speaker.**

**JANUARY 29, 2020            2:00 PM**

**Wheeler:** Good afternoon. This is the Wednesday, January 29 afternoon session of the Portland city council. Karla, please call the roll. [roll call taken]

**Karen Moynahan, Chief Deputy City Attorney:** Good afternoon. Welcome to the Portland city council. City council represents all Portlanders and meets to do the city's business. Presiding officer preserving order and decorum so everyone can feel welcome, comfortable, respected, and safe. To participate you may sign up in advance with the 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. If not, you'll be ruled out of order. Please state your name for the record. Your address is not necessary. Please disclose if you're a lobbyist. If you're representing an organization, please identify it. Individuals generally have three minutes to testify unless otherwise stated. When you have 30 seconds left a yellow light goes on. If you're in the audience and would like to show support for something said feel free to do thumbs up. If you want to express you do not support something, feel free to do thumbs down. Please remain seated unless entering or exiting. If filming, please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed. If there are disruptions a warning will be given that further disruption may result in the person being ejected for the remainder of the meeting. After being ejected a person who fails to leave is subject to arrest for trespass.

**Wheeler:** Very good. Thank you. First item is time certain 79.

**ITEM 79**

**Moore-Love:** Item 79

Thank you. As you will recall from January 16, I announced council will begin discussions on amendments with the bureau of planning and sustainability staff. As I noted then public testimony will not be taken today. Today bureau planning and sustainability staff will present your concepts for technical amendments. People can find these posted either on the residential infill project landing page on the bureau of planning and sustainability website and read along or the hard copies that are provided for those who are here today. If there's anyone who would like a copy, I believe they are outside on the table. Is that correct?

**Moore-Love:** We may have a few copies here at my desk.

**Wheeler:** Okay. Council will return on February 12th at 2:00 p.m. Time certain here at city hall to continue discussions on additional amendments to the residential infill program. I look forward to hearing about a deeper affordability bonus from bps staff. I also want to note no public testimony will be taken during the February 12 hearing either. I look forward to hearing public testimony later in the rip timeline in response to the concepts for amendments. I'll turn this over to the bureau of planning and sustainability staff Sandra wood and Morgan Tracy to walk us through this. Good afternoon.

**Sandra Wood, Bureau of Planning and Sustainability:** Good afternoon.

**Wood:** Good afternoon, commissioners. I'm Sandra wood with bureau of planning and sustainability. With me is Morgan Tracy, project manager for the residential infill project. Today and on February 12 we'll be having two work sessions with council on possible

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amendments to the planning and sustainability commission's recommendation on the project. Neither today nor on February 12 will we have specific code language to specific map amendments. Instead we consider some concepts so we're not looking for formal motions or seconds, rather we're looking for a nod of the head or straw poll if you will on which amendments have support and from the whole council and if we have that support that tells us to go back and start drafting those amendments to bring forward for hearings in march. So that's what our plan is. Today we have four amendments. Concepts for those amendments. We posted them on our website last week. As the mayor mentioned they are available here. The ones that we have today are more technical in nature. So, Morgan will walk you through the amendments. Hopefully you'll have a conversation about it then we can see the comfort level amongst the council on those. Then we'll move to the next amendment. That's the plan.

**Wheeler:** Commissioner Fritz.

**Fritz:** Aren't we supposed to say that we live in the city of Portland therefore we could have a conflict interest?

**Wood:** Yes, that would be very helpful.

**Wheeler:** Commissioner Fritz, do you want to start?

**Fritz:** Thank you, mayor. I live in the city of Portland and I guess there's a potential conflict of interest.

**Wheeler:** Commissioner Hardesty?

**Hardesty:** Thank you Mayor I live in the City of Portland and I guess there's maybe a potential conflict of interest.

**Wheeler:** Commissioner Eudaly?

**Eudaly:** I also live in the city of Portland and acknowledge a potential conflict of interest although I would love if someone could tell me what that might be since I'm a renter.

**Wheeler:** I own real property in the city of Portland. I do not intend to change the usage but out of abundance of caution I'm declaring a potential conflict of interest.

**Fritz:** To respond to commissioner Eudaly's concern, my understanding is that because this might increase the availability of rental property that then might increase the uh...

**Moore-Love:** I'm sorry Commissioner Fritz, we have an audio problem with your mic.

**Wheeler:** We had to pirate parts from your -- and don't lean back in your chair. [laughter] welcome home.

**Fritz:** Shall I start again?

**Fritz:** So, because we all live in the city of Portland if we own property that may make the property more valuable because we could make it into a duplex. If we rent it could make rental property more available and less expensive.

**Eudaly:** I'll cross my fingers for that.

**Fritz:** I know, really?

**Wood:** We'll walk through the package of amendments.

**Morgan Tracy, Bureau of Planning and Sustainability Program Manager:** That's probably the most fun we'll have, that conversation.

**Hardesty:** Oh, don't count on it:

**Tracy:** I apologize in advance. Amendment 1 includes four separate parts. These are the most technical in nature out of the package and are necessary to address changes to the code package since the commission's vote last spring. Reflect changes adopted by the better housing by design project. They align the proposed visibility standard to match the recently adopted standards in the multi-dwelling zones. They update map changes to reflect zoning changes as part of the 82nd avenue project which affects two parcels and clean up a few language consistency issues between the code sections. Any questions or conversation?

**Wood:** Okay, a thumbs up would be wonderful, Good.

**Fritz:** I won't voice any objections. How is that?

**Wood:** That sounds wonderful.

**Tracy:** Next up, house bill 2001, this amendment is prompted by the house bill 2001 so currently within the city duplexes are limited to corner lots in single dwelling zones. The commission's recommendation recommends interior duplexes except in hazardous areas. House bill 2001 which passed after the vote specifies cities must allow a duplex on each lot that allows a development of a house, this amendment aligns the residential infill project with the house bill by allowing duplexes on all lots including those within the z overlay.

**Wood:** Does that make sense? Any questions? She has a thumbs up. [audio not understandable]

**Wheeler:** Just to be clear, this technical amendment brings residential infill program into compliance with house bill 2001. Is that the intent?

**Tracy:** That is partially but there are two provisions that are still outstanding including the r10, r20 zones which are not addressed through this amendment and cottage clusters which we'll come back to address later.

**Wheeler:** This is the first part of effectively three intersections with house bill 2001.

**Wood:** Correct. And when he says we're coming back with it later in a separate project aside from residential infill in a future year.

**Wheeler:** Any objections on this? I don't see any.

**Wood:** Great. We'll draft that up.

**Tracy:** The third responds to senate bill 534, single development of at least one development on any platted lot. 25 by 100 square foot lots. And this bill makes no distinction based on the zoning, lot size or other lot dimensions but does provide the presence of certain constraints can exclude a lot from being considered buildable. Current it specifies [audio not understandable] these amendments establish rules to confirm substandard platted lots. Lots of record which are created through deed transfer and remnants will continue to be subject to the same standards and minimum dimensional requirements that apply today. The remaining lots would be considered buildable unless there's not adequate infrastructure, the lot is steeply sloping, it's in the 100 year flood plain or within the environmental overlay zone. For context out of the r5 zone there are about 30 platted areas with substandard lots for the zone that they are located in. Of those many are constrained by slopes or not existent infrastructure. There are about 7 plats that are less constrained representing roughly 4, 000 lots total.

**Wheeler:** Commissioner Fritz.

**Fritz:** So, for my colleagues who are new to this issue, these lots many were plotted as real estate scams back in the 1880s. They were sold purported to be -- certainly in my neighborhood they were to be holiday homes for people who wanted to be so close to Portland seven miles. Unfortunately, it wasn't that close to Portland, so these lots largely remained undeveloped. In fact, many areas they were zoned r5, or one house per 5,000 square foot lot. There was a land use board of appeals case in west Portland park, my neighborhood, in the 1970s where LUBA affirmed that there were infrastructure deficiencies that would not even allow two homes on a 10,000 square foot lot and turns out that the study which I have put into the record before it closed states that the problem is the interceptor in this sanitary sewer line in Tryon creek state park which as you can imagine during a major infrastructure project in Tryon Creek Park would be fraught with multiple different problems. So, LUBA and the city has since that time had the rule that you couldn't develop on these lots. In the 1990s in other areas of the city developers figured out you could knock down an affordable single family home on a 5,000 square foot lot and put up two skinny houses on each side of the other lot. The city addressed that by saying the lot had to be vacant for five years before the second home could be built which of course developers got around by building one and then building the other five years later.

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But it did diminish the number of demolitions of good housing stock. Then senator Shemia Fagan decided to put this amendment through the legislature even though the city of Portland had a position against it and here we are. The problem is that the senate bill 534 allows us to not have development on every 25 by 100 foot lot if there are infrastructure constraints. Morgan kindly sent me a study from bureau of environmental services from 2010 saying there weren't infrastructure -- that their concern was infiltration of stormwater because a lot of this area doesn't have adequate stormwater coverage either. The problem with that is that that was based on the 2010 comprehensive plan map and we already changed comprehensive plan map in 2016 to allow more development in this area. If we then allow much more development per this amendment, it's likely that that -- we don't know. There's no evidence in the record to say whether or not the sewage system is adequate or not. So, we're going to have another amendment which I understand we won't be talking about this time to address the issue of cumulative infrastructure problems. That's one of the big issues I have with this project is that an individual developer is not going to have to pay to change the interceptor in Tryon creek state park. It will be left up to ratepayers and the people of Portland when that system fails to fund an extremely expensive project and we're all familiar with extremely expensive infrastructure projects. I'm very concerned about these amendments. I believe we should be doing much more study of these areas and what the potential infrastructure constraints might be and in particular in the area where we have already done a study I don't believe there's enough evidence in the record to say we can do the changes that have been proposed.

**Tracy:** So, a couple rebuttal points, not necessarily rebuttal, just additional consideration points.

**Wood:** discussion points

**Fritz:** You're welcome to rebut.

**Tracy:** I understand that bureau of environmental services reached out to your office to talk more about the 2010 memo and implications of what's included in the recommendations and just in terms of how that would play out and what the findings were based on, so those conversations are pending. In terms of this amendment one consideration is we have a mandate from the state to implement effective March 1. We have the ability to hold back on confirming certain lots for buildability when there are infrastructure problems and that will be built into the code we're providing. There's a bit of a safe built into this confirmation process around sewer, water, stormwater, and streets.

**Fritz:** But that's on an individual basis, not area wide basis and furthermore has the bureau of planning and sustainability done an analysis at the 2016 comp plan and asked environmental services to figure out whether that particular intercept is going to be enough?

**Tracy:** That work was completed as part of the comprehensive plan update. At least based on the 2016 comp plan.

**Fritz:** If I could get a copy of the BES analysis would be helpful and I would like to know whether they have done an analysis if you in some cases triple the density what difference that makes.

**Hardesty:** Mayor.

**Wheeler:** I'm sorry, yes, Commissioner Hardesty.

**Hardesty:** I'm curious about the timeline for this. We're on a short timeline to complete part 1. I just want to be clear about if we go back and do this analysis and is there a specific timeline where that will happen? Will that delay us moving forward with both rip and the other work that we have coming back to back to back?

**Wood:** Our approach is for to come into compliance with senate bill 534 we have the march deadline. March 3, that Monday, a developer comes into the bureau of development services they need to implement this senate bill. At that point we won't have any code in

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place for all the planners to be consistent on how they do it but we have been working with them on what are the checklists that they are going to be using for implementation of this senate bill and that's what this amendment does is state what the checklist is so that we can all be consistent then it will go into effect later. I think, commissioner Fritz, what you're talking about is the cumulative impact which of course is important but the senate bill has put us in a position of needing for bureau of environmental services to ascertain whether development is allowed on these lots on a site by site basis and bds needs the tools, council adopted tools, to know what checklists they are going to be using. That's what this does, state what the checklist is. You're right, it's implemented on a site by site basis, but the service bureaus are also involved on those and they could just get future planning for the cumulative impacts. So that was our approach to this. Set up a site by site.

**Fritz:** What about the areas where we have actually -- where the city and LUBA have identified an infrastructure problem?

**Wood:** They could use that information and not approve the lot confirmation.

**Fritz:** I would suggest -- commissioner Hardesty, to your point, I have been asking since this bill passed could we please do that first because of the quicker deadline. The rest of it we don't have to do until the end of next year. I'm really concerned that this piece which is really important in terms of public burden of future infrastructure costs is not getting adequate attention. I guess part of the concern will be seeing the actual amendments as to having heard these concerns is there a way for you to craft amendments that would allow in areas that have demonstrated cumulative impact concerns to say no.

**Wood:** We'll work with the service bureaus on that and make sure the language is clear so when we bring back if you are all okay with this idea of a site by site checklist. If in essence you're okay on today, then we can go forth and craft those amendment languages knowing that this concern is something that you want bureau of development services and the service bureaus to look at.

**Fritz:** The second piece to this is should we change the zoning in certain areas, and I know you are doing that in certain areas, so that plays into this. If there are -- I'm also very concerned that we could not only have where there's currently one house allowed have two but since you can have a duplex on either side you could have four, often in places as they found in 1889 that are not accessible at all by public transportation. So, then we're continuing to affect the climate crisis by putting more people where they have to drive to get anywhere. So, could we as part of this project take a look at the proposed zoning on the skinny lots?

**Wood:** The zoning is inconsequential. The senate bill I think, correct me if I'm wrong, if the lot is platted you need to allow for a house on it.

**Fritz:** I had a conversation with one of the city attorneys could we require it to be attached housing, for example, in which case it doesn't allow single family houses, it allows if we change the zone to 2.5 it allows a home on each side but if we require them to be attached it doesn't allow two on each side.

**Tracy:** There's a proposal within the residential infill project for narrow lots that they are already required to be attached. It's based on lot width they will be required to be attached. We captured that particular concern. I think there's also if we shift the zoning to a higher intensity zone to reflect lot sizes, we lose the ability to apply the additional constraint tests. Because they are substandard in size, we have this authority granted by the bill to do that.

**Fritz:** My final concern we received a letter from Concordia, and I know that before the record closed and after the record closed as a practical matter, we'll be hearing amendments so presumably things that come in after the first deadline can be considered in the next round. We have the concern from Concordia that there are some of these lots off Alberta which would be really fine to include but they are 4,000 square foot lots. So, I don't have all the details in front of me but if you could bring that back for consideration.

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There are some places although I thought we -- we did look very diligently lot by lot throughout the city to decide where is a good place to up-zone. It could be that we have missed some.

**Wood:** This amendment isn't the full -- in the PSC proposal 7,000 lots are proposed to be rezoned from r5 to 2.5. This just sets the checklist out for bds to implement in a clear and objective manner. BDS and the service bureaus and that's what we want your thumbs up on today.

**Wheeler:** Can I ask you a question? I want to get back to the march 1 deadline for senate bill 534. I obviously support residential infill but, in the event, it's not supported by the council we're still going to be in compliance with senate bill 534 by the deadline. Is that correct?

**Tracy:** We have been working with bds and the city ordinance 205 to develop the standard procedure because the senate bill goes into effect as applied which means they have to take the bill and follow the instructions in the bill. This sop, which follows the --

**Wheeler:** We're doing the sop in the context of an amendment to rip. If rip doesn't go forward, we will still use this checklist to come into compliance I presume with senate bill 534.

**Wood:** Yes, but the SOP is exactly that, it's an SOP not adopted codified language endorsed by the city council.

**Wheeler:** I want to thank you and the bureau of development services, bps, planning and sustainability and the legal team. Because I know you have been going around in circles doing a lot of extra overtime. I appreciate it. Thumbs up.

**Wood:** So, I have thumbs up from -- on --

**Hardesty:** Thumbs up

**Fritz:** I have voiced my concerns. Just one clarification, you can do the standard operating procedure as an administrative matter because of the senate bill we don't have to pass it before March 1?

**Hardesty:** Say that again.

**Fritz:** City attorney, sorry to put you on the spot. Can the bureau of development services implement the concepts that have just been described at the counter or does the council would be it safer for council to pass something quicker?

**City attorney:** The bill takes effect on March 1 so the bureau will be required to comply with the statute. Unfortunately the way the statute is written it's vague and requires the bureau to exercise a lot of discretion so standard operating procedures would be a placeholder until council adopts code but ultimately we need to have code so we have defensible criteria to apply should someone challenge when the bureau decides yes -- yes this lot complies with what the statute requires us to do.

**Fritz:** It seems to me it would be wise to do that before the rest of residential infill.

**Hardesty:** Yes. Well, or this takes effect March 1. The challenge will be, and correct me if I'm wrong, I think the challenge will be if we have a developer that wants to develop on one of these lots and we tell them something different from what the legislation tells them, then we will be in a lawsuit early on after march 1st, right, because that developer will want to have the benefit of this new law. The question -- the question is what comes first, the horse or the egg. The fact that the council has to vote on it, I would like us to vote before March 1 because that gives certainty to everyone about us following the new regulations as outlined by the legislature. Are we prepared to do that? Is that going to make us crazy?

**Wood:** It will make us crazy. Ideally that would have been wonderful. But at this point our whole record is together, all the testimony folks provided for all of these amendments are altogether. Our findings and justification for the project are together. We would have to split all of that apart which would delay both packages to the point -- we're talking two months at this point.

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**Hardesty:** I don't want you to do that. I feel like we're on a good path and I don't want to provide you any direction that slows this process down. I think just having this conversation on the public record makes it really clear that the standard operating procedure will become the regulation under which we will operate and then the city council will affirm it at a later date as we're updating the code. Is that what I'm hearing?

**Wood:** That's correct.

**Hardesty:** I'm there.

**Wood:** Thumbs up on this one?

**Hardesty:** Yes.

**Tracy:** The last one we have is very exciting.

[laughing]

**Hardesty:** don't do that when I have coffee in my mouth

**Wood:** I'm sorry

**Tracy:** This is our fourth and final amendment today. This is really intended to improve a city review process so currently when an owner is trying to convert three narrow lots into two wider lots a two-step process is required. First a lot consolidation, so if you're looking at the images on the slide that's combining them into a single lot followed by a property line adjustment to create two wider lots. This amendment combines both into a single replat process which is the images on the bottom of the screen which shaves off about two months and \$3,000 off the process.

**Wheeler:** Commissioner Fritz.

**Fritz:** Somebody brought to my attention this week that we set it at 60% because that's what the housing bureau does, but 50% of median family income is the income limit for vouchers in section 8. Is that correct?

**Wood:** Uh..Excuse me. Are you talking about the replat amendment?

**Fritz:** I'm talking about the housing affordability at 60%. Why is it 60 not 50. Is it true --

**Wood:** We're not talking about that now. We're talking about the replat process amendment on your screen.

**Tracy:** And we will return on --

**Fritz:** I'm sorry, I turned the wrong page.

**Wood:** We'll talk more about that. You're ahead of us.

**Wheeler:** It's a good primer, though.

**Wheeler:** I do want to hear the answer to that question. That's something to look forward to.

**Tracy:** Thanks for the early heads up on that.

**Fritz:** I support the replat -- [speaking simultaneously]

**Wood:** So, you support the replat amendment, okay --

**Wood:** Then we'll go ahead and work on all four of these amendments and bring them back later in March and show them with the public ahead of time. We'll have formal code language and a hearing on those later. So our next steps is that we are hoping that council members will indulge us and give us your final amendments for residential infill by next Wednesday, February 5, so we are familiar with them and we can help you start crafting those and we can come back on February 12th, February 12 would be our next meeting at the dias to go through a similar exercise that we did today and talk about the concepts for all of those other amendments and that will make up our full list of amendments and staff will go away and do the technical work and come back in march for a public hearing with those amendments.

**Wheeler:** Let me do a wrap-up. I'm sure some are wondering why they don't get to testify on this. Number one we're hearing from the bureau on the technical amendments that the bureau recommends the council include in the discussion going forward. And we're also looking at amendments that are based on testimony that we received.

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**Wood:** Correct.

**Wheeler:** There will be other opportunities for people to testify on the package going forward. Just to clarify, we will identify other potential amendments concepts for the residential infill project on February 12 at 2:00 p.m. Time certain right here in Portland city hall council chambers. As a reminder the record remains closed. Correct? The council will reopen the record for additional testimony at a later date. If you've submitted testimony to members of the council after the close of the record on January 17, it is not considered part of the rip record, and I would instead encourage you to resubmit that testimony when the record is reopened either through the map app during a council hearing when the record is open for testimony or by mailing to the city council during the open record period. So, with that this conversation is continued to February 12, 2:00 p.m. Time certain.

**Wheeler:** Thank you. We're in recess until 4:00 p.m.

**Wheeler:** Welcome to Portland city hall. This is the afternoon session of the Portland city council meeting. We were actually officially in recess so now we are back in order. Karla, can you please read item number 80.

#### **ITEM 80**

**Moore-Love:** Item 80

**Wheeler:** Colleagues, black history month recognizes and pays tribute to the contributions of African Americans and those of the African diaspora have made to the American history and their struggles for freedom and equality. It helps deepen our understanding of African American shared history and we uplift the struggle that many went through during this month. This annual celebration of achievements is also a time of recognition. We must promote the influential role that African Americans have played in helping shape our society and recognize their contributions. I understand that this year's theme is voting inequality. I think we can all agree this country has a history of minimizing, stifling, and eliminating the ability of African Americans to vote and to have their votes count. Which is why I am encouraged to see everyone here, including our young people, sharing with us today how we can move forward together, advocating for not only black voters but for those -- all of those who are eligible to vote. With that I would like to call up David

**Grandfield** to begin our presentation. Thank you and welcome.

**Hardesty:** That's got to be hard.

**David Grandfield:** Hello. Hi.

**Wheeler:** Is that on, yes, it is. Good. [mic]

**Grandfield:** Can you hear us?

**Hardesty:** Yes.

**Wheeler:** Yes. Thank you.

**David Grandfield:** As you said, hi, I am David greenfield. This is my first time speaking in here. I am an employee of the Parks bureau. I am a botanic specialist with our natural area parks. I help lead stewardship activities and coordinate environmental education work. And I am a sponsor for our youth conservation crew. And I would just add first and only black botanic specialist with the city. [applause] thank you.

**Hardesty:** It's sad that you are the only one.

**Wheeler:** We are clapping for the first, not the only. The first, not the only. We should separate those two things.

**Grandfield:** And with me at the table here today, we have Kaleb Bird who is a senior at de la salle north catholic high school, a basketball player involved with our black male achievement program. Apart of the young entrepreneur business week ambassador team. And has done internships here at city hall and currently with wieden and Kennedy.

**Wheeler:** He was actually an intern in the mayor's office. We greatly miss you. Thank you for all your contributions.

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**Grandfield:** In the middle we have Shannon olive who is born and raised here in Portland, a mother of two boys and a part of many local social justice movements that are working to make Oregon a better place for low-income communities of color. And currently, the founder and president of a new women's organization called women first, transition and referral center, which is working to serve women in reentry and recovery. And supports them to rebuild their lives and to succeed. And then right next to me a dear friend, Button, is a student film maker at PSU. And producer of some really dynamic and inspiring dance videos that you can find online. A member of Portland's Kiki ballroom community and the house of flora. I know there's a few folks in the crowd. [applause] and she's also training in leading conversations around racial justice and a strong advocate for intersectionality in professional spaces. So, I work with our city African American network. And we're an affinity group through deep, diverse employees of Portland. And there's somewhere around 820 African American employees here at the city of Portland. And it's the can network that is kind of the backbone of all of the black history month programming that happens for the city of Portland. There's a small group of about 10 or 12 of us that put on all of the city-sponsored events around black history month. And here we are in January, just making sure we do it right before the month starts. We worked together with commissioner hardesty to put together this proclamation and, you know, as a part of this proclamation we wanted to bring together three community leaders to speak on their experience here in Portland. I've got a little bit I'll tell you about our reception we're doing afterwards. But I will hold those comments until after we hear from our speakers.

**Hardesty:** Thank you.

**Grandfield:** Great. So first we've got Kaleb Bird.

**Hardesty:** You can bring that closer if that's more comfortable.

**Kaleb Bird, Senior at De Lasalle High School:** Greetings, mayor wheeler and council members Eudaly and hardesty. I am Kaleb bird. I want to thank you for allowing me time to speak on the importance of voting for young men like myself and young people in general. And all those to come in the future. As a young black man growing up in northeast Portland, I have been raised by two strong black women, my mom, and my grandma. I have witnessed them working ways that allows me to participate completely in my scholastic endeavors and athletic endeavors and pursue multiple internships including spending time at the mayor's office. What I have learned is what the poet Maya Angelou tells us. I am our ancestors' wildest dreams. And that representation does matter. On many occasions my grandmother would ask me, what's the mayor like? Have you run into commissioner hardesty? [laughing].

**Bird:** Tell her I said hello, my grandmother says hello.

**Hardesty:** I said hello back. Feeling the love.

**Bird:** This warm immediate heart knowing my grandmother cares so much, knowing she had somebody, knowing that she had her grandson involved in the community at such a high level. And representation does matter. It really does. Yet I know for a young man like me negative representation does exist as well. It's abundant around me. If you look at the statistics, we know people of African American descent are, people of African American descent are nearly in every negative statistical category you can track. Health outcomes, educational outcomes, wealth disparities, representation in the justice system. It's everywhere. This could easily get me down. It really could. But I know the tide is shifting. I know things are changing. I am the change. [applause] and you all give me hope. You all give me hope. I recognize the leadership of Charles Jordan and dick bogle. I know how important the election of commissioner hardesty is. Not only the political sense but we are better those who represent the vast interests of Portlanders have the chance to influence our lives. Which brings me to our need to vote. It's something young black men hold near to our vote. We hear how voter, we read about how voter disenfranchisement --

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**Hardesty:** Say that three times. [laughter]

**Bird:** Thank you. -- has discouraged voters in the country. We understand how redistricting encourages the voting outcomes -- voting outcomes to change and we have seen how some of our elected leaders have been in their positions all of our lives. We are more disconnected while having the most access to technology that connects us all. We have transportation options that make our commutes shorter but also affect our -- which also cause our environment to suffer as a result. My friends and I are very aware that we are not engaged like we should be for the things that concern our collective futures. So, for us to be heard and us to be involved, we must vote. And we need you all to encourage us to vote. I will commit this to you all. I will use my social media platforms and my voice to advocate for all youth to vote. I will make sure that no matter, no matter who they are or what their vote is that their vote does matter. I understand the legacy of those who have been left out. I know what it means coming from a community that has not been heard. I know how voting is one huge way to making sure everyone is -- everybody is heard. I need you all -- I need the entire council's support in making sure youth and specifically black youth feel heard, supported, and know that their vote, regardless of what it is, is supported. And this action I reflect on all youth leaders who have encouraged us to speak up, speak up about the things that are important to us. As a young minister led a civil rights movement to change our nation, a young monk started the protestant reformation, and young women reclaimed the territories of France, and a young woman currently asks all nations to consider the carbon impact. These leaders inspire me to call on our established leaders like you are. To live up to a highest aspiration, to be seen, to be heard, to be encouraged to vote. I hope we can count on you to educate and encourage our youth and specifically our black youth to vote.

**Hardesty:** Hear, hear.

**Bird:** Thank you for your time.

**Wheeler:** Thank you. [applause]

**Wheeler:** Good afternoon.

**Wheeler:** Good afternoon.

**Shannon Olive:** My name is Shannon olive and I am standing here on behalf of myself, my community, and the organization in which I am the founder, president for, again, women's first transition and referral center. We are a grass roots organization serving women, transitioning from prison, women in recovery, and women whose recovering from trauma. Our primary focus is African American women, helping them to rebuild their lives so they, too, can become successful and productive citizens of our community. It's been 16 years since I have joined the social justice movement. What I have learned then and still works today is the three e's model. Under the leadership of commissioner hardesty, at Oregon action back in 2004, where I come from, first, number one, education. It's important for an individual or people to get involved to understand its impact and what can be done about it. If I don't do something about what will happen, or if I do, what will happen? I'm talking about voting. Two, engage. Now at the individual or people have expressed their willingness to stay involved, they're attending meetings and they have stepped out of their comfort zone, it's time to take action. People feel good had they feel they are a part or and/or a part of something. They get great results. They stay engaged. They keep coming back. Number three, empowered. This is when you can take it a step further. They begin to share information with their neighborhoods, their family to get them on board. They become inspired and they want to take a lead to be a part of change and they develop their leadership such as myself. As a leader in this community, I said I will not stop until change comes. There's still work to do. For change to come, everyone must be held accountable including decision-makers. We are speaking about the vote today. And where I come from, our communities have been and still are disconnected. My ask is

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before decisions are made, we as the people must be included at the table. A part of the decision-making process. I can guarantee you if you give us the opportunity and follow the three e's model prior to voting, there will be a greater turnout of our communities voting and your decision-makers will start making better decisions. Why? Because you know more about the constituents in which you serve. Thank you.

**Hardesty:** Thank you.

**Wheeler:** Thank you. [applause]

**Button:** Good afternoon.

**Wheeler:** Good afternoon.

**Button:** My name is button and my pronouns are she/her/hers or they/them/theirs. I am a member casually of the black LGBTQ community. I stand in agreement with everything that was said before me and I applaud. And I guess what I would like to express today is, not only the need to have more encouragement within our communities to vote but also more encouragement of trainings for whoever ends up in our leadership positions to think intersectionally and to study very regularly implicit bias as well as to actively break down the conditioning that has taken for us to get to where we are in our country today. And understanding that this isn't something that happens in just like a workshop or two. This is something that needs to be happening around the clock given that there are so many different things that are reinforcing these biases. And I personally have suggestions of where those strengths come from. I am a big fan of the center of equity and inclusion. That's where I go to study. And I learn about leading conversations on equity and race and how to do so with navigating white guilt and those uncomfortable things that come up and just like knowing there are ways that folks can orient themselves to center the comfort of not only the comfort but also the prosperity of the black and otherwise communities of color in the city. Without centering the comfort of whiteness. And that is my request that, of course, more black and brown leaders end up in leadership positions. But also, that even the ones who aren't black or brown, that they are required to study and break down these biases that they carry or that you carry. Thank you. [applause]

**Bird:** Well, everybody went on the three minute and the three to 10-minute window. So, we have got a little -- extra time.

**Hardesty:** That never happens here:

**Bird:** We saved some time for some comment from y'all. If there's anybody that you want to --

**Eudaly:** Who wants to go first? I feel like you should.

**Hardesty:** I want to put Shannon on the spot because I know the answer to the question I'm about to ask, Shannon. Shannon, this month is really focused on voter registration. Right? You and I met when you were riding the bus and going to school and I got you convinced to register people to vote. Do you want to tell the audience how many people you registered to vote riding the bus? I remember. Do you remember?

**Olive:** Yes. It was about, what, 3,000? 3,000 people. [applause]

**Hardesty:** I say I was in this chamber with Shannon after she registered 3,000 voters. And reregistered 56,000 voters that year. And we registered them with people who most people would assume are not people that should be in their leadership development program. I went to soup kitchens. I went to alcoholic drug treatment programs. I went to homeless shelters and I would walk up to people and you go, you, you look like a leader. You should be in my program. Right? They thought I was out of my mind. But guess what, we registered 56,000 people that year. If anybody was crazy it wasn't us. I say that to say that you don't have to have a position. You don't have to have a title. Because when I met Shannon olive, she was a student, a single mom, trying to balance working part time, going to school, and being committed to her community. So, you don't have to wait until you get in these seats to be civically engaged and active and voting and talking to people

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about voting. I want you to know that my family legacy is, my daddy was born and raised in Winston-Salem, North Carolina. He was raised when black boys, if they made it to adult hood it was because they had a mom and dad that kept a thumb on their neck to make sure they really didn't get in any trouble. You think you got it bad, you should see what my dad went through, right? So, I tell you that to say that in this country, voting rights are not secure. It depends totally on what state you live in, what party your secretary of state belongs to, and whether or not there's a paper trail once you cast your vote. Today, in America, black people and many parts of the city still stand in line eight to 10 hours to vote. We white and we vote at our kitchen table and many people don't turn in their ballot. Right? The reality is even today there is voter suppression activity. Black communities get notified their voting place has been moved, that the voting date has been changed. All these tactics have been around ever since we had the jellybean count test. For the elders in the audience they know what I'm talking about, right? When black people first started trying to register to vote, there would be this big jar of jellybeans. And you couldn't register unless you can item them exactly to the number how many jellybeans were in that jar. The voter suppression and activity that's happening today is part of that dark legacy and who has the opportunity to participate in our democracy. I applaud you for taking on voting rights as the issue this year. I have to say this every election year but it's absolutely true this year. It's a critical year. It's all credit critical but this one more so. The erosion of our civil rights that have happened over the last three years, if somebody had told me five years ago, that you could wipe out 50 years of civil rights gains in three years, I would have told them, no way. Right? But here we are righter right? But what I know is where we know is temporary and the work that you all do one on one, eyeball to eyeball with people that look like you, to say, why their voice matters, and quite frankly exhibit a. I would not be sitting here if it had not been people like this audience out willing to knock on doors, willing to make phone calls, willing to step up and say I know that woman and that woman wants to serve you, right? That's what it's going to take. I am not sad. We will get our democracy back. We will be proud again to be Americans, but we can only do that if we fully participate in our democracy. Being here today is fully participating in our democracy. Registering the vote is fully participating in our democracy, right? Showing up and having your voice heard in this chamber and other chambers of power is fully utilizing your democracy. Do not be led to believe that if you just vote, that's the end of the day. Because you see what happens when you just vote and go home? Right? Bad things happen? I thank you very much for the opportunity today to really celebrate the historic nature of African Americans participate are participation in our civic life because it is vital, and it is critical as we move forward that we headache sure that our voices are centered. There are many places today that I feel like the African American voice has disappeared. It's invisible because we talk about it in code words. We talk about people of color without acknowledging that native Americans are our first people here and African Americans have a unique, distinctive identity that cannot be articulated in a code word like "people of color." right? So, it is important that we hold on to our identity. It's important that we are proud of who we are. And it's very important that we make sure that we show up and participate. I got to tell you, I love, love, love when this chamber is full. I love looking up and seeing people in the balcony, right? This chamber should always look like this. Look around. Look how diverse this chamber is. This is the city that we want to live in. This is the city that we're proud of. I'm proud to serve you. I am here not because I wanted a position but because I wanted to be a public servant and I thought here would be the best place to do it. And so, this seat, you know, I'm not going to be here that long, so you keep doing what you're doing today. Come on back and talk about how to get in this seat. Right? All right. Thank you so much. [applause]

**Eudaly:** Thank you, commissioner Hardesty, for that pep talk.

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**Hardesty:** You are welcome:

**Eudaly:** I think like many of us are very anxious about the outcome of the November race and I am not talking about my race which is much less consequence of the presidential election. This year's theme is especially pertinent not just because it's an election year but the reinvigorated attempt to disenfranchise black voters across the country. We can be proud in a state that ranks number one in the country for ease of voting but the work to enfranchise voters is never done. And this was a conversation we had with can yesterday. Who is slipping through the cracks? Despite the fact we feel like we have this kind of full proof system now with motor voter and mail-in ballots. Even with those measures in place, there's still members of our community who face barriers to participation. Especially among communities of color, immigrant and refugee communities, youth, elders, and people experiencing homelessness. And I would be remiss if I didn't mention that Oregon does not have a proud history when it comes to the rights of African Americans. I want to acknowledge it's been less than 100 years since black people could live in Oregon by law. And it's been less than 100 years since black people were allowed, granted the right to vote which is a story that often gets lost when we celebrate the past.

**Hardesty:** That's why we --

**Eudaly:** Yeah. In 2018, my office led a nonpartisan consent neutral initiative to encourage voter participation in Portland's precincts with the lowest voter turnout. That was voter turnout less than 50%. These precincts were primarily in east Portland and the populations are predominantly people of color. So, like I said there's more work to do. I want to say that I feel awkward, I guess, as a white person telling African Americans and other people of color that you should overcome your doubts and cynicism about our system and go vote because voting really matters. I don't think I'm the one you need to hear that from. But -- and I want to acknowledge that cynicism is a reasonable response to really unreasonable treatment and outcomes for your communities. But I also want to just say that the people in power are counting on that cynicism and counting on your disenfranchisement. When I was running for office, I had multiple people tell me not to bother canvassing in east Portland. Because people in east Portland don't donate, they don't vote, and the trains, because there aren't sidewalks out there which we talk about a lot at city council. This is part of the vicious cycle. If we're not out there engaging the whole community and getting out the vote throughout the whole community, it's never going to change. And so --

**Hardesty:** That's right.

**Eudaly:** We distributed 25,000 books about our rent crisis in east Portland. And we saw, I mean, we are seeing increasing turnout. So, I want to thank can and the city African American network and commissioner hardesty for organizing this celebration. And thank all of you for the amazing work you do and for being here today.

**Hardesty:** Hear, hear. [applause]

**Wheeler:** Well, I will add my plaudits. I appreciate these events that bring in people from the community and city employees. I don't always get the chance to do that. I see my role as being maybe a slightly different role. I mean, look at me, for starters. [laughter] and one of the areas where I decided I could actually make a difference, and where I could be an important ally is speaking clearly and truthfully about the history both about our community and our state. And I think everybody in this room is aware, as commissioner Eudaly said earlier, the history is less than auspicious and in some ways it's downright ugly. And I felt, once I was here as mayor, that it was my responsibility to not make up for the past because I don't think you can actually do that. But what I think we do have to do is acknowledge that past so we can move forward together. And I took a couple of concrete steps to do that. I didn't do it myself. I did it working with the African American community, leaders, advocates, community activists, organizations that work with black youth, black adults, and others. And I made a couple of resolutions right up front. Number one, any

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bureau that I have responsibility for, I was going to seek out the best leadership of those bureaus. And I was very proud to bring in chief Danielle Outlaw as the first African American woman to every serve in that capacity in our city. But it wasn't an easy road to get her here. And I want to remind people that, in the application that I drafted for the police chief that I wanted to hire, the very first sentence in that application said, if you want to be the chief of police under my leadership, you must have an understanding of the history of racism in this community. And the reason I felt it was important to say that was because the history of racism in this community manifests itself today through the systems and the power structures and the biases that we have in place. And it's our job to recognize those things so that we can change them. And it was notable that within my own police bureau, our African American police officers felt it was essential that that language be in the application for the police chief. There were others in the bureau who thought I was accusing all of our police officers of being racist which I most certainly was not. That was point number one. Then it came to urban planning. And let's be honest Portland's history of urban planning if you think about the historic Albina neighborhood, the freeways go through the path of least resistance. The urban development that causes widespread displacement go through the poorest communities and in our case here in the city, it was our historic African American communities. That were uprooted and displaced. And I worked with this council to say, you know what? We're going to do something different about that. What we decided to do differently was on the southwest corridor, for example, which will be the next large transportation project in this region, this council decided we are not going to support the transportation program unless the displacement question is thoroughly addressed first. And related to that was a study that we put out just a few weeks ago, some of you may have seen it. And it was deliberately titled very bluntly. It was titled "the racist history of urban development in Portland." and it was presented right here at this dais where you are. And the people who work today are city employees who work in the bureaus that are responsible for urban planning recited the racist history of urban planning in this city. And so, it was almost a self-critique that we were going through and a self-acknowledgment and a journey of discovery for some. But a recitation of the truth that many others have general for generations and have known it personally. It was important, I think, to close that gap. I made a point of listening to the community when it was public safety. And we stood up the Portland committee on community engaged policing. I felt it was important when we got to the so-called hill block, now called the north Williams and Russell development which was historically part of the black community. And it was uprooted through a series of very racist and intentional decisions to displace black families. That the community would guide that redevelopment, not me, not city hall, not anybody in elective office but we would let the community lead that process going forward. And then when it came to shared economic prosperity, that was critically important to me as well. That's why the first economic development strategy coming out of my office was something called Portland means progress. Which is to get young people of color with a focus on young black individuals in this community into good employment situations, and then to encourage our many, many businesses in this community to seek out partners first who are led by communities of color. So, women, minority, entrepreneurs of color and with a focus of 60% at a minimum being people of color who are leaders in those areas and their own rights being partnered up. And the third was for organizations to commit and demonstrate a culture of inclusivity and diversity. Those things are all important. But getting to the question of voting. As I said in my opening remarks, and I am sorry I didn't read them quite as well as I would have liked to have, but the intent is there. The reality is there. There's a long history of time of disenfranchisement and get rid of the black vote here in the United States of America. And what Commissioner Hardesty said a moment ago really, really struck me. I always thought civil rights and civil liberties were earned the hard way

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through the shedding of blood. But once those battle is won, it's sort of like a gear and once you got the voter rights act, once you got the civil rights act, and on other issues, once women had earned the right to make decisions about their own bodies and choice, that those things, those were battles fought and battles won. And we've learned anything over the last three years, we learned how naive that perspective is. Your civil rights and your civil liberties have to be fought for and earned every single day. Because there will always be somebody out there who wants to be deprive you of both. And this next election is a bellwether. I do not believe it's hyperbole to say, I'm not supposed to be too political but I'm going to say it. If the current administration's philosophy to women and people of color, particularly the black community and immigrants, particularly those who come from Mexico, if that philosophy is allowed to prevail for a second term, I believe it will be generations before this nation overcomes it. And I don't want to have to go through that. And so young people, kale rebound -- caleb, thank you for everything you do. Young people are already shaping the agenda. In this city, young people are on the lead in two key areas. School safety and guns related to that. And the second area is the climate. Without the youth movement in this city we would not be talking about those issues to the degree that we are. [applause]

**Hardesty:** I was going to say that.

**Wheeler:** That was a longer statement than I wanted to make but since you guys were all so timely --

**Hardesty:** I know, right?

**Wheeler:** I got to go on a little longer. I am practically proud to be here -- I am really proud to be here and sit here as the mayor there a city like this with people like you. It really is an honor to be the mayor especially at times like this. Thank you very much.

**Hardesty:** Hear, hear. [applause] and so I have the honor of reading the proclamation but it's from the entire city council. And then we would love to have a group picture for all who can fit up to make that happen when it's done. And then maybe you want to tell us about the fun activities that will happen later before I read the proclamation. Would you be so kind?

**Grandfield:** Yes, that would be great. We plan the great reception in the atrium. We partnered with Multnomah county elections Greg Benavides from the voter education and outreach program there. So, Greg is going to be tabling down below. And basically, there to answer questions people have about who can register to vote, when can you register to vote, where you register to vote, how and all the timing questions 245 people have. There's a lot of misconceptions about who can vote and a lot of those misconceptions are passed through communities that the main folks don't want to vote. Greg will be there to dissolve some of those mysteries. And also has paperwork to get people signed up, registered to vote.

**Hardesty:** That's going to be as soon as we're adjourned, we are going to go down to the atrium?

**Grandfield:** Yes. We have some performers from YGB, young gifted and black. And good to hear some of 245 when we go down. We have got some snacks. And water for people to drink.

**Hardesty:** Alrighty, hey -- all right. You can only do what you got budget to do. We're all good about that. Anything else?

**Grandfield:** Yes. I just want to quickly say, like I just want to give a shout out to our three speakers. Can we all give them a round of applause? [applause] it's not easy to come into this space especially when this space was not built with us in mind.

**Hardesty:** That's right.

**Grandfield:** It takes a lot to come in here. And to get here, for one, to be able to afford to come down here during in time. And then also, you know, the distribute trust from African

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American communities towards the city in particular is pretty immense. And so, for people to kind of look past that and to come in and inhabit the space is pretty major.

**Hardesty:** What I hope is that this is not your last time in this chamber. What I hope is that even when you aren't able to show up that you will see that at least in the year that I've been here, this chamber is full of our community, right? There was a period where people stopped coming because of some other issues. But I am so proud when I walk into this chamber because there are people that come that really don't have any vested interest in the outcome, but they come because they care about the city. And they come to see what we're doing in person rather than see us on tv. And so, I want to, and I am sure that the mayor and commissioner Eudaly will join me in this invitation, this is your house. You have every right to be here every time the city council is in session. [applause]

**Grandfield:** Thank you.

**Hardesty:** Ok. I am going to read the proclamation and then we will take pictures and then we will go have some fun and watch some dancers move their bodies and that will be cool. All right. Whereas the city of Portland takes pride in joining Americans throughout the country in recognizing February 2020 as black history month; and whereas black history month recognizes and pays tribute to the contributions that African Americans have made to American history in their struggles for freedom and equality and deepens our understanding of our shared history; and whereas the theme for 2020 "African Americans and the vote," acknowledges the historical and modern-day challenges of people of African descent for the right to vote and have their voice heard; and whereas, many African Americans have long- experienced disparities, exclusion, discrimination, and many barriers to being able to cast their vote. Dating back over 100 years, African Americans have had to fight and campaign to have voting rights and be recognized as voters. This fight continues today for many African American people from many walks of life. And whereas generations of African American individuals, families, and communities have played a significant role in protesting the urgency for voting to be barrier free, inclusive, and nondiscriminatory; and whereas African American youth are now the inheritors of a flawed and unjust voting culture that has historically disproportionately oppressed the African American right to have their voice validated, heard, and counted; and whereas African American youth are now leading movements to champion the shift in the stifling of the black vote. Our young voters are motivated to drive out exclusion and discrimination and are not fearful of shedding light on the issue and identifying ways to not only combat but to win the victory for black voters. And whereas African Americans are prepared to go to battle for what should be rightfully ours, this preparedness is a part of our narrative and has cultivated our courage, drive, and resilience in the face of adversity and inequality; and whereas to this day millions of African Americans across the country face coordinated efforts to suppress their right to vote, including racist voter id laws, racially motivated redistricting, voter roll purges, inequitable resources for African American voting precincts, and countless other efforts to suppress their voice; and whereas our diverse culture enriches and broadens the American experience of which black heritage is an unacceptable part as it weaves throughout our country's history, profoundly influencing every aspect of our lives; and whereas we commend the many achievements, successes, and contributions of African Americans in voting rights movements as there has been a significant rise of black elected and appointed officials locally and nationally; and whereas inequality and injustice still linger in our cities, states, and country, and it is the responsibility of citizens to advance the American notion of life, liberty, and the pursuit of happiness for all. Now therefore be it resolved the Portland city council of the city of Portland, Oregon, the city of roses, do hereby proclaim February 2020 as black history month in Portland and encourage all residents to observe this month. Thank you. [applause] all right. Picture time:

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**Grandfield:** Can we do one with just the mayor, commissioners, and speakers first and then ask other people from the community to join?

**Hardesty:** We are at your disposal. Whatever you want.

**Council recessed at 4:49 p.m.**

**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.**

**January 30, 2020 2:00 p.m.**

**Wheeler:** Good afternoon everyone this is the January 30, 2020 session of the Portland city council. Good afternoon. Karla, could you please call the roll.

**Fritz:** Here. **Hardesty:** Here. **Eudaly:** Here.

**Wheeler:** Here, we'll now read the first item, please. Do you want to give an abridged version?

**Linly Rees. Chief Deputy City Attorney:** Please. Welcome to Portland city council. City council represents all Portlanders and meets to do the city's business. Presiding officer preserves order and decorum during city council meetings so that everyone can feel welcome, respected and safe. If you are in the audience and would like to show support for something that is said feel free to do a thumbs up. If you want to express you do not support something, thumbs down. Please remain seated unless entering or exiting. If you are filming the proceedings please do not use bright lights or disrupt the meeting. Disruptive conduct such as shouting or interrupting testimony or council deliberations will not be allowed, if there are disruptions a warning will be given that further disruption may result in the person be ejected for the remainder of the meeting. After being ejected a person who fails to leave is subject to arrest for trespass. Thank you for helping keep your fellow Portlanders feel welcome, comfortable, respected and safe.

**Wheeler:** First item, please.

**Item 81.**

**Wheeler:** The redevelopment of the Broadway corridor represents one of the most significant opportunities to achieve the city's central city 2035 plan and our city's overall strategic goals. Its location and size hold the potential to manage our city's growth and realize our vision for creating shared economic prosperity in the city of Portland. This project will evolve Portland's landscape. These 34 acres could be a new center of employment, housing, a transit and bike hub and connector between old town chinatown and the pearl district. I envision the Broadway corridor as Portland's next great place, vibrant, livable, accessible, affordable, sustainable, and inclusive. In other words, a place where all Portlanders see themselves, in a place where all Portlanders feel welcome, a place where all Portlanders feel that they have a sense of ownership, in a place from which everyone in this community has the opportunity to benefit. As you'll hear this afternoon, the impact of development will reach across the city and touch residents from every neighborhood, income level and cultural community. I would like to take this opportunity to thank everyone from the steering committee and our development advisor, continuum partners to the healthy communities coalition and our city bureaus for working with my office, prosper Portland and Portland housing bureau to create the vision before you. It's going to take all of us and many more partners to deliver on this vision over the course of the next 20 years. As we go from vision to implementation we're going to need to make some difficult, important decisions in order to ensure the project continues to move forward. I'm confident that with this council's leadership alongside the commitment of our public, private and community partners we can build a new neighborhood that reflects our highest aspirations. And while the focus is all about the development, I want to remind people that at the end of the day it isn't just about buildings or about public spaces or about infrastructure or even our desire to create a world class example of sustainability,

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this is ultimately about people. That's what our community is. It is people. Making sure this development respects all people in this community. With that I will turn this over to Kimberly Branam from prosper Portland.

**Kimberly Branam:** Good afternoon. Kimberly Branam, executive director of prosper Portland and I'm joined by Shannon Callahan director of the Portland housing bureau, Vivian Satterfield with the healthy community's coalition, mark falcone, ceo of continuum partners, and lisa abuaf, director for prosper Portland. We are excited to be here with you this afternoon at a pivotal moment for the Broadway corridor project. We have two goals for you today. The first is to provide council with an overview of the progress we have made in planning for this transformative development from multiple perspectives and the second to understand city council's key priorities and values as we prepare to bring forward legal agreements with our city, private and community partners later this spring. There are two things that we're not going to address today. The first is that we are not seeking any predetermination of any master plan approval issues for the usps master plan currently being considered by design commission. The second is that we're not planning to dig into the details of project funding or the draft legal agreements with our partners as they are still in flux and we'll discuss those in more detail next week. So I'm going to take about 25 minutes to give an overview of the project and process to date. Shannon, Vivian and mark will each share their perspective and priorities with you and we'll hear from key partners who have shaped the project including representatives from our public partner, steering committee and healthy living partnership. We will save time at the end to hear your questions and your priorities. What do we mean when we say Broadway corridor? It's a 34-acre district, in green on this slide that includes the 14 acre usps site jointly owned by prosper Portland and the housing bureau as well as prosper Portland owned development opportunities at what we call block r and the Broadway bridge site where Oregon of hope is currently located. It includes union station owned by prosper Portland as well as former greyhound bus terminal, pmca, and the adjacent future park owned by Portland parks and recreation. So this a district with a lot of development potential in the heart of our city. The project vision statement notes that we have a once in a generation opportunity and speaks to our collective desire to create a uniquely Portland vibrant forward looking mixed use dense urban district that has history and culture, smart growth and social equity and inclusion at its core. From 1964 to 2019 Broadway corridor was home to the main u.s. postal service processing facility for all of Oregon and southwest Washington, but Broadway corridor and adjacent blocks have a longer history as a center of commerce and a landing point for new Portlanders, that includes a chinook chamber of commerce and a hope to wapato valley people, chinese american rail workers and a train station was once envisioned to be the largest rail terminal in the nation. The site of the first performance of jazz at the golden west hotel and thriving japtown before Japsnese americans were forced into interment camps in world war II. The usps site provides an opportunity to reimagine a central portion of the Broadway core do into a 21st century city of commerce as a welcoming place for all new Portlanders and those whose families and communities have long ties to the district. Connecting the pearl and old town chinatown, development of the usps property could house between 1800 to 2400 new households and support between four to four to 8800 jobs. This reflects merely 10% of the jobs and residents projected to be added to the central city by 2035. If this growth needed to be absorbed in other locations it could take 400 acres of land and hundreds of millions of dollars of infrastructure investment to service the same number of people -- of jobs and families with greater climate and transportation impacts for our region. Redeveloping the post office site has long been a goal of the city of Portland going back to at least the 1988 central city plan, and the west quadrant and central city 2035 plan the site was identified as perhaps the most significant opportunity within Portland central city. In october of 2015 as

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negotiations with the usps were showing promise, city council approved the Broadway corridor frame work plan providing information on the financial viability of acquisition and public investment. To execute on the acquisition and the framework plan council authorized up to \$40 million line of credit backed by river district tif income which includes post office land sales as the first line of repayment, anticipated to be repaid in '21 or '22. At the time council action also established some high level expectations including 30% of the residential units would be affordable. In partnership with the Portland housing bureau prosper Portland acquired the site in 2016 for an acquisition price of \$88 million, which was used for the usps to relocate to collette industrial park. Pursuant to the 2015 framework plan city council also increased height and far entitlements and the site, with those changes the site can now accommodate 4 million square feet of mixed use development. So as we gained ownership of the site we set out to approach this project differently than past major development opportunities that prosper and the city have been involved with. We undertook a racial equity impact assessment where we examined previous agreements and identified ways to disrupt the status quo and bring about more equitable outcomes. As a result we engage stakeholders very early in the project even before we selected our development partner and we committed to engaging in a community benefits agreement. The Broadway corridor steering committee was comprised of 37 individuals on the slide representing a diversity of community, private and nonprofit organizations, geographies and lived experiences. From spring of 2017 to summer of 2019, the steering committee advised prosper Portland and the housing bureau on goals for the project including criteria for and selection of a development partner, priorities for mix of uses, equitable engagement and community benefits and physical configuration of streets, parks, greenery and sustainable practices. Alongside the steering committee process we sought to engage community members in a meaningful way. Over 18 months we held five open houses and hosted six pop-up events from union station to the rosewood initiative. We hosted four online forums to solicit input from community members not able to join in person and facilitated ten focus groups in partnership with lau media and jla public involvement with important groups like low income residents of the Broadway corridor, individuals with disabilities, faith leaders and the Japanese american community. Through this engagement more than 1,000 people provided meaningful input. I would like to recognize Mariella, June Rays and Victoria Laura and everyone who helped shape this engagement and participate and encouraged robust participation. Through this engagement we heard specific recommendations like those you see reflected here for affordable housing or active community space and there's a lot more that you can find out in the community engagement report I think each of your offices have. This is a robust accounting what we heard from the community. The steering committee helped us digest feedback and established a set of guiding principles that became our collective north star. The guiding principles included ensuring accountability, connections, equity, prosperity, resilience and vibrancy. We deeply appreciate the steering committee for their two year commitment to the project and we look forward to hearing from some of those partners shortly. In keeping with these aspirations and values as the mayor mentioned we envision Broadway corridor as Portland's next great place. A place that holds a significant role in the hearts of Portlanders alongside pioneer square or peninsula park, the gateway discovery park or the Portland mercada . As meaningful to those who call the neighborhood home, place of employment or the location to open their first retail shop. As envisioned this project will foster economic opportunity through quality jobs, small businesses from construction through operation. This map shows the site plan with anticipated uses including prioritizing small business opportunities along the main street of northwest johnson. The northern end will provide opportunities for anchor employers and diversity of office and retail uses. The development in total will create approximately 6,000

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construction jobs and include commitments to 30% work force diversity and 20% apprenticeship requirements as well as use of at least 20% certified firms. The city's infrastructure work and prosper's demolition of the usps facility will align with the city's cba standards normally reserved for projects over \$25 million and result in augmented coop business 1% contributions to support work force development willingness to use of responsible contractors in all commercial buildings for janitorial and security services on site. This ensures they provide good wages and benefits, prioritize worker safety and allow employees to have a voice on the job. The Broadway corridor site is at the heart of the transportation network that includes light-rail, streetcar and bus as well as union station. Our vision builds on this infrastructure to create a unique, accessible, diverse and stunning space that increases connections to people across the region. We foresee a new terminus of the north park blocks with a large gathering area that feels welcoming to all ages and abilities, fosters space for community interaction and allows for different activities and needs. We envision a people and pedestrian friendly realm with the extension of northwest kerny, park avenue and Johnson which will encourage east-west pedestrian and bike traffic. A similar north-south connection via the green loop to the Broadway lovejoy ramp will meet a goal of 70 to 80% nonsingle occupancy vehicle trips by 2035. While creating a signature Portland element that connects east Portland and the Broadway bridge directly with the north park blocks. We have also thought long and hard about the people that will live, work and play in this place and how to ensure that intentionally and overtly welcoming and accessible to people of different races, ages, household size and income. Building on the framework plan our vision includes a firm commitment to 720 affordable housing units. In the site and adjacent to the district's central amenities. We have planned for community space for programming and for public art that will honor and reflect the history of this neighborhood while celebrating and empowering Portland's diverse communities. We have committed to creating opportunities that foster wealth creation for diverse local businesses and pursuing property investment and ownership structures to increase access development for communities of color. In the less visible but equally important way our approach to development and accountability will model partnership and inclusion. We intend to create an oversight model that supports implementation of this plan and includes community voices alongside developers and contractors through construction and buildout of the site. Finally, this project will further the city's climate action and resilience objectives through high environmental standards and project design, construction and development. Starting with the requirement that all new development achieve lead gold standards or better. We are working to identify alternative energy strategies that strive for 100% renewables with long range climate action target of net zero carbon. We know transportation demand management from parking, pricing transit incentives will be an important complement to the infrastructure investments. With a vision so large we know no one entity can bring it to life. Partnership and collaboration has been essential to get us to this point and its even safe to say a broader team will be needed to deliver on the plan over the next 20 years. We are deeply appreciative of the partners that have walked with us thus far. We want to recognize the enormous investment of time and talent by our city partners from the Portland housing bureau, Portland bureau of transportation, Portland bureau of planning and sustainability, bureau of development services, parks and recreation, bureau of environmental services, water and the office of management and finance. From an affordable housing strategy to planning for open space green loop or street designs to detailed engineering and financial discussions about utility upgrades, construction and procurement for the city's infrastructure investments. Each of these bureaus have contributed creativity and commitment to create a truly city-wide shared approach. We also want to acknowledge and appreciate the instrumental role healthy communities coalition has played in setting our path. Hcc let us know early in the process

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they intended to negotiate a cba for this development so we have been on this journey together for three years. They have made a positive difference each step of the way and we appreciate their partnership and leadership throughout. Continuum partners was selected as our development advisor based on their experience and commitment to triple bottom line development. They have been at and stayed at the table for the past two years. Their advice has been invaluable in the process working through issues from truing up costs to design solutions and we appreciate mark's leadership and their commitment to finding implementable ways for the private sector to push the envelope for community benefit outcomes. We also appreciate the ingenuity of pge and northwest natural and bureau of planning and sustainability that they have brought to the table to together identify a market based approach to reducing carbon reliance. We have been supported by a mighty team of consultants that has spoken to Portland's many neighborhoods, encouraged and digested public feedback, created beautiful renderings and investigated history, advised us on feasibility and brought their unique design talents and vision to this project. As we briefed you and your staff and have talked with the community we have often used the analogy of trying to land four airplanes at once as we prepare to kick off implementation of this vision because we're in active negotiations meaning we haven't fully landed on some key terms I'll touch on the scope of each agreement or each of the airplanes. So the first is the master plan which is currently in review for design commission and why we are not talking about anything having to do with the master plan in detail and that will establish infrastructure standards and building envelopes within which development can occur. The second is the disposition and development agreement between continuum and prosper Portland which will focus on sale of the properties of the northern end of the post office site over the next decade together with related development infrastructure and community benefits agreement. Since summer of 2019 prosper healthy communities coalition and continuum have met to negotiate a community benefits agreement that will reflect both public and private commitments. We are currently working on reaching tentative agreement on a term sheet that would speak to construction equity, operations, affordable housing, sustainability, business equity, tenant housing and oversight. And finally public infrastructure and affordable housing land transfer commitments will be executed by individual intergovernmental agreements and these agreements will detail funding and finance responsibilities by public and private partners, relevant elements of the community benefits agreement and delivery expectations. As a true public-private community partnership the elements of the agreement are closely tied and must align with one another. We cannot accomplish the vision we have set forth without significant private commitment and capital to execute on those outcomes. We anticipate that our development partners will need to secure about \$1 billion in outside capital to deliver on this project over the next 15 to 20 years. Public investment in site acquisition and preparation is about \$125 million, which is essentially supported by river district tax increment. Future public and private investments in streets, open space and utilities will about be \$75 million. We're working closely to align public infrastructure financing like system development charges to public infrastructure priorities as well as to identify private infrastructure financing mechanisms like local improvement districts. Shannon will speak to the capital required to deliver on affordable housing, so that's not included in this chart. The yellow portion that is currently tbd represents particular community benefits that will require additional investment with tools outside the city or private sectors conventional needs and will need to be found from land sales, being invested in community benefits or bringing other additional resources to bear. We look forward to engaging with council further February 4 at the work session to review agreement negotiations and investment scenarios in further detail and receive initial direction from council. We wanted to close our section with some specifics around

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immediate next steps before I hand it over to Shannon. So we'll be back as I mentioned to discuss the negotiations in executive session and then this spring design commission will hold hearings on the master plan and will bring the key development disposition agreement, community benefits agreement and intergovernmental agreement term sheets to you for your consideration. We're also moving forward with the interim activation plan, relocating the usps retail to the adjacent garage, and pursuing demolition of the vacant buildings. So with that I would like to hand it over to Shannon to discuss the affordable housing strategy.

**Shannon Callahan, Director, Portland Housing Bureau:** Good afternoon, mayor, commissioners, Shannon Callahan of the Portland housing bureau. The Portland housing bureau is a co-owner of the post office site. As Kimberly mentioned we invested \$14.5 million in tax increment financing to secure approximately 16% of the overall development rights. The affordable housing we create will be for families who make less than 60% of area median income for a three-person family a household who makes \$47,000 or less per year, that would be housing that's affordable for preschool teachers, service workers or seniors on a fixed income. The housing bureau is committed to achieving 720 units of affordable housing within the Broadway corridor. The strategy to achieve this goal is twofold. First to provide land and housing bureau financing to affordable housing owners and developers and secondly to use inclusionary housing. Market rate developers within the corridor will be bound to meet their inclusionary housing requirements at 60% of area median income. While the number of units to be created through direct financing and inclusionary housing has fluxed over time our commitment to create 720 units of affordable housing has remained constant. As the post office site and corridor has taken shape with gathering space action roads to accommodate bikes, pedestrians and other community amenities the housing bureau has worked closely with prosper Portland to select parcels to ensure our shared commitment. As we approach selection of parcels within the district we were guided by five key values. First, to reach our goal. We also wanted to be sure that we were providing housing for a range of household types, sizes and needs. We wanted to maximize connectivity and proximity to site amenities and public spaces. We consider the cost-effectiveness of development and prioritize livability and quality of life for those who will make these new developments their homes. Guided by these values we selected an entire city block along side the new park in the heart of the corridor to create two separate, distinct new developments. This selection also has the benefit of ensuring we can create affordable housing in the first phase of development. In combination we believe this block will allow for creation of 440 units of affordable housing. In addition to this block, with input from the corridor steering committee, prosper Portland and the housing bureau have identified two additional parcels for affordable housing development. Prosper has offered to co-develop the naito Broadway bridge parcel and mixed use development or alternatively use a portion of the prosper owned site at block r. Based on current market assumptions and present plan for development of market rate units in the corridor we estimate that the housing bureau will be contributing just over 30% of the overall financing needed to reach our 720 unit goal with private capital contributing approximately 70% of the total cost. I would also like to note that we have a commitment to the history of the neighborhood as well and would like to ensure that our tenancing, marketing and services on site are appropriately tailored to reach the native american, black, Japanese American and chinese american communities. With that I would like to turn it over to Vivian.

**Vivian Satterfield:** Thanks so much. Hi, mayor, commissioners. Great to see you today. My name is Vivian Satterfield, I'm proud to work for verde and I am here with my colleagues and many members in the audience from the healthy communities coalition. Years ago we came together as a coalition to work together at the intersection of racial and environmental and economic justice. The opportunity to apply our analysis to the

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Broadway corridor redevelopment is in turn an opportunity for community to hold private developers and the city's redevelopment agency prosper Portland accountable to community defined outcomes of success. Prosper Portland's presentation acknowledges the history of the Broadway corridor, a place from which Portland communities have been transacted upon as opposed to alongside. From the beginning the corridor is on stolen, unceded land of indigenous and from tribal communities, it is a place that was once home to thriving block community who were forcibly displaced across the river, a place home to Chinese and Japanese Americans forced into internment camps. The history and memory of our communities is deep in this soil. Myself and other hcc members devoted over two years to serving on the steering committee in order to participate in prosper's public involvement process as a key stakeholder. We were buoyed by prosper's opening commitment to an anti-racist framework. Hcc has always been clear about our vision for equitable development on this site. We have also been clear we know the most proven and effective tool for achieving this vision is through a legally binding community benefits agreement where the community has real power to effectively enforce the obligations that we win through direct negotiations because of that we believed you, mayor, and you, director Branam, when you said in the early steering committee meeting that this project would have a cba. We have been encouraged by the high caliber advisors that prosper has brought into this process, national experts on cba such as Denise Meyers and Cecilia Estevano. Cbas are proven tools for development that have been applied to projects in communities across the country both larger and smaller than Portland including Pittsburgh, Nashville, Atlanta, I.A., Oakland and Seattle. So we're excited that Portland is ready to join these national leaders in equitable development by negotiating the first ever comprehensive cba here. We have been at the negotiation table for over half a year now. While we're seeing encouraging movements we have been urged temper our expectations to be ready to make compromises. Our communities of color, working families and those still seeking to secure economic opportunity in the city will not compromise for someone else's economic interest. We have come too far, invested too much time and will not easily give up this opportunity to build Portland's newest neighborhood from the strong foundation of racial equity, economic justice and environmental sustainability. I want to be clear the Healthy Communities Coalition will not sign an agreement that does not deliver on the promise that this project will be racially just. If the city and prosper are truly for racial justice we say prove it, prove it by including equitable access to construction jobs and contracting opportunities for everyone including women and people of color. Prove it by offering sufficient resources to create career pathways. Prove it by signing an agreement offering fair wages, benefits and a voice on the job for workers not only build the buildings but also those who work in them later on. We say prove it with meaningful oversight and enforcement tools including a project labor agreement which is a tried and true method to meet equity objectives in construction. Job quality standards that cover building owners and tenants over the life of the project and that community organizations are empowered and funded to give project oversight and enforcement over the long term. This is an entire generation of development we're going to see here in 20 years and our communities are asking for that oversight. We will not sign away our right to protest this project until we are sure we are getting a just and iron clad agreement for our communities in exchange and I invite you all to hear directly from hcc members on why they are here with us today in a later panel. [applause]

**Wheeler:** Thank you.

**Mark Falcone:** I'm Mark Falcone and I'm the CEO of Continuum Partners, we were the development firm -- saying six to eight inches. Okay. We were very fortunate to be invited to sit beside prosper and all of the community constituent groups over a couple of years ago to really become the planning advisor on this project from a private development

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standpoint. I have said to many people that are probably in this room today and I don't know if I have had the opportunity to say it to all of you but we were drawn to this project because of your aspirations for a very supportive and ambitious community benefits agenda. I'm not going to pretend that we were wandering around looking for an opportunity to invest in the center city of Portland. I don't think we would be in Portland absent your solicitation for this kind of a venture and this project. I have to say after just short of two years of deep engagement on it I feel as though our enterprise, our company, myself personally, have been substantially enriched by these conversations, by the dialogue and by the collective effort that everybody who has been at the table in this project and the wisdom that they have brought to it. I like to say that we are effectively in the business of human ecology what we do is basically build and design and conceive of then administer and manage the human habitat and I think that what you have set out to accomplish as a community is to be applauded. I do think you are exploring issues that other communities have not found the resources or the courage to step into yet. All that said, our job obviously is to also be the financial steward of this project as well, and there are certainly many things that this project will encompass that will limit some of the capital providers that can come to a project like this. We think that's fine because we do think that some of the capital providers out there are not going to be as well aligned with the long term community benefits that the city of Portland and the residents are seeking. I like to say that our job what I love about what I do every day is we work on three-dimensional crossword puzzles. Nothing can sort of exist independent of a consequence that impacts many other things so as we try to balance for you all of the various demands on this project our job is to continue to try to leader for you what things will impact the other parts of the project that may be less negotiable. The city certainly has expectations for the financial resources that this project will take. If we want to open the piggy bank, which we would love, by the way, we would love to do everything on everybody's list but we will continue to be a strong advisor and a strong advocate to help you understand what the various implications and how one implication creates an unintended consequence in another. Sometimes we find great pattern solving solutions along the way where we are able to bring together many things that independently and collectively help to fulfill the broader community's objectives. I would like to thank council, the mayor, for terrific leadership. I think the folks at prosper have been a phenomenal thought partner along the way and I really have enjoyed the opportunity to get to know so many members of your community through the steering committee and the hcc interaction. Thank you for the opportunity to be here and we look forward to being able to not only get this project built but then learn from it together over the next 20 years.

**Wheeler:** Thank you, mark. We appreciate it. Thank all of you.

**Hardesty:** Can we ask questions.

**Wheeler:** Sure let's do that before each panel disburses. Commissioner Hardesty first.

**Hardesty:** Thank you, mayor, thank you all for a very detailed presentation. I want to applaud prosper Portland for leading -- prosper Portland and the housing bureau for leading with housing that people can afford to live in because we have had big development projects that have promised housing people could afford to live in in the past and then, oops, we just never got around to building that housing. So I am greatly appreciative that we're starting, leading with housing people can afford to live in and 30% of area median income is a very good place for us to be. So it breaks your heart when you think \$47,000 doesn't actually buy much in the city of Portland today. So thank you both for that. I also want to remind Kimberly that when we first started talking about this project, I was very concerned that we hired an out of town advisor, and your response was, hold me accountable because there will be opportunities for local contractors to make money off of this generational project. I don't see it yet. Where is it?

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**Branam:** So we are in the process of negotiating -- Lisa, can you bring up the slide that shows the site? We're in the process of negotiating with continuum for the northern end of the district. So largely commercial you see it here in yellow on the map. We would anticipate that continuum will have a number of partners, they will select a general contractor. There are requirements that 22% of the firms be certified that are working on the construction. We have also have an element in the term sheet not ratified yet, but an element in the term sheet that talks about ways to look at innovative investment models so the mercy corps community investment trust is one we have looked at but we are still very early in the negotiation process. We do anticipate as soon as we are able to put out the southern portion, which is largely residential, we would anticipate that there will be in addition to local affordable housing developers there will be other developers who will come in. Continuum has not expressed an interest in the southern part of it so I think you'll see a mixture.

**Hardesty:** Just know I will continue to ask that question every time you come to me with this project because we have made a commitment that I want to make sure we live up to.

**Branam:** Absolutely.

**Hardesty:** The 22% certified firms is fine but as you know many small minority owned and women owned firms do not go through the process of state certification because it is meaningless for them and it only helps white majority contractors. What other avenue are we going to use to engage small minority and women owned firms who are very qualified to do the work, but they don't go through the certification because that's not something that helps them?

**Branam:** Well, I think we have a number of technical assistance providers who while they are working to either increase awareness about projects will encourage companies to be certified and we have specifically called for and on the term sheet there is a requirement currently that within the 22% that 12% are mbe or dba certified. It can't all be esb and meet our goals. This is in line with the city's community benefits agreement policy, there's a 5% goal for wbe, or wdbe firms.

**Hardesty:** We're talking women owned businesses, minority owned businesses and emerging small businesses. We get into that alphabet soup and people go what the heck are they talking about? So again, this is a generational project, and the decisions that we make today will carry out over the next 20 years of development, right? I am very concerned that we start off very strong and very centered on those communities who, you know, over and over again get lots of promises but never get the benefit of development that takes place. So what's been your experience at continuum for a really engaging contractors of color whether or not they have state certification and what's been your success rate in that effort?

**Falcone:** We actually have a platform which is not a conventional real estate development platform at the denver international airport where we own and facilitated 40 retail kiosks that are in the center concourse. The idea was it was a program to really encourage and help cultivate small business enterprises that could eventually get established and eventually perhaps go into permanent in line tenants at the airport. We started out when we started that program and the alphabet soup on that one is as acdbe, bdwb. We started out with a 22% goal and it was 22% not just participation but sales and we were able to outperform that in our first seven-year term significantly. In our renewal with the city of denver and the airport authority we increased that to 40% and right now I just saw the report yesterday we're at 50%. We have now graduated several small businesses into permanent operations. Believe me there's plenty that have not been able to make it, but we have visual merchandise experts that help them, we help them curate their product and their offering. We help them with hiring, with inventory management. We provide a tremendous amount of support and capacity building in that process.

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**Hardesty:** Thank you very much for that. That gives me a little less anxiety knowing that you have actually had that experience so I appreciate that. Ms. Satterfield, thank you so much for being here. I want to talk to you about the healthy communities coalition. I know that we have been -- you have been working a long time as part of the coalition with prosper and continuum around community benefit agreements and just setting some guidelines about how this development process will happen. And I wanted to talk to you about whether or not there will be an oversight committee that will meet monthly to determine whether the goals are clearly being met and if they are not being met how do we change it so that we are meeting our goals? Some projects we wait until the end then we evaluate and scratch our head and wonder why we didn't reach our goal. Some projects we actually put groups together that meet monthly and they check the numbers and make corrections where they need to. Where does this project fit?

**Satterfield:** Commissioner hardesty, can you see into the future? I'm working on this this weekend as well with my partners. That's some of the detail that we have yet to bring forward in more detail to the negotiating table to talk about the vision and most effective ways of community oversight are. We're lucky again to have so many effective cba models across the country to compare and draw from. The advisors to prosper have also put forward some of those things to look at and I agree that a frequent, that may seem arduous time commitment we have invested so much time in this that's why I emphasized in my comments that I think funding is really important to ensure communities can be and stay at the table to devote the time necessary to ensuring that you can hold not only part of development partner, but also the public agency accountable to that. I think a monthly basis is a very smart way to approach it especially because payroll comes on a monthly basis.

**Hardesty:** That's right. My last question, I really appreciate my colleagues' patience. They know that I'm a geek about this kind of stuff, my last question has to do with prevailing wage. If we made prevailing wage 100% across the board that puts small mom and pop contractors at extreme disadvantage. When you're trying to grow a one-and two person shop and you have to have the same standards that the big boy shops have, you are never, ever be able to effectively compete. Is there an opportunity for us to think about how we allow those small minority women owned businesses to grow into a prevailing wage? I want to be really clear. I absolutely support prevailing wage, but I also know that historically over the years it's done a real disadvantage to try to help grow small minority and women owned businesses because if they can't compete they can't get the contract and they can't grow.

**Satterfield:** Thank you for your question. I will start with two points. First I believe the determination for whether or not the project will prevail is determined by boli, the bureau of labor and industries.

**Hardesty:** Is it the project or the contractors that are hired? I'm just confused about how that process works.

**Wheeler:** Kimberly, could you explain that, please?

**Branam:** Vivian is correct, the bureau of labor and industries makes the determination at the beginning of projects with public investments the public agency is responsible for informing the bureau of labor and industries that we believe it either should prevail or should not prevail, then says, yes, you're correct or we don't agree with you. I think the issue has been an important one from healthy communities coalition and there's been some conversation about potentially having some portion of the project be voluntarily prevailed but not the whole of it. This is part of the active negotiations so we haven't finalized that portion.

**Satterfield:** I'll also offer one of the panelists for healthy communities coalition can give you more detail and I would love to follow up with that in your office.

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**Hardesty:** As would i. Thank you.

**Wheeler:** Were there any other questions for this panel? Thank you. Next we'll hear from our public partners panel, Andina Long from Portland parks and recreation, Chris Warner from the Portland bureau of transportation, and Andrea Durbin from the bureau of planning and sustainability. Good afternoon. Thanks for being here.

**Andrea Durbin, Director, Bureau of Planning and Sustainability:** Good afternoon. Mayor, city commissioners, I'm Andrea Durbin, director of bureau of planning and sustainability, I appreciate being apart of this afternoons presentation and are very excited about this project. With the Broadway corridor we have a once in a generation opportunity to show the nation and the world it's possible to build and design a large residential employment district that emits no carbon. Currently all buildings generate nearly 40% of carbon emissions. Of those half of the emissions come from large commercial and residential buildings such as those that will be built in the Broadway corridor, with potentially 4 million square feat coming online Portland has a unique opportunity to ensure this meets our climate goals, to be net zero carbon by 2030 and 100% renewable. With the Broadway corridor we can design and build a neighborhood that is more resilient, saves residents and businesses money in their utility bills and will be healthy for residents in the community at large. I means we need to design, build and operate Broadway corridor so the buildings are highly efficient and the energy supply to heat and power is 100% renewable and development fosters walking, biking, offers low carbon ways to get around including electric vehicle options and that it reduces the carbon embodied in the building materials such as using low carbon cement. The Broadway corrido project offers an opportunity to build a major section and connection for the green loop one of the big ideas that emerged in the central city plan 2035. A collaborative effort amongst many bureaus including parks, pbot, bes and bps, the green loop is being designed and built as big public and private projects move forward in the city. The green loop is a six mile linear park following an inner circle around the Willamette river and will provide residents, workers, visitors access to experience the central city in a new way and enliven this part of the city including previously inaccessible us postal service site as it's transformed into a green, sustainable neighborhood. It will run through the Broadway corridor from the park blocks to the south across the Broadway bridge to the north through the lloyd district across the new earl blumenauer bridge then head south and connect with the tillicum crossing, bring pedestrian, cyclist, runners, rollers, strollers full circle through south waterfront, psu and the cultural district. The green loop will add to the city's active transportation network offering a free, safe, comfortable option and be all ages and all abilities route. It will also increase access to a wide variety of parks and open spaces and increase the tree canopy which mitigates against heat island effect in area of the city dominated by buildings and streets. It will link neighborhoods and connect important destinations, retail and employment centers, civic and cultural institutions, parks and attractions to each other and the rest of Portland. The green loop will serve as a green heart of the Broadway corridor development and we appreciate the partnership with prosper, parks, pbot and bes to help realize the green loop in this project. Thank you very much.

**Wheeler:** Thank you.

**Chris Warner, Director, Portland Bureau of Transportation:** Great. Mayor, commissioners, Chris Warner, director Portland bureau of transportation. Thank you for the opportunity to contribute to this update. This really is as everyone said a transformational project fort city and we reshape the way we get in and around the central city. We're very happy to partner on this project because we really believe it can make a major contribution to make it easier to walk, bike and to take transit around the central city. In turn a shift on how people get around will help with our sustainability goals and safety goals which are paramount to the bureau. As this project develops we're playing four major

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roles. First we're a partner in the planning, design and construction of the green loop. Elements that Andrea was talking about. Second we have the regulatory oversight over the proposed transportation improvements and strategies that will be put in place to make sure that the impact on the overall transportation system and the environment will be minimized. Our charge in this respect is to make sure that the development partners follow through on their commitments to improve the transportation system and to put into place the appropriate strategies to encourage people to stay out of their cars and to minimize the number of single occupancy trips. Third will be we will be the future maintenance provider and will take care of the basic street elements as they become part of the public right of way. Finally in creation of this innovative neighborhood design to encourage walking and biking it really does take a high level of investment so given its importance we really anticipate using our system development charges to move this project forward because it really will make the big difference in terms of the goals we're trying to hit in the central city. And at this current stage pbot staff are working on the very multiple fronts on this project to move forward including development review, working to make sure the master plan meets the requirements and gets the necessary approvals. The pbot planners are updating the pearl street design standards to reflect the new districts streets and provide clear guidance to development phases over time to make sure the design of the streets and development frontages work for this new and innovative district. The bureau is reviewing the transportation demand management program with suggestions to continue in prosper to ensure adequate programmatic support for district employees and residents to travel to and from the district without needing private automobiles. So as we said we're looking forward to working with prosper, continuum and Portland housing bureau and our partners public and private to make sure the next steps are moving forward. I'm happy to answer any questions. Turn it over to Adina.

**Wheeler:** Director long good afternoon?

**Adena Long, Director, Portland Parks and Recreation:** Good afternoon. For the benefit of others in attendance, I'm Adena long, Portland parks and recreation director, I'm happy to join you to provide testimony on the Broadway corridor project. The Broadway corridor represents a unique opportunity within the central city to create an exciting mixed use development on and approximately 34 acre site with future buildings surrounding a critical, vibrant urban open space. By 2035 we estimate that the central city will be gaining about 38,000 new households and about 51,000 new jobs. The new extended park sequence has a potential to provide necessary community open space in the already park-lean central city. Portland parks is committed to designing and constructing the pacific northwest college of art or pnca north park block directly south of the pnca block within the next three to four years. Within that pnca block design process parks will lead the development of conceptual plans for the full parks sequence including two additional Broadway corridor park blocks and green loop design working in partnership with prosper Portland, pbot, bes, continuum a and others. This affords the opportunity to design holistically. These park blocks are a natural extension of the existing north park blocks furthering the vision to create a green ribbon throughout the city. Parks has been working with and will continue to work with collaboratively with prosper Portland, the bureau of planning and sustainability, pbot, bes, housing and others to identify shared objectives and funding strategies for development and design of the central park space and green loop. We fully support and applaud prosper Portland in their efforts to shepherd this exciting proposed Broadway corridor development. Thank you.

**Wheeler:** Thank you. Any questions for this panel? I want to thank you all and your bureaus for your continuing leadership and engagement and I know you all have independently very full plates. As I'm sure you have heard and understand and appreciated from the first panel, this is a very, very big vision and it's important and it will

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guide not only how we do future development in the city, it's going to guide how we work internally and within our own bureaus. Thank you. Our next panel will be our steering committee, representatives of our steering committee. Sam Rodriguez, James Paulson, Victoria Laura and Tyrone Poole. Come on up. Thank you for being here. You don't have to go in any particular order.

**Victoria Laura:** Thank you, Buenos Tardes mayor and commissioners. It is our pleasure to be here and testify for this amazing project. I'm a business owner, an immigrant, and I have a firm, a communication and engagement firm. We have the honor to produce and develop the strategic communication and engagement plan for this project. It's an amazing opportunity. We started at the end of 2016 and it was a great experience for us.

**Hardesty:** Can you put your name into the record.

**Laura:** Victoria Laura. Thank you. The commitment was to authentically engage residents and motivate them to actively participate and express their opinions to develop a sense of ownership of the project to maximize community benefits. With the intention of creating spaces particularly for traditionally engaged residents. Communities that have historical mistrust of the government like communities of color, residents that are at or below federal poverty levels that usually don't benefit from these kind of development projects. Community engagement is one of the best tools to build social equity in any project. We love doing this. We love what we do and we know how important and vital is this. This project with the leadership of Prosper Portland was created with the lens of racial equity. Using traditional and nontraditionalist strategies multicultural and multilingual, culturally responsive engagement tactics we facilitate and guide and eliminate the barriers to have thousands of conversations with focal groups, roundtable discussions, community events, pop-up tents. We listen, but not just listen, we deeply listened to what people needed to say because for us it was not as the mayor said not about the project, it was not about the building or the development, it was our center and focus on the people. Particularly the people that usually doesn't benefit from these projects. Construction workers, business owners, displaced residents, homeless, people with disabilities, kids, we developed and were able to listen to everybody that was invited and motivated to participate in this process. We provided them with the space to feel safe. Because it's not just inviting people as you know. We are an authentic community engagement but also go where the people are and provide a safer space for people to really participate and engage and provide their opinions and know that somebody has listened to them. We provide the spaces, the tools, resources, the opportunities to fully participate in this process. All the input received was used and incorporated into the decision making process. There's no doubt the opinions tailored and guided the Broadway corridor project and make it a more sustainable, equitable process now. Since we're already listening and motivating people to participate now we hold accountable the city and Prosper Portland to continue to provide what these participants require, they share their dreams, their challenges, what they truly want and their vision and now we have this information to hold accountability and to support the work they are doing. It was impressive work for this project, the engagement in the way the equity was offered for these people to participate. Thank you.

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

**Sam Rodriguez:** Mayor, commissioners, thank you for giving me the opportunity to talk today. My name is Sam Rodriguez, I'm the senior managing director of Mill Creek Residential, a national multifamily developer, market rate developer and we have developed in the last seven years about 2,000 homes in Portland. We have currently about 1,000 homes in the pipeline, all of those including inclusionary housing. So totally participating in the new program. It's great. It's a fantastic opportunity to do this. I'm also a design review commissioner and have the Oregon Smart Growth, all about smart growth and about doing things that work for everybody and I want to say that because even the

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way developers, we're not evil developers, we're community developers. Like mike's commission was in part to be the redeveloper commission and help bring to the conversation the business side of development, so it was sometimes a difficult conversation but I got to give prosper Portland kudos for putting together a team of people that respectfully were able to create communication between very different groups and both racial -- there were women representing different parts of our community, and created a great opportunity to have very meaningful discussions that I think resulted in very meaningful -- a very meaningful framework, structural framework for this development to happen. It's going to be difficult to achieve everything but I think there's very strong, creative business community in Portland that will allow to create opportunities for a good bit of this to happen. My biggest fear coming into this was always are we asking too much of it and will it ever get built. If it doesn't get built then none of it happens. So I think it was good to see the whole group was very -- was able to ground itself when necessary to create the vision that we're here today and I think everybody wants the same results, we just have to figure out how to make it happen. So thank you.

**Wheeler:** Thank you, Sam.

**Tyrone Poole:** Thank you for having me today. Portland development commission was, my name is Tyrone Poole, a business owner in Portland. I am a member of the cere committee and I'm also a member of the steering committee and cere for those who don't know is a group that was put together to be the equity lens for prosper Portland. Portland development commission was known for trying to help minorities gain access to employment, but they call it equity. They also worked really hard to help people that those minorities that did have access to employment to get meaningful employment that would cover their expenses and even sometimes get them into management positions, but they called that wealth creation and that's not actually the truth. So I had a really good time working with prosper Portland under kimberly's leadership to be able to create better products to redefine what those definitions were. On this Broadway corridor project my testimony will show that we came up with really good ideas and had a lot of work done to help create real equity and real wealth creation opportunities. Before the testimony I would make sure I don't want anyone in the room to think that my testimony is a derogatory statement to all the work they did to create meaningful employment, it's just not with my -- not why I participated in the project. What we -- as a business owner I learned how to read a p&l. I know that wealth is created from profits. That's just a fact. Fundamental fact of business. Employees are also on the p&l, but --

**Fritz:** They don't know what p and l is?

**Poole:** Oh. Profit and loss statement. For businesses. Employees are also on a profit and loss statement but are under expenses. As a business owner my primary objective for my shareholder, for myself is to grow profits and minimize expenses so employees at the end of a ten-year employment history even if this does a good job creating employment opportunities they usually end up where they were ten years when they started. I want to make sure wealth is defined as being able to keep going after employment its basically how we are defining wealth creation. We use that as the primary lens on this Broadway corridor project, not just a lens. Standard seus and financial lens is the primary lens. For example inside of the train station if there's a space for a coffee shop the person with the best p&l, the best financial strength like a Starbucks will get that opportunity. With this new equity lens being a prevailing lens those opportunities will go to small business owners, minorities, something local. Even though they may not financially be able to beat out the alternative like how you spoke of how minorities get access that is the lens that we chose to work with on this project. Furthermore we made sure prosper Portland was prepared for when those opportunities came. We worked with kay and prosper Portland helped recreate it and he was very willing to recreate the loan product so when small businesses get the

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opportunity they have the financial means and we make sure that the marketing like you put up earlier to make sure they knew these opportunities existed was marketed correctly in the right communities we did an exorbitant amount of work on this and for the first time I think all of the communities were aligned with what the objective was. We saw success the same which meant that all the communities lived and worked in this new part ever the city of Portland together. Not where it was minority lived on the outskirts, which is sometimes the case. Thank you.

**Wheeler:** Thank you Tyrone, good afternoon.

**James Paulson:** Thank you. Hi, my name is James Paulson. I would like to thank you for the opportunity of coming up here and making a presentation in front of you. As you heard a number of people talk about this project, this project is really a lot different than anything that we have really seen in the past, but one of the perspectives I want to give to you is as a small business owner and participating in this project over the last two and a half -- year and a half to two years you have to really understand as a small business owner attending and doing these activities is almost like paying to participate because you're taking away from that time at your business. The fact that Prosper Portland was able to put together a process that was able to keep me and everyone else engaged I think is a testament to the quality of work and the message in which it's coming to you. There's a lot of energy and a lot of personal resource in those words in the presentation. I really want you to understand that commitment of the people who did participate. Then I also want to point out that as we talk about wealth creation and that sort of thing, we really need to also look at the programs that we have in place to develop future entrepreneurs. How can we get people out of I have a decent paycheck to I'm out creating wealth within my community that spans the spectrum of communities and different peoples? The city is challenged with a number of different things but one of the things that we can't lose sight of is that we need to make investments in programs that are going to develop these next entrepreneurs and I could go through and name off a number of programs but I don't think that would be good use of my time. I think the good use of my time is to drive home the point that if we don't make the investment in developing young entrepreneurs and new businesses, we are not going to find ourselves successful in the long run on building a community that's based on the principles that have been described here today. Thank you.

**Wheeler:** Thanks, James. Appreciate it. Any questions? Commissioner Eudaly.

**Eudaly:** I'm curious what your business is. I don't know.

**Paulson:** I'm the owner of J.M.P.D.X. Property management president.

**Eudaly:** Cool. I really appreciate your comments. It's time we -- it's frustrating that we put up a lot of barriers for people who we're trying to reach because they are disadvantaged but people that have wealth and power don't have those same barriers. I appreciate those comments. It's a second job.

**Paulson:** Yeah.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** I appreciate you mentioning the cost to small businesses to sit on these task forces and to show up and actually provide your community expertise. It is an issue that we at the city are really struggling with because we should value your time as much as we value our own time. That is certainly something that we need to work on. As part of the committee, you may have heard me earlier ask about prevailing wage versus small businesses. Has that had an impact on your business or other businesses that you are any of you are in relationship to, and do you want to speak on prevailing wage versus growing into prevailing wage?

**Paulson:** My business specifically isn't impacted by prevailing wage. I do have a lot of experience in past -- in my work.

**Hardesty:** Your past life?

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**Paulson:** Yes. With prevailing wage. I think that prevailing wage is somewhat of a double edged sword. As you pointed out that prevailing wage to a large employer is more of an administrative challenge, with a smaller employer it becomes more of a business imperative, so as we're looking at these projects and opportunities as you pushed Ms. Branam, show me the money.

**Hardesty:** Right.

**Paulson:** Show me the money that's going into the small emerging businesses. I think prevailing wage is a bigger concern, but it has to be balanced against having the living wages ongoing in the businesses that are going to be created there. I think that we have a better understanding on the construction side and I really appreciate the sentiments around having oversight and that sort of thing, but we're talking about a long-term project, and as we look at the businesses that are going to be locating there, we need to look more businesses that are aligned with the tenants that we have pushed forward as far as the goals go and less so on prevailing and no prevailing wage.

**Hardesty:** I think the bigger issue is bonding. I didn't hear anyone talking about bonding especially for small businesses when you have to have a \$1 million bond in order to even apply that knocks a lot of small businesses right out of the competition at the front end. I hope this steering committee will think about all the ways our systems impact people's ability to actually be able to apply and obtain those resources to build their business. Thank you all very much. Greatly appreciative.

**Wheeler:** Great panel, great conversation. Thank you all for your leadership and your time commitment. The last panel is the healthy communities coalition. We heard a little bit from Vivian up front. There are three other individuals, Marcus Mundy from the coalition of communities of color, Kelly is it Kupcak.

**Kelly Kupcak:** I'm so glad you didn't say cupcake.

**Wheeler:** Cupcake sounds nice. Lovely. From Oregon tradeswomen, and jasmine ibarra from seu local 49. Thank you for being here. Appreciate it.

**Marcus Mundy:** Well, good to see you all again. Thank you for welcoming us and letting us present in front of you today. My name is Marcus Mundy. I'm the executive director of the coalition of communities of color. We are an alliance of culturally specific community based organizations with representation from african and african-american, asian, latino, middle eastern, north african, native American, pacific islander and slavic communities. The ccc supports collective racial justice effort to improve out comes for communities of color through policy analysis and advocacy, culturally appropriate data and research, environmental justice and leadership development in communities of color. We're here because we have supported racial justice member organizations of the healthy communities coalition from the beginning both with our members and others for over three years of intentional relationship building. We invested this time to ensure the coalition we could craft a holistic vision for the Broadway corridor alongside our labor partners, community based organizations and environmental groups that ensured that our interests wouldn't be pitted against one another in yet another zero sum game exercise. We had no interest in that. Our explicit interest is to improve out comes for communities of color in this city and in Oregon. We strongly support a legally binding community benefits agreement which is clear, enforceable and changes the course of history for development in Portland which instead of communities of color being transacted upon we are at the table as full partners and/or conveners shaping inclusive out comes for all who will live, work and play in the Broadway corridor. We bluntly reject any insinuation that the proven tool of community benefit agreements won't work in this market. Many other communities both large and small with public entities and private developments have used cbas to their benefit including Nashville, Oakland, los angeles, Pittsburgh, others, but those are just to name a few. The Broadway corridor cba would be the first such comprehensive agreement

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in our city covering not just construction equity but many other concerns of our communities and we think it's about time. We're also looking forward to the following components of the vertical construction of the project, specifically affordable housing, affordability continues to be a concern for Portland housing bureaus for our members and for communities of color in Portland. The phb, Portland housing bureau's own state of housing report states there are no neighborhoods in Portland affordable to single moms or to black families. I hope they include single dads cause I was one of those. This is unacceptable and the housing provided I these units should be affordable from zero to 60 mfi. Environmental sustainability within the building. This building should I would love to say must but certainly should include green infrastructure, energy efficient and environmentally friendly development. And the last part, which the last panel addressed a little bit, tenanting. Business equity is key for communities of color and we're advocating for the prioritization of mwesb businesses in this space in addition to businesses that follow family and worker friendly policies. City already has some good examples of this. Your own minority contracting group does good work in this area but we would like to see more of it. Given the history of intentional displacement of indigenous, black, chinese residents from this area and given the city's acknowledgment of that intentional displacement we at the ccc are also advocating for a racial preference to be considered for the housing units as a concrete step toward remediating these historic injustices. We affirm our ability to problem solve when we build intentional relationships with one another, we affirm our values as a community committed to racial justice which is demonstrated through clear definitions of good quality jobs and maximizing the opportunities to build affordable housing and for businesses. Lastly we look forward to supporting all aspects of this cba, recognizing that a just outcome means that there are no sacrificed communities here and that all will have a future in Portland's newest exciting neighborhood. Thank you.

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

**Kelly Kupcak:** Good afternoon. Thank you. I'm Kelly Kupcak, I'm the executive director of Oregon tradeswomen. For 30-plus years we have worked hard to ensure women and people of color have access and opportunity and equity in the skilled trades. We see this as a clear pathway from poverty to prosperity. I want to take a quick moment to thank the city bureaus as well as kimberly and her team at prosper as well as the developer for coming to the table and the folks around the community because this is not an easy process, right, folks who have been in this community for much longer than I know it has been, welcome back thanks Chloe, it's not been easy but it's a critical process for ensuring that folks that have been historically marginalized and have been historically excluded from a shared wealth model have access to that so Oregon trades women fully supports the community benefits agreement model and we would like to see and ensure four components are included. One is there is a project labor agreement to ensure voice for workers and worker equity as well as for equity in access and opportunity for minority and women owned firm, we'd like to affirm that there is prevailing wage. I'm sorry commissioner hardesty stepped out because I wanted to address her very important concern about that impact on small emerging minority and women owned firms around prevailing wage. It's a fast narrative. There's a lot of demonstrated research around the opportunity for minority contractors and women contractors to grow when they have access to supports. And the access to those bid packages and the ability to really grow their firms and so prevailing wage is also to ensure that all of our workers have a fair wage so all of our workers are lifted up. Not just a few. The third piece is that there's sufficient investment into the project in terms of a set-aside for reinvesting into our community. Folks have talked about this being a transformational project from a built environment perspective, it's also really critical that reinvest helps our most vulnerable job seekers have access to jobs both on the front end for construction and the end use that Marcus talked

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about in terms of 51,000 jobs projected at the ends use. Also that reinvestment through that set aside can support women owned and emerging firms giving the technical assistance they need including bonding a support on bidding so they are not left out. Right now that's my understanding that's capped at far less than even 1%, which is a model that has been used in other communities at \$1.3 million. That's \$65,000 a year, not even training ten folks. So I just want to underscore what that investment could look like or perhaps should look like. Lastly ensuring there's strong oversight and enforcement of what the components of the community benefits agreement are and that community is at the table. Those of us representing communities, those of us that work with community to ensure that the project is living its goals and living the components of the cba so we're accountable to the community and lastly I want to close by saying we are excited to be part of this conversation and we see this as a model for true investment and true outcomes of a shared wealth model.

**Wheeler:** Thanks, kelly. Thanks for your great work at Oregon tradeswomen. Appreciate it.

**Jasmine Navarro:** Good afternoon, mayor, commissioners, my name is jasmine, I work for seiu local 49. We represent 15,000 workers in Oregon and southwest Washington who work in janitorial, security and health care as well as other services. All too often commercial real estate projects in Portland have been a tale of two cities, impressive office buildings for well paid professionals and poverty jobs for janitors, security officers and other blue-collar workers. This inequity built into our city's economy disproportionately harms people of color, women and immigrants. Two leaders of our union recently shared the perspective with prosper Portland and continuing partners Alana who has been a janitor for 20 years as well as linda, who has been a security officer and both work in these industries for over 20 years. Both are here today and I'm submitting their testimonies that they presented for your consideration. Alana and linda described their work in the past for nonunion companies where they experienced poverty wage, insufficient health insurance or none at all, disrespect on the job including sexual harassment and the fear of being fired if they spoke up about such problems. They also testified about major improvements they experienced when they organized a union winning better wages, health insurance and having the power to speak on the job without fear of retaliation. So the Broadway corridor present a unique opportunity to create a new district where all jobs are good jobs. The cba negotiations with continuum and prosper Portland have conceptually agreed to quality job standards for janitors and securities and investing into the community driven oversight and enforcement and those are two important steps forward, but things are missing. First they have not committed to making such standards enforceable for all building owners and tenants over the life of the project and secondly they have not agreed to enforceable standards for workers doing other types of jobs. Seiu local 49 is united with our healthy communities coalition partners to make the most of this once in a lifetime opportunity in Broadway corridor. We are prepared to celebrate the co-creation of a transformative approach in equitable economic development. If we can reach that development in coming days. We're also prepared to hold private developers and public officials accountable if the projects ends up creating more poverty jobs based on unenforceable promises. We want to reiterate our requests and support to you that our central demands are equitable access to good jobs and contracting opportunities for everyone including women, people of color and also including fair wages and benefits and a voice on the job. Sufficient resources to create career pathways and meaningful oversight and enforcement tools. Thank you.

**Wheeler:** Thank you, commissioner Hardesty.

**Hardesty:** Thank you all for your presentations. Thank you so much for the testimony from seiu workers. I appreciate receiving that always. You raised a dilemma for me. How do I make private developers do anything? I have no authority over private developers who

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own their own land and are going to build whatever it is they are going to build. What has been the conversation with the committee, how does that happen, right?

**Navarro:** Yeah.

**Hardesty:** I'm with you. Legally, we can't do it. What is the next best thing.

**Navarro:** If I can bring Vivian, she has an answer.

**Wheeler:** If you could reintroduce yourself for the record.

**Vivian Satterfield:** My name is Vivian Satterfield of the healthy communities coalition, thank you to our wonderful panelist representing some of our interest here. Commissioner Hardesty, I appreciate the question. That is explicitly why community benefit agreements -- so I want to be clear, CBAs is not alphabet soup. It is a legally binding agreement the community negotiates in a three-party agreement with the private developer and with public agency in order to formally codify the language to hold them accountable. That is why there were so many CBA experts being brought in to inform precisely that concern how you can hold private developers accountable and that why we're at the negotiating table.

**Hardesty:** So basically it is an agreement that is reached between all parties at the front end, right? And it gives us the tools to say, as the policy makers, the tools to go back and say you agreed to this when we started. Now we are here and we need corrective action. Is that accurate?

**Satterfield:** Correct. It is legally binding. The corrective action is laid out in those terms, including keeping potentially the door open for other future corrective actions that could be available. I know in the state of Oregon we have many pre-emptions.

**Hardesty:** Yes, we do. That is very helpful. We need to know our options in full. I appreciate the ongoing conversation, I know we'll be meeting to talk more about this. Thank you all so much.

**Satterfield:** I look forward to that.

**Eudaly:** Mayor.

**Wheeler:** Commissioner Eudaly.

**Eudaly:** Thank you for that Vivian, I just want one more point of clarification. It's because its publicly owned land and perhaps other subsidies and perks that will be contributed to this project and we're able to do the CBA, we couldn't compel a private developer of private property to do this, right? Well unless they were receiving benefits.

**Satterfield:** So, I think and I also want the opportunity to come to each of these options and talk a little bit more about the CBAs. The reason is it's not just because there are public dollars in the project. The exchange that is made in the community benefits agreement is that the community agrees as signatory, to not protest the project. So there actually is an exchange in order to receive those community benefits. A developer could choose, without the public agency's involvement, to do that. Which it involves work stoppages and what not. There are many different models. We are working with our technical advisers about how to make that hook.

**Eudaly:** As far as us being able to compel anything, it is because of our stake in the project?

**Satterfield:** Yes.

**Eudaly:** Mr. Mundy, we can talk about this offline, because we are going overtime. I want to put statements on the record. You stated a desire to see all racial preference policy in the housing. How do we do that without running afoul of fair housing laws? If it is a long answer. We should talk about it later.

**Mundy:** It is a long answer. We can talk about it later. Not to be nontransparent, but it is a full answer with specific remediation and they have talked about it on the committee as well.

**Eudaly:** I understand the intent and desire. Not saying I'm not supportive, but most concerned --

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**Mundy:** That would be a more focused for remediation for people who were specifically displaced.

**Eudaly:** Kelly, I'm really interested in the prevailing wage conversation as well. I think I share of commissioner Hardesty's concerns and I really want to make sure I understand it and again it probably a conversation we can have another time.

**Kupcak:** Absolutely.

**Eudaly:** I have one question. As a former small business owner, I know there are class advantages linked to the scale of operation. It is more expensive for small businesses to perform certain services and functions than a large business. So, I mean, that is what I'm trying to get to.

**Kupcak:** Certainly. That is a good question. It is an important question and again I'm sorry you were out when I tried to address that in a small piece. On the front end of construction, it is an opportunity to level the playing field for all contractors that are bidding. There are other mechanisms can be put into place to ensure that small firms and emerging firms, women owned firms are not waiting a month for payroll to come in. There are those opportunities for those set asides are providing the technical assistance to bid and understand back of the house issues with access to bonding. That is not my area expertise, but I do want to say there is a lot of research that demonstrates that prevailing wage is critical and that it is not a burden, if it is done right and done with support to small firms. It is important to lift those wages for all folks. When I think about the conversation about affordable housing and the folks that we serve and the fastest way for them to get secure housing and to be, you know, fully living in this community and thriving is through a good job with a good wage and benefits. We are not going to do that if we continue to low road.

**Eudaly:** Yeah. All right.

**Kupcak:** We are happy to follow up and provide that research and have additional conversations if that is beneficial.

**Eudaly:** We just have to make we do it right.

**Wheeler:** Commissioner Hardesty.

**Hardesty:** Thank you for those questions. James Posey and I worked on this issue for almost 25 years straight in this chamber, right. It has played out over and over again at a disadvantage to very small firms. I don't want to reinforce the status quo. The status quo means there are a lot of small and minority and women-owned firms who don't get the opportunity to grow because of that barrier, right? Again, I didn't hear anybody talk about how do we bond, how do we the city, prosper Portland or somebody create a bond mechanism so that is a barrier that is removed. If you are pre-apprenticeship, you are paying into a union that you don't get a benefit all unless one day you make it to journeyman status. We have people in training, we have to understand that we have people in training and we are growing in businesses and if we want those businesses to grow, they can't be competing at the exact same level as the big companies. So we have to figure out how to do it and do it right. The city has not figured out how to do it right. I don't want to miss the opportunity with this project.

**Wheeler:** Let's let that be the final word. There is a ton of information here, a ton of great ideas put on the table. This is an update report. All of this is to be continued and I want to underscore how much we appreciate everybody's participation and comments today. I heard a lot of intersections in terms of all the values we share. Commissioner Fritz.

**Fritz:** I just had one comment. Thank you for everyone who is here, and, thank you, mayor for setting up a true conversation with all different perspectives thanks to housing bureau and prosper. We all want the same outcomes and are looking forward to the opportunities that are presented here. Thank you, mayor, for setting this up like that.

**Wheeler:** Thank you, commissioner. I will entertain a motion.

**Eudaly:** I move the report.

**Wheeler:** Nobody seconded it.

**Eudaly:** I second it.

**Wheeler:** Commission we're going to give you the motion and commissioner Hardest the second and commissioner Fritz and I will just go on. Karla please call the roll.

**Fritz:** Thanks again aye.

**Hardesty:** Aye.

**Eudaly:** Thanks every body it's an exciting possibility and important conversations I vote aye.

**Wheeler:** This is a fantastic big vision and I love the fact that it is starting with the values. It is starting with the values of inclusion, its starting with the values of a shared economics of prosperity, its starting with the values of creating a world class sustainability, its starting with the value of creating shared space that everybody sees themselves in. I'm really excited about this going forward and continuing with all the great work that everybody who testified and everybody in this room has been engaging in. To the future, I vote aye. Report is accepted. Now I'm turning the gavel over to the council president.

**Fritz:** Can we take a five-minute break, madam president.

**Hardesty:** Absolutely. We will take a five--minute break, Karla.

**At 3:40 p.m. council recessed.**

**At 3:49 council reconvened.**

**Hardesty:** Back in order. We are going to -- the first order is to refer item 82 back to commissioner eudaly's office.

**Eudaly:** Yes. Do we need to read that?

**Moore-Love:** I think we are okay without reading it.

**Hardesty:** Are we ok without reading the title. Yes, heads are nodding up and down. Item 83.

**Item 83.**

**Hardesty:** Can I have the city attorney make announcements about today's hearing, please.

**Linly Rees, Chief Deputy City Attorney:** Yes. This is an on the record hearing. This means you must limit your testimony to materials and issues in the record. We begin with a staff report by bureau of development services staff for approximately 10 minutes. Following staff report the city council will hear from interested persons in the following order, the appellant will go first and have 10 minutes to present their case, following the appellant persons who support the appeal will go next. Each of those persons has three minutes to speak to the council. The principle opponent will then have 15 minutes to address council and rebut the appellants presentation, after the principlt opponent council will hear from persons who oppose the appeal again each person will have three minutes and finally the appellant will have five minutes to rebut the presentation of the opponent's of the appeal. The council may then close the hearing, deliberate and take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for adoption of findings and a final vote on the appeal. If council takes a final vote today, that will conclude the matter before council. There are several guidelines for those who will be addressing council on the record hearing. First the evidence share record is closed. If the hearing is to decide only if the hearings officer made the correct decision based on the evidence presented to him. This means you must limit your remarks to arguments based on the record compiled by the hearings officer. You may refer to evidence previously submitted to the hearings officer. You may not submit new evidence today that was not submitted to the hearings officer. If your argument includes new evidence or issues, you may be interrupted and reminded that you must limit your testimony to the record. The council will not consider the new information and will be rejected in the council's final decision. Second, objections

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to new evidence. If you believe a person who addressed council today improperly presented new evidence today or presented a legal argument relying evidence not in the record, you may object to that argument. Third, objections to new issues. Under state law only issues raised before the hearings officer can be raised before the council. If you believe another person has raised issues not raised before the hearings officer, you may object to the council consideration of that issue. Fourth, the applicant must identify constitutional challenges to conditions of approval, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval to allow council to respond the applicant will be precluded from bringing an action for damages in circuit court. That concludes my remarks.

**Hardesty:** Thank you. Do any council members wish to declare a conflict of interest?

**Eudaly:** I'm a member of the Japanese garden, but I don't think that constitutes a conflict of interest.

**Hardesty:** No. I don't think so. Legal counsel, is that accurate?

**Rees:** That is correct.

**Hardesty:** I also have no conflict. Does any member of the council have ex parte contact to declare or information gathering outside of this hearing to disclose?

**Fritz:** I was in charge of Portland parks and recreation from 2013-2017 and therefore had some knowledge of the previous proceedings regarding this area.

**Hardesty:** So I will take that as no council members have had ex-parte communication.

**Fritz:** I have not had any discussions about this particular case.

**Hardesty:** Thank you. In that case, moving forward. Moving forward.

**Rees:** You may want to ask about whether there are any site visits.

**Hardesty:** Yes. Has any member of the council gone on a site visit to observe this property outside of any process? All heads are shaking no. I would add my no-shaking head to that and so now it is my roll to call for testimony. We will start with the staff report and staff will have 10 minutes to do their report. Please come up to the podium and introduce yourself and you may begin. Before you start, I have one more question I'm supposed to ask my colleagues. That question is do any council members have any other matters that we need to discuss before we start the hearing?

**Fritz:** That is completely different question.

**Hardesty:** Hey, I'm just following the rules here. No? Okay, we're all good, you have 10 minutes.

**Andy Gulizia, Bureau of development Services:** Good afternoon, I am andy Gulizia a planner with the bureau of development services. This is an appeal hearing for a type 3 conditional use review. The Portland Japanese garden is the applicant and the applicant's proposal is to continue using the house at 369 southwest Kingston avenue referred to as a Kingston house as administrative office space for the Japanese garden for 10 years. After a public hearing the hearings officer approved the conditional use review with a condition approval limiting the office use to four more years rather than the 10 years the applicant had requested. The Portland Japanese garden has appealed to city council to reconsider the hearings officers condition of approval and my role is to present the hearings officer's decision. So this is the zoning map. This area here is the portion of Washington park which contains the Portland Japanese garden. This area is zoned os or open space. The subject of the application is this property here, which is labeled Kingston house on this map, this is zoned R-7 residential. In 2009 the Japanese garden obtained conditional use review approval to add to the Kingston house to the gardens conditional use site and to allow the Kingston house to be used as administrative offices for the garden for 10 year. The applicant's current proposal is to continue using the Kingston house as Japanese garden offices for 10 more years. The applicant is not proposing any physical changes to the property or any changes to the scale of the existing office use. So this is an aerial

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photograph of the area. The Kingston house property is here. Outlined in blue. To the south of the Kingston house is the portion of Japanese park or Washington park, rather, that is occupied by the Japanese garden. Across the street from the Japanese garden are the Washington park tennis courts and other properties, which about the Kingston house properties are developed with single-family homes. This is a photograph of the Kingston house property viewed from southwest Kingston avenue. This is a photograph looking into Washington park from southwest Kingston avenue, directly in front of the Kingston house property. On the left side of the street are the Washington park tennis courts and on the right side of the street is land occupied by the Portland Japanese garden. This is a view looking across southwest Kingston avenue from the Kingston house, this is just looking at another single-family home. This is a view looking north into the residential neighborhood from the sidewalk in front of the Kingston house property. So I'm going to summarize the hearings officers findings for the applicable conditional use approval criteria. Criteria a is the proportion of household living uses. This criterion requires that overall residential appearance and function of the residential area will not be significantly lessened due to an increased proportion of nonresidential uses. For purpose of this criterion the hearings officer considered the residential area to be residentially zoned lots near the Kingston house not including Washington park which is zoned open space rather than residential. The hearings officer found the proportion of nonresidential uses on residential zoned lots in the area is small and the hearings officer found approval criterion a was met with conditions of approval to limit the intensity and scale of the office use. These include limiting the use to weekdays only, limiting regular office hours 7:00 a.m. to 7:00 p.m., requiring any meetings to conclude by 9:30 p.m. and limiting the maximum occupancy of the house to 12 people at any one time. Criterion b is for physical compatibility, specifically that the proposed use will be compatible with adjacent residential developments in appearance and scale. The hearings officer noted Kingston house still has the outward appearance of a house and the applicant is not proposing any physical changes to the house or grounds. The hearings officer found the proposal would be physically compatible with the adjacent residential area and that approval and criterion b was met. Criterion c is livability and this criterion requires there to be no significant adverse impacts on the livability of nearby residentially zoned lands. For purposes of this criterion, the hearings office used the dictionary definition of the word significant as having or likely influence or effect and of noticeably or measurably large amount. The hearings officer noted that he had approved the 2009 conditional use review because livability impacts from the proposed were deemed to not be significant if the use was temporary and limited to 10 years, which was what was proposed by the applicant at that time. The hearings officer also noted that the applicant indicated they intend to continue searching for alternate locations for office space in the next 10 years, but they focused on the possible construction of new office space in Washington park where such development would subject to substantial constraints and uncertainty. The hearings officer found if 10 more years of office use in the Kingston house were approved, the use of the Kingston house space would be permanent and the applicant was likely request another extension in 2029 because efforts to construct conditional office space in Washington park may not be successful. The hearings officer found impacts from office use are fundamentally different from residential uses and this residential neighborhood is particularly sensitive to any increased impacts from non-residential uses because of its location adjacent to major activity centers in Washington park. The hearings officer found criterion c could be met only by imposing an condition of approval limiting the continued office use of the Kingston house to four more years rather than the 10 years the applicant requested. The hearings officer found four years would be sufficient for the Japanese garden to find alternative office space if they broadened their search parameters beyond areas within walking

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distance of the garden. Criterion d is for adequacy of public services, the Portland bureau of transportation found the transportation system is adequate to support the office use in the Kingston house along with other uses in the area. The water bureau and bureau of environmental services responded with no concerns about the existing water and sewer connections and storm water disposal and the police and fire bureaus also reviewed the proposal and responded with no objections. The hearings officer found public services are adequate for the proposed use and criterion d is met. The city's 2035 comprehensive plan was appealed and while that appeal has been pending, certain land use applications including this one must be found to be consistent with the Oregon statewide planning goals. Statewide planning goal 10 requires local governments to plan for and accommodate needed houses. The hearings officer noted that imposing a four-year time limit on the office use in the Kingston house is supportive of goal 10 because presumably after the four years the house would return to residential use. So the hearings officer approved the conditional use review with eight conditions of approval. The first is the approval would expire in four years, condition b is that regular office hours are limited to 7:00 a.m. to 7:00 p.m. weekdays. Condition c, meetings must be held on weekdays, must end by 9:30 pm and must be limited to 12 attendees. D, the maximum occupancy of the house is limited to 12 people at anyone time, including regular office staff and meeting attendees. Condition e the exterior of the house must retain the appearance of a private residence. Condition f no signage allowed except for address identification and small signs near the front door. Condition g the applicant must provide the neighborhood association with contact information for after hours security concerns. Condition h, parking associated with the Kingston house must be on the property with up to two vehicles on the driveway at a time or in the park. Parking associated with the Kingston house office use would not be allowed on the residential street. So the applicant appealed the hearings officer decision based on objections to condition approval a, which limits the duration of the office use of the house to four more years. So the applicant's appeal request is to modify the hearings officer decision to extend the conditional use approval from four more years to 10 more years. There are three alternatives facing city council in this hearing. One is to deny the appeal and uphold the hearings officers findings and conditions of approval, including the condition of approval limiting the office use to four more years. The second is to deny the appeal and uphold the hearings officer decision limiting office use to four more years but with modified conditions or findings. And the third alternative is to grant the appeal and modify the hearings officer's findings and conditions to allow office use for more than four years up to a maximum of 10 years, which is what the applicant is requested. That concluded my presentation. I would be happy to answer any questions, thank you.

**Hardesty:** Commissioner Fritz.

**Fritz:** Thank you for that very clear presentation is there anything in the approval criteria for conditional uses that says they have to be temporary?

**Gulizia:** No.

**Fritz:** Thank you.

**Hardesty:** Commissioner Eudaly.

**Eudaly:** Madam president, thank you. You went over potential livability issues. Have there been any livability issues caused by the use of this home in the last 10 years?

**Gulizia:** Opponents of the application at the hearing officer hearing submitted evidence that there has been increased in crime and nuisances in the area. They would argue that some of that is attributable to the office use of the Kingston house. There is also a concern about the fact that the Kingston house is not occupied by a family at night and weekends it is not occupied by anyone so it creates sort of a dead zone at the end of the residential street, fewer eyes on the street to deter crime and nuisances.

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**Eudaly:** It is not people coming to the house to do the business of the Japanese garden are committing crimes or causing nuisance, it is because the house is not occupied the rest of the time?

**Gulizia:** I believe that is an accurate characterization of the neighbors' concern.

**Fritz:** Can you tell commissioner Eudaly what the hearings officer said about that, what the findings are?

**Gulizia:** The hearings officers findings about livability was really focused on the fact that this neighborhood is unique and that it is next to major activity centers, the rose garden, the Japanese garden and the tennis courts. They are feeling impacts from that, so they are sensitive to any other impacts from non-residential uses. The hearings officer found impacts from office use are fundamentally different. He didn't point to anything, any particular impact that has happened is that part of the analysis or just office is different from residential use by nature and this neighborhood is especially sensitive to impacts and characteristics.

**Eudaly:** I can imagine differences in impacts, but on the plus side you don't have neighbors making any noise at night, so there is that.

**Gulizia:** Sure.

**Eudaly:** Okay, thank you.

**Hardesty:** Thank you both. Thank you very much. We will have the appellant come up next and the appellant has 10 minutes as well. Please introduce yourself for the record, please.

**Robert Zagunis:** Good afternoon.

**Hardesty:** Good afternoon.

**Zagunis:** My name is Robert Zagunis and I am currently serving in a volunteer capacity as chair of the board of trustees of the Portland Japanese garden. I have been a resident of Portland for over 50 years and most recently retired as a principle from an local investment management firm jenson investment management. On behalf of the Portland Japanese garden I want to thank you first for the time today to hear this appeal, we know that our city and each of you have many more important issues demanding of your time and attention so we will make this as brief as possible. The garden as was stated owns a house in Arlington heights neighborhood that is immediately adjacent to the entrance on Washington park on southwest Kingston in contiguous to the Japanese garden. Since 2009, we have operated under this 10-year conditional use permit as work space for up to 12 individuals. This spring we applied for another 10-year conditional use, in December the conditional use permit was granted but with a four-year time limit. We appreciate that the conditional use permit had been renewed, but we are, as indicated, concerned about the length of time of this and I will tell you why here in a minute. To be clear, we are here appealing the four-year time limit and asking for more time. The garden has 138 employees plus 300 volunteers. Unfortunately, we are short of space on our 12.5 acre campus to provide adequate work space for all of them. 10 years ago when we purchased the house at 369 Kingston, right next to the entrance and diagonally across from the tennis court, we purchased the house in order to use as an interim work space for staff and volunteers until we knew what our permanent expansion plan would look like. At that time in 2009 we did not request a permanent conditional use permit because we hoped our expansion project which was then in its early stages would be able to create enough work space for staff and volunteers. During those 10 years our staff has worked quietly in the house without disrupting neighbors. Pursuant to the original conditional use permit, we maintained the exterior of the house and its original residential form, have maintained the grounds to keep it consistent with the residential neighborhood. We have no signage on the house indicating it is other than a residence and deliveries for the house which are for garden purposes are actually made not there in the neighborhood, but at the garden itself.

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Since your garden is open seven days a week, all day long, we always have one employee working in the house on any given day. This provides extra eyes and ears on the streets even though several houses on the street are unoccupied for large parts of the year. In addition we have a 24 hour security staff who check on the house during the night to provide additional safety. We do require staff members who work in the Kingston house to park in the house's driveway or within Washington park. We also require that the other 126 staff not park in the neighborhood and we are vigilant in enforcing this. On occasion, when one of our employees does transgress and a neighbor reports this to us, we immediately take action and prevent it from recurring. We know some of our neighbors don't like aspects of the operation of the garden itself and we work diligently to accommodate those concerns to the extent possible. However I need to take the opportunity to say that those issues from lights to leaf blowers are related to the garden property and are not related in any way to how we use this house on Kingston avenue. Why are we asking for your help today? For the past five years we strenuously tried to get Portland parks and recreation to collaborative solve our mutual need for additional work space for both their and our staff volunteer there and working in Washington park. Two years ago we met with some of you and testified here at city council in opposition of the Washington park master plan. We had two primary issues then, access for park visitors and work space for staff and volunteers. The cultural institutions in Washington park felt Portland parks and recreations failed to address access, which was a primary problem the master plan was supposed to address. As a result you and your predecessors on city council required master plan be contingent on first completing a comprehensive transportation management plan. That plan is going to cost as much as the original master plan. As such, it has taken us working diligently with all the primary stakeholders in Washington park 18 months to negotiate the funding mechanism for that planning process and we are just now starting that process which is expected to take another 18 months. I'm telling you to tell you this to give you a picture about how the wheels of progress move forward, but they do move exceptionally slowly. If you go through the right process and are working in Portland's premier park, with five cultural institutions, multiple departments with Portland parks, multiple city bureaus, metro, residential neighbors, all who are dedicated to serving 3.5 million members of our community and visitors to our community each year. Which does this have to do with our appeal. Two things. The prior leadership of Portland parks and recreation completely stonewalled us on the need of staffing and volunteer work space within Washington park. I might point out allocating \$12 million for new workspace for park staff many of whom don't work in Washington park, there was a pretence of public process, but actual input from the cultural institutions responsible for serving most of the park's visitors was ignored and that is what brings us here today. Fortunately the new director of parks and recreation Adena Long is a breath of fresh air and is willing to work with us on a mutual solution. However a four-year limit on a conditional use permit is a very compressed time frame for developing and implementing a solution. To even get started on this the Washington park stakeholders have to complete the transportation management plan which will -- excuse me -- in turn identify locations within the park that would be best for siting the new work space for Portland park staff and it is those sites that we believe could be built through sharing costs to provide work space for Portland parks and Japanese garden staff. Once we identify those sites Portland parks and city council need to decide on the optimal timing for bond measure which may take several years and that is not all. There will be a design process followed by construction. Our own expansion project which we completed in 2017, required five years to design, fund and construct. Using that as a timeline, even if we had all the positions to start tomorrow, the four-year time limit on the conditional use permit would expire before we could complete such a project. I know what you might be thinking we could come back for another conditional use permit in four years. My last point here is

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the Japanese garden is a not for profit organization dedicated to serving the community. The conditional use permit process has already cost us close to \$40,000, it cost \$12,000 in application fees payable to the city. The specter of having to return to this expensive process in four years is daunting to us, so please help us join the renowned Japanese garden outside of Japan with our community. Please extend the time limit on conditional use permit. Support the parks and recreation director Adena long in finding a mutually and beneficial way to create a real work space solution for Portland parks, for the Japanese garden and the others who make Washington park so special.

**Hardesty:** Thank you. Colleagues any questions. Commissioner Eudaly.

**Eudaly:** You answered my question, which is why this wasn't accommodated for in the expansion plan. It sounds like it would be too big of an impact on the existing park.

**Zagunis:** That's correct. There is some new office space in the new facility, but not enough to accommodate the level of people we need.

**Eudaly:** As transportation commissioner, I want to commiserate with you about how slow those wheels turn. I understand the timeline stress you are talking about.

**Zagunis:** Okay. Thank you.

**Hardesty:** Commissioner Fritz so I do have a question. My question has to do with when you got the 10-year extension, there was a period of time you didn't realize the parks bureau was not going to be able to partner in with you. What prevented you from going off and doing whatever you needed to do on your own without waiting for the parks bureau to step up and work with you. 10 years is a long time to be waiting for someone to partner with you.

**Zagunis:** Correct. We did start working with that. The part of it, you can say, is on us because we had a \$37 million project we were in the middle of in the first 10 years that the conditional use permit was going on. A lot of the attention was going to that and the development of that project with the expectation it would have more space was ongoing. And it was finally at the end when we were, you know, basically finished with the project a couple of years ago it was clear to us there was not space enough that we needed it. And consequently, the Kingston house, which really is relatively small house at the end of the street, looks like any other house in the neighborhood, became a place that could provide some of the support or relieve the pressure for some of the staff that we have. Part of it was on us and timing.

**Hardesty:** I appreciate you saying that. Okay, so you were building a space, but you built it too small, and you want the park bureau to partner with you and they didn't come back quick enough. That is kind of what I'm hearing.

**Zagunis:** No. I think the aspect for space with the master plan, to make sure it is not just the Portland Japanese garden but the zoo and everyone else in the area there. Trying to help solve the comprehensive issue of space, really, whether it is for parking or office space and it's a problem right now. I think it will get a little bit worse going forward if we don't address it. The point we are trying to make, four years to try to get that resolved, no matter what is going on, isn't long enough to accomplish what we are trying to do.

**Fritz:** I notice the city attorney looking anxious?

**Hardesty:** No. She is good. She is really good -- she will let me know. My seat will start buzzing. Thank you. Are there any more questions? Thank you very much.

**Zagunis:** Thank you.

**Hardesty:** Supporters of the appeal can come up. They will have three minutes each. How many do we have by a show of hands? Please come on up. We've got room for three.

**Moore-Love:** I show two people signed, Steve Bloom and Dory Vollum.

**Hardesty:** Thank you, please put your name in the record and you have three minutes.

**Steve Bloom:** My name is Steve Bloom, I'm the CEO of the Portland Japanese Garden. I think I may have further clarification to some of your questions in my testimony here. I want

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to express our condolences for the passing of Nick. He was a great supporter of parks and the garden in particular and we worked with him very closely over these years. What a great loss. Our condolences.

**Hardesty:** Thank you.

**Bloom:** Please bear with me as I give background of the Portland Japanese garden which has been in the park 57 years serving the citizens of Portland. I have the privilege the last 14 years serving as the chief executive officer of the organization. We were founded by the citizens of Portland as a gesture of peace and reconciliation in the aftermath of World War II. Generations of Portlanders have been coming to this garden to experience peace and beauty for years. We have always been a nonprofit governed by the board of trustees comprised of citizens, like Robert who you heard from. The garden trustee staff and volunteers have always been passionate about this world class asset for Portland. This year the Portland Japanese garden this year will serve 500,000 people, about half of those people come from every corner of our community, the other half come from 85 countries from around the United States and 85 countries around the world. We try to serve underrepresented parts of our community partnerships like Title One schools, access admission membership programs, partnerships with organizations like Big Brothers, Sisters. The garden has 21,000 members and 300 volunteers. We have 138 employees and we have been a leader in the nonprofit section making sure our starting wage is at \$15 per hour and we pay 100% health premiums for our full-time employees. In June we are hosting the international conference of American public gardens which will bring 1,200 people from the field to Portland. We are proud of the expansion which opened in 2017, but because of the number of people that we are serving, we found that the size of the expansion was not big enough and we are cornered in. There is nowhere else for us to go in the 12.5 acres. We made the deliberate decision we were going to make a priority to use that limited space we have for public space that the public could access and that was a better use of the property than for offices. So while we added some office space, we gave priority to public space the citizens could use. So Portland Parks and Recreation as we said, we were working on a solution. It did not work out. We were also working on a solution with Portland Parks. That did not work out. Now we want to have time to go back to the drawing board, now we are given an indication by Portland Parks and Rec they are willing to work a solution in the park. Proximity is everything. People who can work offsite, do work offsite.

**Hardesty:** I'm sorry, sir. We have a strict time limit. I do have to stop you when your time is up. Thank you very much, please. Name for the record.

**Dorie Vollum:** Good afternoon, my name is Dorie Vollum. Prior I was board president for two years prior to Robert and I was chair person of the \$37.5 million capital campaign for the expansion. When I joined the board I knew how important the garden was to me personally and to our community, but I would not imagine I would become its chief fundraiser and advocate. As a citizen, I have been heartened over the years by the many times I have worked with Portland Parks, the Water Bureau, Planning Bureau to help us find a way forward in our complicated expansion. Without that expansion our world-class garden would have been adversely impacted by the huge increase of people who come to visit for its unique beauty. I commend the many people in our city's bureaus and your offices who strive to make our city work. Thank you for that. However, occasionally I have been frustrated and this is one of those occasions. We just need enough time and a continued commitment from Portland Parks to find a win-win solution for accommodating Portland Parks and Rec and the garden staff within Washington Park. The right long term solution for the people who are essential to the people maintaining the beautiful amenities of Washington Park from the Rose Garden to the Hoyt Arboretum, the Holocaust Memorial, Sacajawea statue and our Japanese garden is with your help. We know reaching out

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involving all the necessary stakeholders for the right process, the public process will require more than four years. Please extend the four-year limit on this conditional use permit. Thank you for your time.

**Hardesty:** Thank you. Questions. Thank you both.

**Bloom:** Thank you.

**Hardesty:** It is intimidating when you are not accustomed to having a time limit. Now we will hear from prince principle opponent. Do you have a list Karla? A principle opponent. Okay. Thank you. Please. You will have 15 minutes total, thank you please introduce yourself for the record.

**Steve Janik:** My name is Steve Janik, I represent joe angel, who lives across the street from the Kingston house. I'm an attorney, 101 southwest main, Portland. The Kingston house, as you know, is in the comp plan as residential and it is zoned residential. In 2009 the applicant applied for the 10-year conditional use for offices prior to and in preparation for the major expansion of the Japanese garden. A permanent conditional use was not requested. Rather than opposing that request, my client, the neighborhood association, were very concerned about the impacts of having an effect an office building there and the impacts of the construction that was going to go on for a number of years in the expansion, but rather than oppose the conditional use permit, and in recognition of the public benefit that the Japanese garden provides, we decided to try to negotiate an amicable resolution to the matter. We recognize cooperation in this case was appropriate. We ended up reaching an agreement on a restricted covenant that was signed and recorded and we reached an agreement on a good neighbor agreement. The covenant and I'm quoting here said, the intent of the parties is that the property will not be used as office space after 10 years and in a letter I submitted to each of your offices yesterday and into the record today, when I give you these quotes, they are specific references to where in the record those quotes can be found. So in 2009, the hearings officer mr. Frank, given in part perhaps because we didn't oppose it, what he said then was I think relevant to today's hearing. Quote, the hearings officer measured the intensity and scale of the proposed use as those falling from only a 10-year term. The hearings officer notes that had this proposal not included a 10-year term, the hearings officer may have arrived at a conclusion that the overall residential appearance and function of the residential area would have been significantly lessened and the approval criteria would not have been met. As such, with the representation by the applicant that the house and the subject site would be used for administrative purposes for only a period of 10 years, the hearings officer finds the overall residential appearance and function of the area will not be significantly lessened. Hearings officer finds with the 10-year term this approval criteria is met. 10 years later here we are again, before mr. Frank the hearings officer, who was there in 2009 and now in front of the city council with the applicant seeking another 10 years. The primary approval criteria was the same 10 years ago as today. 33.15.105a requires proof that the overall appearance and function of the area will not be significantly lessened. In this 2019 case, the hearings officer found the following facts, in the last 10 years the applicant has only looked for office space alternatives within Washington park. Number two, the applicant has blamed the parks bureau for not allowing alternative office space in Washington park. Number three, the applicant did not prove that its alternative office space must be in Washington park and the applicant did not look for alternative office space in more traditional nearby office space market. However, at the hearing, a representative of the applicant testified that the applicant, in fact, is actually renting office space near the sylvan interchange for administration functions which as we understand are the functions that occur in the Kingston house. In the 2019 present case, the hearings officer' decision was as follows, the hearings officer finds that granting additional 10-year extension allowing the applicant to use the Kingston house for office use in this unique residential area will adversely

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impact the residential area. The hearings officer finds the use of the Kingston house as office space has meaning to residential area. The hearings officer finds the use of the Kingston house as office space will have or likely have influence or affect on the residential area. The hearings officer finds granting the applicant's requested 10-year extension will result in "significant adverse office use impacts on the residential area." now in 2009, the hearings officer warned that, quote, as long as the applicant continues to prefer focus on relocating office space in Washington park, it will be difficult to confidently predict when such an office alternative space will succeed. The hearings officer concluded that another 10-year extension would likely make the applicant reapply in 2009 for yet another extension and this would amount to, as he described it, a "permanent institutionalized office use in a residential zone --

**Hardesty:** I want to be mindful of the time, we have four minutes and 30 seconds left and there are three of you.

**Moore-Love** It is nine minutes.

**Hardesty:** I'm so sorry. It is me, not you. The top is chopped off. My apologies. Continue.

**Janik:** What the hearings officer said was if this is continued in 10-year increments, it will permanently institutionalize office space in a residential zone inconsistent with the zoning code and the comprehensive plan. Mr. Angel and the neighborhood association trusted the applicant. We supported their efforts. We supported the 10-year conditional use and thereafter we dealt with the impacts in the neighborhood with a substantial construction, additional traffic, additional people and other problems because the Japanese garden is a very valuable and important institution. In this case, when we went before the hearings officer last month, we even offered a two-year extension so that they would have two years to find additional space. When the hearings officer said four years we didn't appeal that. We said, okay, fine. We'll put up the situation for another four years, but four years is a long time. We request that you affirm the hearings officer's well reasoned decision and help the Japanese garden find an alternative office location and hopefully in Washington park, what we are talking about is space for 12 people. We think the hearings officer struck a good balance between our concerns and the needs of the Japanese garden with the decision for four years. And the reality is that after their good efforts and cooperation with the city, they can't find space in four years, we can have a continuation of this discussion at that time rather than giving them 10 years. The hearings officer said the four-year period of time would give them enhanced incentive to solve the problem within that period of time rather than taking yet another 10 years. Thank you.

**Hardesty:** Thank you.

**Jeff Kleinman:** I'm Jeff Kleinman, 1207 southwest sixth 97204. I'm here on behalf of the Arlington heights neighborhood association. To my right is the president, Kathy Goeddel. I'm going to take a minute or two to leave time for Kathy, but I want to emphasize the original, based on the review of the record, the original conditional use would not have been allowed because it didn't meet then or current criteria, but on the assurance that the project within the garden to build office space, which was about to start, would be wrapped up and would accommodate the office space, all the opponents withdrew their opposition and as Steve said, the hearings officer recognized that and said, okay, well, all right, but just for the 10 years. Now they are back and they want another 10 years. The effect of that is to create a permanent use, which is really what they want. The four years is more than generous. We have to be concerned about the precedent then. Steve and I have not argued the legal case before the hearings officer. This is not really an allowable conditional use, but allowing it would be a precedent for converting housing stock to office use in the city, which is about the worst thing we could do in light of the current housing crisis. It is a pathetic precedent and the hearings officer was quite generous in allowing four years. The neighbors were agreeable to two, proposed two, just to give these folks more time and we

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would submit that is what the council should go back to is a two-year extension. There is no assurance that there will be more building of offices in the park. It is not our understanding that is what the parks bureau is contemplating whether for the garden or anybody else including themselves. There is a transportation master plan that is out there, at least we understand there is no proposal for offices to occupy part of our precious parkland. These folks have offices at the sylvan exit. It is time for the office space to return to what it is, which is a house and add back to the housing stock of the city of Portland. With that, I will have the testimony from ms. Goeddel.

**Kathy Goeddel:** I'm Kathy Goeddel I'm representing Arlington heights neighborhood association. We support the hearings officer gregory frank to limit the Japanese garden to four years. Use of the office. He was there for all of the other hearings, so he had all the other background. We praise the Japanese garden for being a major asset for cultural and scenic life. This is not about the Japanese garden. It is about office use of a residential home on a residential street as an administrative office. The livability of our neighborhood is not the same as it was 10 years ago. This land use exception needs to be viewed in today's context, not because it was approved 10 years ago when we had the full support of our neighborhood association and good will. The key question is does extending the office use of this r-7 residential home for 20 years have an impact on neighbors? We agree with the hearings officer it most certainly does. Okay. So again, we request you deny this appeal. They promised us that the use of this house would be temporary and limited to 10 years. That is from our board minutes in 2009. Four years now is ample time for the Japanese garden to find a new office. We recommend it, too. The hearings officer found granting it another 10 would make it permanent. It should be a residential home. We are a residential neighborhood. In our neighborhood, this is the same diagram that andy showed, it is basically a small enclave of seven homes on a hillside, no homes below, there's not homes close above. There is a barricade at night and the Japanese garden sits right next to the park. It makes the street a dead end. That makes it no eyes on the street at night, no traffic coming and going and there's been more crime in that part of the neighborhood. We did some studies of our board members versus the folks living directly across. They had six times the number of incidences of tire slashing, cars keyed, mischief, painting on and on versus one in three for the board members in our neighborhood. Some of us live next to the park, some live inside the neighborhood, but there is significant more crime down there even versus other people who live next to the park. Promises were made. They promised us they would limit it to a 10-year term based on the estimate of three years to start the campaign. Another five years for the campaign to the end of construction and two years to spare. That is what they told us. We had a good neighbor agreement where everybody said the intent of the parties is that the Kingston house be used for residential purposes after 10 years and the hearings officer noted in that 2009 hearing that the applicants said the proposal would only be acceptable if the applicant was limited to the extent possible to a 10-year term. Thereafter, the house be returned to residential use. That is what this is about. The promises were broken. They didn't wait for long. In 2013 Steve bloom mentioned at the neighborhood association meeting that it's the garden's intent to maintain permanent offices in the residence on Kingston. We said this is contrary to what we were led to believe during negotiations regarding the conditional use permit for residence in a few years back. In the 2014 decision, the Japanese garden sought to expand the Kingston house and make it permanent. When the neighborhood objected to that, they withdrew that and then they added additional many, many extra feet to the cultural village to accommodate administrative staff. In 2017 the construction was complete and now the Kingston house is still an office. We have had many livability impacts in our neighborhood that is the crux of the argument here. There is more crime. There is more crime all over the city. The police are doing their best. They are spread thin.

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The city has grown. The visitors to the Japanese garden have grown significantly. Two major construction projects, an administrative office in our neighborhood is one more particularly to the people who live next to it. I mentioned the vandalism is higher, traffic and parking, our homes don't have garages or they have small garages, so we are on the street. Metered parking mean people park in the neighborhood and the garden park employees have been regularly parking in the neighborhood. They only began enforcing the good neighborhood agreement shortly before they approached us for 10-year extension. 12 additional parked cars for one home on streets close to capacity has an impact.

**Hardesty:** Thank you all.

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

**Goeddel:** If I can just say --

**Hardesty:** No ma'am. Your time is up.

**Fritz:** She runs a tight ship.

**Hardesty:** I do. Opponents for the appeal.

**Moore-Love:** Three people signed up.

**Hardesty:** They each have three minutes. Is the third that person in the chamber? Please come on up and go ahead and start.

**Kristi Wuttig:** My name is Kristi Wuttig and I am a resident in Arlington heights. I am here to read a letter from marshall gannet who could not be here tonight in person. Today.

**Eudaly:** It feels like tonight.

**Wuttig:** This is testimony in support of the hearings officer decision in opposition to the appeal January 30, 2020. Dear members of the council, contrary to the Japanese garden's appeal, the hearings officer did not err in limiting the Japanese garden's use of a residence, the Kingston house, for an administrative office to four year. This was a compromise between 10 years in the original request and the two years the Arlington heights neighborhood asked for. The Arlington heights neighborhood association agreed not to oppose the original 2009 request for a 10-year variance of zoning laws so the Japanese garden could use a residence for administrative offices based on a promise by the Japanese garden that such use was temporary. They told the neighborhood that their new construction would include ample office space and they would return the home to the residential use when construction was complete. This was codified in the good neighbor agreement. In 2014, when the Japanese garden's land use application for their expansion was first made public, they tried to include permanent use of the Kingston house. Their true objective and deceit was out in the open. The use of the Kingston house was removed from land use application in response to serious objections of the neighborhood. At this point, the Japanese garden made a conscious decision not to include adequate administrative space in their new construction. Either they did not consider it important or they would eventually get the city to roll over. This decision has real consequences to city residents and the neighborhood. As mentioned in my original testimony regarding the decision in question, by insisting on having their administrative staff onsite for their convenience, the Japanese garden exacerbates existing parking and congestion problems in the neighborhood. Moreover, the small amount of free parking in Washington park within walking distance of the rose garden on Kingston drive has, in fact, become the Japanese garden's ad hoc employee parking lot and because of this, it is commonly filled to capacity. During morning runnings I witness car after car parked there and occupants walking to the Japanese garden back gate. This parking is for park visitors it is fitting the Japanese gardens bimonthly newsletter is titled the garden path because they have led the city down the garden path time and time again. Please uphold the hearings officer well-reasoned decision and reject the appeal.

**Hardesty:** Excellent. Thank you. Next. Please, one of you.

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**Colleen shoemaker:** I'm Colleen shoemaker and I am on the board of Arlington heights neighborhood association and I thank you all for taking the time with this today. I support and indeed cherish the Japanese garden and I'm a member and a frequent visitor and I hope to be a future volunteer there, but I ask council to uphold the hearings officer's November 2019 land use decision to limit the conditional use permit to the Kingston house to four years. Poet Robert frost words come to mind, good fences make good neighbor. We ask council to keep our esteemed neighbor on its side of the zoning fence. All three conditional use decisions, in 2009, 2014 and 2019, clearly state this exception in our r-7 zone is understood by all parties to be temporary, yet the record shows the Japanese garden has intended repeatedly since 2008 to make the exception permanent. The hearings officer says in 2019, if council approves the applicant's request for a 10-year extension the council will be making the office use of the Kingston house permanent. A 10-year extension makes this extension to zoning de facto and to grant this exception sets precedence that undermines Portland's zoning laws. A council decision to overturn the hearings officer decision could suggest spot zoning is acceptable in Portland. Spot zoning can be defined as unjustified exception within a district that benefits a particular property owner to the detriment of general land use, public goals and undermines preexisting rights of uses and neighbor. As I testified on October 30, any nonprofit or business could expect this exception and extensions of conditional use will be hard to deny to anyone. Conditional use becomes permanent use and de facto changes zonings. A four-year extension is generous time for the garden to find offices. It also preserves our zoning and reaffirms the boundaries that help us maintain livability as our neighborhood faces the challenges of being neighbors to the cities most popular visitor attractions. I thank you, council, for hearing our concerns and protecting the integrity of our neighborhoods. I'm going to take the additional 30 seconds allowed to continue Kathy's presentation. She asks that you affirm the decision and would like you to add a condition that the Japanese garden report annually to the Arlington heights neighborhood association and city of Portland on their progress for finding new office space outside the park.

**Hardesty:** Well done. You got it into that time period.

**Jay Shoemaker:** She is good. Jay Shoemaker, 2770 southwest Rutland terrace. I'm here in capacity as a resident and architect registered in the state of Oregon. In 17th of September, 2014, city council approved the Japanese garden's expansion plan document lu 14-122172. Attachment to the findings. In the purpose section of the plan the garden identified 8,890 square feet for administrative office that has already been referred to today. The second floor they said is for offices. Appreciate the comment was made that has been turned into public space, but there is generous public space available there and this is a programmatic need that they made a commitment to achieve. This discussion pens around 12 people, 2,200 square feet. Not many, not large. May require the reallocation of space possibly even public space for the purposes of office or as been said by others, need to put those elsewhere. The key point I want to stress here is the possibility or process that the city of Portland will have a plan to put offices in a highly congested, highly valued public park is very suspicious or suspect. There is nothing been in the plan and when the plan was developed, nothing that surfaced or remains in terms of providing offices and if those offices were provided they very likely would not meet one of the fundamental criteria that Japanese garden stated, that is walkability, being adjacent. The area of the Japanese garden is shown in the 2018 plan to have many potential changes, all of which serve congestion and public service aspects and not the service of any institution. In other words, that area has already been examined and nothing in the vicinity of it or the Japanese garden could possibly within walking distance provide the officing requirements that have been referred to. At this particular point I simply end by saying I

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would like to support the findings of the hearings officer and limit this to four years. Thank you.

**Hardesty:** Thank you. Thank you all. Any questions? Hearing none, thank you very much. We will now hear from a rebuttal by the appellant. You have five minutes for that rebuttal.

**Kelly Hossaini:** Hi. Thank you. Kelly Hossaini with Miller Nash 111 southwest 5<sup>th</sup> avenue Portland 97204, I represent the Japanese garden. I first want to object to the two exhibits that were attached to the neighborhood association's January 30<sup>th</sup> letter. They also I believe were in the power point. They are new evidence that is not in the record. I also want to answer commissioner eudaly's question. You asked staff what the adverse impacts were that were identified by the hearings officer. I can tell you I read that decision a number of times and I couldn't find any. The hearings officer never actually identified any adverse impacts much less significant adverse impacts that were noise, glare from lights, late night operations, odor and litter, privacy and safety issues. The approval criterion as I noted is clear in what it asks for. The hearings officer did not, his decision was not consistent with that. With respect to crime, the neighborhood association stated that crime has increased in its neighborhood over the last 10 years. The hearings officer did not dispute that. What he said, however, is there is no evidence of a causal link between that increase in crime and the use of the Kingston house as an office. He is correct. There is no causal link. Crime has increased in my Portland neighborhood, too, but I live five miles away from the Kingston house so I can't attribute that to the Kingston house. The garden has security patrols 24/7. Two times a night they look at that house to make sure everything is okay. The house next to the Kingston house has not been occupied for some years. It stood vacant. The neighbor next door to the vacant house, two houses over from the garden office space has said that they showed up to the hearing and submitted testimony and said there has been no crime increase that they have noticed. They would know because they are really quite close. I just want to note that the commercial delivery trucks, breaking mature tree limbs as part of making deliveries to the Kingston house. There are no commercial deliveries to the Kingston house. Everything goes to the garden. If some trucks are breaking limbs I don't know what that is all about but it has nothing to do with the house. I'm going to turn it over to Lisa Christy cause I've taken exactly half of the time.

**Lisa Christy:** Lisa Christy, Portland Japanese garden. I want to address a couple of points brought up here today especially Mr. Janik mentioned that the garden has been focused on looking for office space in Washington park. I think a lot of people have mentioned why don't you find office space somewhere else. I want to bring up the idea that yeah, we have been focused on Washington park because we are trying to serve -- the people who sit in that house serve the garden and are up at the garden every day. If we were to go find an office space out in downtown somewhere, we are now exacerbating the problems of traffic, parking issues coming into Washington park. So we are -- those employees who are in the house are serving the garden and are there every day. Which is not duplicative of the sylvan space that Mr. Janik also mentioned. Yes, we do have that office space up a sylvan because we have more needs for more space, but for those who don't have to be at the garden every day or even very often, they can have office space up there at sylvan so we have that. Those functions are not duplicative of the people who sit in the Kingston house. I just wanted to clarify that point. And then lastly, I just wanted to reiterate steve bloom's point that he made earlier that while ideally the expansion would have handled office space needs, our intent was that it would handled office space needs. When we got there in the planning process, throughout the planning process and throughout the whole architectural process, we found the hilly topography, we found the structural issues of the hillside, it was not possible. And yes there is some office space up there in the buildings. It is not much. We kept it pretty limited because as Steve mentioned, we wanted to reserve,

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we made the deliberate choice to reserve as much space as possible up there by the garden for the garden and for programming that helps enhance all the public that comes to visit and what their experience would look like.

**Hossaini:** We believe we meet the criteria of permanent use. 10 years is an accommodation to the neighbors.

**Hardesty:** Commissioner Fritz.

**Fritz:** Would you like to address the hearings officers finding goal 10, the statewide planning goal regarding the availability of necessary housing?

**Hossaini:** Yeah. Again, he didn't really explain very well what the problem would be with making this permanent. He kind of started with the premise that this thing needed to be temporary to meet any number of these approval criteria and never really explained what one had to do with the other. And I don't think that one house, one single family home being used as an office really impacts citywide whether or not you have enough housing inventory. Frankly, what I would point you to is the fact that 10 years ago there was some concern, are there going to be a bunch more office uses in the neighborhood, and there are no other office uses in the neighborhood. It remains this office.

**Fritz:** Thank you.

**Hardesty:** Thank you.

**Hossaini:** And that's it.

**Hardesty:** Legal counsel, we are told there were items presented that were not part of the original record. Is that accurate?

**Rees:** So let me discuss those with you. My analysis of them and council gets to decide what to do. So the January 30 letter from the neighborhood association and an associated power point presentation included two exhibits. One of the items exhibit one was an aerial photo. That aerial photo was in the record, but there were markings on that photo that were new. In the interest of being conservative I would not include that in the record because I think that information is contained in other testimony. It is fine to reject that. There is also a chart and a map that also were new information and I would also recommend not including those in the record. I think that some of the substance can be found in other testimony, but it wasn't presented in that form. I'm going to also identify that in the testimony from the ceo of the garden, he mentioned some information about wages and health insurance. Staff does not believe that information was previously in the record so council should not consider that in their decision and reject that.

**Hardesty:** Thank you. So colleagues, we have three options. We are now going to deliberate and decide what our three options are. And for the record, I will say that we can either agree with the hearings officer's recommendation and we could vote to affirm that. That is number one. Number two, we could vote to change the hearings officer's recommendation and vote today to do that. Or we could not vote at all. We need three affirmative votes, so depending upon how we feel. If we don't get three affirmative votes we will have to carry it over to another day. There would be no additional testimony. It would just be on a day where we had more than three of us present for the vote.

**Rees:** Correct. I will also add, I would recommend that whatever you do today would be a tentative vote

**Hardesty:** And reaffirm it when we have a larger presence.

**Rees:** Even without the three of you because of the testimony today, it would be worthwhile to amend the findings to bolster the reasoning and make sure we have addressed the procedural issues including the record items.

**Hardesty:** Excellent, thank you.

**Fritz:** Madam president, thank you all for being here today I should have stated at the beginning I visited with the Arlington heights neighborhood association last year about water bureau. You were so gracious and I appreciate your help in passing those

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measures. That said, unfortunately, I don't agree with your rush now. We are required to make a decision based on the approval criteria. There is nothing in the approval criteria about is it a temporary use. Conditional use often don't have time limits on them at all. There is nothing in the approval criteria about exploring other locations. The hearings officer found this office use is an accessory to the garden is an allowed use in the r-7 zone with a conditional use approval. The hearings officer did not list any impacts to the residential area as was claimed. In fact, the hearings officer did find there is no evidence to suggest that the crime is related to the office. And then so the whole hearings officer decision, page 24, the residential area is unique and particularly sensitive to adverse impacts created by a non residential use such as operation of administrative offices, but that same paragraph across the street from the Kingston house are tennis courts and adjacent to the Kingston house is a parking lot. All of these adjacent uses generate activity in a residential area and they contribute to the character and nature of the residential area. It seems to be calling out there is a lot of activity. In fact, there is evidence in the record regarding the traffic and the volume on Kingston, the average volume was 2,513 motor vehicles. So the impacts of the 12 employees arriving there, parking and leaving, it is just not credible to me. The finding on goal 10, that we have to have enough needed housing within the city's comprehensive plan, it is probably not in the record how many hundreds of thousands of units we have, so I won't state that, but we know that we are working on various ways of increasing housing capacity in the city. So, losing one house or having it continue as a temporary use for the office use having an impact on the overall city ability to provide housing is not credible. So for all these reasons, unless -- oh, the final thing that was in the appeal statements which was not highlighted, the hearings officer -- this is on page 29. Hearings officer fines the residential area in this case is unique and that any additional noise, glare, light, odors, litter, ect do adversely impact the livability of the residential, despite under each of the criterion saying there aren't significant noise, lights, et cetera. I don't understand how the hearings officer came to this conclusion except that there apparently was a deal made and there was another deal and this doesn't comport, but that is not the approval criteria. We can only make our decision based on what the code requires. It doesn't seem to me that the four-year extension is in response to the approval criteria. I move we tentatively uphold the appeal and allow the use to continue for, I would actually allow it to continue to be use until anybody shows the conditional use to be met, so extend the use for 10 years and adjust the findings accordingly.

**Eudaly:** Second.

**Hardesty:** There's been a motion and a second. We will continue dialogue, commissioner Eudaly do you have, do you want to weigh in on a deliberation.

**Eudaly:** I will say I really appreciate commissioner Fritz right now. I am not feeling well and not tracking quite as closely as she is. But I agree. I was surprised and disappointed to hear the garden's actions characterized as deceitful. I reject the assertion that the use of the house as an administrative office is creating more crime. This house is set so far back from the roadway, even there was a residential occupant, they would not be eyes on the street unless they, I guess, put a lawn chair on the sidewalk. So very happy to support this motion.

**Hardesty:** So we're not going to be able to conclude this today because I do not agree with the direction that commissioner Fritz is recommending. I believe that when you work out a negotiated deal that says in 10 years you are going to actually do something different at the end of that 10 years, to then blame the parks bureau or blame that we didn't know we needed a bigger building or blame inaction of other people, I find that disingenuous and I so I would come down on the side of absolutely supporting the hearings officer's recommendation with the maximum of four years additional. I do believe that the Chinese garden needs some motivation to figure out what they are going to do for office space and

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I think 10 years is a long time for someone to figure out how to address their office needs. And I know that the parks bureau is not in conversations with anyone about building office space for anybody including themselves. And so it feel like that was a misrepresentation of the opportunities with the parks bureau, which is suffering their own budget deficits and has been for quite some time. I have heard nothing about bond measures being put forward to partner with Japanese garden or any other organization. And so if there was going to -- I guess we do have a motion on the floor.

**Fritz:** You could just continue it.

**Hardesty:** I could table it until we come back. Is that an appropriate motion?

**Rees:** Yes. If everyone concurs in that.

**Hardesty:** If my colleagues concur. I think it is clear about where the three of us stand. I guess the thing is that we need a three vote either way. Can you tell the audience what happens when we have a limited city council, if we don't end up with three people agreeing with a recommendation.

**Rees:** Today, because we only have three of you --

**Hardesty:** When we have four.

**Rees:** The answer is we have to have three. We would have you figure out, the group would have to make motions until you could figure out how at least three of you could be in the same place.

**Hardesty:** In that case, we have completed our work today, we will table.

**Rees:** So we need to do so we don't have to notice this again, we have to come up with a time and date certain to return when all four council members will be here and making sure we give enough time for the mayor to review the proceedings.

**Hardesty:** Karla, can you give us a date where we are pretty sure we would have four of us here.

**Moore-Love:** It is either next week, February 5, 6. Or the following week 12, 13. Because commissioner Fritz is out for two weeks, we would look at March 4.

**Hardesty:** Why don't we do the 12th or 13th. Any preference?

**Rees:** I would say the record is short enough if all four of you are here next week, I don't see a problem with that. When we do findings, we need more of a break.

**Hardesty:** I want to be respectful that the mayor may need to review the tape and then we may need to have some conversations. I don't want to rush it to the vote.

**Eudaly:** No conversations.

**Rees:** This is a quasi judicial so we should make sure the conversations are on the record.

**Hardesty:** Yes. Yes. Absolutely, okay what date.

**Moore-Love:** 12th.

**Hardesty:** 12th works for me.

**Moore-Love:** I have 11:00 a.m. Do you know how much time we might need?

**Hardesty:** I would suspect no more than a half hour.

**Moore-Love:** Let's go with 11:00 a.m. We have r.i.p. in the afternoon and I don't have a time estimate.

**Hardesty:** 11:00 a.m. It is on the 12th

**Moore-Love:** February 12th, 11 a.m. Time certain.

**Hardesty:** Before I adjourn, I want to thank you all for being here. We greatly appreciate you putting your information on the record. And on that note, we are officially adjourned. Thank you.

**Council adjourned at 5:09 p.m.**