



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26<sup>TH</sup> DAY OF JUNE, 2013 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fritz and Novick, 3.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ian Leitheiser, Deputy City Attorney; and Jim Wood, Sergeant at Arms.

| <b>DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS<br/>ON WEDNESDAY, JUNE 26TH<br/>EMERGENCY ORDINANCES AND CONSENT AGENDA<br/>WERE CONSIDERED THURSDAY, JUNE 27TH AT 2:30 PM</b>   | <b>Disposition:</b>   |
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| <b>COMMUNICATIONS</b>   |                       |
| 612 Request of William Savery and Spencer Ehrman to address Council regarding City Club report on Air Quality Regulation in the Metropolitan Area (Communication)   | <b>PLACED ON FILE</b> |
| 613 Request of Susan Klebl to address Council regarding City Club report on Air Quality Regulation in the Metropolitan Area (Communication)   | <b>PLACED ON FILE</b> |
| 614 Request of Peter Livingston to address Council regarding City Club report on Air Quality Regulation in the Metropolitan Area (Communication)  | <b>PLACED ON FILE</b> |
| 615 Request of Maria C. Everhart to address Council regarding City Club report on air toxics - Invisible Enemies (Communication)  | <b>PLACED ON FILE</b> |
| 616 Request of Roy Pascoe to address Council regarding houseless issues Right To Dream Too (Communication)  | <b>PLACED ON FILE</b> |
| <b>TIMES CERTAIN</b>  |                       |
| 617 <b>TIME CERTAIN: 9:30 AM</b> – Accept report on the Smarter Portland Plan (Report introduced by Mayor Hales) 15 minutes requested<br><b>Motion to accept the report:</b> Moved by Fritz and seconded by Novick. (Y-3) | <b>ACCEPTED</b>       |
| <b>REGULAR AGENDA</b>   |                       |

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| <p style="text-align: center;"><b>Mayor Charlie Hales</b><br/><b>Office of Management and Finance</b></p> <p><b>618</b> Amend City of Portland Accounting Administrative Rule ARC-FIN-6.04 – Accounts Receivable (Resolution) 10 minutes requested</p>  | <p style="text-align: center;"><b>REFERRED TO<br/>COMMISSIONER OF<br/>FINANCE AND<br/>ADMINISTRATION</b></p> |
| <p style="text-align: center;"><b>Commissioner Dan Saltzman</b><br/><b>Position No. 3</b><br/><b>Portland Fire &amp; Rescue</b></p> <p><b>619</b> Accept the report on FY 2012-13 Budget Note Training Facility (Report)<br/><b>Motion to accept the report:</b> Moved by Novick and seconded by Fritz.<br/>(Y-3)</p>                   | <p style="text-align: center;"><b>ACCEPTED</b></p>   |
| <p style="text-align: center;"><b>Commissioner Steve Novick</b><br/><b>Position No. 4</b><br/><b>Bureau of Emergency Management</b></p> <p><b>620</b> Accept report on Utility Outage Reporting (Report)<br/><b>Motion to accept the report:</b> Moved by Novick and seconded by Fritz.<br/>(Y-3)</p>                                   | <p style="text-align: center;"><b>ACCEPTED</b></p>   |
| <p style="text-align: center;"><b>Bureau of Transportation</b></p> <p><b>621</b> Set a hearing date, 9:30 a.m. Wednesday, August 7, 2013, to vacate portions of SE Sherrett St and SE Umatilla St west of SE Grand Ave (Report; VAC-10080)<br/><b>Motion to accept the report:</b> Moved by Novick and seconded by Fritz.<br/>(Y-3)</p> | <p style="text-align: center;"><b>ACCEPTED</b></p>   |

At 11:05 a.m., Council recessed.

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**WEDNESDAY, 2:00 PM, JUNE 26, 2013**

**DUE TO LACK OF AN AGENDA  
THERE WAS NO MEETING**

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June 27, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27<sup>TH</sup> DAY OF JUNE, 2013 AT 2:30 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fritz, Novick and Saltzman, 4.

Due to the absence of Commissioner Fish and the late arrival of Mayor Hales and Commissioner Novick, the 2:00 p.m. meeting was rescheduled to 2:30 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ian Leitheiser, Deputy City Attorney at 2:30 p.m. and 4:02 p.m.; Kathryn Beaumont, Chief Deputy City Attorney at 2:41 p.m.; and Ron Willis, Sergeant at Arms.

Item No. 643 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

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| <p><b>622</b> <b>TIME CERTAIN: <del>2:00</del> RESCHEDULED TO 2:30 PM</b> – Consider the proposal of Back Bridge Lofts LLC and the recommendation from the Hearings Officer for approval with conditions, to change the Comprehensive Plan Map designation from Medium-Density Multi-Dwelling to Central Residential and the Zoning Map designation from R1, Multi-Dwelling Residential to RX Central Residential with a design overlay at the southeast corner of N. Williams Ave and NE Fremont St (Hearing; Previous Agenda 574; LU 13-109305 CP ZC) 45 minutes requested for items 622 and 623</p> <p><b>Motion to adopt Hearings Officer’s recommendation with conditions in staff memo dated June 27, 2013; staff to prepare findings for July 3, 2013 at 9:30 a.m.:</b> Moved by Saltzman and seconded by Novick. (Y-3; N-1 Fritz)</p> | <p><b>Disposition:</b></p> <p><b>TENTATIVELY UPHOLD HEARINGS OFFICER’S DECISION WITH MODIFICATIONS; PREPARE FINDINGS FOR JULY 3, 2013 AT 9:30 AM</b></p> |
| <p><b>623</b> Amend the Comprehensive Plan Map designation and change zoning of property at the southeast corner of N Williams Ave and NE Fremont St at the request of Back Bridge Lofts LLC (Previous Agenda 575; Ordinance introduced by Auditor Griffin-Valade; LU 13-109305 CP ZC)</p> <p><b>Motion to adopt Hearings Officer’s recommendation with conditions in staff memo dated June 27, 2013; staff to prepare findings for July 3, 2013 at 9:30 a.m.:</b> Moved by Saltzman and seconded by Novick. (Y-3; N-1 Fritz)</p>   | <p><b>PASSED TO SECOND READING AS AMENDED JULY 3, 2013 AT 9:30 AM</b></p>  |
| <p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>Mayor Charlie Hales</b></p> <p><b>624</b> Reappoint Dion Jordan, Andy Nelson, Linda Robinson and Julie Vigeland to the Portland Parks Board for terms to expire June 30, 2016 (Report) (Y-4)</p>   | <p><b>CONFIRMED</b></p>  |

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| <p><b>*625</b> Amend contract with Native American Youth and Family Center for street-level gang outreach for FY 2013-14 (Ordinance; amend Contract No. 32000476)<br/><br/>(Y-4)</p>  | <p><b>186113</b></p>  |
| <p><b>*626</b> Amend contract with Immigrant and Refugee Community Organization for street-level gang outreach for FY 2013-14 (Ordinance; amend Contract No. 32000477)<br/><br/>(Y-4)</p>   | <p><b>186114</b></p>  |
| <p><b>*627</b> Amend contract with Portland Opportunities Industrialization Center Inc. for street-level gang outreach for FY 2013-14 (Ordinance; amend Contract No. 32000584)<br/><br/>(Y-4)</p>   | <p><b>186115</b></p>  |
| <p><b>Fire &amp; Police Disability and Retirement</b></p>   |   |
| <p><b>*628</b> Authorize an Intergovernmental Agreement with the State of Oregon, Office of Administrative Hearings/Employment Department for hearings officer and appellate review services in an amount not to exceed \$400,000 for a four-year period (Ordinance)<br/><br/>(Y-4)</p>                         | <p><b>186116</b></p>  |
| <p><b>Office of Management and Finance</b></p>  |   |
| <p><b>*629</b> Pay claims of Ival Castle in the sum of \$200,000 involving the Water Bureau (Ordinance)<br/><br/>(Y-4)</p>  | <p><b>186117</b></p>  |
| <p><b>*630</b> Ratify a Letter of Agreement between the City on behalf of the Portland Water Bureau and the AFSCME, Local 189-1 authorizing alternative holiday pay for certain employees in the Water Treatment Operator classification who work at Headworks (Ordinance)<br/><br/>(Y-4)</p>                   | <p><b>186118</b></p>  |
| <p><b>631</b> Authorize a month-to-month lease of approximately 21,028 square feet of office space for the City operations located at the 14th floor of the Portland Building, for an initial rent of \$1.749 per square foot, \$36,780 monthly, not to exceed one year (Ordinance)</p>                         | <p><b>PASSED TO<br/>SECOND READING<br/>JULY 3, 2013<br/>9:30 AM</b></p> |
| <p><b>Commissioner Nick Fish<br/>Position No. 2<br/>Bureau of Environmental Services</b></p>  |   |
| <p><b>632</b> Authorize a contract with Parametrix, Inc. for professional services for the design of the Riverview Forcemain Replacement Project No. E08866 for \$268,095 (Ordinance)</p>   | <p><b>PASSED TO<br/>SECOND READING<br/>JULY 3, 2013<br/>9:30 AM</b></p> |
| <p><b>633</b> Authorize the Director of the Bureau of Environmental Services or his designee to enter into agreements with private property owners for rehabilitation of private sewer service laterals to remove inflow and infiltration from the public sewer conveyance and treatment system (Ordinance)</p> | <p><b>PASSED TO<br/>SECOND READING<br/>JULY 3, 2013<br/>9:30 AM</b></p> |

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| <b>634</b> Authorize a contract with the lowest responsible bidder for the construction of the NE 148th Basin Water Quality Facility Project No. E07177 for estimated amount of \$1,116,000 (Ordinance)   | <b>PASSED TO<br/>SECOND READING<br/>JULY 3, 2013<br/>9:30 AM</b> |
| <b>Water Bureau</b>   |  |
| <b>635</b> Authorize an Intergovernmental Agreement with The Regents of the University of California for laboratory services for Cryptosporidium and Giardia scat analysis (Second Reading Agenda 591)<br><br>(Y-4)   | <b>186119</b>  |
| <b>Commissioner Dan Saltzman<br/>Position No. 3</b>   |  |
| <b>*636</b> Approve a grant agreement with Bradley Angle's Healing Roots Center, a non-profit corporation, to provide African and African-American-specific navigator services at the Gateway Center for Domestic Violence Services (Ordinance)<br><br>(Y-4)  | <b>186120</b>  |
| <b>*637</b> Approve a grant agreement with Immigrant and Refugee Community Organization's Refugee and Immigrant Family Strengthening Program, a non-profit corporation to provide immigrant and refugee specific navigator services (Ordinance)<br><br>(Y-4)  | <b>186121</b>  |
| <b>*638</b> Approve a grant agreement with Ecumenical Ministries of Oregon's Russian Oregon Social Services, a non-profit corporation, to provide Slavic specific navigator services at the Gateway Center for Domestic Violence Services (Ordinance)<br><br>(Y-4)  | <b>186122</b>  |
| <b>*639</b> Approve a grant agreement with NAYA Family Center's Healing Circle Program, a non-profit corporation, to provide Native American specific navigator services at the Gateway Center for Domestic Violence Services (Ordinance)<br><br>(Y-4)  | <b>186123</b>  |
| <b>Portland Housing Bureau</b>  |  |
| <b>*640</b> Authorize Intergovernmental Agreements with the Portland Development Commission in support of the ongoing implementation of housing functions at the Portland Housing Bureau (Ordinance)<br><br>(Y-4)   | <b>186124</b>  |
| <b>*641</b> Adopt and authorize the submission of the Action Plan FY 2013-2014, for the Community Development Block Grant, HOME Investment Partnership, Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS Program to the U.S. Department of Housing and Urban Development (Ordinance)<br><br>(Y-4) | <b>186125</b>  |
| <b>Commissioner Steve Novick<br/>Position No. 4</b>   |  |

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| <b>Bureau of Transportation</b>         |  |               |
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| <b>*642</b>                             | Authorize a contract with the lowest responsible bidder for the SW Oak St - Naito Pkwy to SW 10th Ave Road Rehabilitation project (Ordinance)<br>(Y-4)   | <b>186126</b> |
| <b>*643</b>                             | Accept a grant from the Federal Highway Bridge Program for \$3.392 million and to authorize an Intergovernmental Agreement with the Oregon Department of Transportation to rehabilitate the historic NW Thurman Street Bridge 25B15 over Macleay Park (Ordinance)<br>(Y-4) | <b>186129</b> |
| <b>*644</b>                             | Amend contract with the Lloyd Transportation Management Association for transportation projects in the Lloyd District for an amount not to exceed \$1,000,000 and extend the terms through June 30, 2016 (Ordinance; amend Contract No. 30002127)<br>(Y-4)                 | <b>186127</b> |
| <b>*645</b>                             | Authorize On Call Flexible Service contracts as required with eight service firms for Right of Way Appraisal and Acquisition and Relocation projects (Ordinance)<br>(Y-4)  | <b>186128</b> |
| <b>REGULAR AGENDA</b>                   |  |               |
| <b>Mayor Charlie Hales</b>              |  |               |
| <b>Bureau of Police</b>                 |  |               |
| <b>*646</b>                             | Authorize a grant to Central City Concern for the provision of treatment readiness services, transitional housing and follow-up retention support services to chemically-dependent, homeless adult chronic arrestees (Ordinance)<br>(Y-4)                                  | <b>186130</b> |
| <b>Office of Management and Finance</b> |  |               |
| <b>*647</b>                             | Authorize a borrowing of not more than \$28 million in anticipation of the Fire and Police Disability and Retirement Fund levy for FY 2013-2014 (Ordinance)<br>(Y-4)   | <b>186131</b> |
| <b>Commissioner Steve Novick</b>        |  |               |
| <b>Position No. 4</b>                   |  |               |
| <b>Bureau of Transportation</b>         |  |               |

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| <p><b>*648</b> Approve an agreement with David C. Bakke and Cindy D. Conley to increase the pending lien amount for the property at 11040 NE Marx St by \$109,083 to construct additional street, sidewalk, and stormwater improvements to NE Marx St from 400 feet east of NE 109th Ave to 284 feet west of NE 112th Ave, and adjust pending lien amounts at 10930 and 10940 NE Marx St due to property consolidation in the NE 112th Ave and Marx St Local Improvement District (Hearing; Ordinance; C-10043)</p> <p>(Y-4)</p> | <p><b>186132</b></p>                                       |
| <p><b>*649</b> Authorize Intergovernmental Agreement with Oregon Department of Transportation for the design and construction of I-5 Northbound Ramps at SW Coronado St Project (Ordinance)</p>  | <p><b>CONTINUED TO<br/>JULY 3, 2013<br/>AT 9:30 AM</b></p> |
| <p><b>EXECUTIVE ORDER</b></p>  |  |
| <p><b>650</b> Assign Commissioner Fish commissioner in charge of the Bureau of Hydroelectric Power (Ordinance; Executive Order)</p>  | <p><b>186112</b></p>                                       |

At 4:34 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland



By Karla Moore-Love  
Clerk of the Council

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

June 26, 2013  
**Closed Caption File of Portland City Council Meeting**

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

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

**JUNE 26, 2013      9:30 AM**

**Hales:** Good morning and welcome to Portland City Council meeting. I will ask Karla to call the roll. We have a limited quorum today.

[roll taken]

**Hales:** Welcome, everyone. We have some wonderful celebrations up front in today's council meeting before we begin with communications and the regular business of council. First we as a community today will be spending some time celebrating because at the national level we have wonderful news and here at the local level we have some great news and a great partnership to celebrate today. At the national level, many of you may have heard the united states supreme court ruled this morning to overturn a particularly odious piece of legislation passed in 1996 called the defense of marriage act. Doma stated clearly some americans may marry the ones that they love and other americans may not. In 1996, no state permitted gay or lesbian americans to marry. In 2013, 12 states and the district of columbia authorize same-sex marriage. Oregon is not yet one of them. In 2014 we can dare to hope that we will change that as a state. Let me read you some of the language of this opinion that came out this morning. Written by justice anthony kennedy for the majority. Doma writes inequality into the united states code. Doma's principle effect is to identify a subset of state sanctioned marriages and make them unequal to impose inequality. By creating two contradictory marriage regimes within the same state doma forces same sex couples to live together married for purposes of state law but unmarried for federal law thus diminishing stability and predictability of basic personal relations, the state has found proper to acknowledge and protect. By this dynamic Doma undermines both public and private significance of state sanctioned same-sex marriage and it tells couples and the world that their otherwise valid marriages are unworthy of federal recognition. The late congresswoman geraldine ferraro once said we have chosen the path to equality. Don't let us turn around. Today's ruling clears the way for all states including Oregon to be that pathfinder and to find our way towards marriage equality for every Oregonian. We have cause to celebrate great the cause of justice. Thank you, united states supreme court. [applause] great day.

**Novick:** I would like to give a shout out to united states senator ron wyden, one of 14 senators to vote against doma in 1996.

**Hales:** Hear, hear. Our next celebration is a local one. I want to invite mr. Huo Baozhu and charmaine to come translate for mr. Huo and maybe introduce him to some of you here today. He's well known to those of us who have been involved in civic life for a while.

**Hales:** I have a proclamation to read. I'll read it slowly enough that charmaine will have the opportunity to translate for Huo Baozhu and anyone that requires that translation while we proceed. Let me know when you're ready. Whereas city of Portland elected officials, staff, citizens and visitors appreciate art in all aspects and tone, whereas mr. Huo Baozhu believes the answer to achieving world peace is through cultural connections. Whereas Huo Baozhu is a chinese businessman whose foundry in china is licensed by the national government to reproduce chinese antiquities. Whereas Huo Baozhu visited Portland many times and was motivated by his love of chinese history and admiration for Portland. Whereas in october 2002 Huo Baozhu gave the city of Portland the majestic Da Tung universal peace Shang dynasty park elephants in the north park

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blocks. Whereas the elephant has symbols of ancient chinese mythology and carries a baby elephant symbolizing that offspring will be safe and prosperous. Whereas Huo Baozhu's gift brings great distinction, harmony and pleasure to our many visitors to the north park blocks. Whereas the relationship between the city of Portland and mr. Huo Baozhu continues to strengthen and ripen and the city welcomes him to visit any time and wishes him good health. Now therefore I, charlie hales, mayor of the city of Portland, Oregon, city of roses, do hereby proclaim june 26, 2013 to be a day of recognition for Huo Baozhu and encourage all residents of Portland to observe this day. An amazing story of friendship and generosity. You are here in Portland for one of your two rare visits. We hope he comes more often. So it gives me great pleasure to introduce him to the council and to the Portland community of 2013 and look forward to this friendship continuing for many years. Thank you. [applause] welcome.

**Huo Baozhu:** [speaking chinese] First of all I would love to give my chance to the city of Portland as well as the council and all the citizens of Portland. I came to Portland for the first time in 1998. By there I was already attracted by the beautiful environment and to the art of the city. I am a businessman who specializes in traditional chinese artwork. And I feel that Portland has very distinct art and culture atmosphere. Back then I have cancer. And I got very good care from american people. Later my cancer was cured because of the treatment I got here in the united states. During the period I was getting all kinds of help from american people I deeply felt that american people are so friendly and caring. Back then I was 48: Back then I was 48, and because I was cured here in the united states I always wanted to seek opportunities to return and to give my thanks for giving me the second life. So I determined I would donate 48 sculptures to the united states. Then I fell in love with Portland, so I decided I would donate the most beautiful one to Portland. Later I started to know charlie because he came to visit us. I was so moved by his kindness, his love for Portland, and his spirit of hard working, so I decided when I can I would donate some more. That's why later I donated different sculptures to the oriental medical school and to astoria. This time when I came here I noticed there are some poor people protesting in front of the city hall and I believe they need some help. I would love to donate to five more sculptures as big as the elephants. If possible I would love the city government to use those five sculptures to some auctions and the money you make can be used to help the poor. Or the city and its citizens could make the decision on where the money can be used. I just don't want to contribute to make the city more beautiful. Today it is my great honor to be recognized by the city of Portland. And of course in the future I will be more motivated to contribute more to the city of Portland. I am the artist. So my contribution is art. Thank you very much.

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

**Huo Baozhu:** I wanted to add one more sentence. I still remember first time when I said I would donate sculpture to Portland. Long back then he didn't believe me. And I suggested I would invite all of you guys to china so you would believe me. So Charlie finally took five or six altogether to china -- [audio not understandable] then the whole story came to me to the truth. So my promise to donate five more will be a true story as well. [applause]

**Hales:** I don't know of any other city that has a story like this, a philanthropist from thousands of miles away who has fallen in love of the city and has shared his art with us. Still in love with Portland. Thank you all. Commissioner Fritz, you have a proclamation.

**Fritz:** It's my honor this morning to read this proclamation in recognition of hearing loss awareness week. If I could ask lisa hamlin of the hearing loss association of america to come forward please. She's the director of public policy. I'll read the proclamation. Whereas hearing loss is a very serious condition that affects an individual's ability to effectively communicate in a society where communication is an important function. And whereas the city of Portland recognizes and values the efforts of all who worked to temper the isolating effects of communication disabilities in the one in five families affected by them. And whereas the national institute on deafness and other

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communication disorders at the national institutes of health estimates the number of persons who have some degree -- bethesda. I got that wrong. Bethesda, maryland, estimates the number of persons with some degree of hearing loss to be approximately 28 million. Whereas the city of Portland is committed to removing the barriers that prevent people with disabilities from recognizing their full potential and realizing their dreams. And whereas the vision of an age friendly city of Portland addresses communication and recognizes that at age 65 one out of three americans have hearing loss. And whereas the Portland commission on disabilities serves the community with a mission in guiding the city and ensuring that it is a more universally accessible city for all. Whereas the hearing loss association of america is holding its national convention in Portland, Oregon, from june 27 to the 30th providing an extensive educational program for people with hearing loss as well as family and professionals who work with people with hearing loss, and whereas the city of Portland welcomes our honored guest and recognizes every individual with hearing loss as a human being with the right and responsibility to participate fully in our society. Therefore charlie hales, the mayor of the city of Portland, Oregon, city of roses, does here proclaim june 23 through 29, 2013, to be hearing loss awareness week in Portland and we encourage all residents to observe this week. Thank you for being here.

**Lisa Hamlin, Director of Policy, Hearing Loss Association of America:** Thank you very much. We are honored by your proclamation and thrilled to be in Portland. Already our people who have come here from all over the country are telling us how wonderful it is in their visiting areas in Portland. Hearing loss association of america has been around since 1979, founded by rocky stone, who was a former cia agent who found the services for people with hearing loss are not being delivered. So this organization from working in his kitchen has formed to 200 different chapters across the country and Portland has one of those chapters. It's very lively and active and we want to thank you for honoring us in this way. We also want to invite everyone here and everyone in Portland to come. We will have one day for veterans where they can come on saturday for free. We also have anybody can come to our exhibit hall for free and see all the technology available for people with hearing loss. I hope you take the opportunity to come see us. If not, again, our people are just thrilled as anything I can think of to come to Portland because they all want to visit this beautiful city. So thank you very much.

**Fritz:** Thank you lisa and to the commission on disability, Patrick philpott and the office of equity and human rights, who helped facilitate it. Thank you for being here.

**Hales:** Thank you. [applause] thanks for the work you're doing. This was a great start to an historic change in our country and good news here in Portland. So thank you for indulging all of us in a few moments of celebration. Let's get to the business at hand and go to the first communications item, please.

**Item 612.**

**Hales:** Good morning. Welcome. Since you're all signed up you can do this as a panel.

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

\*\*\*\*\*: Peter livingston will lead off for us.

**Hales:** All right, peter.

\*\*\*\*\*: Good morning.

\*\*\*\*\*: Good morning.

**Peter Livingston:** I'm peter livingston. I was the chairman of the city club committee formed in january 2012 to look at the subject of air toxics. There has been a fair amount of coverage of air pollution in the Portland area and concern about its effects on Portland residence. We were asked to look at the major strengths and weaknesses of the current processes to address air pollution. To make recommendations concerning what actions and strategies could improve effectiveness. There was a small committee, only six of us at the end, with two advisors. We interviewed over 30 witnesses from around the political spectrum including citizen activists, state regulators, scientists,

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representatives from business organizations, industry representatives and individual business owners. We looked closely at the history of air quality regulation in the nation and the state, at current regulations, and at regulations in adjoining states. We also looked closely at technical materials associated with air quality. We reached a number of conclusions which are stated in the report, which is online at the city club website. First, air toxics are a separate category from heavily regulated smog components. Our present -- are present in quantities that predictably affect human health. The sources can be ranked in terms of their effects on the region in order there are wood stoves, vehicles, diesel engines, off road engines, which are construction engines, lawnmowers, and point sources which are still plants, facilities. After discussing the question of cost with the business owners that were particularly concerned with that issue we concluded that appropriate regulation of air toxics is consistent with a healthy business environment and over all will save money. I'll yield next to the writer of the report, maria everhardt.

**Item 615.**

**Maria C. Everhart:** Good morning. I'm maria everhart. I was the lead writer. I had a lot of help. As lead writer of the 70 or so pages there it's hard to think of what do I want to say in three minutes, so I would like to encourage you since i'm going to leave in 2 ½ minutes to turn to page 49 in that report. That is the meat even though it's in the appendix because that's the details, 49 to 52 is a table. At the bottom of page 50, the table breaks into two pieces and this is what peter was just talking about. The big thing we learned that I wanted to share this morning is that there are two kinds of pollution and they are regulated entirely differently. Air toxics begin at the bottom of page 50 and there are no ambient limits for air toxics. They are regulated if they are created by industry or manufacturing processes they are regulated pretty well, but very intricately with a maximum achievable control technology standards. There are over 190 but our report was able to narrow down from to 15. Then the only other thing I wanted to be sure to share this morning is it's easy to be skeptical that wood stoves should lead the most important steps we should take next because I didn't believe it myself for many months because it just sounds so -- you know, woodstoves. Is that log cabins? Who is burning woodstoves? The evidence accumulated over many months, we did decide to leave it in first place, the first thing is take a look at how many of the air toxics have wood burning as a source, top three sources. That's the second column. The main column is the fifth one which is how much over health based bench marks we are. This next thing as it turns out 15 pa is especially toxic as air toxics go. Then we found out that there's a recent survey that probably 6,000 homes are heated by uncertified woodstoves. So what happens in a math problem kind of way is 6,000 unfiltered unregulated small smokestacks do turn out to be more of a problem than a few dozen industrial or manufacturing sources that are pretty well regulated by 40 years of activity starting with the epa. So I hope those two kind of give you a taste of the discoveries we made in our 14 months or so and I look forward to providing more information.

**Hales:** Thank you very much.

**Item 613.**

**Susan Klebl:** I'm susan klebl. Although I grew up in the northeast and have lived and restored historic homes in new york, Massachusetts, California, portland and western Europe, I moved to southwest Portland just below I-5 and Fulton park about five years ago. At least partly to escape air pollution, noise pollution and freeway traffic which I had experienced in l.a. Joining the city club and working on this study was one way of learning more about the community and the environment. The air quality study has really been an eye opener. My home is about 500 feet from the terwilliger curves which means it falls within the air quality danger zone of 1500 feet. The area of the highest asthma, lung disease and autism rates throughout the united states in terms of relationship to freeways. My move was a choice based on aesthetic values and a gorgeous view, but now because I have become well informed I also have a choice to relocate to a healthier neighborhood. In our study we have learned that the majority of families who live within the danger zone of our freeways

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do not have this choice. Land was cleared, freeways were built and the empty space filled with a majority of our Portland schools and public affordable housing. This is a form of social inequity. Those people who most need to live in a healthy environment with their growing families cannot afford to live elsewhere and are spending all their time near the freeway. As a matter of fact many real estate agents emphasize homes for sale are near the freeway exits for convenience sake, so most are not informed about the daily health hazards nor are they aware of personal choices which could improve their situation. Some have been recommended in the appendix b of our study. The choice of moving is not realistic for many people. So they are already dealing with a social inequity. But everyone can be educated to make better choices. Some of these would include driving less and using mass transit, biking or walking. Homes need to be provided with upgraded woodstoves and everyone can reduce the use of two-stroke garden tools in favor of getting some exercise while mowing, clipping, sweeping, et cetera. As a city, we need to be conscious of the fact that the toxins in our air are funneling into our valley and eventually we all have the potential to breathe them. We hope that you will join us in lobbying the legislature to more -- for more funding for the department of environmental quality.

**Item 612.**

**William Savery:** Good morning. I'm bill savery. I live in the south waterfront district within 1,000 feet of route 5. I arrived today by trolley, Portland street car, which is my normal mode for coming downtown. Internal combustion engines account for 40 to 50% of the air toxics in the Portland metropolitan area. They constitute three of the five sources that peter mentioned that have been determined by the deq. They are cars and pickup trucks on our streets and highways, heavy highway trucks passing through, and off road diesel powered equipment primarily construction equipment in the Portland metro area. Five of our recommendations, numbers 5 through 9, involve i.c. Engines, internal combustion engines. One of the control methods that are in use to mitigate effects of producing air toxics by internal combustion engines and how are they working? First, the epa requires reduced sulfur and benzene in oil refineries. It's effective, something we all benefit from. Secondly, the epa imposes age tier emission limits on new engines. That means the engines that are being manufactured and sold this year are cleaner than the ones from previous years. This is the way the federal government approaches this. It's quite effective but slow because of legacy diesel engines. They persist. They last a long time and are very expensive and we're still in a recession or coming out of it. That's had a big effect. Operating requirements imposed by state, regional, local authorities is an effective way. Unfortunately there's a nonuniform regionally and blocked by stakeholders. On the west coast the three states, Washington, Oregon and California have quite different requirements. Unfortunately Oregon's are the least. How can the city help? The city can help by a number of ways. By example, upgrading -- upgrading equipment, using less toxic fuels, passing rules and ordinances to reduce toxics from engines. Financing retrofits and upgrades and participating in public education efforts. The committee believes that the city can help mitigate the toxics problem. We have some primary questions here. What is the flexibility that you have? What is the evaluation of the implementation of our recommendations, and what is the legal authority in pursuit of our ten recommendations? We will return to hear of your progress in helping implement our recommendation. Thank you.

**Hales:** Thank you all very much. Do you have anything to add?

**Spencer Ehrman:** Finally, commissioner Fritz following this if it's all right with you we will follow up with you as you're overseeing the bureau of development services.

**Fritz:** Yes. When I was in charge of the office of neighborhood involvement and working with Mary and the neighbors for clean air on this issue, I'm sure it's something Mayor Hales in charge of the bureau of planning sustainability and I will work together on that now that I'm in charge of development services. We'll be convening in August or September after we have gotten the city attorney's opinion on your recommendations as to our authority, which has always been the

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question. In terms of the state or us. I believe there are things we can do at the local level to address some of your concerns.

**Ehrman:** Thank you. We believe the same thing. We look forward to hearing more about that.

**Hales:** I think this is a classic case of the city club using volunteers to do really important community work. I know it's a lot of time that you invest to do this as volunteers. It's really excellent that we have the city club and that it does this kind of policy research for those of us that are then responsible for making public decisions, so thank you. Thanks very much. Appreciate your work. [applause] Okay we have one more communication item, 616.

**Item 316.**

**Hales:** Good morning. Welcome.

**Roy Pascoe:** Good morning. I'm roy. I'm here to represent right to dream too, houseless, homeless and those with a home. We have been there for quite a while helping people that not only are homeless or houseless, even people that do have homes there have been many times people with homes have been there to need our help for one reason or another. A place to stay for a short time. We have been there for quite a while to help people that don't have homes. That seek shelter. That are looking for a place to get a new start, to step up. We're not there to give people handouts but a hand up. There are many people who have come to us needing sleep, shelter, food, water, rest rooms. We provide all this stuff for the houseless, homeless, even many people that do have homes that need a place to go in the middle of the city. As you know there's not a lot of places for people to go for services like this. Oftentimes right to dream too has helped out many people with finding a place to sleep, getting jobs, to get homes, just in the last month we have had 500 people who have gotten housing, who have gotten jobs, who have gone back to college to get their lives back in shape as it once used to be appeared as they want to be again. I myself have had to use right to dream too as a service for myself when I had no place to go. Tomorrow my wife will be in an apartment, and she's been sleeping in right to dream too. Before that we were up on Kelly Street living in the mountains up there. The police have shut the place down. That gives a lot of the homeless no place to go. Right to dream too has been there to help people, to see to it that they have a way of getting off the streets. To be able to start their lives all over again. The thing that makes it difficult is the fact that the city has been wanting to shut us down. The hardest part is the fines they keep putting on us. It makes it that much harder. We survive solely on donations and grants. There's been a lot of people that have come in and have helped us. We get donations. There's even been people from other countries. There have been people from Canada. I talked with a young man from Africa last night. They really enjoy the fact that we're here to help the people, the homeless, the houseless, even people with homes who sometimes need a place to stay. Met a young lady from Southwest that got lost from a party. She came to right to dream too to find the rest of her party, to find her way home. We do good for more than just the houseless and homeless. We do our best for the greater Portland community.

**Hales:** We appreciate what you're doing. Thanks for your advocacy.

**Fritz:** Thank you all for coming this morning.

**Hales:** Thank you for being here. [applause]

**Hales:** We're going to move into the regular agenda and first time certain we're saving the consent calendar for tomorrow when we have a supermajority. So let's move to 617.

**Item 617.**

**Hales:** Good morning. Welcome.

**Herman D'Hooge, Innovation Strategist, Intel:** I'm Herman D'Hooge. I'm an innovation strategist with Intel about 18 miles west from here. With me is Eli Rosenwasser, a student in architecture and Teresa Jussic a student in park design. Perhaps the best way to talk about this report is to talk about how it came to be. As I mentioned I work for Intel, so we take essentially a technology view to the world. At the time I was part of the Intel eco-strategy office, which is essentially investigating

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technology opportunities to improve sustainability in the world by trading adams for bits there's usually a way you can save energy -- be more efficient in the way the world operates. When the opportunity came to teach a class at the university of Oregon, the idea of essentially mixing the technology lens with one of urban planning design and architecture and urban planning, became really part of my agenda. Too many of these conversations are dominated by people like me, technologists. We love technology. That's what we do. We invent technology, but unless we understand how it will make life better for cities or for people they are missing out. So the whole idea is how do we engage architects, urban planners, designers, creators in this conversation? These are very important conversations we all know about global warming, climate change. I believe you have to pull every lever available to us to make a difference. We believe one of those levers is aggressive use of smart use of information technology to make a difference. The class came to be to really explore design innovations, to study the city as one unit of study what can you do that would make the city more livable, more equitable, more economically sustainable and more environmentally sustainable? We explored everything from elements of transportation, information technology used in parking, station planning, citizen engagement, the previous example on air quality was a perfect example on how citizens can actually start caring if you provide them with technology, they can take the measurements where they go when they breathe the air. So this sort of led to the creation of this class. One of our guest lecturers was joe zehnder, the city planner of Portland. His lecture was extremely well received. Students loved it, I loved it. Out of that lecture came essentially the idea how do we take the Portland plan which I think is unique in its concept and how do we take smart city concepts and put the two together? We believe a lot of the strategies outlined in the Portland plan can be implemented effectively and aggressively if we think about how information technology can play a role. The biggest sign for the students and major project was to really think, brain storm around smart city concept, to provide recommendations to the Portland plan and doing so create what we call the smarter city plan. This is the report. Initially I had no idea this was -- what the quality of the work was going to be but I was so impressed with the ideas that I decided with the help of a couple of students to present it to the city. Since then, some of us from the university of Oregon, which is the place that I taught the class, as well as josh alperis to really get a sense of where can we go forward through this whole conversation? We believe there's quite a few interesting things to think about. First of all, this plan looks at the city of Portland through a lens of students. You know students are very curious, very socially active but also essentially all broke. But imagine that we essentially activate population demographic to say how would you see us implement the Portland plan from your perspective? Different demographics. Small businesses, older people, you name it. Technology begins to make that possible to solicit information. So although a couple disclaimers, this is purely an ideation report. Being in the crunch to get this out to the final exam but it also points out that there is really an opportunity here to engage between the city and the creative community of Portland. This is just one sample but I believe there's a whole variety of other populations that would be eager to engage with the City of Portland. This could be a dramatic win-win. For students these days very often they do projects that ends up as a page in their portfolio but never see the light of day, so wouldn't it be great if all the creative energy were put into a project that actually may see the light of day in the city? Really make a difference in what we do. That's one idea. For the students it's great because they see their work become real, they become engaged in real decision making happens, they see some of the realities of red tape, but that's the real world. For them it's going to be invaluable. To the city we have essentially a lot creative juice flowing into the city. Which may actually in this case be the next generation. These people care about the city. That's the setup what we would like to do. This is more a conversation of possibilities rather than a specific request. What we would like to do is following up on the conversation with josh alperis which we had before, identifying opportunities that might be a regular cadence of how we engage the university of Oregon, master students in architecture, bachelor

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students in park design, perhaps students in communications. Really engaging with the city through mechanisms that could be through studios, real projects that city cares about, that could be internships in the city, or any other different form that would make sense. To give you a couple highlights of the plan, again, it's probably good reading if you have an afternoon and a glass of wine. The whole idea is what if Portland became the magnet living lab for experimentation of smart city design using information technology as well as green technology? We always talk about exporting Portland smarts about sustainability. Given that we are essentially the heart of the silicon forest, we can leverage and pack all the industries nearby and invite them to say come use Portland as your suspect. We want to be the first. You'll be on the leading edge of figuring out how technology will make Portland a better place. That's sort of the over all story. Couple examples, students get a lot about connecting students with mentors. Again, information technology makes that very, very easy. They also talked about doing flash mobs, again organized to smart phones, for example for invasive species removal. Wouldn't it be great rather than using for random play or graffiti clean up in the neighborhoods, those kinds of things. Even examples of using mixed realty games where you may use like goggles to play games in the city, that actually guide you to various historic monuments, you engage with the city in a different way, maybe a tourism exercise. You rent one of those smart goggles and find your way to the city perhaps sponsored by local businesses who would benefit in the process. The whole concept of taking it to an extreme, smart phones with sensors in curb sides. Right now most cities, about one-third of time, driving in a city is circling looking for one parking spot. So what if your gps in your car would tell you the spot and drive you right to it. Again, lowering air pollution. Then accessibility for -- accessibility map for the city of Portland. Which parts of Portland are notoriously difficult to access because of disabilities or other problems. I think there's a possibility here for really creating a close partnership that would benefit the city and well as the university of Oregon. That's my story.

**Hales:** Great. Thank you. Good morning. Welcome.

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

**Hales:** You have a rich menu of interesting ideas that you have put together for us here. This is really fascinating work. Tell us about each of you. You and your studies. Aside from working hard to put this report together where are you in your academic process?

**Eli Rosenwasser:** I'm a master's of architecture student in my second year of three. Currently I'm in -- put this plan together, kind of interesting, it speaks to our generation and a lot of the suggestions like herman said are to a younger generation that's more familiar with itc technology. They also cater to a relationship that crosses boundaries between different disciplines and that hopefully the idea is that the design students, architecture students in the universities in the city could kind of integrate on different projects and that the time that we spend on all these projects could be put to good use this. Is kind of the symbol of that thinking that the work that we do in the classroom can actually develop into something for the city. I think that's where we're coming from.

**Teresa (?):** Hi. I'm a product design student. I'm about to graduate in a couple months. Barring any disaster. Yes, the Portland plan I think we all were really interested in how you can have cross what we see now as cultural boundaries. As students we live our own lives, have our own social cliques. I think a great benefit of doing these kinds of more integrated works would be to get students out into the world looking for mentors but also having a richer connection within the community. I think that's probably true for all groups of people. So a lot of the stuff in the plan is socially based because I think that our generation has to key into it but I think that has a potential to cross generations and be an easy in to a lot of these ideas. We're all really excited to see how it might go into the future even if we don't get to be directly involved.

**Rosenwasser:** Also interesting a lot of the suggestions are applications. They use ideas of existing forms of software and apps and use the ideas in ways that can innovate easily to the city. They are kind of things to look at. You're talking about the mapping, programs like ways which user input --

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you might be familiar with it for traffic reasons. Anyone can input where there's a pothole somewhere, pothole identifier. Different app ideas that are pretty low budget and can be integrated pretty easily.

**Hales:** Great. Questions for herman or eli, teresa? Thank you so much. I'm really excited by this work. The arrival with the city club report I think means all of us have some serious homework to do. But this is really excellent. Opens all kinds of possibilities. Thank you so much for doing the report and keying it to the Portland plan as you did. Then coming here to really literally provoke us to pay careful attention to see that it's done.

**D'Hooge:** We look forward to continued dialogue with the city to take this forward and formalize some of these linkages between the university of Oregon, other creative's in the place and the city itself. Thank you so much.

**Hales:** We need a motion to accept the report. Does anyone else want to testify?

**Moore-Love:** We have a signup sheet.

**Hales:** Why don't we make room for the others. Thank you very much for presenting it this morning.

**D'Hooge:** Thanks so much. [applause]

**Hales:** Come on up. Good morning. Go ahead.

**Joe Walsh:** Good morning. I'm joe walsh. I represent individuals for justice. I read the report, believe it or not. It's excellent. But that's what it is. It's a report. It's a suggestion. It's up to you guys to look at it, at least read it. It's interesting reading. I had to use two glasses of wine when I read it. I would refer you to the disclaimer that they seem to have a problem with time and also what exactly the city was doing as they were doing the report. So there's some overlapping of different things that you have done and most things that you haven't done. You have lots of reports. You have lots of people coming here giving you suggestions and in my opinion you do very little. One of the things that stunned me this morning is I always buy the street route because I like the organization and the articles are actually really good. The headline is Portland population in poverty 189,515 and rising. But you want to close down a place that houses 75 homeless people. And you continue month after month to fine them because you're pissed off at the owner. How lousy is that? Our population is in trouble. Leave them alone. Figure out a way to support them. Figure out a way to support the people out front that I was stunned when your guest donated the five sculptures that he's going to do and auction them off and use the money for the people on the street. We will watch you very closely to make sure you do that. You don't build another monument stop building and ask the people on the street what they need. This report doesn't include any homeless people. That's no statements by them, but they do go into the topic. One suggestion what you can do, very easily, why is there not a representative from the university sitting on this council? Nonvoting, but just sitting there and joining in the banter that sometimes you do up there. That would be so simple. I'm not sure, this is one of the few city councils that doesn't have a student representative to get their input on stuff. And the last thing, charlie, celebrate the supreme court decisions today because there were two. The second one was on the california proposition 8. Another 5-4 decision. The one they did yesterday they devastated affirmative action. So when we celebrate, we have to keep it in context. This is a very weird court. It scares the hell out of me because you don't know where kenney's going or when roberts is going. They keep jumping back and forth. The rest of them are anchored. So when we celebrate the supreme court we all should say this is scary stuff that's going on. We got four people on that supreme court that are lunatics. Absolute lunatics. Thomas, alito, roberts.

**Hales:** Scalia.

**Walsh:** Scalia, mafiosa.

**Hales:** Happy to help you out there. [laughter]

**Walsh:** Scalia is italian and the mafia has more value than he does.

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**Hales:** Thank you.

**Lightning:** I'm lightning. First of all I would like to say that the kind gentleman that decided to donate the sculptures and have them auctioned, that's a person that has given his heart today and put it out here and looked to the city and understands that truly to help the needy and the less fortunate is the best thing for the city. I commend him for that. Very kind. Now, moving on to the smarter Portland plan, very impressive, very creative in its just always great to see ideas put out there and people try to figure out solutions and try to improve things. One of the areas I would like to see maybe a little more input and creative ideas is reducing homelessness in the city of Portland. One of the things that I think we need to do is figure out more solutions, figure out ways to put people into housing, have an understanding again from the businesses to let's ab collective force of creative ideas to solve the problem. Let's not work against each other. Let's not do that. The most positive way is to work together as a collective force and to solve the issue. Reducing homelessness can be done. To what degree, that's yet to be known. Look at the kindness of that individual today unknown to all of us to look outside through this city and say, you know what? I'm going to make a difference today. Nobody knew that. Those are the things that can create the change. The idea is begin the progress. That is what has happened today. That's historic, what has happened. This needs to continue. The optimism Mr. Heals has portrayed through this city is being carried in a more positive manner. That will create the change. This individual point blank stated that you have led the way on that. This is the historic moment today. Thank you.

**Hales:** Thank you.

**Charles Johnson:** good morning. Charles Johnson. Unfortunately unlike Joe Walsh I have not read this report. But there are two issues that you need to take into consideration. One of the issues you sort of can't see right now because when you look through this chamber, the only good news on this issue the only person of an ethnic or racial minority is a city employee. Other than that in this chamber right now I don't see any other people that are not obviously white. That relates to technology. There is a technology barrier for poor people that also applies along racial and ethnic lines. When we take this report into consideration, I hope the city will maintain its fine reputation for trying to reach out to all populations. Thank you.

**Hales:** Thank you. Anyone else?

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

**Lightning:** Can I make one more statement?

**Hales:** Sure.

**Lightning:** I would like to say that there's a purpose and meaning for people being out in front of city hall. There's a purpose and meaning for this individual making this kind, generous donation. There's a purpose and meaning for Intel being here on the same day. I ask Intel to make the largest bid at the auction. Thank you.

**Hales:** Thank you all. All right, we need a motion I believe.

**Fritz:** Motion to accept the report.

**Novick:** Second.

**Hales:** Roll call.

**Novick:** Aye.

**Fritz:** Aye. I would note we had a nice decision this morning that the ducks will be bowl eligible and note that we have more than one great higher education institution in our city. We tend to partner a lot with Portland State University and Portland Community College and Mt. Hood Community College and we also have not only the University of Oregon but many other fine statewide and national education communities right here in Portland. Thanks to the students who worked on this and took the time to present to us and thank you to those who commented. I will note that the report does include recognition that not everybody has access to smart phones and broadband and that is a piece the city has adopted the broadband plan and we need to look at how to

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fund that because in order for everybody to participate in some of the strategies that most strategies mentioned in the report we do need to make sure that everybody has access to the technology and with that i'm very glad to vote aye.

**Hales:** I'll skip the glass of wine reading this. It's pretty headsy stuff but really impressive. Very provocative. I love the fact that we have this dialogue with the university of Oregon and Portland state. Very happy to accept this report. Aye.

**Item 618.**

\*\*\*\*\*: Good morning.

**Jane Kingston, City Controller:** Good morning. Good morning, mr. Mayor, members of city council. I'm jane kingston. This is the first time I have spoken in front of a microphone.

**Hales:** Welcome.

**Kingston:** Thank you. I'm the city controller and manager of the city's accounting division in the office of management and finance. I'm joined by celia herron, member of the omf policy team. We're here to speak about proposed changes to an accounting administrative rule and to answer any questions about these changes. By way of background, the city has adopted a set of accounting administrative rules which are part of our comprehensive financial management's policies sometimes referred to as cfmp. These policies are designed to provide direction to city bureaus in their financial practices and the accounting rules in particular are designed to guide city-wide and bureau specific accounting practices. Current versions of all of these policies and rules are always available on the cities auditor's office web page on Portland online. As the city's central financial management organization we will be undertaking a complete review and update of the full comprehensive sets of financial management policies including the administrative rules. For today, though, our focus is on one specific accounting rule on accounts receivable. Accounts receivable is the term for money due to the city from its customers and they are presented as assets in the financial statements. You may have noticed during your review that majority of the changes are housekeeping in nature. Minor edits that clarify or strengthen the rule. These are primarily intended to update the language in the rule to reflect the correct titles of responsible positions and bureaus and to reflect the change from the days of ibis to our current accounting structures and practices. If you have questions about the housekeeping changes we would be glad to answer them. There is one substantive change in the revised accounting administrative rule. The addition of language that provides direction on circumstances under which certain types of account receivable can be forgiven and subsequently adjusted to zero on the city's accounting records. The current version of 6.04 contains no such guidance. A major driver of these changes is that generally accepted accounting principles require the city to present accurate asset balances in its financial statements. This outlines how the chief administrative officer may metro area prove forgiveness of debt. Those are de minimis in nature and more costly to pursue and collect than they are actually worth. Once a debt is forgiven it's legally canceled. This is different from a write-off which is an accounting adjustment and that does not cancel debt. A prime example of de minimis debt would be a small number of over payments of employees on their paychecks that result from rounding errors or from the transition from city's old accounting system to sap. The revised accounting administrative rule directs that forgiveness must be documented and that it can be approved by the cao. Thus establishing a dollar amount under which de minimis amounts owed to the city can be properly forgiven and reduced to zero in the accounting records. Omf recommends this change because it achieves two objectives. It provides a practical, cost effective approach to accounts receivable collections and reporting while continuing to ensure that the city bureaus use auditable accounting practices. I would be happy to answer any questions you might have. Thank you.

**Hales:** If I understand this right it's still true that anything over \$50 goes to collections.

**Kingston:** Yes. At the appropriate time.

**Hales:** Only de minimis, the transactions described that are less than \$50.

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**Kingston:** That's correct.

**Fritz:** One of my questions would be why did you choose \$50 to send it to collections?

**Kingston:** That's a great question. We actually -- I went to the Oregon revised statutes and looked at the rules related to gifts and gift giving to public officials. The limitation there is \$50. In some sense this might be equated to a gift if you're for giving debt. We decided that that would be a reasonable number to use.

**Fritz:** It doesn't say if the collection agency gets a percentage of the collected debt, that the policy doesn't say what that percentage is limited to. That also is a loss to the city.

**Kingston:** Actually, the collection agency does not receive a percentage of the debt. They receive a fee that is on top of the debt. So when it's collected the city actually receives that whole amount back. If they are able to collect the whole amount.

**Fritz:** How much is the fee set up?

**Kingston:** Well, i'm sorry, the fee itself is a percentage but it is on top of the debt. It's in addition to the debt.

**Fritz:** Okay. I have several detailed questions about the rules. I apologize if these were disseminated earlier. I must have missed them. I'll start with the biggest concern I have. That's on page -- I don't have the number. The write-off guidelines.

**Kingston:** Yes.

**Fritz:** It's entitled guidelines but section one says the bureau shall write off the amounts so it's actually standard that they have to write off the amounts. Is that correct?

**Kingston:** Yes.

**Fritz:** So i'm very concerned about section 2 where it says under 5,000 the bureau director or designee writes it off and has to greater than 5 and up to \$25,000 the bureau director does but over 25,000 both bureau director and chief administrative officer has to write off the unpaid debts there's no involvement by elected officials. When we looked at the housing policy which commissioner Fish brought forward after the transfer from portland development commission to housing bureau there was a gradation of when the commissioner in charge gets to write off the debt or versus when it comes to council. I'm concerned that this could be millions of dollars that people who are not elected officials get to write off.

**Kingston:** You would like to see language that at some level requires input from council and the mayor?

**Fritz:** Or sign of first of all the commissioner in charges but at certain level the entire council should sign off.

**Hales:** What's the current practice? [speaking simultaneously]

**Fritz:** This is the current practice.

**Hales:** This is not language we're changing.

**Kingston:** It is not --

**Fritz:** It's highlighting language that we have a great degree of discretion. The reason for the change is we no longer have a chief financial officer so all the authority goes to the controller and the chief administrative officer who both work in the same bureau. So some of the bureaus with debt, the bureau director and chief administrator officer are in the same bureau. I'm concerned there isn't the right level of council or commissioner in charge oversight. That's one suggestion or question I have.

**Kingston:** Thank you.

**Fritz:** I do question whether the word should be shall rather than may. It says in forgiveness of debt the chief administrative officer may authorize forgiveness, it may be deemed insufficient, may establish a forgiveness threshold of \$50 or less. It says will rather than shall. Those are some detailed questions mayor I would like more time to look at. It's not clear in that forgiveness of debt section -- the statement from the background analysis from the office of management of finance

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talks about the cost of researching, collecting small overpayments from employees. So i'm gathering that that's partly to do with it but i'm also understanding it's small debt from citizens. Customers of various bureaus as well.

**Kingston:** That may be true, yes.

**Fritz:** I would like to get that clarified. I wonder why in the public involvement statement it says no public involvement was necessary. It was a city internal accounting procedure. I would have felt more comfortable if it had been run by the city budget advisors or somebody because there are some potentially significant policy decisions in forgiving debt. In fact in my first three weeks in the bureau of development services i'm looking at the liens and other fines there's probably bigger policy questions that council should be discussing so it's more predictable who gets fines waived for example how that happens, what the level of reduction is code to some extent. I'm still having the cities attorney help me dive into exactly what that means and the authority of the commissioner charge, the bureau director and the auditor. Seems like this is a policy question that we could benefit from a little additional work although I do appreciate the majority of the cleanup that's in this proposal.

**Kingston:** Okay. I do want to advise you there's a specific process we follow in getting input on the proposed edits to the existing policy. I believe it's likely that someone from the city budget office did receive the draft changes and was allowed or requested to opine on that if there were comments. I will double check that.

**Fritz:** They did because I asked them. I probably got it in my inbox too. I'm a little behind on my emails right now. Sometimes when there are administrative rules that it takes coming to council to for me to have it right in front of me to have questions and have the policy discussion up here. I appreciate there has been due process before this. I want to weigh in at this point.

**Hales:** I assume there's no particular urgency on adopting these, by the beginning of the next fiscal year?

**Kingston:** We would like to move forward with it because there's actually an action that we would like to take related to some payroll amounts that we have due back to the city related to -- as I cited as an example, some minor errors related to rounding and corrections from the transition from the old system to the sap system. So we would like to proceed with forgiveness part of that where we have got very small dollar items that should be adjusted.

**Hales:** I understand that you would like to put it to use and you've done good work but there's not some apocalyptic financial problem that will happen in a week or two.

**Kingston:** That's true.

**Hales:** Just checking. [laughter]

**Celia Heron, Office of Management and Finance:** Celia heron. As jane alluded to we're undertaking a more comprehensive review of all the accounting administrative rules and in particular we were looking at the thresholds that you pointed out and did they need to be tweaked. We decided there had not been enough input and conversation about those to make those at this time but we definitely plan those. Now I have flagged them again as something to be considered. There are other places and we wanted to look at the interconnection between the different accounting rules so they all tie together better. This is a one-off. I'll be the policy lead organizing city code up dates and some administrative updates and we'll lay that out over the next few months. We would like this passed today but it's council's decision.

**Hales:** I think you raised a good issue about the involvement of the commissioner charge, not just that issue but that to me just thinking about the charter authority that typically rests on the commissioner in charge, this is giving an awful lot of band width to someone other than the that. I'm more comfortable with the accountability of each of us. Not in terms of bad work is being done but in the public's understanding of whose problem this is. I think it really rests on us. I would like to discuss that particular issue some more. My sense there are people who want to testify, but we

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ought to not adopt this today but give council a chance to deliberate, work with staff some more, perhaps schedule it for a couple of weeks out to bring it back. We also have two other members of the council who may have some thoughts about this as well who can't be here today.

**Kingston:** Okay.

**Hales:** So thank you, Jane and Celia, for putting this in front of us. Is there anyone signed up to testify?

**Moore-Love:** No one else.

**Hales:** I would like to set this over. Maybe the best way would be to return to my office for now. We'll have a chance for further council discussion and perhaps bring back an amended version. We'll reschedule it after there's been an opportunity for those conversations.

**Kingston:** Thank you so much for your feedback. We appreciate the input and will be glad to incorporate the changes going forward.

**Hales:** Thanks.

**Fritz:** I apologize for not getting to you earlier.

**Hales:** This is returned to my office. [gavel pounding] We're on to 619.

**Item 619.**

**Hales:** Good morning.

**Matthew Grumm, Office of Commissioner Saltzman:** Good morning, mayors, Matthew Grumm here from Commissioner Saltzman's office. Unfortunately Commissioner Saltzman and the Portland fire and rescue chief Janssens are currently participating in the David Campbell Memorial. Every year on the morning of June 26<sup>th</sup> pf&r gather to pay tribute to the 36 Portland firefighters lost in the line of duty. So you're stuck with me here today. I do have Jay Guo, finance manager for Portland fire and rescue, if you have any questions. This is just a report that responds to the budget note that was part of the 2012-2013 fire bureau training facility. The report is relatively short and to the point in that there are real needs to improve pf&r training facilities but we all recognize the tight budgets we face. As the conclusion states, recognizing the city's current significant financial challenge, pf&r will continue to use the existing facilities and delay funding requests until the city's financial condition is improved. If you have any questions we're happy to attempt to answer them or follow up with people who may have better answers.

**Hales:** Simple enough. Questions?

**Fritz:** I would just like more information on looking at whether the police training facility could be used for both purposes or what other city facilities may be available for some of the training.

**Grumm:** I'll have the chief follow up on that.

**Hales:** The other x factor here is the old training facility is now a logistics center.

**Grumm:** Gideon street.

**Hales:** What happens to that property?

**Grumm:** We're just starting to talk about that with light-rail and everything else.

**Hales:** Probably not the best place for a truck maintenance facility. Who knew? That's another one to take up. So the police bureau is in the process of completing that training facility but there are also looking at the question of additional space that might be used for vehicle training. There's some stuff there that might be worth looking at. Other questions for these two guys? Thanks for the report. Is anyone signed up to testify?

**Moore-Love:** I did not have a signup sheet.

**Hales:** Let's take a roll call in accepting the report, please. Do we need a motion?

**Novick:** So moved.

**Fritz:** Second.

**Hales:** Roll call.

**Novick:** Aye.

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**Fritz:** I appreciate the diligence in getting this report to us. Like many reports it opens a further conversation about how are we going to pay for it, whether there is funding in any of the bond measures or what partnering can be done on it but it's a good baseline for assessing the fire bureau's analysis of what they need. Aye.

**Hales:** Hear, hear. Good to have this information. Gives us the chance to look at other possibilities and know what our maintenance and capital liabilities are. So thanks for good work. Aye. [gavel pounding] Okay, let's take up 620. Good morning.

**Item 620.**

**Novick:** Mr. Mayor, commissioner, my understanding we're here today because the last council asked PBEM to explore the possibility of imposing the city imposing its own utility outage reporting requirements on all utilities including internet service providers and the bureau has explored that possibility and is reporting back on its findings.

**Hales:** Great.

**Jonna Papaefthimiou, Planning and Preparedness Manager, Portland Bureau of Emergency Management:** That's right. Thank you. I'm Jonna Papaefthimiou the planning and preparedness manager of the bureau of emergency management. I'm here to summarize ever so briefly that report and to be able to answer any questions that you may have. But utility outage reporting is relevant to emergency management because we have a role in notifying residents of emergencies and public safety matters. We manage a public alert website at [publicalerts.org](http://publicalerts.org), the clearing house for information about all kinds of service disruptions in our region. We took up the issue of utility outage reporting at the behest of the council last year. We met several times with representatives of the utilities including telecoms, electric, gas, the city provides water and sewer. We also looked at the sec rules and Oregon pc rules on outage reporting. We looked to see what other cities are doing and conferred with the city attorney's office, office of community technology and office of government relations to understand clearly what the law is now and where it may be going. What we found is that electric water and sewer utilities generally do a good job of public notifications of outages including posting on their website and they also make annual public reports about service liability to the regulators. Telecommunications providers generally communicate directly with individual account holders about service interruptions but do not make public notifications of outages. They have to report those to the state puc and the sec, but the reports are not publicized for security reasons. No state puc nor the sec require reporting on internet outages both for security reasons and technology limitations. This february the sec took up the issue of internet outage reporting and they dropped it and decided they weren't able to pursue it at this time. So bottom line if Portland were to pursue mandatory public reporting of utility outages we would be requiring public notifications beyond what any other jurisdiction is requiring at this time or the fcc or state puc. Perhaps not surprisingly we found the utilities were strongly opposed to mandatory reporting even those that actually do a quite good job of voluntary reporting. They raise issues related to national security, security of their customers, technical and logistical issues, protection of proprietary business information their legal rights under the constitution, interstate commerce and a variety of other issues. Our sense while it is not impossible to resolve or at least mitigate many of those issues, that it would really require significant investment of resources on the part of the city and that even so the resulting regulations would be quite precedent setting and likely subject to major legal challenges and that finally, it would require ongoing resources to sort of police and enforce those rules. So while PBEM is not afraid of taking on big challenges to make our city safer and more resilient, that is our job, in this case given the other risks that city faces such as earthquakes, floods and winter storms it does not make sense for us to invest very heavily in utility outage reporting. Which is not among the most significant risks that face the city. In fact we see an opportunity to achieve many of the benefits of reporting by working with utilities to promote

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voluntary reporting and to build value in the public alerts website. That summarizes the report and I'm glad to answer any questions.

**Hales:** Thanks Jonna.

**Novick:** I know you said the stakeholders raised a bevy of legal issues.

**Hales:** Thank you and I guess we should accept the report so we need a motion for that.

**Novick:** So moved.

**Fritz:** Second.

**Hales:** further discussion. No one signed up to testify? Okay roll call.

**Novick:** Aye.

**Fritz:** Jonna this is more example of your typically excellent work. Thank you for the concise presentation as well as the report. It's wise to scope out things like this and see if it can be done. And I think it's good to bring it to council with a public hearing to say actually no we shouldn't do that. Thank you for doing that. Aye.

**Papaefthimiou:** Thank you.

**Hales:** Appreciate you reporting back. We had that smarter Portland presentation and technology is just moving so fast, I was at the u.s. Conference of mayors meeting last weekend, tried out the google glasses where you get internet access by doing this. The interconnectivity of the world we live in and information available to us, I think a substantial portion of the population had those glasses or something like it, and there was an emergency or an outage, our capacity to get that information out there is expanding, as we have this meeting by smart people somewhere, some of them in Portland. I think the interconnectivity goal of this discussion is possible, probably without us being a traditional regulator. It will be interesting to see how that unfolds and keep it nimble enough to help us figure that out. Thank you. Aye.

**Papaefthimiou:** Thank you.

**Hales:** Thank you very much. One more item in this morning's calendar, 621.

**Item 621.**

**Hales:** Good morning.

**John Deyo, Bureau of Transportation:** Good morning mayor and commissioners. I'm john deyo with the city's bureau of transportation. The matter I have before you, set a public hearing date for the proposed vacation of southeast Sheridan and southeast Umatilla streets as petitioned by the city. If you have any questions about setting the hearing date, I would be happy to answer them.

**Novick:** Curious little item. Let me see if I have this right. Bes needs to obtain an easement, as part of the Sellwood pump station project, easement impinged on property owned or leased by the Portland rowing club, as part of our discussion with the rowing club, we agreed that we could consider the possibility of vacating these portions of these streets, which would have the effect of giving the rowing clubs greater certainty as to their lease rights on property where they have house boats.

**Deyo:** That would be correct, yes.

**Novick:** So, we didn't promise to vacate streets, we promised to consider it.

**Deyo:** That is correct.

**Hales:** Now we're actually going to do it.

**Fritz:** If you -- give myself a briefing before the august 7th hearing, I would appreciate that.

**Deyo:** Absolutely. I would be happy to.

**Hales:** Any other questions? No one to testify? Motion to accept the report.

**Novick:** So moved.

**Fritz:** Second.

**Hales:** Roll call, please.

**Novick:** Aye. **Fritz:** Aye.

**Hales:** Aye. [gavel pounding] Thank you. We are in recess until tomorrow afternoon at 2:00 p.m.

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**Fritz:** 2:30, right.

**Hales:** 2:30 you're right it still says 2:00 pm but its 2:30. Thank you.

At 11:05 a.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

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

**JUNE 27, 2013      2:30 PM**

**Hales:** Welcome to the June 2th Portland city council meeting. Would you please call the roll Karla.

**Saltzman:** Here. **Novick:** Here. **Fritz:** Here.

**Hales:** Here. Let's take up first the consent calendar and there has been a request to pull item 643 and hear it separately. Any other requests to remove items from the consent calendar? So let's take a vote on the balance of the consent calendar minus 643.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye.

**Hales:** Aye. Commissioner Novick do you want to prepare us for Item 643.

**Novick:** Item 643, actually Karla do you want to read the title.

**Item 643.**

**Novick:** I asked for this be taken off the consent agenda just because, partly because it is not every day we get \$3 million so it is worth taking a moment to enjoy that and I thought it would be valuable for David OLongaigh to give a brief description of the project. Thank you, david.

**David OLongaigh:** Thank you, commissioner, mayor. My name is David OLongaigh, City of Portland bridge engineer, here today to talk about northwest thurmond street historic bridge. Bridge was built in 1905. Here's an original drawing from the original as-built showing the bridge in its full glory. That's how it looks today. You only get to see a short section of it now because of all of the trees that have grown up around it in the park, lower macleay park. Project location, northwest thurmond street, 29th and 32<sup>nd</sup>, right at the entrance to lower macleay park. What we show on this map is the detour that will be needed, which I can get to later again when we're rehabilitating the bridge. It will require a full closure. The other site plan when the bridge was built first from the lewis and clark exposition. The bridge which you see in the red bar on the bottom lower left hand corner overlooks the site of the original exposition in 1905, for the world trade fair. That is how it looked in 1904 as imagined by Oregonian artist. And that is how they built it.

**Saltzman:** Is that a streetcar?

**OLongaigh:** Yes, it was built for trolley, serving the Thurman trolley line up to willamette heights. Two spans, 160-foot over balch creek and a shorter span of 60 foot over what was then a trail into the -- into balch creek area. It is portland's historic bridge. It is eligible to be on the national register. Which means it has the full protection as the bridge that is on the national register of historic places and it is the oldest bridge in this whole region in fact. Not only a historic bridge, but an antique bridge also. They don't make them like this anymore. It is a handmade bridge. All of the steel elements you see, were all riveted together to make by taking small parts and riveting to make a larger part and assembling them by hand in 1905. Today its a two-lane bridge plus sidewalks. But it is also contains a large amount of timber, timber stringers, timber deck, timber sidewalk and they sit on the riveted old steel floor beam. These members have deteriorated substantially over time in the last 100 years. This is a view underneath of all the members I just mentioned. The timber stringers and riveted steel beam are deteriorating rapidly because of the deck that allows water to penetrate annually continuously. The pavement is in extremely poor condition because the deck shrinks and contracts constantly because its timber. And the sidewalk itself is also in poor condition which doesn't help joggers when they're jogging in the winter, which is a very important

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and route for recreational joggers. It happens to have the ugliest bridge rail in Portland. [laughter] and that was actually a modern rail in 1960 --

**Saltzman:** Was that a contest that commissioner novick started?

**OLongaigh:** But this traffic rail that separates cars from pedestrians is also very substandard. But also carries a water line that serves the willamette heights. If ever the bridge did fall into major disrepair, water service to willamette heights would be in jeopardy. The bridge is also weight restricted currently. Heavy trucks are not allowed to use it. One of the reasons is because the timber stringers and riveted steel floor beam are inadequate to carry modern, heavy loads. Trusses which carry those members are quite adequate. We strengthened those about 30 years ago. They are actually in pretty good shape. What we are going to do with is project using the federal money with the city match is remove all of the deck and superstructure that you see shaded in red, but keep the trusses and towers that support the trusses. Here is a view of the members that are being removed and they will all be replaced. We will replace the timber stringers with new steel [inaudible] members, replace the riveted steel floor beam with a new wide flange beam. Replace the timber deck with a steel deck with asphalt over it and replace the wood sidewalk with aluminum slip resistant sidewalk. The existing trusses are actually satisfactory. And that is what the new bridge will look like. Not too dissimilar to what it looks like now. So it's a replacement in kind, we will not alter the physical features of the bridge which is eligible for the national register and has protection rights. New rail for traffic and pedestrians, new sidewalk, new water line will go on at the same time. The bridge will be closed for six to nine months, starting january or december forthcoming. We're not sure how long, but we think six to nine months is a good estimate. While closed there is a small detour along wilson street which is two blocks away. There is also a pedestrian detour required, but there are local trails that the neighbors use right now which are shorter than using the full-blown detour. The trails are shown in red and the longer detour is shown in green for pedestrians. Substantially the pedestrians should not be substantially effected because of the trail network that is locally. Mcleay park will remain open during construction. We worked out a way with the parks bureau, where we can shift users to one side of the park to the other depending on what is going on but they will always have access to the park. It is -- total project cost of \$3.7 million, comprising of \$3.4 million of federal money from the local highway bridge program with a city match of \$390,000 approximately.

**Novick:** Thank you very much, david. This is one of many, many examples of infrastructure investments that we need to make and a delightful example of an infrastructure investment that we have the money to make.

**Hales:** Great. Anyone else that wants to testify? I see we have our partners here from odot but they may be here for other reasons. Great, let's take a roll call on this.

**Saltzman:** Aye. **Novick:** Aye.

**Fritz:** Thank you for the presentation. Aye.

**Hales:** Great presentation. I hadn't realized it was actually our oldest bridge. It doesn't look like the new railing is going to qualify for the ugliest railing in town. That will have to go to some other bridge.

**Novick:** We'll have to reopen the competition.

**Hales:** thank you very much, aye. So, let's move to time certain then. Number 622.

**Moore-Love:** Would you also like me to read 623.

**Hales:** 622 and 623. They go together.

**Item 622 and 623.**

**Hales:** All right.

**Douglas Hardy:** Thank you mayor hales, council members. Douglas hardy with the bureau of development services. This is a continued hearing from about two weeks ago when we took a fair amount of testimony and some deliberation by council on the proposal. What council had

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requested at the end of that past meeting was basically to consider adding some new conditions on to the hearings officer recommendation to the council, and to have the applicant go back to discuss the height diagram that basically limits the height on the development site, to discuss that with city staff as well with the neighborhood. The applicant has met several times with both the staff, city staff, as well as the neighborhood. You have, I think, in your packet a memo from me dated today that identifies the -- the six items that were raised last go round and just briefly, the first was to apply a condition that requires development on the site to go to a type two design review as opposed to using the community design standards, to require any proposed development to go through what we call a design advice request, and that would be something that the applicant would have to do even before applying for the design review. The third item was to require the traffic signals that were identified by Portland transportation at cook and williams, cook and vancouver, basically ensuring that the development doesn't -- that the development is not occupied prior to those signals being installed, and operational. The fourth item, as I indicated, was to consider limiting the height of development on the site and ideally stepping it down toward the abutting multidwelling r-2 zone. 5th item was to provide on-site parking and sixth item was consider allowing a greater amount of commercial space in the building that allowed by the proposed rx zone. So, the memo that I provided to you does identify those conditions. There is a total of six conditions. Of note, there was not a condition included about the minimum on-site parking. When the applicant came in with the comprehensive zone map amendment proposal, they had no on-site parking spaces that met code at the time. Subsequent for the applicants applying for that comp plan amendment, city council recently amended the minimum parking ratio specifically for multidwelling. At this point, the applicants will be meeting the minimum parking requirements as recently adopted by council. In terms of allowing more commercial space in the development, I think there may have been some unclarity about what the rx zone allows in terms of commercial space under the rx zone. Basically what the zone says is you can have up to 40% of the total building area in commercial space as long as that commercial space is limited to the first floor. So, given the allowed density under the rx, the four to one floor area ratio of the rx, that would allow them to basically have 100%, if they desired, 100% of the ground floor in commercial space. And if I understand correctly from last hearing, that was one of the concerns that at least that be allowed for commercial to cover 100% of the floor area. If the applicant wants to go beyond that 40%, there is a path through the zoning code today that basically says you can go through a conditional use review and we will evaluate the impact of that through conditional use of review. So therefore, staff did not include a proposed condition related to commercial uses. Lastly, we did include a condition that I don't think was directly raised by council two weeks ago. That relates to the minimum required setbacks between any development that may occur on this site and that abutting r-2 zone to the east. The proposed rx zone is the only multidwelling zone that we have that doesn't require minimum setback from abutting properties. I think what the hearings officer had said he felt comfortable, but the design review would adequately address sort of what that minimum setback would be from the abutting r-2 zone in terms of having to meet some of the design guidelines. What staff has done and what the applicant as agreed to do is provide more certainty for the neighborhood is to require at minimum that there would be anywhere between a five and 14-foot setback depending on the height of the building, between any development on the site and the abutting r-2 zone. That provides again, certainty that there would be that minimum setback and that setback could be increased through the design review, if necessary, to meet the community design guidelines. So, I think I will leave it there. If council has questions for me now or later --

**Hales:** All right. Any questions about these proposed additional conditions and discussions that have taken place to get them before us?

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**Hardy:** Could I just add one point? In that packet, there is a exhibit identified as i-1, that is the height diagram.

**Hales:** Diagram, right.

**Hardy:** It identifies the height going from 40 feet closest to the abutting r-2 zone and then going up to 65 feet and 85-foot height at the northwest corner closest to Williams -- that exhibit is from the applicant. You will likely hear from the neighborhood a -- possibly an alternative to that height diagram.

**Hales:** Thank you. I think what we should do is give the applicant a chance to get on the record about the proposed revised additions and anyone who wants to testify in favor or against those revised conditions a chance to get on the record.

**Beaumont:** Yes, I agree. One thing that council might want to do is to suggest or recommend that any testimony be directed to the proposed conditions that you are -- that are considering and not essentially try to rehear what you heard before two weeks ago.

**Hales:** That's right. We had a thorough hearing and a good discussion and I hope that this is a focused continuation of that. So that's what we intend to do here. So, let's give the applicant a chance to come up and get on the record about the proposed conditions or additional conditions and anything else that is relevant.

**Fritz:** And mayor, from what I have been reading from, emails which have put into the record that the main issue of concern continues to be the height. So, if those in favor of the proposed map and those against could be particularly spending time on that issue, I would appreciate it.

**Hales:** Great.

**Moore-Love:** Before we start, is there a time limit?

**Hales:** I don't think we're going to need to set strict time limits given that we are talking about a list of amendments, so let's just be reasonable.

**Kaiser:** My name is Ben Kaiser. 5229 Northeast MLK Boulevard. Good afternoon commissioners. Good afternoon, Mayor, thank you for your time. We wrapped up the last meeting two weeks ago and I thought we were at a good place. It felt like we had made a good momentum, and in the last two weeks, I have come to realize and appreciate even more the work of council because the complexities of getting groups to agree to something is -- was very difficult these last two weeks, especially as more voices got included into the conversation, just by the opportunity of additional time, and it just made it that much more complex. However, we have taken the plan that we submitted to you two weeks ago and placed additional restrictions on it and you can probably see -- I think you have a copy of the previous one as well as the one we added additional restrictions to to get to where we are today in our proposal. I was unfortunately out of town for the exact two weeks since we last met. Destin Ferdun who is with me today has a wrap up of the meetings that he attended with neighborhood association and city staff and I was involved in a couple of those conversations other phone as we tried to work through the subjects and difficult, at times, issues. We think we're at a plan today that works well for the neighborhood, works well for the project itself. I think works well to address all of the issues that we brought up last time about parking and the potential eco-district and all of the other things that this project is trying to undertake to move the discussion about Portland and 20-minute neighborhoods and density and urban corridors forward. We are pretty proud of it but we hopefully will continue to work and get a resolution. Destin Ferdun will wrap up the last couple of weeks here.

**Hales:** State your name back in the record.

**Destin Ferdun:** Destin Ferdun. I submitted a letter, written testimony, hopefully you have all had a chance to review it. I can read just a few parts of it, if it is topic to what you want.

**Hales:** Has everybody got the letter? Critical question for you as the applicant team is that you are in support of the six conditions as described in Mr. Hardy's memorandum?

**Ferdun:** Yes we are.

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**Kaiser:** That's correct.

**Hales:** and intend to follow those along with the other conditions that are already imposed. I don't think you need to articulate what is in the written record. Questions for the applicant.

**Fritz:** Tell me why you think 85 feet is necessary and appropriate for the northwest corner?

**Kaiser:** I don't think it's necessary, as a description. However, I think it actually complements the neighborhood, and I might be repeating myself from last time, but I have long felt that intersection to be a gateway to the neighborhood. I think zoning requirements and this is what I testified to last time, the envelopes that are placed by zoning requirements often results in pretty redundant neighborhoods in that developers take up that zoning allowance. When you say a 65 foot max or 40 foot max or 45 foot max, what you end up with is a building that takes up that envelope. What we compromise in those situations, the ability to move around mass to help the neighborhood. When we have an far, which we have a crash course in that, and you are trying to move that far around on the site, if the mass and the density can move to a corner, so if you push that 65 feet up to 85 feet, in my opinion, what you will be doing is demarcating a gateway, which I think it is, as well as minimizing the impact on the neighbors behind me today who are here to testify and who have legitimate concerns about lights and shadows and sunlight. And views. So, when you move masses around, then you benefit them, in my opinion. That's why I think that by pushing that up, we will actually make the project better for not only the neighbors, but the project itself and the neighborhood.

**Fritz:** Isn't the current height limit 45, under current zoning?

**Kaiser:** Current zoning, yes, 45.

**Fritz:** You are proposing to go up 65 feet on one side and then 85. What's the height of the building on the other side of williams -- is tht new seasons?

**Kaiser:** New seasons right.

**Fritz:** How high is that going to be?

**Kaiser:** Probably 26 feet i'm going to guess.

**Fritz:** How is that a gateway when it's so low on one side and so high on the other side?

**Kaiser:** Well, maybe on the other side to the north of me, when that small building gets developed. What we have to keep in mind is we are resolving issues not only for today but 1,500 years from today. When we're answer these questions amongst ourselves, we have to be looking down that far, down the path and seeing what will infill in the future. I don't think anybody is excited about ex zoning taking up only 26 feet of its space in the new seasons. I think everybody in the planning architectural world would like that to be a denser, higher use area, again, if we are going to succeed at our comp plan and our future and our high density cores, we have to fill in the cores better. Also to say that on that 85 feet tower that we're asking for, and tower, I think, is probably an inflated term, don't forget that I went in for an ex and the neighborhood asked for an rx. Rx allows 100. In the 100-foot allowance the hearings officer and the city planners actually approved, and went through, as you know, a pretty long process to get there. That was an rx approval. So we're not asking for 25 additional feet over an ex. We are asking for 15 feet less than an rx. So, that is what -- where we came to that 85-foot.

**Fritz:** What is the height limit, remind me again, in ex?

**Kaiser:** 65 feet.

**Fritz:** We're not -- the most we're going to get on the property to the north is 65.

**Kaiser:** Right.

**Ferdun:** But then two blocks south, there is an rx zone which goes up to 100 foot, between vancouver and williams.

**Fritz:** As a clarification, my understanding that the comprehensive plan process which is happening separately as a follow up to the portland plan wasn't considering rezoning this site or was it?

**Kaiser:** Good question.

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**Fritz:** Have you been engaged in that process at all?

**Kaiser:** That was a long process. We would have to ask douglas hardy on that question.

**Fritz:** Thank you.

**Hales:** Other questions for the applicant. Thank you very much. Do we have a sign-up sheet karla? Let's take folks.

**Moore-Love:** These are supporters of the proposal. We have two people. Lee perlman and stephen judkins.

**Hales:** Come on up. Good afternoon.

**Lee Perlman:** My name is lee perlman, member of the elliot neighborhood association land use committee and other members of the committee said I am uniquely qualified to deliver this today because I was able to show up. The following, what you have before you is a list of the things that we have no official position, but based on recent conversations, the things that the committee reached consensus on and per your directive just now, I'll concentrate on the height, consensus was that we felt that over 65 feet is not -- is not appropriate for development this close to residents and that there be adequate setback and step-down toward the nearest house. There was some discussion of making that as low as 30 feet. There was not consensus that that was appropriate. I'd like to add one or two personal items, I do not believe that any of the parties to this discussion were dishonest or deliberately deceptive. I do believe that all of them to some extent or another failed to fully put their cards on the table in terms of what they expected and what they needed from this. Mr. Kaiser did not, the elliot land use committee did not, immediate neighbors did not, in their case it was because they weren't at the table and to some extent that was because -- we and I'm part of the we did not do a sufficiently good job of outreach for this. We sometimes take the city to task for not allowing -- for not providing adequate outreach and a chance to respond, we sometimes make the mistake of thinking that because we're not city employees, we're volunteers, that we're exempt from that kind of consideration. I think that about covers it.

**Hales:** Lee thank you.

**Fritz:** Just to clarify, elliot land use committee would prefer to see a height limit of 65 across the whole property or 65 -- actually what you --

**Perlman:** Nothing above 65.

**Fritz:** Nothing above 65 and you would prefer more of a step-down towards the east?

**Perlman:** Something of a step-down, yes.

**Fritz:** Thank you.

**Hales:** Great. Any other questions for lee? Thank you. Appreciate you and the committee putting your work into this. Next on the list.

**Moore-Love:** Was there a Steven judkins.

**\*\*\*\*\*:** Hi.

**Hales:** Hi. Put your name into the record.

**Stephen Judkins:** Stephen judkins. I live at beech and haight a few blocks away. I apologize that I didn't make the last meeting. I only heard about this plan the last week or so. And I saw it construed some places online, that there was near unanimous support in the local neighborhood that the limit should be under 85 feet. And I want to come out and make it clear that that is not true. Attended the boise neighborhood association meeting for a good amount of time, and the people that represent are largely homeowners, and renters in the area were almost completely absent from the meetings. For whatever reason, they do not come to hearings, do not testify, and their interest general go underrepresented in this kind of thing. So, I was a renter for several years and now i'm a homeowner. But when these kinds of debates happen, generally the interests are the interests discussed by those of immediate neighbors, which is true, it might not be ideal for them to have a building next to it -- but missing from the discussion is the impact on rental rates throughout the entire city and the immediate neighborhood. Portland has I believe the second

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lowest residential vacancy rate into the country right now. And until I purchased a house, I could see rental rates increasing dramatically and pretty quickly. And generally because of that, in most cases, I would tend to support building in as many new units as reasonable in neighborhoods where zoning is possible. And whether or not most renters are aware of that new construction does help keep prices down. Their interests should be represented. So, thank you for your time.

**Hales:** Thank you. Thanks very much. Okay. And then you have others signed up in opposition.

**Moore-Love:** Opposed to the proposal, right. Five people signed up. First three are Paul van Orden, Ray Culi, and Alise Munson -- please come on up.

**Hales:** Good afternoon.

**\*\*\*\*\*:** Good afternoon. I'm going to try to get the power point up.

**\*\*\*\*\*:** Okay.

**Fritz:** Mayor we would give the principle opponent time whatever --

**Hales:** Yes as you are the proponent, we will give you time if you need it.

**Paul Van Orden:** My name is Paul van Orden. I've been a resident at 52 Northeast Fremont for the last 15 plus years. Honorable Mayor Hales and members of the City Council. Today I will focus on two elements which are before us. One is why the negotiations fell apart which is important to help you come to a decision today and the second is talking about the massing that we are putting on the table as the neighborhood and some of the land use folks. At the June 13th Council meeting we appeared to be heading in a position, ground work for developers and speculators to collaboratively work with neighborhoods to add density and vibrant ground floor commercial into the fabric of existing family neighborhoods. I believe my testimony today is the primary opponent, principle opponent will demonstrate how reasonable we have been and why the project has spiraled off into the realm of downtown sized densities inserted into one of Portland's last truly historic and diverse neighborhoods. For the last 20 years, I gained experience in the environmental law enforcement field to negotiate and solve very tough community issues. I can tell you I know all too well when one party starts negotiations off too aggressively asking for far more than is reasonable, it is very difficult to bring the dialogue back down to earth. In this case, down to an equitable and ethical level of development, working in conjunction with an existing community, not asking for potential massing that offers no compromise to the community. I'm specifically sad that we had two weeks with Mr. Kaiser out of town and a consultant at many meetings was not empowered to negotiate. This set the dialogue completely off track. Let me first start off by helping ground the discussion in the short timeline of the Kaiser development proposals that we've seen. This slide is a picture of the development that then brought back to the community in 2005. It was not without concern from the community when it was presented at 39 units. Then was given an almost 20% increase in density through design process to 47 or 48 units. This process gave neighbors no tools to engage in our city. I think this project would have been embraced by the community. Instead, we had zero information until the last minute. We were told that Kaiser had plans to fix our neighborhoods supposed woes. It was just another example of privilege and class coming to rest in Elliott and tell us what we need in our already vibrant community. This was a quote from Ben on that project. Kaiser said he chose to call his dual project Back Bridge to reflect the neighborhood, which serves as a bridge between the freeway and the popular Irvington community. It would be -- I would like to believe that 6 years ago when I bought my home in the Elliot neighborhood it was not bought in some area of lost souls and non-existent insignificant single families in their humble homes. It was as I said at the first Council hearing purchased to be an active part of one of the last neighborhoods that offers true diversity and abundance of culture for its neighbors. After Kaiser received the sign off to move forward with the Back Bridge Lofts one, in 2007, the project was shelved and put on hold for three years. And this was just a quote from the neighborhood association about the project being tabled. At the Elliot neighborhood fall general membership meeting, October 8th, 2007, announced that Back Bridge Loft and Back Bridge Station

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projects would be on hold. Kristen Jenkins who's one of the members reported that ben kaiser has placed the two neighborhood projects on hold for up to three years. Understandable with the economy. In the time between the initial proposal and the current 2012 application request for unprecedented mass and upzoning, two more projects of kaiser worked their way through city staff. One was a project for a series of micro homes on the lot, off the grid, less than 200 square foot in footprint. Second project, was a music venue and garden that violated zoning code of title 33 for commercial operations on a residential lot and also violated the city's noise ordinance with people jamming outside until 10 pm. These failed projects went by the wayside. They were undertaken with almost no knowledge of the plans direction or integration into the fabric of our community. Kaiser's record for communicating with the impacted neighbors was starting to build a poor record. This is the point that we're moving into the current discussion. This is a very important element of our discussion today. In the preapplication phase, mr. Kaiser is quoted in the press in this case about one of the blogs, architecture, williams, what is happening. Ben kaiser of the kaiser group is seeking a rezone from r1d to exd of the current vacant lot on the southeast corner of fremont and williams for a revived back bridge station. The preapplication intake states that the conceptual design includes a 52,000 square foot, 65 foot tall building with ground floor retail, office, 15,000 square foot, 45-foot-tall building with the same mix. These two buildings represent another substantial development on the street. I would agree with that. In the original perspective that kaiser -- offered by kaiser to the public, he spelled out a massing that would reach his prescribed needs by building in essence a building the entire frontage of williams, of approximately -- that would approximately reach back 37 feet off of north williams into the neighborhood. In essence, what was prescribed in the pre-app process and what we all came to the table with, was an understanding that we were talking about volume 65 feet tall, only go back 37 feet, if we put all the entire mass on williams. That sounds great. I'm on board with that. Elliot neighbors are actually on board to offer more. Not 100 plus feet, as he stated with the beginning of the negotiations of our community. Obviously his early plans translated into a complete 180 degree turn as we saw request for massing almost three times in size the volumes he described in early stages of discussion with the public. So this slide is the version one we saw from mr. Kaiser in our discussion and negotiations and the challenge is from a cerebral perspective to get your head wrapped around a flat plan element can be a challenge. We tried to look at it and said I can only see a giant box that is notably larger than the albert that we're all talking about and two to three times larger than what we originally thought was on the table in the preapplication phase or discussions with the neighborhoods for 52,000 square foot element. This was the next element or compromise. I will go back to the first one for a second and you will see very little change other than a down-sizing in the corner element that would go up to 85 feet. And that seemed to be one of the only things that we were getting brought to the table and not at all what we were visualizing with our discussion, especially because part of the vibrant discussion around the 85-foot element, was that it was an element like chinatown, gateway element, not a tower. The two slides offer the oversides and noncompromise from kaiser, he went from 52,000 square feet just in the 65-foot portion of the building, to now almost three times the volume that I calculated would be permitted under this proposal if it moves forward with mr. Kaiser's proposal. 146,790 square feet for a 233-foot frontage along williams, i'm using 105 feet for the distance going back east and west. That was the middle ground where we kept negotiating. It only moved a little bit. I think we were at 108, 105. Someone threw out 100. Those distances are negligible in terms that they are gigantic compared to what we started with. I will now take a moment and show you a 3-d look of what we are actually looking at. Looking at this on a flat piece of paper doesn't make sense until you try to look at it in 3-d. These are massing studies that one of wonderful neighbors ray has spend many many hours staying up at night making. And I applaud him for his volunteer time doing that. The houses here on ivy the two houses. This is not the best representation of the solar

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challenges. Another neighbor will talk to that. This is looking at it from the north, kind of the northeast corner looking down on it towards the new seasons you see over to the top left corner, top right corner of the drawing. You can see a number of the homes in this case are shaded notably from the sun during a significant portion of the year that I will leave a solar expert to talk about. This is another drawing and you will see the massing of the Albert in comparison of what we could wind up with the proposal on the table today, irregardless of who builds it this is a potential of what we could wind up with. And this is just a view looking from the south north version at what kind of massing were looking at. You can kind of see some beginning elements of the shadow that houses would fall into. And here is a few more diagrams. I would like to do is step back for a minute and jump in. I will take a moment to walk you through a visualization of a more than adequate proposal we brought to the table from the community. This is more massing than Ben asked for in the preapplication phase. And so if I step forward and read a quote about the negotiation challenges first. This is from Mike Warwick, chair of the neighborhood land use committee and transportation committee. This quote he had I think was in the Willy week "we had no idea you would deviate from the prior practice to propose a taller structure north of Broadway except for the Emanuel campus which is as you know is tied to a development and design compact with Elliot, in addition to being an institution with a public benefit mission" Warwick wrote "I fear you, Mr. Kaiser, have gotten intoxicated by a literal reading of the central residential code", he continued "and forgotten that this change is not a right, but a negotiation". And so this was a comment Mr. Kaiser has made on massing in an email. Northwest Portland which has one of the most varied and interesting mixes of architecture and massing in the city has five, six, 10, 12-story buildings immediately adjacent to single family homes. I appreciate that in the past the area wasn't dictated by the odd demands of single family homeowners. Downtown used to be single family homes. This corridor is downtown or it certainly will be soon. This is from an email chain that went around on approximately 10:23 on June 25, 2013. So this is our compromise, odd demand from the neighbors. We have tried to come up with a reasonable massing that still gives him an opportunity to gain what we thought was the proposal on the table, which is a lot of massing along Williams, a step down to a lower height and to try and take a moment to explain the 30-foot height that we were offering, we have actually backed his project all of the way on to the lot with the burned home so that he can gain some amazing massing by connecting all of these volumes of buildings, and basically offering a lot of protection that we wouldn't have with the proposal for the neighboring homes. He is gaining far more massing than the original project of 52,000 square feet for 65-foot volume. A win-win for the neighborhood. And this is not showing a gateway element, just to clarify, because of the challenges happening with the neighborhood was that we felt that the gateway element was something small like I testified last time in council. 800 square feet. It was some. And coming to the neighborhood and you see a mass that invites you into the neighborhood, not a tower that changes the tone that has no continuity with the existing fabric and wouldn't be seen as a gateway to a neighborhood that's not a giant tall neighborhood. And so, here is a few other visualizations or angles. You can see that this looks very dense. It is wonderfully dense. To all of us who want density, this is a success, but it also has elements of melting into the fabric of the existing neighborhood in an effective fashion. I see this as a wonderful win-win. In our negotiations, this wasn't even something that we discussed about. We came back to the same two drawings, the primary ones that we saw, that were over-massed in size from everyone's estimation in the neighborhood associations. We had a giant turn of almost all of the members of Elliot land use committee who initially were saying we are comfortable with height, but we never talked about the kind of height that is currently on the table. And so, I wanted to step through a few of the other sketches. Here is another one from the south looking north. And here is another one from an aerial view. Some of these include some of the shading elements that will come back with Ray, who is about to testify. And here is a different

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view looking downward from the north, and you can see the shadow on to some of the existing homes and how much larger offering mr. Kaiser, compared to the outward that we have been notably uncomfortable with. I want to close with saying that compromise. This is what I feel the neighbors have given. We've given ground floor retail, which is really important to state that an interesting element of this, well, probably 85% of the people say this would love to have more commercial. That doesn't mean that commercial is a giant win-win from the impacts in the neighborhoods. We see this as a win-win even though there are impacts by doing it changing from the r-1. Height and mass increase from 45 feet to a notable volume that I feel we're offering him at 65 feet plus many additional units with the way that we have offered massing and lots of adaptability if he wants lower-ground level elements, there is room to do that and there is noble amount of room to move in the development to make something much bigger than he originally proposed. And then I think accountability and availability, I think we did everything we could to get people available when we could. We had people emailing each other all kinds of whacky hours. I think the biggest challenge in this was--and I'm not blaming mr. Kaiser, but having him out of town for two weeks created a challenge. Because Mr. Ferdun had to go back to him with many of the elements and say the neighbors are throwing this out. The challenge was when we came back there wasn't a change in what they were offering. And the last element, which I think we from the neighborhood association did a wonderful job touching on was a sincere willingness to compromise. I think we have gone above and beyond the call to help him create a successful project and I feel like what mr. Kaiser has put on the table at this point and made this communication fall apart is a building in volume larger than originally proposed in 2005, and then again in 2012. So, I just want to take a moment and thank council for giving us all a chance to speak. It has been humbling that we have tried to come up with the new approach, considering the ex we all admitted doesn't work, the rx doesn't quite work in these transition zones with old single family and two family homes. I still think we can get there. I just fear if we approve what is on the table from the developer, that that is not a win-win for the community. Thank you so much.

**Hales:** Thank you very much. Questions? Okay. Thank you. Who is next? Go ahead.

**Ray Culi:** Good afternoon, mayor, councilors. I am ray culi, a resident of elliot neighborhood. And I just want to take this time to just add to what paul has already explained. Basically we have taken a look collectively at what kind of massing would be suitable for this area. We're all in support as he said for ground floor retail for commercial. And then higher density that would be allowed with proper massing and transition into the r-2 neighborhood. If we could take a look back at -- I want to just show and refer back to how we came up with this massing that we feel is best. Very first one there. Thank you. So, if we look at this one here, you can see the -- a thoughtful look at what the massing does, even though we don't show any shadows here. So that transition -- first of all, by going 85 feet, we have the disparity as you mentioned, commissioner -- with the new seasons on the west side. As well as current development on the north side of fremont street. Keep in mind that the north side is zoned ex, which does allow a 65-foot height. So, we've matched that. To make sure that we don't exceed the height that is ex, especially because ex is to the north and would lose solar access if the property to the south was taller. We step down, also, and you see we proposed the 30-foot height for a good portion of the eastern section of the eastern side of the site. Again, to help that transition. You can see that -- and I will show you in a future slide here the reason why 30 feet was adequate. This view also shows the side from the southeast looking towards the northwest over ivy street and trying to give a proper mass up against the existing single-family homes. And keep in mind that we have shown this mass with the 14-foot setback against the r-2 zone. So, and that will show up. On the next slide here you will see that the -- this slide shows what -- the shading would be, approximately 3:00 p.m. And you will see that already the house to -- that is on fremont there, the one at the back there, that is closest to that, is pretty much fully shaded already by about 3:00 in the afternoon. So,

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we've already lost some valuable light there. You look at the next slide overhead, and this is what would show -- what we're really trying to show here is how a 65-foot height building would not impact the solar access to the homes in the east, more than it would the 45 and the 30-foot masses to the east. We went up higher than 65, it would have an impact. You can see the shadows from the 65 number and the 45-foot height that they just hit close to the edge, eastern edge of the 30-foot height. This slide here shows -- it shows a little give and take here. Even though the 45 -- if we were to have a 45-foot mass throughout the entire site, we would have shading along those houses to the north there. You can see the single-family homes at ground level there to the north of fremont. And this is showing that with a 30-foot height on the eastern section, that they would still have a little bit, mind you, it would only be a couple of hours in the morning, of sunlight that would actually hit the south face of their homes again, with the 45-foot height and 65-foot height, they essentially will not get any sunlight during six months of the year on their south face of their building. So, this proposes that we allow a little taller height here, equivalent to the ex zone, that they would have a little bit of sunlight in the morning hours hit the south face of the building for solar access. So, we just felt that after doing this study, if the height restrictions and setback restrictions are imposed as shown in this elliot massing study here, the benefits would be that we would have a building not taller than what the ex zone currently allows along the vancouver williams corridor. We will have better solar access during solar heating hours, which is what solar access ordinance is used to protect solar access to the south face of buildings, and this is defined as the hours between approximately 9:00 a.m. and 3:00 p.m. On the shortest day of the year, december 21st. We will have better transition of building mass, scale, height from williams avenue to the dwellings in the r-2 and r-2.5 zones. And we will have sufficient setback equivalent to the r-1 and ex zones which have their -- the ex has the 65-foot height limit and that setback requirement of 14 feet. Up to 14 feet. And we think it is a win-win because the owner developer will gain more building coverage than an r-1 zone, overall average height higher than the current r-1 zone, and they will have the ability to still have a maximum allowable far of 4-1, or close to 4-1 for the rx zone, which would be far greater than in the current r-1 zone.

**Hales:** Thank you. Questions? Good afternoon.

**Alise Munson:** Hello, I am Alise Munson. And after listening to these great guys, we have a great shadow study and then paul summarized what we have been trying to negotiate for for the past two weeks. I would like to put a challenge on the table. I admire ben kaiser's work very much. His design aesthetic I discovered in dwell. So I have been a big fan of his work in our community. And I think that he is so good that he can design something within these limitations that we are asking. So, what i'm asking for is just a return to the negotiating table, really listen to us. We want the height to be kept at 65 feet. A lot of extra gives that we have given. And we want the design to be harmonious with the historic neighborhood. I know we have an unprecedented ability and avenue to talk during the design review and I applaud that, but I learned -- this is coming from a novice who just learned about ex, rx, r-1, that when you get into the design phase, you don't have much of a say when you are talking about massing. It is in the zoning phase that you really have a voice about massing, and some of the parameters that go on before the design phase. I want to take advantage of this phase. I welcome the design phase. And I think now is the time to really put the line in the sand and say can we please have 65 feet, don't go to 85 feet. That is mine, short and simple after the boys.

**Hales:** Thank you. Questions? Thanks very much.

**Fritz:** I guess I do have a question. And that is going down to 30 feet is less than the current height and also less than height in the adjacent r-2, so that strikes me as somewhat unreasonable.

**Van Orden:** One of the things, open discussion item at one point of putting some of the massing on the lot that is the burned down house that mr. Kaiser now owns, and we talked about the setbacks and other elements and it was on the table at one point that we would wind up with two

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setbacks. Setback at the remaining home that didn't burn down that was damaged from the fire house just north from the burned lot -- just east of the burned lot. Additional setback where we start the development on the table before us today. We have made really clear that we thought we would be entirely comfortable connecting all of it. If we had massing like we see depicted here, it would meet the needs of higher density, it would have the benefit of stepping down a bit and protecting existing homes that are not likely to change too quickly. The owners I know they are not in a rush to sell and would offer a win-win in density than the 52,000 square foot that started off the project. It was a compromise. I don't feel that we ever got our element that we put on the table looked at. We kept getting handed the same proposal from Mr. Kaiser and the line would move 5 feet. Oh we will move the 65 mass over five feet. That is not where this was intended to start. It started with the 52,000 square foot building and now you are taking advantage of the goodwill of the neighborhood association and the neighbors. So that's where it came from. I don't know that anybody would be terribly upset if we went higher if we found a way to accomplish the same goals.

**Fritz:** Thank you.

**Hales:** Thank you.

**Culi:** I did want to add to what Paul said, mentioned, commissioner, regarding the 30 foot that seemed odd. The 40-foot height limit that is currently in the R-2 zone, we're talking about single-family homes here, and when we do these homes in a conservation district, too, these all are sloped roofs and so height by definition is the average height of the -- of that sloped roof portion.

**Fritz:** Right.

**Culi:** We're comparing it with something equivalent to a 30-foot mass that first of all is the full depth of the site, as well as probably will not have sloped roofs on this.

**Fritz:** That's a good point and also, the homes along Ivy and along Fremont are in a conservation district?

**Culi:** Yes, they are.

**Hales:** Thank you. Other questions? Thanks very much.

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

**Hales:** Karla do you have more people signed up?

**Moore-Love:** Two more.

**Hales:** Good afternoon.

**Kevin Retalia:** Thank you council. Wow, I don't know where to really take off from that. But I guess what I could say --

**Hales:** Put your name in the record.

**Retalia:** Kevin Retalia.

**Hales:** Thank you, Kevin.

**Retalia:** I live on Fremont Street as well. I think you've pretty much heard exactly what you need to hear. What I'm going to represent is the rest of the voices in our neighborhood that weren't able to be here today. Many of my neighbors could not get off work to come in today. I have a few neighbors who are in school still that actually do only their own homes, which is great. People who can -- have to stay home and take care of their children, they just couldn't make it here. The timing was bad. You know, there is a voice out there. And I just wanted to let you know that that still exists. We want to set a precedent for not having other neighborhoods have to go through what we're going through. We don't want this to spread. Yesterday we held a small event on the corner called Red Balloons for Reason. We launched some balloons, red balloons, 85 feet into the air to represent the height of what this building would be. We did this between 4:00 and 7:00 p.m. During the major crunch of the rush hour. And it was amazing the support that we had from the commuters, both bike and motorized vehicle that were going by. People honking, waving, ringing their bells, stopping, asking what's going on? And the shock on some of those people's faces when

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they realized how tall that building really would be. And when we told them we were compromising at 65, some of them were perplexed at that. But a lot of these people are using that as a thoroughfare to get to their neighborhoods. And what I was seeing and hearing was they don't want this in their neighborhoods either. I think at this point, this is where we need to stop and set a precedent. We're not downtown. As I remember, there is a big body of water that separates us from downtown. We're not downtown. We're not high density. I would ask you to go out and stand on the corner of fremont and williams and see how bad the traffic is with bikes and cars. It's horrible. And between -- especially between those time periods. So, adding even more -- it's without better traffic control and putting limits on these, this density, it is -- it's just going to get worse. So, but, again, I just -- I think we're reasonable. I think we're being very sensitive. And I hope that, you know, mr. Kaiser can be the same. We are -- we are looking forward to working with that and coming up to a good compromise. But, again, there is a lot of people that couldn't be here today and, you know, I hope to represent them for that reason.

**Hales:** Thank you very much. Appreciate it. Good afternoon.

**Allen Rudwick:** Hi, my name is allen rudwick, chairman of the elliot neighborhood association but i'm here representing myself today. Basically you have heard everything you need to hear, that we haven't had time to really negotiate over the height map, but it is a decision needs to be made today. I think that something a lot closer to what the -- if you need to pick one of those two, I think it makes more sense to pick what the residents are proposing than what ben is proposing. Much greater density than what is currently allowed and I think could be a great addition to our neighborhood. Thank you.

**Hales:** Thank you all. Anyone else?

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

**Hales:** So, mr. Kaiser, do you want an opportunity to respond or rebut any of what you have heard here? We will give you a chance to do that. And then council discussion. We may have discussions for the applicant as well.

**Kaiser:** Okay. Again, as I -- as we discussed last time, the neighborhood's concerns are all valid. I think we did make an honest attempt and outreach to kind of come to a compromise. And in mr. Van orden's testimony, when he quoted me as saying the odd demands of neighbors. I don't want that taken out of context. What I was speaking to is exactly what you brought up, commissioner Fritz, and these came through in a lot of meetings asking for less than their own properties allow when they are asking for a 30-foot corridor next to a 40-foot allowance. All of the homes that we're speaking about, can in my opinion, 50 to 100 years will be torn down and will be 40 foot structures. So all the massing examples that we've seen today, I hope that we can all imagine that those aren't just single family homes. But that does fill in to the aspirations of us as a city. If you imagine the massing models that we saw, with 40-foot structures next to them, they become a lot less imposing than they do today with a story and a half house next to them. When I mention about downtown being one-time houses, it was one-time houses. And when I talk about odd demands, i'm glad that we as the downtown did not have to abide by step-down requirements from every single family house in the downtown core. When we have these regions spreading out from the core, kind of in a radial plan, trying to fulfill these aspirations of a city of these 20-minute neighborhoods and dense corridors, work, live environments close to shopping and recreation spots, those can't all be achieved with step-down requirements on every single -- stepping away from every single family residence. I think it would be an odd outcome, pretty prescriptive, that would have a deleterious effect on the city landscape. And also in regard to mr. Warwick, please remember that he was a proponent last time we all met and is -- has testimony supporting the project and he was actually the one who originally required that I seek an rx zone for this site. And we never discussed height. And he acknowledged that today that we did not discuss height. It wasn't until well into the zoning process, which, as you know, is a long, public, expensive

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process that we realized the potential of an rx site as opposed to an ex site. That was not part of the original discussions. I also want to say that we're talking about kind of public policy going forward. And what we're seeing here, commissioner Fritz, this is now your bureau, so what we had was the best people kind of reviewing this zone change application from hearings officer to the planner, and they all came to realize that the rx is a good designation for this zone and does abide by the large majority of the comprehensive plan aspirations. If we undermine that and undermine that process and that policy and that public discussion moving forward, we're undermining quite a bit. Let's look at the compromises that we have put in place beyond the rx. I would debate a bit with mr. Van orden that we have not compromised. If you look at what rx is, zero setbacks, 100 foot site limits. That is not at all what we are asking for today. We have quite a few restrictions. What I have heard from date from staff, it's the most restrictive project to date that they have seen. We are taking zoning and putting more restrictions than anybody has placed on a zoning approval yet. It is compromise in my opinion. It is good compromise, and I think that we left the last meeting very positive because we did make great strides even before that point and I think we have made more since that point. So, and all this is to say that -- and never have I stated that I am going to build an 85-foot-tall structure there, as we discussed last time. When you go to those heights, the whole project changes. All I'm saying is we are speaking about not only policy going forward, but also ability and flexibility for the project to the best and most successful for the neighborhood that is here with us today. Whether it ends up at 65 feet or 85 feet, we won't know until we do the massing what is appropriate for the area. And that is a long process, as we all agreed that is a design review process. We talked a lot about the public interaction that will be through that process. I just ask, I guess, to let the structure in place in our city, which is renowned the world around for its urban planning and acknowledgment of these exact topics to work its way out and to, like I said, not be dismantled each time a particular homeowner or two or number feels that they're being taken advantage of, because that is not at all the case here or in the majority of the situations I have heard. Thank you.

**Destin Ferdun:** We had basically two different diagrams that were presented to us from the neighborhood. One of them by paul, I believe, about a week ago. Which had a 30-foot wide zone that was 65-foot high along williams and which is frankly unbuildable. The second one that you saw today was presented I believe tuesday of this week. It was after we had already four meetings, and other information. I would also like to point out that I think you can see from how this aligns with my written testimony, but, again, people's positions have changed over the two weeks, specifically mike warwick and the land use that came in support. They had every option to recommend a condition when they came to you last time and they did not. They were in support of the full rx zone. They have changed their position over that period of time. People had talked about the 85-foot height in meetings and said that under certain conditions it would be acceptable. The conditions in which it could be acceptable were never clear in the discussion. I would like to finalize by again pointing out the -- the discussion that was kind of a confutation of design aspects and the zoning aspects of this. What they have shown you here is shadow studies the maximum building potential area. Maximum building potential area is in no way the building unless you shrink that maximum buildable potential down to the elements of far. It is largely been discredited, the kind of ziggurat or the layer cake design standards. A lot of the large cities -- it creates really bad design. Really the best design is providing an envelope from which you can push and pull the building in order to make sure that those shadows work out for the best advantage. Make sure that the massing works with the neighborhood's best advantage, 30-foot high massing obviously does not allow a lot of flexibility on things like pitched roofs and, you know, back adu's and things of that nature that would be allowed in a 40 or 45-foot. That height allows the flexibility. Again, our position that -- that we have got serious process here with the design advice request and design

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review to do what alise said was to carry on that conversation and with more appropriate detail at that time. With people that are experienced and those aspects of the process.

**Hales:** Thank you questions of the applicant? Okay. Thank you very much.

**Kaiser:** Thank you.

**Hales:** I will close the hearing and open it for council discussion. Staff questions for staff? Come on up.

**Hardy:** Could I just add a couple of comments just briefly? In response to the power point primarily. I guess -- I would redirect council back to what the approval criteria are for the review. The approval criteria require council to look at the -- all of the comprehensive plan goals and policies and indicated in the hearing officer's recommendation, there were 75 goals and policies that were evaluated for -- for this proposal. The hearing officer found that all but two of the 75 goals and policies were equally or better met with the proposed rx zoning. And I think what some of the -- the 3-d pictorial that we saw that it may be misleading. I think the applicant addressed it to some degree. But what we have to look at, or what the council needs to look at is the broader context of this particular proposal. We are not solely looking at the r-2 zone. That is important. We are looking at this very urban corridor of the williams, I think, hoover corridor. What the 3-d pictorial didn't identify, it did show the full build out of the applicant site. It did not show the full build out of all of the other zones around it. It didn't identify the 65-foot allowed around the entire corridor. It didn't show the allowed 40 foot height in the r-2 multidwelling zone. And I think it is important to, again, just look at this proposal in the broader context of how does this fit into the -- the broader context of the neighborhood, the urban williams vancouver corridor. Also, in terms of the -- one of the pictorials, 3-d pictorials, what we're talking about in terms of the height, those are solely looking at the absolute heights. What the applicant would still need to meet is the maximum 4-to-1 floor area ratio on this property. So, it is not likely, for example, that you could do the full 65 feet all of the way across the williams avenue frontage as was identified then stepping down to the 45 and then to the 30. It is not likely that you could get all of those heights and still meet the 4 to 1 far. I have not done the calculations. But by looking at it looks like it exceeds the 4 to 1 far. I felt it was important to put this into the broader context of what the city is trying to do through the comprehensive plan.

**Saltzman:** So, Ms Munson made a statement that massing isn't considered by the design review commission? I think of design review of having quite a bit of sway over a project. What it looks like. It may not be the massing blocks it deals with directly, but they do have a way to certainly control how the building or development interacts with all of the other elements.

**Hardy:** Right. Because this would be required if you would -- if you approve the condition of the type two design review, the proposal would have to meet what are called the community design guidelines. One of the specific guidelines is termed blending into the neighborhood. One of the factors that is looked at in terms of addressing that particular design guideline is exactly what has been discussed. We have this higher density, higher heights allowed in the rx. We have the 40-foot height allowed in the abutting zone. How do you best blend those two? And still meet that required design guideline of again blending into the neighborhood.

**Saltzman:** This does have to go to the design review commission.

**Hardy:** Well, no, for the -- sort of two-fold, for the conditions of approval. Number one, it would go to the design commission for the design advice request. That is an important point in that it allows the full design commission to review the proposal, at least in concept. And to help inform the design review that would follow. It also -- there is public testimony taken at the design advice request and the intent is to allow the design condition to very early in the process inform the applicant, and the bds, design statute ultimately the type two review in terms of here are some red flags we need to look at. Once it passes the design advice request, it would go through a type two design review. That is a staff review. But there is an appeal to the design commission for that.

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**Hales:** Neighborhood association has access, too, right?

**Hardy:** Right, the neighborhood association would have a free appeal to the design commission on appeal.

**Saltzman:** My second question was about solar access. Does our solar access ordinance, is it about access for solar energy or is it about just access for sunlight purposes?

**Hardy:** Well, that is an interesting point. Currently in the zoning code, there is no solar access requirements for developments. It's at one point in time, probably 10, 15 years ago, we had a solar access requirement. It was taken out of the zoning code.

**Fritz:** Over my strenuous objections.

**Hardy:** For what reasons, I can't speak to. Today there is no solar access requirement.

**Saltzman:** Okay. That was my question.

**Hales:** Any other questions?

**Novick:** I want to say thank you very much.

**Hales:** Is anyone ready to make a motion?

**Fritz:** I am. And I -- I appreciate the dialogue that has gone on. Mr. Kaiser, you mentioned that we should honor the work that the staff has done and indeed, I do, however it is also our job as elected officials to listen to all sides at this hearing, and a comprehensive plan zone change isn't by right. It is something that we need to look at and as we discussed in the last hearing, it seems we don't have a zone that actually does what we want it to do on this one, and so we're cobbling together, at least I'm proposing that we cobble together the best or most appropriate of the ex and r1 zones -- or rh zones for this site. The policy that I find compelling in the albina community plan is policy, land use policy objective 3 which says review new infill development to ensure that it reinforces the neighborhood's positive characteristics and also there is a lot of talk about owner/occupied units which these aren't. Objective three of the housing policy ownership says provide opportunities for home ownership for Albina residents, emphasize infill development that accommodates owner occupancy and is compatible with the surrounding neighborhood. I believe the proposal is good in terms of the ground floor retail and added density, however I believe the height of 85 is too high in the northwest corner. So my motion is to approve the zone change with the revised conditions, with the exception of amending commission -- condition five, which says the maximum height of development on the site shall be limited to that identified in exhibit i-1, adding except that the height limit shall be 65 feet in the northwest corner.

**Hales:** The remainder of exhibit i-1, would be attached but you would remove the --

**Fritz:** Remove the 85 feet.

**Hales:** And impose a 65 foot limit overall. Is there a second to that motion? If not --

**Fritz:** Anybody else willing to propose one?

**Saltzman:** I'll move adoption of the hearing officers recommendations with the conditions that were submitted to us in the June 27th memo. Conditions on the maps.

**Hales:** Is there a second to that motion?

**Novick:** Yes, second.

**Hales:** Further discussion? And then let's take a roll call on that motion.

**Saltzman:** I appreciate both sides. It is a tough decision. But I do feel that I think we have a -- you know, a good developer at the table, diligent neighborhood and the fact that this is subject to further review by both the bureau of development services and ultimately appealable to the design commission itself, to me ensures that this is going to be a quality project that will ultimately blend in to the neighborhood, and as to whether something that goes 85 feet is too high for the east side of the river, I -- I just -- I guess I just don't buy that. This is part of a -- I think as Mr. Kaiser pointed out, we have to look towards the future. Williams Avenue, Vancouver Avenue, both corridors slated for density. And I think this is the type of project that suits the bill here and I think that the testimony about how this may help with the rental market is something that is not lost on

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me either. It's important to have affordable rental housing in our city. Those are the reasons that I'm voting aye.

**Novick:** This is a tough issue. I appreciate the hard work and advocacy on all sides. My inclination is to defer to staff's hard work and thought and recommendation and also to generally err in the direction of density, largely because we are in the process of frying our planet like a grilled cheese sandwich, and greater density is part of the solution to that problem. Solar power is a fine thing, but one of the major ways we are going to reduce our energy use is to have greater density. And I think in this context, and the difference between 65 and 85 feet in part of this project, to me, is not as compelling as the need to err in favor of greater density where that seems reasonable. Aye.

**Fritz:** Fremont is nowhere near downtown. It is way north. And the 44 bus that goes up Williams is not a frequent bus service which I know because it also goes deep southwest to where I live and woe betide you if you miss the one that is coming home late at night or you don't have a job that allows you to work downtown coming in and out during rush hour. So I am disappointed with this outcome. I think this is not in the scale that is compatible with the Albina community plan. I appreciate the work that has been done and the allowance for commercial on the ground floor, however, I cannot support the height of 85 feet. No.

**Hales:** Well, I'm sad because I thought we were very close to agreement at the last hearing and yet I think we still are even though there is this difference of opinion about the 85 feet at the corner. I think what is really going on here is a couple of things. One, we have a lot of work to do in our plan and in our code to make sure that we accomplish this uncomfortable thing of adding density in places where it makes sense in a way that it fits into the neighborhood context. And that is what those plan provisions that Commissioner Fritz just cited are supposed to do. We're not there yet in terms of how the underlying zoning and code works on a day-to-day basis. Actually in this case, with these extra conditions, requiring the design advice stage sending this to type two design review, we're putting more belts and suspenders on this particular development than are in place for virtually anything else that happens in the city. And it just shows how one, we're all nervous about this change, and, two, that we need better tools than we have. I think in this case, with this particular applicant and this particular sophisticated neighborhood that understands the plan and code and the design review process, that I will be very surprised if we don't get to a good outcome in terms of a project that actually meets all of these objectives quite well. Maybe not to everyone's satisfaction, but quite well. This isn't the Pearl District. Don't get nervous when I use this example. But after a while in the development of the Pearl District, neighborhood came to the city council, not when I was here, but said raise the height limit. All we're getting is 65-foot buildings. So the point of that story is not that we want to make Elliot into the Pearl District. Please know that I am not saying that. But design matters. We're sending, directing this particular project into the design review process and that's probably where these details can better be sanded to smooth than we can here at the front end without even a design in front of the council. I am going to support the staff recommendation. And, again, hope and expect that this applicant will bend over backwards to meet the concerns of the neighborhood in the design process and that the design review process will make sure that they do. Aye. [gavel pounded]

**Hales:** And then we also have to act on the second item which is the map designation. Do we have a single motion for both?

**Beaumont:** I think procedurally where we are is by approving the staff's proposed conditions, you have effectively directed that those be added to the ordinance before you. I think the staff is going to need to modify the hearings officer's report to reflect the procedural history that has happened since the hearings officer ruled on this and add the conditions. So my recommendation is to continue the report and continue the ordinance to next week.

**Hales:** For a second reading?

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**Beaumont:** For a second reading and vote on both.

**Hales:** So this will come back, not for a continuation of the hearing, but for a second reading.

**Beaumont:** Correct.

**Hales:** So motion is adopted and we're back for second reading. In a week?

**Moore-Love:** That's July 4<sup>th</sup>.

**Hales:** In two weeks.

**Fritz:** How about in the second one, for the map amendment, do we vote separately on that?

**Beaumont:** One item is the hearings officer's report. The second item is the ordinance that actually makes the map amendment. The report should just travel along with the ordinance, so you are voting on both in two weeks.

**Hales:** So you can return on July 3 with both of this, I assume. There's not a lot of ---

**Hardy:** That's next Wednesday.

**Hales:** OK, let's do it next Wednesday. Thank you all. Now, we have few more items this afternoon. We have item 646.

**Item 646.**

**Hales:** I don't know if we have a presentation on this or not. But, nor anyone signed up to testify? Is that correct?

**Moore-Love:** No one signed up.

**Hales:** Ok. Then, unless there is any further council questions we'll have roll call on the emergency ordinance.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye.

**Hales:** Aye. 647.

**Item 647.**

**Hales:** Welcome.

**Jonas Biery, Debt Manager, Office of Finance and Administration:** Good afternoon, mr. Mayor, and commissioners. Jonas biery, the debt manager. This ordinance authorizes up to 28 million in short-term tax anticipation notes to fund an annual cash flow deficit of the fire and police disability and retirement fund. Approval of this ordinance being requested on an emergency basis so we can complete the transaction as soon as practical and achieve the best possible outcomes. This is an administrative financing action that the city has completed every year for Many, many years, but let me, for the benefit of the council, provide context. The fpd&r fund receivers cash from voter-approved property tax levy each november, receipts of that levy can be spent throughout the fiscal year. Obviously, fiscal year ends june 30 so that creates a situation where we have this window july 1 until the next levy is received in november. So, for example, in fiscal 13-14, we'll receive a levy this november. It will cover the period november to june 30th, 2014, we have expenditures between now and receipt of the levy in november. The notes being proposed will, will fund that gap. The notes are secured by and will be repaid from receipts of the november levy, and the, to mature june 30, 2014, so paid off prior to the next year, we suspect we will sell these via a bidding process within the first few weeks of the fiscal year. Be happy to answer questions if there are any.

**Hales:** Questions? No one signed up to testify on this, I assume?

**Moore-Love:** No one signed up.

**Hales:** All right, thanks, jonas, appreciate it. Roll call, then.

**Saltzman:** Aye. **Novick:** Aye. **Fritz:** Aye.

**Hales:** Aye. Thank you. [gavel pounded]

**Hales:** 648.

**Item 648.**

**Hales:** Good afternoon, andrew.

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**Andrew Aebi, Local Improvement District Administrator, Bureau of Transportation:** Good afternoon, mayor hales, and city commissioners. You would think I would know it by now but I think, I need Karla's help in switching over to the presentation. While she's doing that --

**Novick:** State your name for the record.

**Hales:** Oh, sorry, I introduced him for himself. Andrew Aebi.

**Aebi:** The geek squad, I am not, for sure. The ordinance before you, you have two items in the ordinance title. The first one is an opt-in agreement -- thank you, Karla. An opt-in agreement where we are proposing under section 17.08.080, city code, to have council approve a major scope change to the lid, and I will walk you through the presentation. This will be a bit of a refresher for those who are on the prior council when this lid was approved last year. Northeast 112th avenue and marx street is in the park rose neighborhood, and in the groundwater protection area. So, this is a map of the lid in terms of what it looked like when we formed the lid. And there is a couple unique characteristics about this lid, which we tailored the scope of the improvement to where we had petition support for the lids. So in the case of marx street, we built a -- we were planning to build a narrower street on the north side of the right-of-way of northeast marx street, and then allow properties along the south side to widen the road in the future when they redevelop. And we're joined today by cindy and david, who are planning to redevelop, and we want to go ahead and be able to widen the frontage along their property. So this next map here shows, you could see the little indentation there, of the property at 110, 40, northeast marx where we would widen out the right-of-way, or widen out the planned improvement to take care of their frontage. Before I go to the next slide I want to point out that circle there that you see at the north end of northeast 112th avenue. This is also an, that is also an element of the project that was not incorporated into the original lid formation ordinance. The ordinance before you would not only approve the opt-in from david and cindy at 1040 northeast marx but also delegated from council to the lid administrator, myself, the ability to execute work agreements with property owners whose frontages are not being improved to go ahead and get their frontage improved as part of the lid, and if they do, they will bear the cost of that and there will be no impact on the other property owners, and I might also add that under the section 17.08.080, city code, we notified the property owners of this hearing. The ordinance before you had the remonstrance deadline of june 26 because this item got bounced from wednesday to thursday. And we informally extended the deadline by another day and we did not receive any remonstrances against the scope change either by the original deadline or the informal extended deadline. The other item that's addressed in the ordinance title, we had a lot of consolidation occur at 10930 and 10940, northeast marx street on the left there. Used to be three properties there with a pending lien. That has been consolidated into a single property with a pending lien. We are not proposing to change the combined assessment but want to take, take two pending lien amounts and consolidate it into a combined pending lien amount, and I received no correspondence back from the property owner. So, this is what the street looks like today. On northeast marx street. So, what you are looking at here is that we had existing sumps in the area, but the problem is that once the water leaves the pavement, the shoulder, even if graded by the property owners, will not channel the water to the existing inlet. So the combination of widening the pavement and installing new curb will ensure the water gets to a disposal point and is conveyed away so the problem, if we have streets like this, with inlets but not an effective way to channel the water to the inlets, they are, basically, useless as you could see in this picture here. So, what we're going to do, is we have already planned the scope of this improvement to install a very large storm sewer, marx street, but when we do that, we are going to remove the inlets, which are non compliant uics and replace them with new green storm water facility that will either be at or adjacent to 11040, northeast marx street which will street the water prior to conveyance, there is just a few more pictures. You could see the standing water on the street. This is a picture of 109th avenue lid that we completed about, two years ago. Right around the corner from these planned improvements. It

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gives you a flavor for what the street might look like when we're all done. So, that's the extent of the presentation that I wanted to do for you today. There is just a couple of items that I wanted to call out to council's attention. I thought the ordinance title was long enough and I didn't think that we wanted to make it any longer, but there are a few other things in the ordinance. One is the directive that allows us to construct the interim asphalt pass. This was really targeted for locations where we have buildings that have setback requirements, and it would take an undue amount of engineering to construct new sidewalk in front of a house that doesn't even conform to the current zoning, and in a few years we would expect that house to redevelop and we would have spent a lot of money trying to engineer sidewalk that could have been built more cheaply later when the property redevelops, and of course, when the properties redevelop, the property owners will be required to do that. And I mentioned, I give the authority to negotiate the work agreements, and the third thing, is there is a directive that when we form the lid, there was \$100,000 contribution from the bureau of environmental services that deal with the storm water that you saw there, and they had a program to retrofit the uics that were non compliant, instead of retrofitting the uic's, we're going to construct more sustainable, long-term solution. So, last but not least, the property -- the scope change will not only afford benefit to david and cindy, but we also are going to increase the fire suppression capability in the area with the insulation of another fire hydrant. So, we benefit all the way around. I am happy to answer any questions you might have. And david and cindy, I believe, are here for their first city council hearing, so I hope you will give them a warm welcome.

**Hales:** Thank you for your presentation. Questions?

**Novick:** I just wanted to note, in the interest of time, the next item is an emergency and I think the commissioner, the commissioner Fritz has to leave at 4:30, so Karla, is there anybody else signed up to testify on this?

**Moore-Love:** Not on this one. We do have one on the next.

**Hales:** Mr. Bakke or miss conley. So thank you, andrew. Welcome.

**David Bakke:** David bakke. Property owner at 11020 Northeast marx. And we support the proposition to do the improvement in the front of our property at 11040 northeast marx. We own both the properties. One is fully developed. The other is the proposed one, and it would offer us the opportunity to do phase 2 our small business center development. Our phase 1 is on the 11020, where our exists office, and other tenant rental spaces, so, the phase 2 would offer us the opportunity to put up 4,000, to 5,000 square foot buildings, a total of 22,000 square feet. And open up more opportunities for a small business lease space warehouse and small office.

**Hales:** Great. Thank you. Thank you very much. Anyone else?

**Moore-Love:** No one else.

**Hales:** Let's take a roll call.

**Saltzman:** Good work. Always good when we can help business expand its capacity. Aye.

**Novick:** Aye.

**Fritz:** Thank you for coming in, aye.

**Hales:** Great project, nice partnership. Thank you. Aye. [gavel pounded]

**Hales:** Ok. Item 649.

**Item 649.**

**Hales:** Good afternoon.

**Dan Layden, Capital Program Manager, Bureau of Transportation:** Mayor hales and members of council, I am dan layden, the captain program manager for Portland transportation. I am going to be very brief, and I also have couple of folks from odot here to answer questions about this project. Essentially, the ordinance before you does one very simple thing, it transfers a very small piece of property that is currently in the city right-of-way, on southwest coronado street to the Oregon department of transportation for maintenance as part of their safety project on i-5, and highway 99w. So that's, essentially, what the ordinance does. The property is a bit smaller than the buildings we

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were discussing earlier. So, with that, I am going to turn it over to shelli romero and ana Jovanovic from the Oregon department of transportation to discuss in a little more detail, the project.

**Shellie Romero, Public & Policies Affairs Manager, Oregon Department of Transportation:**

Good afternoon, commissioners, I am shellie romero, with odot region 1, the public policies and communities affairs manager. The Oregon 99w, i-5 ramp project located on the tip of the ash creek neighborhood, and the city of Tigard. It's a safety project. Through this project odot will design and implement safety improvements targeting all modes of transportation, including pedestrians, transit users, and vehicular traffic and bicyclists. As dan said the iga that you are considering today will allow odot to construct ramp improvements to the northbound ramps of i-5, adjacent to Coronado Street, establish jurisdiction and control of that portion, the southwest Coronado Street and the maintenance responsibility of this parcel. The iga allows odot to make improvements to the parcel and to conduct maintenance work upon completion of construction. The property is noted in the iga parcel a in the packets. Odot seeks approval of this agreement to construct a new portion of sidewalk, add a bicycle lane, build a retaining wall and add landscaping along 99w going east.

**Ana Jovanovic, Senior Project Manager, Oregon Department of Transportation:** Thanks, shellie. I am ana, the senior project leader at odot. And I guess that i'm in charge of the engineering and design team for this project. I would like to go over the three-page handout we just gave out. First a summary of odot's public involvement efforts has been provided. Throughout the public involvement efforts, two of the major stakeholders have been the ash creek neighborhood association, as well as the southwest neighborhoods, inc. And odot staff has participated in number of meetings and walking tours with the members of the neighborhood association and swni. And in order to understand our concerns and suggestions related to safety improvements for the bicyclists and pedestrians. And throughout the project, ash creek neighborhood association and swni have proposed nine suggested improvements outside the original project scope. And these are, actually, outlined on the second page as a table. The -- as a result, of ash creek Neighborhood association and swni advocacy and good work, odot staff has been able to explore the nine suggestions and able to fully incorporate seven of them. And those are also outlined in the chart. And as a result, our project is, is much better because of their input. And in order to visualize not only these improvements, but the project as a whole, you can look at the map that is on the, the third page. The bike and ped improvements are specifically highlighted in the yellow areas and in the yellow callout boxes. We understand the members of the ash creek neighborhood association and swni are disappointed that odot cannot accommodate bike lanes on the bridge structure. In a sense, we are disappointed, too. That's why odot has worked diligently to partially accommodate their request, and will strike a 4-foot shoulder on the southbound direction on the bridge structure. We know there is not a perfect solution. But that said, there are a number of bench points in this area that make the continuous bike lane difficult without widening the bridge, it, and bridge widening is outside of the scope of this particular project. And odot recognizes that, there is future work to be done outside of the scope of this project. And going forward we would like to continue to monitor the performance of this specific bike and ped improvements that we are going to be incorporating, and also, make adjustments as needed. And odot and the city of Portland, other regional partners like the city of Tigard, Sherwood, Tualatin, Washington county and the community members are all working together on what you probably know is the southwest corridor plan to identify the best high capacity transit option as well as key improvements for all users, including the bike and the ped communities.

**Romero:** And I will wrap this up by saying that odot is committed to working with swni and the ash creek neighborhood association and stakeholders to make this the best project that we can to improve safety. We recognize that this means ongoing communication with our stakeholders, and we're committed to that. And our projects are better because of our stakeholders, and adoption of today's agreement represents a small but important piece of the overall safety improvement project.

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Odot has a desire to get the project moving forward due to the federal funding obligation requirement, which has this, which dictates that we need to bid the project in the fall, winter of this year, and therefore, we urge your support of the ordinance and thank you for your consideration.

**Hales:** Thank you all. Questions?

**Fritz:** Have you given the table to swni? Have they had it ahead of time?

**Jovanovic:** page 2?

**Fritz:** Yeah.

**Jovanovic:** No, I am not sure if mary anne, the representative from swni has been able to look at this, but I have gone over them, over these nine, and the two that we have, and not only a phone call but also at a meeting that we just had yesterday.

**Fritz:** Has the far southwest neighborhood been involved in these discussions?

**Jovanovic:** I believe the neighborhood is getting it through the ashwood neighborhood and the swni, as well. I think that mary anne maybe expand on that, but I understand, basically, they represent the transportation needs, that the far side west neighborhood.

**Novick:** One question I had, is the work that you are propose proposing to do, when it's done, will it make it any more difficult to add the additional bike ped improvement that is swni is asking for?

**Jovanovic:** The one, the two that, that we could accommodate and the one that, the first one, the biggest one is, is, would require the widening of the bridge structures. So, everything that we're doing outside of the bridge structured would improve, our flow, traffic flow for all modes, including the bike and pedestrian and probably would not preclude any future improvements. And the widening of the bridge structure and introduction of the bike lane or wider sidewalks is probably different matter. Does that answer your question?

**Novick:** I think it does but I want to clarify. The work you are doing won't make it any more difficult than it is today to add the bike ped improvements.

**Jovanovic:** Yes, as long as they are off the bridge structure.

**Romero:** In other words, on the bridge structure, you know, unless there is a replacement, you really cannot add widening or capacity to that structure. So, we have got funding for this project, the safety project, we're just barely touching the bridge, and there is no space to accommodate additional capacity, whether that means widening lanes for, for vehicular are looking at bike lanes, but as we have mentioned, we are able to, through our work with swni and ash creek neighborhood association, to do additional stripings so that bikes can use that extra spot, but no, there is not anything, the answer to the question is no.

**Novick:** Thank you.

**Fritz:** Is the on-ramp, the pedestrian walking on 99w off barbur, is there a signal to allow the pedestrian to cross the on-ramp?

**Jovanovic:** No. The improvements, specifically, on the one that's called, labeled as new ped refuge. Is that the one you are referring to?

**Fritz:** West, right by coronado.

**Jovanovic:** Southwest 64th. I believe the, there is a transit stop, and the pedestrians would use the intersection over the existing, is that the one?

**Fritz:** No, if you are walking --

**Hales:** You would be walking where the dark green arrow is, not along the on-ramp. All right.

**Fritz:** There isn't, I believe, a --

**Jovanovic:** So actually, there is a sidewalk missing, and because of that yellow highlighting, you can't see the initial proposal is kind of red arrow, introducing a new sidewalk right there. And the pedestrians to get across would use the signal-sized intersection at the corner.

**Fritz:** How do the pedestrians get across the on-ramp?

**Jovanovic:** I believe they go to the end of the corner of coronado and 64th and use the existing signal.

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**Hales:** That's signalized.

**Jovanovic:** Yes. You could see the stripe if you get a magnifying glass. It's hard for me too.

**Hales:** The signal here.

**Fritz:** If i'm walking up here how do I cross this? This is the on-ramp. How do I cross it?

**Hales:** Walking along the south side.

**Fritz:** You don't. You are not going across that way, you are going up.

**Hales:** I think the pedestrians should be on the sidewalk.

**Jovanovic:** Right. We're choosing a new sidewalk, if you wish to cross further west, there is no sidewalk. I believe that the next signal-sized intersection is down here where the tigrard label is.

**Fritz:** Maybe we should take the testimony.

**Jovanovic:** Our project limits are, basically, from where these are drawn on.

**Fritz:** Thank you.

**Hales:** Thank you. Marianne, I know that you are signed up, and I am not sure if anyone else is.

**Moore-Love:** That's all, just marianne fitzgerald.

**Hales:** Come on up.

**Marianne Fitzgerald:** Thank you. My name is marianne fitzgerald, and I did bring copies of my testimony. I live at 10537 southwest 64th drive. I've been a member of ash creek and resident of southwest neighborhoods, and living within a half mile of this project for 34 years. So I do have a personal interest in it. In 1985, when this bridge was built, and I saw the substandard sidewalks, and no bike lanes, I thought this is it. And it's irritated me for 28 years. But so fast forward to 2008 when this project showed up on the list, swni wrote letter to jason asking for bike and ped improvements in this project. Specifically. And we thought we were getting in early, in the process when we requested the bike and pedestrian improvements in 2008. Over the last five years, I have periodically contacted odot for the project status, and when we learned that finally a project manager had been assigned, we arranged the first site visit on august 5th, 2011, but then we heard nothing. And then, the next I heard about it was when odot staff presented the draft project design to the swni transportation committee in november of 2012. And we noted that at the time the proposal to widen the lanes made it more dangerous for the pedestrians and bicyclists. And then, ash creek and far southwest invited odot so I have a letter from ash creek dated february 4th noting our concerns, and then we did a second site visit on march 19. And yes, there were two representatives from far southwest, on both of these site visits. So, the two neighborhoods are working close together. But again, nothing happened. So when this item appeared, I was really concerned, but, our concerns had not been addressed. So that's why I sent the email. I have had two meetings with odot, hence the checklist in front of. And i, just hold ana, I talked with odot more about this project on the last three days and, than the last three years. So it's just interesting how things like there can happen. So, I do want to thank odot that they have modified the design to add the short bike lane at coronado and add signage to make it safer for bicyclists to travel northbound, and although, i've included a picture of the bridge, and everybody says that it's ok for bicyclists to use this sidewalk because that's what will happen in, and generally does happen today. Sharing with pedestrians, and in the southbound lane, they added the striped shoulder to the design, which is 3 feet wide and 4 feet wide at best. It is better than what there is today which is nothing. But still, three feet. And the third thing, a different one that we thought you were talking about they added this pedestrian ramp on the right side of the graphic, which is at that apartment complex called west view terrace. There is a gentleman in a wheelchair that uses that transit stop, 40 boardings a day at that stop. And we have asked for a crosswalk to go along with the refuge, and we've been told it's unsafe. And a false sense of security, yada-yada. So we continue to wish for better crossing improvements, particularly because this is within the southwest corridor area, and we do expect more growth than density so put some, some electricity in here, and so we could install a rapid beacon in the future, something. But, you know, what we're getting is a bit of concrete and metal for the wheelchair, and stroller people to hide in.

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As they try to cross the street. So, these improvements, you know, we really thank odot for listening to us and doing what they could in the last six months. Could odot do more? Sure they could. Particularly, if they had taken us seriously back in august 2011. We are hoping still that there is an unused median in the Center that's not mentioned in the checklist. And that, as of yesterday, odot says no, no, no, we cannot do this, blah, blah, blah, and from a practical standpoint I don't understand why the answer is no. And then the second thing is the crossing, always unsafe, the freeway ramp. So, it's still a disappointment that that's the best that they could do. Could p-dot do more? Of course they could. They were invited to the site visits but did not attend. They are mentioned in the staff report but when I asked who they are working with, none of the five people in the room could answer that question. And the staff response to the public investment involvement question number nine, that the community is happy, tells me that whoever was doing this, didn't know what they were doing. So I wanted to remind you the barber concept plan and the southwest corridor plan envision growth along this corridor, and I really hate to lose this opportunity to make things better, and yes, i'm going to have to wait another 25 years for something else to happen to get the improvements that we need, and so the lesson is learned. Whenever projects are proposed to be constructed in areas that lack multi-modal infrastructure, p-dot and odot staff need to put pedestrian and bicycle safety needs front and center. And see how bike and safety improvements can be incorporated along with motor vehicle safety improvements. Whether it's the barbur demo project that I hope gets funded this year. Whether it's powell, woodstock, cully, east Portland, I don't care where it is. As soon as these projects are proposed, in areas that don't have the infrastructure, we need to ask how we incorporate the infrastructure that we need into these projects. And then about the agenda item, I find it ironic that this parcel is the only place where odot is constructing a sidewalk and a bike path, and it was not noted in the staff report, and I do thank them for that. So, as I say here, we are disappointed. We are excited, and we were hopeful, and we want to try, and we work together, and we know the bridge is a bridge and we only have so much width, and we tried, and it's really much better than it was six months ago. But lesson learned, let's think creatively and innovatively, and don't say, they won't let me when you have got to think about what we need to accommodate the growth and provide more safety for pedestrians and bicyclists in the future.

**Hales:** Thank you very much. Questions for marianne?

**Novick:** May I ask, and I take your words to heart. But, just, assuming that this is take it or leave it, will we be better off next year than we are today? About this project was --

**Fitzgerald:** Yes, it's better than it is today. Yes. Take it or leave it, we're fine. It's much better than it was. It's ok. It's not good, just ok.

**Fritz:** I don't think that should be the standards, though.

**Fitzgerald:** That's my point. I feel like i'm accepting crumbs, we did what we could, sorry, we tried. And so, you know, I feel sometimes in southwest Portland that's what we get over and over again. And I keep pushing for real sidewalks, real bike paths, real crossings, especially on barbur, so, maybe we have to say, ok, this is as good as we can do for now. But, you know, that's why I said, let's not do this again in the future. Let's try harder.

**Novick:** I hope it's not 25 years before we get to implement the aspects of the plan.

**Hales:** Thank you very much. For all that you do on this subject.

**Fritz:** I am not prepared to vote for this as an emergency ordinance today given that, if we could set it over for a week and see if we could have some more conversations. I am concerned about that on-ramp and the bus stop will be putting people up, by building the new sidewalk to the north, you are encouraging people to use the sidewalk, walking south, which then they get to the end, and there is no segue to across cross the on-ramp, so I would like to have some, some more time to look at that, myself. And perhaps, involving the far southwest neighbors who are to the south of this, and I would like, I believe with a little more discussion we could, perhaps, get to something better, but i'm not prepared to vote for this as an emergency ordinance today.

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**Hales:** Ok. A question for staff, you can just nod or -- but there is not fiscal year issue. It's that you want to get this into construction this fall, right?

**Romero:** As long as we can have a vote prior to the end of July -- [inaudible]

**Hales:** If we continue this for a week or until Wednesday of next week, when we have a meeting, then that will allow a little more time, but still be within your window of need.

**Fritz:** Thank you very much. I appreciate that.

**Hales:** So therefore we'll, we'll continue this item until Wednesday of next week. [gavel pounded]

**Moore-Love:** 9:30:00 a.m.

**Hales:** I had 9:30 in the morning and therefore we are adjourned for this week.

**Fritz:** Let's try to convene in my office between now and then. But I have to rush off right now. Thank you very much.

**Hales:** Thank you.

At 4:34 p.m., Council adjourned.