



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 2<sup>ND</sup> DAY OF JANUARY, 2014 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5. Commissioner Fish arrived at 9:35 a.m.

**Motion to elect Commissioner Fish as President of the Council:** Moved by Fritz and seconded by Novick. (Y-5)

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Mike Cohen, Sergeant at Arms.

Item Nos. 7 and 13 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>1</b>	Request of Steve Howze to address Council regarding Portland Water Bureau (Communication)	<b>PLACED ON FILE</b>
<b>2</b>	Request of Xiaoyang Wang to address Council regarding Shen Yun at Keller Auditorium January 17-19 (Communication)	<b>PLACED ON FILE</b>
<b>3</b>	Request of Michael Withey to address Council regarding progress report on Portland's homeless issue (Communication)	<b>PLACED ON FILE</b>
<b>4</b>	Request of Mike O'Callaghan to address Council regarding zoned communities (Communication)	<b>PLACED ON FILE</b>
<b>5</b>	Request of Pastor Jose Serrica to address Council regarding the homeless issue (Communication)	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
	<b>Mayor Charlie Hales</b>	
<b>6</b>	Reappoint Maryhelen Kincaid, Kelly Sweeney and Laura Young to the Portland International Airport Citizen Noise Advisory Committee for terms to expire November 2016 (Report) (Y-5)	<b>CONFIRMED</b>

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<b>Bureau of Planning &amp; Sustainability</b>		
<b>*7</b>	Accept and appropriate a grant in the amount of \$380,759 from Metro for the Mixed Use Zoning Project (Ordinance) (Y-5)	<b>186405</b>
<b>*8</b>	Accept a grant in the amount of \$377,401 from Metro for Inner-Powell Outer Division Transit and Development Project (Ordinance) (Y-5)	<b>186395</b>
<b>*9</b>	Accept a grant in the amount of \$80,000 from the Oregon Department of Land Conservation and Development to update parts of the City Comprehensive Plan (Ordinance) (Y-5)	<b>186396</b>
<b>*10</b>	Accept and appropriate an Interagency Agreement in the amount of \$27,000 with Washington State Department of Commerce for the Pacific Northwest Solar Partnership – Rooftop Solar Challenge II (Ordinance) (Y-5)	<b>186397</b>
<b>Commissioner Amanda Fritz</b> <b>Position No. 1</b> <b>Portland Parks &amp; Recreation</b>		
<b>*11</b>	Accept and appropriate a grant in the amount of \$144,295 from Oregon Parks and Recreation Department for the Marshall Park Play Area Rehabilitation Project (Ordinance) (Y-5)	<b>186398</b>
<b>*12</b>	Authorize a contract for concession services at Rose City Golf Course with Hank Childs Golf Shop, Inc. (Ordinance) (Y-5)	<b>186399</b>
<b>Commissioner Steve Novick</b> <b>Position No. 4</b> <b>Bureau of Transportation</b>		
<b>13</b>	Amend Transportation Policy - Encroachments in the Public Right-of-Way based upon recommendations of Encroachments in the Public Right-of-Way workgroup (Resolution; amend TRN 8.01)	<b>RESCHEDULED TO JANUARY 8, 2014 AT 9:30 AM</b>
<b>*14</b>	Increase the City's contribution to the City Employee Trip Reduction Incentive Program from \$41 to \$50 per participating employee per month and direct the implementing bureaus to maintain an incentive contribution rate (Ordinance) (Y-5)	<b>186400</b>
<b>15</b>	Rename a segment of NE Everett Pl lying between NE 97th Ave and NE 99th Ave to NE Everett Ct (Second Reading Agenda 1201; C-10035) (Y-5)	<b>186401</b>

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<b>REGULAR AGENDA</b>		
<b>Mayor Charlie Hales</b> <b>Office of Management and Finance</b>		
<b>16</b>	Grant a franchise to Chevron USA for a period of 20 years to use City streets to own and operate a Pipeline System (Second Reading Agenda 858)  (Y-5)	<b>186402</b>
<b>Commissioner Nick Fish</b> <b>Position No. 2</b> <b>Bureau of Environmental Services</b>		
<b>17</b>	Amend various sections of the Public Works Improvement Code for consistency and clarity of general language and organization cleanup (Second Reading Agenda 1207; amend Code Chapters 17.32, 17.34, 17.36, 17.37 and 17.39)  (Y-5)	<b>186403</b> AS AMENDED
<b>Water Bureau</b>		
<b>18</b>	Amend contract with MWH Americas, Inc. to extend term and increase compensation in the amount of \$1,475,000 for the Kelly Butte Reservoir project (Second Reading Agenda 1208; amend Contract No. 30001127)  (Y-5)	<b>186404</b>

At 10:11 p.m., Council adjourned.

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



By Susan Parsons  
Acting Clerk of the Council

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

<b><u>THURSDAY, JANUARY 2, 2014, 2:00 PM</u></b>  <b>DUE TO LACK OF AGENDA THERE WAS NO MEETING</b>	
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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.

**JANUARY 2, 2014                      9:30 AM**

**Hales:** Good morning and welcome to the January 2nd meeting of the Portland City Council. Sue, could you please call the roll?

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

**Hales:** Okay. We have communications items lined up starting with number one.

**Fritz:** We have to nominate Commissioner Fish to be president?

**Hales:** Oh, you are right. We have an order of council business.

**Fritz:** Since he's not here.

**Hales:** Boy, that's even better that he's not here. [laughter] So, yes, the gavel for council president needs to pass on the half year. And here we are. So, is there a nomination?

**Fritz:** So, I nominate Commissioner Fish as according to the rotation that we do.

**Hales:** Is there a second?

**Novick:** Second.

**Hales:** Any discussion. I don't believe we take public testimony on that. It's probably a good thing. [laughter] Roll call, please.

**Fritz:** I just discovered in reviewing my old blog that it is relatively recently that we started to taking turns to vote and do -- I think the council president has been rotating for a while, but it used to be voting by alphabetical order, which puts some folks at a competitive disadvantage. So I'm happy that we do this, that it's done by rotation and we take turns who votes first. Aye.

**Fish:** Can I be heard on this motion -- [laughter]

**Hales:** No -- [laughter]

**Saltzman:** Too late, it's too late.

**Fish:** This is the most underhanded action I've seen in these five years. The minute I'm in the men's room, I'm nominated for a position that I did not seek and for which I will not hold. [laughter]

**Fritz:** Yes you will.

**Hales:** Nice try.

**Fish:** May I abstain?

**Hales:** No. Roll call needs to continue.

**Fish:** Aye.

**Saltzman:** Aye.

**Novick:** I am delighted to know I will not be voting first because it scared me. Aye.

**Hales:** Aye. [gavel pounded] Congratulations Commissioner Fish.

**Fish:** So what is the voting?

**Parsons:** The voting order. This is the first quarter, Commissioner Fritz, you are the position number one, so it will be Fritz, Fish, Saltzman, Novick, Hales.

**Hales:** Okay.

**Fish:** Mayor, when is the next time you will be abroad?

**Hales:** Let's see. Two weeks.

**Fish:** We should coordinate a little bit so that I'm aware when you are out of town. [inaudible] So, thank you.

**Hales:** Looking forward to your service. Okay. Now we can move to communications items, please.

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**Item 1.**

**Hales:** Mr. Howze, come on up. Good morning.

**Steve Howze:** Good morning. My name is Steve Howze. And previously I spoke to the council about the water bureau, the Powell Butte nature park trail improvement project, which is also being worked by Parks. Now, water bureau entered into a contract with the rate payers for basically 1.5 million in park improvements, of which about .5 million was the trail improvement project. The city council approved this contract without -- I'm unaware that they required any provisions for contract performance verification. And I believe that currently the water bureau is in breach of contract with the rate payers and has failed to comply with its land use permit. Additionally, I have a memo from the water bureau that indicates that they misrepresented the project to the rate payers and to BDS in that they never intended to comply with the trail guide, and they misrepresented the project's environmental impact, which is greater than allowed by the permit. Additionally, it's still unclear if the water bureau has sufficient funds to complete the project as permitted. Now, the land use permit clearly states water bureau must meet the minimum standards of the PPR trail guide. It must install trail user signs at the beginning of construction. It cannot exceed an environmental impact of 110% of the original impact. That's how they got out of an environmental review. And they must do considerable trail, stream, wetland restoration in order to meet that goal. This work has not been done to date. From what I can tell, the project team did a poor design. They did a poor public process where they made illegal commitments. They did a poor design, poor work scope, at a poor cost estimate, and they basically have spent the project funds without finishing the project. Now, my estimate is that it will probably take about another half million to bring this project into compliance. When you consider that the original park improvements were 1.5 million, and that probably underestimates the cost to the rate payers because of the -- it does not take into account the true employment costs of having redundant -- all of this redundant park management. So the true cost of finishing this park improvement project is, I would guess, \$3 million. The city could have bought a whole new nature park on the east side for that much money. Instead what we got is a trail system that has all of the same problems as the old trail system and more. So, what I'm asking is that the Mayor -- the money be returned to the rate payers or -- and given to an organization that can actually complete the project. I mean, that's how things work in the real world when you have contractors that can't finish their projects, they don't get paid, right? I think that is the situation that we have here.

**Fish:** Mayor, Mr. Howze had sent us an email outlining his concerns. We gave him a comprehensive response. You have all been copied on it. Again, I will say that if there is something in our response that falls short of what any of my colleagues expect, I'd be happy to talk with him again.

**Hales:** Make sure to take a look at that. Thank you for raising these concerns.

**Howze:** That's what I said, they admitted to the fact that they never intended to comply with the trail guide. They said it's only -- you know, when the permit specifically says they must meet the minimum standards. Also, it says -- they said oh now we have 14 miles of trail. Originally there was only 10 miles of trail. Now, 14 is 140%. And you know the way the environmental reviews work is that if you don't exceed 110%, you don't have to basically do a -- so they gamed the system, they consistently game the system and they haven't even -- there is illegal -- there's areas up there where they put -- there was a lot of -- from previous projects, dumped a bunch of excavation fill material, totally destroying wetlands that they were supposed to restore. They didn't do that. Some of the biggest wetlands on the butte they didn't even touch. They have finished trail decommissioning. This is -- you know, I have -- they have pushed back hard on me. I have been defamed, I've been threatened, I've been intimidated. I mean, I, you know, you go up there and you complain and they haven't even finished the signs --

**Hales:** Yeah, okay --

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**Fish:** In fairness, since he has made an accusation against the bureau that I have led for, you know, a couple of months, every time Mr. Howze sends us requests for information or a question, Mayor, I have reviewed all of the answers. They are thoughtful, professional, complete, and if they are not, he is free to send another request. And we'll respond accordingly.

**Howze:** Do you think that they --

**Hales:** No, you've had your time. You've had your time on that.

**Fish:** And I have directed that no matter how often he asks the same question or how many different times it's framed, he will get a respectful answer. And I will copy my colleagues so you can verify.

**Hales:** Mr. Howze, you've used your time. We appreciate you coming in and raising this --

**Howze:** Okay, okay. So you're aware that this is wrong and perpetrated ungratefully [inaudible]

**Hales:** Next one please.

## **Item 2.**

**Hales:** Good morning. Welcome.

**Xiaoyang Wang:** Good morning. My name is Xiaoyang, I'm with Oregon Falun Dafa Association. As a presenter, we would like to present you to Shen Yun, a classical Chinese dance and music performance at the Keller Auditorium January 17th through 19th. Here, I will briefly share the cultural background of Shen Yun with you. China was once called Shen Zhou, the land of the divine. The rich culture was believed to be a gift from the heavens. Ever since the earliest establishment of this culture, Chinese people embrace the concept of the oneness of men and heaven. With the guidance of three major religions, people strive to improve themselves through their daily life to reach that state of perfection, to be one with heaven. This process is called cultivation practice in Chinese language and it represents the essence of Chinese culture. With qigong practice becoming popular, the practice of Falun Dafa was introduced to the public in 1992 and has brought the traditional concept and the lifestyle of cultivation practice back to Chinese society. Within seven years, 100 million people from all walks of life reconnected to their roots and embraced the practice. This awakening of people's hearts marks the start of the renaissance of traditional Chinese culture. Now, with Shen Yun, we see this culture renaissance manifested in the form of art. Following the tradition of classical art, what Shen Yun performs is to impress traditional values like reverence for the heavens, virtue, and the belief that good is rewarded and evil is punished. Shen Yun has touched the hearts of millions of people. Its captivating power comes from its genuine presentation of universal values, and speaking to the goodness in people's hearts. I believe that as more people get a chance to experience the beauty of true Chinese culture through Shen Yun, the positive impact of this culture renaissance will change the world in a fundamental way and help create a more peaceful future for the entire world. We are honored to present Shen Yun. We invite you to witness this great history. Any forms of support from the city of Portland will be greatly appreciated. Now, I would like to show a very brief video for you.

[video playing]

\*\*\*\*\*: For a thousand years of Chinese music and dance in one night. Beautiful, a nimble mastery. An explosion of color and sound. The divine culture returns. Experience Shen Yun. Keller Auditorium, Portland. January 17th through 19th. ShenYun.com. [music] [end of video]

**Hales:** Thank you so much. Appreciate you coming in. Thank you.

## **Item 3.**

**Hales:** Good morning.

**Michael Withey:** Good morning to all of you. I was invited to St. Johns by the board about two months ago to address them on how we can deal with the homeless issue in St. Johns. How many neighborhood associations are there in Portland?

**Fritz:** 95.

**Withey:** 95. So, what we had to do was come up with an idea that would tie together the neighborhood associations, the businesses to deal with the homeless issue in their neighborhood.

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We came up with a plan to start support centers in each neighborhood that wants them. It will be a residential place for people to sleep. More importantly, it will be a preventative plan. So, it will only be used by people in the neighborhood, folks that are losing their homes due to foreclosure or what not, they will come and stay at the shelter in the neighborhood. But it will also be a support center that would help prevent homelessness to begin with. So, there will be loans that we can give out to people that are facing foreclosure. We will help with job searches. We will help with, you know, just about every other issue that would bring you to being homeless to begin with. You would have to be referred by the pastors there, maybe by the police there, different social workers, teachers. So, I polled about 200 people in St. Johns, and not one single person said it was a bad idea. I presented it to the board and all of the citizens at the meeting. Not one person disliked it. We have a meeting today with a home builders association in Lake Oswego to help develop a plan to build one in either St. Johns or the Lents. We believe we have support to start neighborhood support centers. There will be shelters in these support centers only for the people who live in that particular neighborhood. Secondly, we need to look at long-term solutions. We can't afford to build big buildings to let everybody on the street have an apartment. It's just not going to happen. So, we're trying to think of lower cost, more efficient ways to get more people off of the street. Eco-villages are the solution for long-term housing. That's permanent housing. Paying someone's rent for 90 days or six months is not a permanent solution. So, these little eco-homes would house permanently people, so we have to start looking at eco-villages. So, hopefully they're going to be tied in with the neighborhood support centers. When this comes up, I hope that you guys support it. Rob Justice, I don't know if you have heard of Rob Justice, he has a great plan. I would hope that you work with Rob in any capacity possible to help make this happen for him. That's about it.

**Hales:** I like this prototype. Have you met with the St. Johns boosters yet or just the neighborhood association so far?

**Withey:** Just the neighborhood association.

**Hales:** I would think the business group would be interested in a solution like this.

**Withey:** That's the next phase.

**Hales:** Great, great. Good idea.

**Fritz:** Thank you, Michael. I know that Rob Justice is working with the bureau of development services. If you could please make an appointment, if you would stop by my office and talk to Christina. I have learned a lot about the permitting of such things over the past six months. So let's talk, and I also know that the good folks in north Portland, in particular, have a very caring community and we have been working with community of hope and various churches on what we can do and what we can't do without code changes. Again, this is very timely, because the comprehensive plan is being updated and zoning regulations, we can look at them. If you and I can have a preliminary conversation, that would be very helpful.

**Hales:** That would be great. Keep us posted. Thank you. [applause]

**Withey:** Thank you.

**Item 4.**

**Hales:** Good morning. Welcome.

**Mike O'Callaghan:** Good morning, thank you. Two Michaels in a row. Same kind of thing though. I think I've spoken to this council probably now for five years about the shelterless issue. Back again, as you know, I worked with Right 2 Dream and I have been shelterless for quite a few years. And gave you a package here of permitted-munities, mini-munities, small communities. I appreciate that you want to do something with Right 2 Dream, the cost of that, the number of people involved, you haven't got enough money to solve this problem. Okay. This doesn't cost money. Okay. It's a safe place. It's fenced. Lots of 50 by 100 will work for us. We prefer larger. 25 humans or less. Self-governing, mini mobile houses. We can put them on wheels and move them. And a community agreement. And like it says, when, today if government will leave us alone. And you look at

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government's history, Dignity Village I think had to move four times before they found a permanent place. Right 2 dream, we forced Right 2 Dream on you. You came up with this creative recreational campsite designation to get us [laughing] it's just really creative. It's not a recreational camp site.

The only way we can make any progress with you guys is to shove it down your throat and we would appreciate some cooperation, okay. This is a huge problem. You guys can't solve it. You are the problem. That's why all of these people are on the streets. If you weren't in our way, we could create something like this, but you fine us \$1500 a month however much it was. You threaten private property owners. We haven't got a place to go. We can't go on public property, we can't go on private property. You hound us wherever we go. I think you all know I am in litigation with you guys on this issue. On Tuesday, in the Oregonian, the Oregon court of appeals upheld that a tent is a home. Okay. You can't go in my tent. You can't steal my tent. You can't steal my home. Okay. Leave us alone. I would appreciate working with somebody. Amanda, you seem pretty good about this. Let's create an ordinance that allows this process to go on please. Thank you.

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

**Item 5.**

**Hales:** Good morning.

**Jose Serrica:** Good morning. How are you today?

**Hales:** Good. Welcome.

**Serrica:** Thanks for letting me come and speak to you today. I'm a simple pastor from a simple church. I try to live the gospel every day of my life. I've witnessed the sweeps outside of city hall. I saw the attack on lawlessness. I also know how inhumane the city ordinance is written, the camping ban ordinance that allows people to die from exposure and a loss of hope. And we can't allow that anymore. Words mean something. And this has become -- hasn't become just about the homelessness, this has become about a war on the poor in which the homeless being pushed even further and deeper into despair. In June of last year, the city council adopted title 6 plan for Portland which was supposed to protect us from discrimination. However, the recent sweeps appear to be in contradiction to a very large body of the faith community that I have spoken to about it. We are poor, we're not ignorant. Many of us are skilled and educated people that have fallen on misfortune, some of us at the hand of illegal foreclosures by bankers that walk away scott-free. Some of us just can't escape that. That's real lawlessness. And when the bankers walk away scott-free and nobody tells them, not one word comes up and says give them back, that's lawlessness and it is also aiding and abetting. As long as the problems of the poor are not radically resolved by rejecting the absolute autonomy of markets and financial speculation and by attacking the structural causes of inequality, no solution will ever be found in this world, or any problem for that matter. I chose to be homeless. While experiencing a cascading series of events that eventually made me a victim of illegal foreclosure, I chose to commit to living amongst the homeless for one year. I have just concluded that one year and I have a great education of what I've seen and what I've experienced. We've got to come to solutions that don't criminalize the homelessness for profits. Those gotta be eradicated. To follow that direction is the same as selling human lives to more hungry corporations. Our economy kills. How can it be that it's not news when an elderly person dies from exposure on the streets, but it is news when the stock markets drop two points. During the recent cold snap, it was brought to my attention that some people have died. Alvin Smith, age 59, died four days after the ODOT sweeps. Another man, Danny, found frozen to death. And then another individual who is a personal friend of mine, Hayseed, otherwise known as Joe Devers, that lived out here on the streets with us is now in the hospital having his toes removed from frostbite. Every day, we come upon a lot of problems. We walk around the city with our houses on our back. How do we get jobs when we have to have houses on our back? We have no place to put our things. And if we do set our things down, people steal them, including the police, ODOT, and other people. We human beings have become a collateral damage to big business investments and even more pillaging of the poor. It's time to



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change the picture that we get in our heads when we hear the word homeless and who they are. Think about the guy next door. Think about the beautician, business partners, various people, those are your homeless. We should follow along the direction of creating those eco-villages, not tent villages, so they can become constructed to be aesthetically acceptable to the neighborhood. Tiny houses designed using model sweat equity, a lot like Habitat for Humanity works their programs, can be implemented to help some of these people who are homeless and have skills, produce their own lives.

**Hales:** I need you to wrap up. You have used up your time. Give you a few more minutes.

**Serrica:** Thank you. All I want to say Micah 6:8 says that the only real crime we have always do what is right, love mercy, and walk humbly with god. Thank you very much.

**Hales:** Thank you very much. [applause] Okay. Thank you all. Let's more to the consent calendar. We have a couple of items here. One item, number 7, has been pulled. And Commissioner Novick would like item number 13 to be rescheduled for January 8th, is that correct? Let's take -- we will take those two actions and pull item number 7 and we will schedule item 13 for January 8th and let's take a roll call on the remainder of the consent calendar.

**Roll on consent calendar.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye.

[gavel pounded]

**Hales:** Okay. Regular agenda, 16.

**Item 16.**

**Hales:** Second reading, roll call.

**Item 16 roll.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye.

[gavel pounded]

**Hales:** 17 please.

**Item 17.**

**Hales:** Also a second reading. Roll call, please.

**Item 17 roll.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye.

[gavel pounded]

**Hales:** Okay. One more second reading, number 18.

**Item 18.**

**Hales:** Roll call.

**Item 18 roll.**

**Fritz:** Aye. **Fish:** Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye.

[gavel pounded]

**Hales:** Okay. Let's return to item number 7. Joe, you wanted to testify about that? Go ahead and read it, please, Sue.

**Item 7.**

**Hales:** Joe, did you want to speak on this item, item number 7? I think you asked for it to be pulled. Right? Okay. Come on up.

**Joe Walsh:** I don't like it.

**Hales:** Okay, well --

**Walsh:** My name is Joe Walsh, I represent individuals for justice. And we have no objection to the item itself. It's just that it is the first one in the consent agenda that is marked as an emergency measure. We are getting sick and tired of you people putting in emergency measures that are not emergencies. Emergencies is when your lights go out and you need to get the bill paid so that you can get the lights back on. That's an emergency. These are not. You've given raises to people, you've created conditions, and they're emergencies. They're not. It's BS. You just want to push all of this

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thing through through the consent agenda procedure so nobody wants to talk about it. That's what you do and you classify it as an emergency so it can go into action right away.

**Hales:** Well, Joe, in this case, we're accepting money from another government -- why wait?

**Walsh:** I said I have no objections to the measure.

**Hales:** Okay.

**Walsh:** I'm saying it is the first one that comes up on the consent agenda marked as an emergency measure. You have five, is that right, five?

**Hales:** Grants.

**Walsh:** No, six, seven. You have seven items. Six of them are emergencies. And I'm saying to you, if you keep doing this, then we're going to start pulling every item off of the agenda and we're going to discuss it, every item.

**Fritz:** May I address this?

**Hales:** Please go ahead.

**Fritz:** I shared your concern as a community activist and that was one of the first things I looked into when I got on the council in 2009. It turns out it's in the charter and we can't change -- I agree with you, there are some things that are not really emergencies, but on the other hand, as the Mayor said, we're accepting money. What happens if it's not an emergency, we have to wait for 30 days to actually do anything.

**Walsh:** Okay.

**Fritz:** So then --

**Walsh:** Don't limit it to this one. All I said to you, this is the first item that comes up on the consent agenda that's the emergency, and I'm not arguing the value of this particular item. I'm just saying that we're getting sick and tired of all of these emergencies coming up. I feel like you guys should belong to the fire department. That there is a fire out there and you have to keep going to these emergencies. And it's nonsense and you all know it.

**Fritz:** I understand your concern.

**Walsh:** Thank you.

**Fritz:** I asked the charter commission to propose a change to that in the 2011 commission, they chose not to do that. So, when there's no reason to not do something right away, and especially when we're actually getting money and able to do good things with it -- I was actually planning to talk about this particular item, because it is the opportunity that citizens have to come into the bureau of planning and sustainability right now to talk about the issues that really bother people in terms of zoning standards, compatibility with neighborhoods, demolition delay. A lot of the things that the five of us deal with, this is a very important grant to get the planners hired and do it.

**Walsh:** Again, I'm not arguing the grant.

**Hales:** Why wait 30 days to start that work, Joe?

**Walsh:** I'm not arguing the grant, Mayor. I'm arguing that you guys are using the emergency procedures on these agenda items to run them through with no discussion.

**Fritz:** If you would let me finish --

**Walsh:** That is going to stop because we're going to start pulling every one of them off.

**Fritz:** So, if you'd please let me finish. That is one of the things that I take responsibility for with my staff is that we look at, is this really an emergency? Is this something that citizens might want to refer to the ballot? That's the reason we have the 30-day wait so that if there's something that is controversial -- as you know, you can certainly pull things from the consent agenda. And when Mayor Adams -- Mayor Hales, which I was just thinking about, I haven't made that mistake for about a year [laughter]

**Hales:** Once a year.

**Fritz:** When Mayor Hales first came into office and Commissioner Novick, we had a lot of stuff on the regular agenda because they didn't want to put things on consent. It turns out it takes a long time.

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And people waiting for another item to come out later to testify about it, have to sit through a presentation on something like this that really is not controversial. You always have the opportunity to pull things off consent. But just to pull it because it has something that we think should go into effect right away is not a good reason to delay the rest of the agenda, in my opinion, but you still may have that right.

**Walsh:** Two points. Number one, we did monitor the charter commission when they were doing their work and they were doing good work. And when they get hot, and that item was one of the items that we talked about, Mayor Adams disbanded the charter commission. That is the kind of stuff that we're up against. All I'm saying to you is if you think that seven items, and six of them are emergencies, and you can justify all six of them, I'll shut up. But you can't, because they're not emergencies. Even taking a grant and getting the money into the system, you're arguing is an emergency. Those grants don't come out of the blue. They don't come out of yesterday. Those grants are in process.

**Fritz:** And when we applied for them, they were on the regular agenda. Now that we have got them, in fact, item 6 -- I'm just checking through here because my staff does look at this. Everything except for item 12 is accepting money elsewhere that we have already discussed in a previous council meeting.

**Hales:** Usually when we apply for the grant, that is the decision point of whether this is something we should do --

**Walsh:** I'm not arguing the merits of this. I'm arguing the merits that you have a tradition of putting stuff into the consent agenda and running it through emergencies because you want your candy and you want it now. And I'm saying slow down.

**Hales:** We have a tradition, Joe, of trying to work efficiently. And accepting money --

**Walsh:** That's not efficiency, that's hiding --

**Hales:** Excuse me --

**Walsh:** That is why you keep getting such low grades on your transparency because you do stuff like this.

**Hales:** I let you speak. Now, can I speak?

**Walsh:** Of course.

**Hales:** We like to operate efficiently here. And if we are just taking administrative action of accepting money from another local government, if that is controversial, if you have a substantive concern with us taking \$377,401 from Metro, come up and say so, either when we

**Walsh:** You are avoiding the sentence. I'm not arguing the --

**Hales:** Let me finish my sentence, or I'll rule you out of order.

**Walsh:** I'm arguing that you keep putting stuff as an emergency --

**Hales:** [gavel pounded] You are out of order. You won't let me speak, when we can't let you speak any longer. You're done. Charles.

**Charles Johnson:** Good morning Commissioners, Happy New Year to you all and any of the citizens that might be joining you for this vigorous presentation. I'm Charles Johnson, for the record. And I do think that we're losing track of what might be Mr. Walsh's major concern, and that is government using language that makes the people able to respect it. I'm very glad to get the feedback from Ms. Fritz about the situation with the charter. And I know that you're kind of constrained. You only have two processes, normal process, and emergency process. But I hope that given how concerned some of us are, that we can re-engage and perhaps getting the charter or the attorney can work with finding another procedure. Because we all know within the past month, there has only been one emergency, and that was when PGE couldn't figure out how to power this building for 72 hours. That's an emergency and that's what people in the citizenry expect to see as an emergency issue when we see the word emergency. You've even in your own words talked about this is really an administrative process. And I think that -- for those citizens paying attention that is a

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little troubling. They have emergencies at home and they're much more serious than this issue of can we get something done in less than 30 days? So, I know with the explanation that we have had from Commissioner Fritz about this being a procedural issue and the restrictions in the charter, I hope we can find language that kind of respects the people of the city that are in crisis having real emergencies that need something more than just more expedient administrative process and I look forward to you getting this money ASAP and putting it to great use.

**Hales:** Thanks. Okay, so I have a little advice for everybody. Which is, there are 240 cities in Oregon. I bet if you look, almost all of them have a similar provision in their charter. We're not unique. The state of Oregon adopts state laws with an emergency clause, same way. So, if somebody wants to go work on changing the state constitution or the City of Portland's charter, good luck with that. Here is the substance of what matters in this room, which is why Commissioner Novick and I, when we first arrived here were cautious about the use of it, and the rest of the council is as well. Each of us has an obligation to make sure that if it is a real decision point, and if there is likely concern in the community about the item before us, that we put it on the regular calendar and invite people to come in and testify about it. If it is an administrative action like these, I don't care whether we call it an emergency or call it Fred, it's just procedure. And almost no one cares. Thank you. And we're adjourned. [gavel pounded]

**Fritz:** We have to vote on it.

**Hales:** Sorry, we have to vote on it. Sorry, we're not adjourned. Thought it was already done.

**Item 7 roll.**

**Fritz:** Another important point about emergency ordinances is that they do require four affirmative votes and no no votes. That is why each of us does our due diligence and, in fact, in some cases having an emergency clause has been kind of an issue, because one person has veto power on this five-member council. So, I want to return to the actual substance of this. I appreciate the concern that was raised. This is a really great thing that we have, \$380,000 from Metro to do the mixed use zoning project. Our concern is that the city mixed use commercial zones don't focus ground floor commercial uses in high-opportunity areas. They don't allow for flexibility with respect to building height and bulk, and in fact sometimes they allow too much building height and bulk. They don't necessarily respond to the variation in Portland's urban form in different neighborhoods. They don't address auto-oriented development and create successful transitions between high density areas and lower density residential areas. This is the core of what we're doing in the comprehensive plan update. This is probably 90% of some of the emails that I get on planning and zoning issues is, why do you allow this kind of development? And the answer is, because that's what the standards say. This project is going to allow the staff -- hiring of more staff in the bureau of planning and sustainability so that when we come with the comprehensive plan package we will have some proposed changes and we will have many robust discussions on whether the new standards are the right thing. Thank you very much for getting this grant. Aye.

**Fish:** Aye.

**Saltzman:** Aye.

**Novick:** Actually, I would like to explore the Mayor's suggestion. If the charter allows, we could start designating items that are emergencies for the purposes of administrative convenience as Emergency/Fred. I'd like the city attorney to look into that. Aye.

**Hales:** It won't seem like enough time. That is what is ironic about this discussion. We are going to actually act on the comp plan in about six months. And every day for citizens to be able to actually get involved in these tough issues will count. And there will be people in this room, when we adopt this comp plan, who will have been surprised by how quickly the decision arrives before us. The fact that we can get people involved earlier will turn out to have been the best idea I think we can manage under the circumstances. Aye. [gavel pounded]

**Hales:** And we're adjourned.

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At 10:11 a.m. Council adjourned.