



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **5TH DAY OF FEBRUARY, 2014** AT 9:30 A.M.

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

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

Item Nos. 122 and 124 were pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
112 Request of Lauren Bloom Hanover to address Council regarding Profile Theatre's Inside Out School and Community Tour (Communication)	PLACED ON FILE
113 Request of Matt Clark to address Council regarding funding for green infrastructure (Communication)	PLACED ON FILE
114 Request of Tadele Gelagay to address Council regarding benefits of utilizing city resources on successful 2013 stormwater project (Communication)	PLACED ON FILE
115 Request of Wade Varner to address Council regarding help for the homeless (Communication)	PLACED ON FILE
116 Request of Sean Aaron Cruz to address Council regarding citizen rights regarding Private Property Impound towing (Communication)	PLACED ON FILE
TIMES CERTAIN	
117 TIME CERTAIN: 9:30 AM – Proclaim February 1 through February 28, 2014 to be Black History Month in Portland (Proclamation introduced by Mayor Hales) 20 minutes requested	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION	
Mayor Charlie Hales	

February 5, 2014

Bureau of Planning & Sustainability

118	Confirm the Comprehensive Plan Community Involvement Committee appointments and reappointments for terms through June 2015 (Report) (Y-4)	CONFIRMED
*119	Authorize application to the Oregon State Historic Preservation Office for a Historic Preservation Fund Grant in the amount of \$12,000 to support the City's historic resources program (Ordinance) (Y-4)	186442
*120	Authorize an Intergovernmental Agreement in the amount of \$5,000 with Clackamas County for the Master Recycler Program (Ordinance) (Y-4)	186443

Commissioner Amanda Fritz

Position No. 1

Portland Parks & Recreation

*121	Authorize grant application to the Institute of Museum and Library Services in the amount of \$67,521 to support collections management at Hoyt Arboretum (Ordinance) (Y-4)	186444
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Commissioner Nick Fish

Position No. 2

Bureau of Environmental Services

122	Authorize a contract and provide for payment for the construction of the SE Clinton-Caruthers System Improvements Project No. E08662 for \$2,480,000 (Ordinance)	PASSED TO SECOND READING FEBRUARY 12, 2014 AT 9:30 AM
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Commissioner Steve Novick

Position No. 4

Bureau of Emergency Management

*123	Accept and appropriate a grant from the Oregon Office of Emergency Management, Hazard Mitigation Grant in the amount of \$110,000 for the City of Portland Homeowner Seismic Retrofit Demonstration Project (Ordinance) (Y-4)	186445
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Bureau of Transportation

*124	Accept a grant in the amount of \$1,000,000 from the Portland Development Commission and authorize an Intergovernmental Agreement for construction of the SE 122nd: Holgate to Ramona Sidewalk Infill Project (Ordinance) (Y-4)	186453
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February 5, 2014

<p>*125 Authorize Intergovernmental Agreement with the Oregon Department of Transportation for Springwater Trail: SE Umatilla to SE 19th to make technical adjustments and change the project name to Springwater Trail: Various SE Intersections (Ordinance)</p> <p>(Y-4)</p>	<p>186446</p>
<p>126 Amend an Intergovernmental Agreement with TriMet to correct error on Amendment Two for transfer of construction work between the SW Moody Ave Improvement Project, SW Harbor Dr / SW River Pkwy Project, and Portland-Milwaukie Light Rail Project (Second Reading Agenda 107; amend Contract No. 30002351)</p> <p>(Y-4)</p>	<p>186447</p>
<p>REGULAR AGENDA</p> <p>Commissioner Amanda Fritz</p> <p>Position No. 1</p> <p>Portland Parks & Recreation</p>	
<p>*127 Increase contract with Walker Macy, LLC for design services for the South Waterfront Greenway Central District Phase Two Improvements project (Ordinance; amend Contract No. 37631)</p> <p>(Y-4)</p>	<p>186448</p>
<p>*128 Increase contract with Hart Crowser, Inc. for additional geotechnical services provided for the South Waterfront Greenway Central District Phase 2 Improvements project (Ordinance; amend Contract No. 30002642)</p> <p>(Y-4)</p>	<p>186449</p>
<p>*129 Increase contract with MacKay Sposito, Inc. for additional construction management services provided for the South Waterfront Greenway Central District Phase 2 Improvements project (Ordinance; amend Contract No. 30000285)</p> <p>(Y-4)</p>	<p>186450</p>
<p>130 Authorize commitment to fund operations and maintenance of the South Waterfront Greenway Central District improvements (Ordinance)</p> <p>Motion to remove emergency clause: Moved by Fritz without objection; no vote taken.</p>	<p>PASSED TO SECOND READING AS AMENDED FEBRUARY 12, 2014 AT 9:30 AM</p>
<p>*131 Increase contract with James W. Fowler Co. for additional construction services necessary to complete the Phase 2 upland park portion of the South Waterfront Greenway Central District project (Ordinance; amend Contract No. 30002713)</p> <p>(Y-4)</p>	<p>186451</p>
<p>Commissioner Nick Fish</p> <p>Position No. 2</p> <p>Bureau of Environmental Services</p>	

February 5, 2014

132 Declare certain City-owned real property as surplus and authorize the transfer of the property to a qualified private developer to further the goals and objectives of the Portland Brownfield Program (Second Reading Agenda 94)

(Y-4)

186452

At 11:25 a.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.

WEDNESDAY, 2:00 PM, FEBRUARY 5, 2014

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

February 5, 2014
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.

FEBRUARY 5, 2014 9:30 AM

Fish: Council will please come to order. Let's take the roll. [roll taken]

Fish: Our screen is not functioning yet?

Moore: Ok.

Fish: Good morning, everybody, mayor haes is traveling, so, as the president of the council, I have the honor of presiding today, and I have been asked to read a statement about the rules of the house, before we begin today. So, if you are here to testify in the matter, you only need state your name before we speak. We do not need your home address, your phone number or other information. I believe that, in fact, sometimes in salem, they require that information. But all we need here today is your name. And if you are a lobbyist, you are required by law to declare which lobbying entity you represent. You will have three minutes to speak, unless otherwise stated. At the end of that three minutes, you will be asked to conclude your remarks. You may only testify to the matter at hand, and if you stray in that you will be called to go back to the subject matter, to ensure that everyone in this chamber feels welcome, speakers and members of the audience are asked to be courteous and respectful at all times and that particularly is true if someone says something you disagree with. We have to be able to give people the respect of the house if they come to speak to us. Council will not allow interruptions while someone is speaking. This is a basic right of people who come here. Speak without interruption, and this includes clapping, booing or hissing, personal attacks of any kind and throwing objects. If you agree with the speaker, you may raise your hands. Disruptive behavior will not be tolerated. You will be given a warning but ultimately, if the warning is not heeded, you will be asked to leave. If you have a handout that you would like council to see, please hand it to the council clerk. It will be made part of the record, and copies will be made for council so we can follow up. Thank you all for joining us today. We have a full schedule. And we look forward to hearing from you. Now, we do not have any pregavel matters, but we do have five people who signed up for testimony. Karla, please read the first council communication.

Item 112.

Fish: Good morning, and welcome.

Lauren Bloom Hanover: Good morning. I am lauren bloom hanover, and [inaudible] at profile Theater. I am here to tell you about the company and one of the education programs of the inside out community and school tour, a profile is a unique theater, one of only two in the country where our mission is to feature the work of a playwright each season. We just began our 17th season, and we're featuring this year the work of the playwright sam shepherd. We recently moved from the theater building in southeast Portland, into residency at the arts repertory theater building here downtown. Our inside out tour was conceived to address the challenges of giving Portland students access to live professional theater. In this new educational climate of budget cuts and rigorous standardized testing, it's impossible for schools to afford to put students on a bus, and send them to theater, both in terms of the time and in terms of the money. We also believe that all students should have access to professional live theater as a regular part of their educational experience, so we created this program, where we taped one of our main stage productions, pare down the requirements and send the original cast, costumes, props, and sound out to our local public schools

February 5, 2014

free of charge to the districts or to the students. Thus we alleviate the financial and logistical burden that makes access prohibited from many of the schools. We piloted this last spring, and we inaugurated it this past fall with our production of my children, my africa. The tour visited six schools, five high schools, one middle school, four of those were in the Portland public school district. Two were independent districts that served Portland's zip codes. This fall we'll be touring a selection of one-act acts by sam shepherd and aim to visit 11 schools, almost doubling the reach. We hope to build partnerships with remote and rural communities who due to their location and/or average socioeconomic status of the citizens, lack access to professional performing arts. The tour has been funded through grants and through private donations, and we intend to continue to expand the program in the coming years and will be continuing to seek funds to do so. At profile we believe theater has the capacity to facilitate transformational experiences for individuals and communities who have the opportunity to engage with it. Through the program we hope to provide that access and engagement to as many Oregonians as possible who may not otherwise have it. If you are interested in finding out more, you can check out our website at profiletheater.org, theater, theatre. And I am lauren at profile theatre. Thank you for your attention and time.

Fish: Can I ask you one time, do you receive funding From the Oregon cultural trust or the regional arts and cultural council?

Bloom Hanover: I believe we receive funding from both. For, I can't remember exactly, I believe we receive money from racc specifically but the organization receives funds from both.

Fish: Congratulations.

Fritz: And that was funded by the arts tax. Thank you for telling us how the taxes are being used.

Bloom Hanover: Thank you. Bye-bye.

Fish: The next item.

Item 113.

Matt Clark: good morning, commissioners. I am matt clark, the executive director of johnson creek watershed council, and I appreciate the chance to be here today so thank you. I am here today to first share the successful rain garden project funded through the community watershed program, completed last october. By four partners. The watershed council, st. Mary ethiopian orthodox church, depave and green lens. I would like to use the rain garden project as a backdrop to encourage the city to expand and build upon the green infrastructure projects and programs that, that was established over the past two decades. And so, the photos -- oh, ok. The photos you see were taken at the st. Mary church, which is on southeast 92nd and flavel next to johnson creek. Every winter when it rained storm water from the parking lot would flood the church, and untreated overflow from the pipe, untreated overflow dumps into johnson creek. So together, our four organizations removed 2,500 square feet of asphalt from the parking lot, and built a rain garden with 500 native plants. The project illustrates several key points about green infrastructure. The first summary point is that it's a cost effective way to achieve multiple social and environmental objectives. It improves community livability. A church is not being flooded every winter. It improves water quality. Less unfiltered storm water is entering johnson creek, and I would note that this project is, right near where coho park was founded a couple years ago in johnson creek. Green infrastructure engages community groups, nonprofits and neighborhoods, and hence, it leverages rate payer investment. 50 volunteers contributed an estimated 340 hours to the st. Mary project, and in addition, our four organizations contributed matching funds and inkind services. All told, the city's \$10,000 investment was matched more than 2-1. Green infrastructure can and should and does help the city address and realize real returns on the equity objectives. By directly engaging underserved communities and developing and implementing projects, and last but not least, it brings people together. Look at these smiling faces. So, i'm going to turn it over to my friend, who is a member of the st. Mary church and, and last thing I will say is we want to invite you on may 10 to a community celebration of the project. So, they can talk more about that.

February 5, 2014

Fish: May 10?

Clark: May 10, and I will follow up by email with details.

Fish: Thank you. Welcome, sir.

Item 114.

Tadele Gelagay: Thank you. Good morning. I am, I am tadele gelagay. I am on the board. This is the second time that I testified. So today, I am here to tell you how delighted we are. As my friend might explained, we have had a long standing flooding problem. For eight years we have been putting sand bags and pumping water through the street because it will flood. Because of the project we are able to remove 25 square feet of asphalt and made a green environment this year, our community, as you know, it is a small immigrant community. We need the help of partners. So I am here today to thank you for the fund and how important it is the city's work with the community and the first time in eight years, it is not flooding the street. So, last but not the least, we continue to work with the partner, and we have a good partner depave, the green watershed council and greenland, so not only just by, by giving us volunteers but also, with technical experts. So I am very happy that, that's being funded with the community and the last but not the least, inviting the city commissioner to the church, so I think matt will send an email, and this is just thanks so much for, giving us the fund. Thank you.

Fish: Thank you both for coming, and I should tell you this is, this week, we all were required to file our, our requested budgets with the budget office, and they are now all online. Thanks, in part, to the advocacy from community members like you, this program is recommended for continued funding, but, we would urge you to continue to raise your voice through the budget process because the more we hear from folks explaining the clear benefits to our community and to rate payers, the stronger the case to keep this in the program. So thank you for your time.

Clark: Thank you.

Fish: Karla, read number 115.

Item 115.

Fish: Mr. Varner welcome to council.

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

Fish: You have three minutes.

Wade Varner: I am wade varner, I am the executive director and founding director of homeless against homelessness in america, or haha as we are known to our friends. I am here to talk about the sweeps going on, and number two, we sent haha, sent everybody a file to show some of the police stuff that's been going on in the sweeps and stuff, and how discourteous they are to people out there. And, you know, I keep telling the police, if you have a place where I can take these people, please, let me take them there. But, they say oh, oh, and you get the yada-yada. There is no place for the homeless to go in this city, if they have a dog or any kind of animal. Other than the emergency shelter open right now. There is no place for the smelly ones, people like to call them, the ones that aren't allowed into the missions and stuff because they are a little out of control. If people just sat down and talked to them, it cost \$605 a month to keep somebody in supportive housing. It cost up to \$2,900 a month to keep them on the streets. Plus, we have had one death this year. From, exposure. I mean, how many more people will have to die before we're allowed to, to set up a permanent camp, the whole thing about paying the landlord, that refused to put the camp up under the bridge, \$150,000, i'm saying, turn one of the two spots on 6th avenue over to whoever, I don't care who you do it with. Turn it over so enough people can sleep there, and use that \$150,000 to find a permanent house because dignity village will have to move and everything else, we can become a leader, which a lot of cities in california, car camping, that was shot down here because, the, of the neighborhood association, it's all with the nimbys not in my backyard, if you have everybody saying not in my backyard, like the pearl is saying not in their backyard, southeast is saying not in their backyard. Everybody is saying not in my backyard. Where are they supposed to

February 5, 2014

go? That's the question that I came to ask you today is where can I take the homeless that the police will not harass them, where they can sleep for eight hours, and where, you know, just, basically, have a life. We were going to -- we brought the plan to set this camp up, I mean, there is going to be computers in there, a computer lab in there, and there is going to be telephones and an address, and all this stuff, you can have, at no cost to the city. You can use that \$150,000 to build the bathrooms, and the community center, and the, rest rooms and everything that you are going to need for that permanent camp at dignity village. And if you use the money that way, and we build it green, I can guarantee you that I can have 30 people out there every day that will volunteer and work to build this. So, you know, we're just asking for a chance to do this, and if you want to see my resume, I ran camps up to 25,000 people at the test site, in Nevada. I spent 12 years down there running camps.

Fish: Thank you very much.

Fritz: One clarification. I looked into the car camping regulations and they are still in effect so people could do the car camping.

Varner: But they are not allowed to because, the church that tried to take them in the sellwood neighborhood association said no.

Fritz: There are some folks doing that right now, in the neighborhood, it's just fine with it.

Varner: What i'm saying is, you have got all these people downtown here, every night, that are being swept, being harassed and everything else. If we could just, I mean, those places are big enough to house everybody downtown. And this is only temporary. We can figure out a place to put the permanent camp, and then use the labor to, to build it, I mean, we put it together, and you have seen the plans and the stuff. And, I mean, I can't ask it, if it's just me keeping you from doing that, I resign.

Fish: Thank you very much.

Varner: I'll go lay on a beach some place. I want to do that anyway.

Fish: Read 116.

Item 116.

Fish: Mr. Cruz, welcome back.

Sean Aaron Cruz: Thank you, commissioner. Good morning. I am sean aaron cruz. I am here, again, to talk about predatory towing. And, following up, as you know, I was senator Avel Gordly's chief of staff for her last six years with a distinguished career, and you are all familiar with her work. What I want to talk about, I provided you with, written statements and exhibits. Is about what, motivated senator gordly to take this issue on in the first place. And she did not see this as a transportation management issue, or a revenue bureau issue. She saw this as about people. And particularly, about vulnerable populations. And immigrant populations, with low english reading skills. Low income people. People of color. Minority populations that are concentrated in apartment complexes. And making no distinction of the ownership of those properties, whether they are publicly or privately owned. And, the thing that brings me down here again is, I saw the, the ordinance passed, the council passed december 12, 2012. It was when there was a citizen named victor steven ringfield, a resident of peaceful villa apartments, who spoke to council, at that session, and when I heard him speak, I realized, you know, the situation he described in several respects, was, -- exactly the situation that these laws were, were enacted to prevent. In the first place. And, that's what brought me to, actually, read through the ordinance and find it varied from state law enacted since january 1, 2008, and here we are a year later, and the city is still with this. There is any number of ways, I provided you with a lot of information on where the city is missing the intent of the legislative intent. One thing that I do want to say to you, the event that mr. Greenfield spoke about, peaceful villa apartments, publicly owned, where he described his car, and five other cars, were towed at the same time, he had a decal. It was still towed. Now, the fact that six cars were towed from the apartment complex, that would have caught my attention if I was at homeforward. I

February 5, 2014

would not to know why that was. Was there a raid? But he also had a medical emergency, and the tow truck driver would not allow him to access, his prescription, which was in the vehicle. He called 9-1-1. He started to have a respiratory emergency, emts arrived, and now we're talking about the impact on 9-1-1 and police system. All for what is supposed to be something that's taken place between private parties. And, so he spoke to council, and council heard him and he left.

Fish: If you could wrap up.

Cruz: I would like to point out, to make one point. In senate bill 116, which I provided to you, and this is the issue of fair notice. These laws were designed to provide people with fair notice, fair warning, and through a process that should be open, transparent, and accessible to the public to which it is not. But in senate bill 116, it states, in section 3, a tower may not tow a motor vehicle without providing the owner or operator, the information required under section 4 of the act. If you read section 4 it says the tower shall disclose to the owner, operator of the vehicle, in a conspicuous written statement of 10-point boldfaced type the prices charged for goods and services. That is a requirement. If you look, down in section 18 --

Fish: I have got to ask you to wrap up. We have the packet. You've been communicating with commissioner novick's office, and there is a couple of points you raised they are responding to. The home forward piece is of interest to me, while we don't directly regulate the housing authority if they are allowing user practices, that's a concern to us because we do have -- we do fund homeforward in other ways. So, your time is up, but you have given us information, and you have asked for, for further clarification and, and we'll get back to you.

Cruz: All right. I just want to say that, that failure to provide the notice before towing a vehicle is a violation of the unfair trade practice act. Thank you.

Fish: Thank you, sir. We're going to take up the consent agenda, before we move to time certain. Karla, I understand that mr. Walsh has pulled 122 and lightning pulled 124. Any others?

Moore: Your office pulled 122 first.

Fish: Ok. 122 and 124, any other items that any member of council would like to pull? Hearing none, let's take a vote on the consent agenda.

Fritz: Aye. **Novick:** Aye. **Saltzman:** Aye. **Fish:** Aye. [gavel pounded]

Fish: Consent agenda passes. The two items that have been pulled will be heard as the two last items on the regular agenda. Karla, we have a time certain this morning, would you please read 117.

Item 117.

Fish: Commissioner Fritz.

Fritz: Thank you president fish for giving me the honor of reading this proclamation on behalf of mayor haless. Before I begin the reading, please would our honored guests come up? Sonny Ben Jumbo, the chair of the city's african-american network, which is an affinity group under the diverse employees of, diverse empowered employees of Portland, and this is a volunteer group that gets together to discuss issues of common concern. Do you have the executive committee with you?

*******:** We do.

Fritz: You are welcome to come up. Thank you very much. So, this morning we recognize black history month in the city of Portland. I am pleased to read the following proclamation. Whereas much of the city of Portland's honor, strength, and stature can be attributed to the diversity of cultures and traditions celebrated by the residents of this great region, and whereas african-americans have played significant roles in the history of Oregon's economic, cultural, spiritual and political development, while working tirelessly to maintain and promote their culture and history, and whereas, as a result of their determination, hard work, and intelligence and perseverance, african-americans have made valuable and lasting contributions to Portland and the state of Oregon.

Achieving exceptional success in all aspects of society including business, education, politics, science and the arts. And whereas, black history month is a time for all americans to acknowledge the legacies and remember the teachings of those who helped to build our nation, took a stance

February 5, 2014

against prejudice and injustice, and advanced the cause of civil rights, strengthened families and communities, and paved the path to lives of dignity and prosperity for all minorities. And whereas, during black history month all americans are encouraged to reflect upon the past challenges and successes of african-americans and look to the present as an opportunity to continue to improve society. Advancing the ideals of freedom, equality and justice. Now, therefore, charlie hales, the mayor of the city of Portland, Oregon, the city of roses, does hereby proclaim february 1-28, 2014, to be black history month in Portland, and encourages all residents to observe this month. Thank you very much for being here. Sonny, would you please tell us about this?

McGodson Sonny Ben-Jumbo: Thank you very much. We appreciate each of you for giving us this opportunity to sit before you. As i've been introduced, I am mcgodson sonny ben-jumbo the director of the city of african-american network, and with me is my executive team. To my left is cayenne probasco, who is our assistant director, and to my immediate left is lori steen, who is our secretary. And to my right is Bill Beamer, who is serving as the treasurer. And we have come together over the last few months and started to put together a list of events that we're going to be putting on throughout the month of february. Just to engage the city of Portland and our employees here, and the black history month celebration. We have decided to split the month up into four weeks and in the first week we want to celebrate the legacies of those who have gone before us, and contributed to the american history storyline that are of african-american decent. We also want to acknowledge in the second week those contributions. In the third week, we want to acknowledge the achievements of those individuals, and of the individuals who are currently making strides to help make this city, this state, this region and this nation a better place. And the fourth week we want to reconvene ourselves and, and continue to build the networks necessary to push for the great work that everybody is working to do. So, I want to take this opportunity to introduce our team, to introduce some of the events of the black history month that we will be putting on and, just to, to really thank you guys for, for, and mayor hales for acknowledging this month and what it means, not only here in Portland, but nation-wide. So, that is being said, I don't want to take up too much of your time.

Fish: We are happy to hear from each of your executive team if they would like to add anything. About an event or anything you would like to share.

Ben-Jumbo: Do you want to talk about each of your weeks?

Fish: Also tell us where you work.

Kyanne Probasco: I am Kyanne probasco, and I work in the bureau of human resources. And my week is the first week, which is celebrate. Actually, each week is labeled with, the initials of can celebrate, acknowledge, achieve, and network so that was the emphasis of the four weeks of the celebration so mine was celebrate, so, to emphasize that point, we really wanted to celebrate who we are as a culture and where we come from, so my week emphasizes that, essentially, like music, famous actors, dancers, and that sort of thing, that has given us something to celebrate.

Lori Steen: I am lori steen, and I work in the bureau of transportation. I am working in the achieve week, and in the achieve week, we celebrate local vendors in our market place that we have in the Portland building on the 20th to bring their, their -- the items that they have produced locally and we also have the taste of soul food, and we have local vendors come and serve soul food. For the afternoon we have videos for black history month, as well.

Bill Beamer: I am bill beamer, and I work with the bureau of planning and sustainability. And I am leading the acknowledge week. And during that week, we're going to have storytelling by barbara, who is an african-american storyteller that will be a two-day event, so, you are welcome to join us, that will be on the, wednesday, the 12th, and thursday, the 13th. The first part of his storytelling will be more of a history and context of africa and it's culture and the second day is going to be a story, we're also going to have a john coltrane tribute, a band come and play on the 11th, tuesday, the 11th of that week.

February 5, 2014

Fish: Fantastic.

Ben-Jumbo: And I will be running the network week, which is going to be our reconvening week, and ken had been on hiatus for some time so we brought ken back in during our network week, we're going to have the relaunch celebration, as well as our first networking event. And that will take place the last week of the month. So, and we'll be sending out a calendar of events to the city-wide distribution list.

Fish: If someone wants to find out about these events online, where would they go?

Ben-Jumbo: Actually, we're getting our website up to date through deep's website, so, we have, each of the affinity groups has a hyperlink page through deep's website.

Fish: And how do you find that?

Ben-Jumbo: That would be Portlandoregon.gov/deep/can, I believe, but you can find deep underneath the office of equity and human rights.

Fish: Perhaps we could get a link to that website to make it easier.

Ben-Jumbo: Absolutely.

Fish: Any other comments from my colleagues? Thank you for putting this on our agenda and coming before us and sharing the news about this. Would you like to get a photograph?

Fritz: And present the proclamation.

Ben-Jumbo: Thank you.

Fish: Get a picture with my colleagues. We are going to move to the regular agenda. Karla, read 127.

Items 127, 128, 129, 130 and 131.

Fish: Commissioner, amanda Fritz.

Fritz: Thank you. I have good news, we announced we are building two new parks. We being the bureau of parks and recreation. The economy is recovering, and we have more systems development charges, or fees paid by developers as they do new construction that builds essential services to expand capacity. Last week we announced we will be building beach and gateway plaza parks in east Portland, today, we are announcing that we are moving ahead to phase 2 of the south waterfront greenway central district project. This will complete the central district greenway after nine years of planning and three years of construction, and I must commend my colleague, commissioner Fish, for his stewardship of Portland parks and recreation over the last four years prior to 2013. System development charges came trickling in over the course of the recession, and commissioner Fish could have chosen to use them for small projects which are needed. We have \$400 million worth of projects that we need to do, which we have very little money, as the system investment charges, being some of that, and commissioner Fish, instead of using them for the small projects chose to save the money so that we could do the big projects. Because with little funding, it tends to be the small enhancements get done and big ones don't so thank you for passing on a legacy of the fund. I cannot at all take credit for having created this fund. I am very glad we are going to be using it in this manner. I was on the planning commission at the time that the south greenway was first envisioned with the north macadam urban renewal district, so I am pleased to be announcing this improvement. As everyone recalls, the south waterfront greenway will connect downtown Portland with the south Portland neighborhoods and the sellwood bridge and points south. We don't have ownership over all of it yet. But, this will create -- this will complete the part that we have ownership or guidance over. The project before us today, is the central district, the first of three segments within the south waterfront greenway that will make these crucial connections. The central district also provides recreation opportunities and restored Fish habitat along a stretch of the willamette with greatly degraded river banks. The construction contract features a high disadvantage utilization of 18%. Construction is set to start in april, and conclude in november of this year. So, we'll be done this year with this project. To make this happen, there is a package of five ordinances for you. Four contract amendments, and we'll explain why they are

February 5, 2014

amendments rather than rebidding. And an update to the operations and maintenance requests. And I am going to ask that we remove the emergency ordinance on what, the clause on, on item 130, which is the operations and maintenance request.

Fish: Without objection. Would it make sense for Karla to read all five?

Fritz: Yes, please, go ahead.

Fish: Karla, would you please read 128, 129, 130 and 131?

Fish: All items are before the council and without objection, the emergency clause will be removed from the council item 130. Commissioner Fritz.

Fritz: Thank you. We have Allison, the manager and the access manager from parks and recreation.

Kia Selley: Good morning, commissioners. Thank you for this opportunity to be, to come before you today. My name is Kia Selley, I am the asset manager for Portland parks and recreation, and I am here with Allison Rouse, our south waterfront greenway project manager. She is going to walk through some project background and at the end we are happy to take any questions you might have. Thank you.

Allison Rouse: Thank you very much. I am Allison Rouse. Project manager. I would like to offer some context today for the ordinances before you. This project is a river bank habitat reconstruction, and an urban park, which includes a path system that's intended to function as transportation infrastructure into a 100-foot wide strip of land, sandwiched between the dynamic Willamette river, and what will be the densest neighborhood in the state at full build out. We expect it to be well loved and well used. The image in front of you is a site plan of the full buildout of the central district project. The blue area at the top is the Willamette. Left, which is north, in this image, lies the Zidell marine barge facility. And at the bottom center of the two existing residential towers in the neighborhood, and at the bottom left are two empty lots owned by OHSU. And, and the empty lot at the bottom right will have a new residential building under construction this year.

Fish: Allison, is that the project we read about in the past week where the new developments --

Rouse: Correct.

Fish: To the south.

Rouse: Also known as block 37 in the neighborhood plans. The name of the developer escapes me, I'm sorry but, but they intend to be under construction this fall. The improvements illustrated include both the reconstruction of the river bank and the upland park but in 2012, parks and recreation was forced to phase the construction work because cost estimates at that time exceeded our funding. The river bank reconstruction became phase 1, and the upland park, phase 2. Which is outlined in red on this image. Let me zoom out and give you a few words about context. This image shows the plan for the entire south waterfront greenway. It stretches from the Marquam bridge on the left south to John's Landing. Our project site here is in the red box. It's divided into three segments. North, south, and central, each of which will provide some level of river bank habitat restoration and an upland recreation opportunity. When it is complete it will provide a, a piece of transportation infrastructure, a dual pedestrian and bike path to connect downtown with the Sellwood bridge. The project before you today is the first segment to be completed. Phase 1 of the central district, the river bank where construction is complete after two years of construction. It removed over 32,500 tons of debris and contaminated material. Including 60 tons of material that had to go to Arlington and 200 tons of asbestos. In partnership with Tri-Met, it added 25,000 square feet of shallow water fish habitat, and extensive riparian plantings. And also, the entire site is contaminated fill so there was extensive oversight with Deq. Phase 1 set the stage for the upland park. Phase 2 will provide the dual trail system, which is roughly the boundary between the two, in this image, it's the wiggly white and gray trails, at the top. River overlooks, and lawns, trees, and plantings. And seeding options, lighting and a public art piece. The total cost of phase 2, including construction, administration, and design and permits, is estimated at 4.7 million, which will be paid from parks SDCS. The contractor expects to begin initial mobilization and site clearing activity

February 5, 2014

shortly, with major construction beginning in early april, and they expect to finish work in november. Now for nuts and bolts, four of the ordinances before you today will authorize contract amendments necessary to add phase 2 back to the project. One is for j.w. Fowler our contractor and three for consultants working on the project team. Our landscape architect who has been on the project since 2007, and before that, on a separate contract since 2002, and our geo-technical engineer and construction manager. We investigated rebidding the j.w. Fowler contract, but because they are already mobilized on the site, they have an extensive knowledge of our permits of which there are local, state, and federal permits. Working relationships with the, the permit inspectors and, and with the project team and, and they can roll right into phase 2 without a delay. We felt it was best to -- it would, frankly, maximize the efficiency of getting the project done, and we would get the best price. Fewer change orders, and they understand the complexity of the deq permits and etc. The construction contract amendment, in the ordinance, is for the phase 2 price of \$3.3 million. Plus a contingency of \$500,000 for a total addition of \$3.8 million. The construction contingency will only be tapped if necessary. The three consulting contracts amendments together total or \$334,220, and contingencies totaling 41,000. The last item I would like to present is item 130, an update to the expected cost of operations and maintenance of this new asset. As you will recall from past projects, our operations and maintenance professionals assess the overall level of service the new park is expected to require. In this particular park, we expect a very intense level of use. We work through every element of that park design and what a responsible maintenance regimen will look like for that piece, producing a scope of work. We break that into the hours of labor and equipment, plus other expenses needed, add it up and inform council when the construction contract is authorized. In this case, pp&r brought an o&m funding request in may of 2012. Which was \$17,230 in one-time funds. And an estimate of 402,470 annually for the buildout of the site. Which was approved by the ordinance. But that request was prepared before construction began, before we received the permits, and so the bureau, knowing that we had a complete understanding of the site, alerted council in that ordinance that we may need to come back and update you again. Here we are. The update is \$26,730 one-time and \$488,831 annually. The one-time figure is \$9500 bigger and the annual figure is \$86,361 bigger than the preliminary numbers that we brought you in may of 2012.

Fish: Can I ask you a question, the figures that the council has approved, those have been built into the five-year forecast already, correct?

Rouse: I don't know.

Novick: The budget office told us no, so the budget office has told us that, the entire \$488,000 ongoing would be in addition to, the money that is sort of assumed in terms of the general fund for parks.

Fish: Just going back to past practice, we are required to build o&m in, and we cannot open, and I believe dan Saltzman was the author, we cannot open a new park or facility without the o&m being built into the budget, so the council approved one package of o&m and what you are asking us today is to increase it a bit. But that's been approved. And then the question, has it been salted into the five-year forecast, and commissioner novick has been told no, by the budget office. That's something I will follow-up with between now and next week because it seems to me as soon as we know, what the number is, and we have a target date for the opening, i'm not sure why that is not built into the five-year forecast but we'll get an answer. Thank you.

Rouse: I want to highlight the three things that changed to produce the increase in the number. We, we received our state and federal permits in late june after we had been to you in may. And they came with technical post construction monitoring requirements. For the fish habitat up to seven years after completion but for the deq remedy the cap, placed all over the site, in perpetuity. The permits also require guarantees of a level of maintenance that is, beyond what pp&r would commit to. That was the first major change. We also learned a lot about the site during phase 1

February 5, 2014

construction. Principally, the soil is very soft and it drains fast. And this places an added burden on establishing the plant material and then, into perpetuity because the soil is going to drain, the water really fast and they will need to be on it and maintaining the quality of the soil for the life of the park. Last, in order to limit the construction costs, pp&r agreed to take on responsibility for establishment maintenance of the new construction for the first two years after the completion of the project, and that, responsibility originally lay with the contractor. But, in negotiations with them over their price, we agreed to take that on. All these three items added scope to the work of the operations and maintenance team. In light of the intense degree of use that we expect that the central district will receive, combined with the proximity to the dynamic changing moving, active, willamette river there, coupled with the degree of ongoing federal and state scrutiny of the site, we ask you approve sufficient funding to protect the city's investment and to keep this new asset in good working order. Thank you very much.

Saltzman: I have a question or two. On the point you just concluded about, about the city agreeing to take on the two-year establishment responsibility, so does that mean if, i'm assuming the supplies to the vegetation and the landscaping, does that mean if they do not take hold in two years? Who is responsible, whose responsibility is it after that?

Rouse: The answer lies in whether The failure to take hold was a part, let's see, a flaw in the installation of the plant material, and in which case that would go back to the contractor or there is some problem with the way that it was maintained, in which case parks would be responsible for that.

Saltzman: And on the whole notion here, of, of doing the construction contract for phase 2 has a contract amendment to the phase 1 construction contract. So the phase 1 contract is about the same amount of money, if i'm reading right in the notes, about a \$4 million job? And then we're doing it through contract amendment? Essence. It's -- that raises flags in people's minds, and as you alluded in your remarks, somebody getting an inside track, and we're not going back to the marketplace to, to test the numbers. And there is probably -- you have given us good reasons but, my question does purchasing get involved? In that analysis about whether you do this as a contract amendment versus whether as a, as a new bid?

Rouse: They did. We had quite a bit of consultation invites with the procurement office as well as the city attorney's office about this, and the phase 1 contract value is larger than originally due to the difficulties we had during phase 1 construction with extra debris and a higher degree of contamination of the soil, as well as the impact of those soft soils on the design of the Project, so, so that the value of the, of the phase 1, or the value of the contract at the end of phase 1 was a little over \$7 million. And not that makes a difference to your point, but, I just want you to know that, the expertise and the working relationships and the proximity of the contractor after completing all of that, was, is invaluable and we concluded with the office of procurement that if we were to rebid it, not only would we lose time, but, we would unlikely to be able to get a better price than we got from this contractor nor a better quality of installation than we got. So, all in all --

Saltzman: The analysis exists and is documented somewhere? Should somebody, you know, prove it to us?

Rouse: If someone wants me to prove it, we'll have to, it out through the numbers, of course. But the analysis is --

Saltzman: There's numbers, and there is rational, you make a rational they are on the site, that's, that's -- I want to make sure that, you know, we're properly insulated from an accusation from, a contractor that would say why did we not get a chance to bid on this, and I think that we all know that happens all the time. So, i'm just trying to make sure that we have gone through a process with procurement and the city attorney's office and we can document that, if we needed to.

Selley: I think that you are making a really good point, and we'll be sure to document it in the files so that all our conversations and chronology and the recommendations from the procurement officer

February 5, 2014

are well documented in perpetuity in that file. That's a very good recommendation. I would also add in our conversations with procurement we talked a lot about the fact that this seller was brought into this project under a construction manager, general contractor contract. So, we have always anticipated doing both phases of the project with this contractor. The amount of the contracts are significant and we anticipated pausing after phase 1 because of the lack of funding. When we wrote the original rfp and did the original contract work with fowler, we had anticipated both phases of the project.

Fish: That's a very important clarification. Thank you. Other questions before we take testimony?

Novick: I can wait.

Fish: Have you concluded your presentation on all the items?

Rouse: I have, thank you.

Fish: We'll take testimony and then we'll bring you back if there is any questions raised to the testimony, and then we'll take votes on everything, other than, than 130. Karla, have we got people signed up to testify?

Moore-Love: we did not have a signup sheet but I know that mr. Nunn wishes to testify.

Fritz: If anybody else wants to testify, come on up.

Fish: Welcome.

Robert Nunn: Thank you, commissioners. I am robert nunn, and I live in the south waterfront in one of the towers which is adjacent to this project. And I am here to urge you to go forward with this project. I was not involved with the south waterfront visioning 10 or 15 years ago when the city really, in an act of remarkable imagination and foresight thought it could convert a brown field into a vibrant neighborhood, and could extend the greenways south in a way that would connect the citizens and the visitors with the river in a special way. The recession upset those plans, did not derail them but delayed them. And this project, to me, represents an opportunity for the city and for the neighborhoods to move from saying imagine what this neighborhood will look like, to instead, being able to say look, at what this neighborhood will look like. We will have five blocks of the greenway completed. We will have two blocks fully developed because the condominiums are there. And we will be able to explain to people this is the vision for this neighborhood. This is what it's going to look like, this is something what the greenway is going to look like going north to the marquam bridge. It will energize the extension of the greenway. And it will allow everyone to understand how special this neighborhood can and will be. Thank you.

Fish: Thank you for coming, and we should also acknowledge that candace brewer is here, the former and distinguished chair of home forward, so under her leadership shepherded, among other things, the new columbia to fruition, and we are grateful to her service, as well. Anyone else that would like to testify? We need your name and the subject is the greenway.

Steve Entwistle: Good morning, I am steve entwistle, I live in downtown Portland. I was concerned, wondering, about the entertainment district, if there is any, any plans of considering an entertainment district on the south waterfront. I think that would be very sustainable. Compared to what the unsustainable entertainment district is now. Ok. If we have people that are living residents in home forward, public housing. That are being terrorized every night, ok. And seven days a week, ok, with noise. Ok. And the police do not -- they are not trained for noise, noise control. Ok. And in fact, they hate doing it. Ok. So, and there is a lot of problems with that right now, with the police officers. Ok. And, and noise. Ok. And there is nobody doing anything about this. Ok. I'm not, that's a problem because people are suffering, ok. And people are suffering in public housing. I would consider it would be nice that if you guys would maybe consider having a real entertainment district, that is not going to be a, a public health hazard for the people living in public housing right now. I know it's real embarrassing for you guys because you are really on, onto that, you know, having the bars and making money and all of that revenue, but don't do it on the backs of the people living in the residencies in those areas. That's all that I have to say. Thank you very much.

February 5, 2014

Fish: Colleagues, do you have any further questions before we take this to a vote?

Fish: We have someone else. Go ahead. And then Steve will you have questions?

Novick: Not really questions for staff sort of questions for us.

Fish: Ok. We'll take that up after the last testimony. Welcome, sir.

Len Michon: good morning. I am Len Michon, and I am with the board of the South Portland neighborhood association. We are very committed to moving this project forward, not only for the people within the South neighborhood, within the South waterfront, but also, Lair Hill, who now have access over the pedestrian bridge we also are seeing later this year, a number of students and faculty from OHSU moving down to the South waterfront, and this is a short walk from their facilities. We think that, it's very important to open up at least this portion of the waterfront to as many people as possible as soon as possible. In addition there are a tremendous number of people working at CHH, where we have staff from OHSU, doctors, technicians, etc., and a number of people coming in for services there. So, there are a huge number of people currently there, and they are going to be a huge number of additional people coming, especially once the bridge is opened up, as well. So we have a number of issues and additional people coming, and I think the showcase is very important to have that portion of the central greenway completed.

Fish: Thank you for coming.

Fritz: You are with the South Portland neighborhood --

Michon: Yes.

Fritz: Thank you for being here and, this project is being done with central city assistance development charges, and I will be having an announcement about other projects that we'll be doing in the rest of the Southwest Portland, so look out for that. But I appreciate you coming down today to support this one.

Michon: Thank you very much.

Fish: Thank you very much, so that concludes testimony. Kia, would you come forward in case we need to you weigh in, and then council discussion, Commissioner Novick.

Novick: So, I don't know why it would have been that the original estimate for the O&M wasn't built into the Cal target but that is what budget is telling us, and given that, approving the O&M, and we should not approve anything until we're ready to approve the O&M, would cost \$488,000 a year, and given we've been told the new ongoing money for this next year is \$5.9 million, we would be, in effect, taking 8% of our ongoing new money and putting it into this project. And it just seems to me, that that's a pretty significant step, and I would rather have us consider that as part of the overall discussion of the budget this year rather than as a one-off.

Fish: Commissioner Novick, I have not been part of this discussion but I will tell you that the council has previously committed to building the greenway, and we are now keeping faith with that, and we previously authorized the O&M as we are required to do by, by council ordinance. We cannot open a new park or facility without the O&M built in. So, the question before us is the additional increment, not the base amount because that was approved.

Novick: I'm just telling you what the budget office told us, which was that the earlier estimate was not formally approved and wasn't built into the bureau's Cal target.

Fritz: The ordinances that Commissioner Fish refers to is that the council has a policy that we have operations and maintenance built into new projects. So, if you are asking us to revisit that policy, that's a much larger policy question, which would --

Novick: I'm not asking you to revisit it but what I'm telling you is the budget office is telling us that this is, this would, basically, be committing \$488,000, forever, of new general fund, and that, they don't have built into their projections. So, that means that it would be reducing our 5.9 million in new ongoing money by \$488,000.

Fish: Let me make a suggestion, so we have a contract process that needs action, in order to continue the work and these are items, four of the five items before us. Commissioner Fritz, and I

February 5, 2014

have, have ruled that we're removing the emergency clause from 130 so we will not be taking action today on the question of o&m. My suggestion is that we go ahead with the contract modifications so the work can continue, and then when we come back next week, we can take this up and, and, and the mayor will be back, I think, to preside, and if this, if your point is you want to see this folded into a broader discussion, we should have that on the table for discussion. I don't think it should hold up the contract modifications because the work needs to move forward.

Novick: But, does it make sense to have the, work move forward if we have not made a decision about what they are going to pay for the o&m?

Fish: The council has made a decision about paying for the base o&m. And, and I think that you are raising an interesting point. The council has a policy that requires once we authorize this greenway, we, as a council, were on the hook for the o&m, the only question is what's the amount not whether it would be built into the forecast.

Novick: But according to the budget office, and again, this does not make any sense to me, given what you are saying about the policy, but according to the budget office, the original estimate for the o&m was not built into the cal target.

Fritz: Can you tell us more about how the operations and maintenance -- do we have anyone from the budget office here?

*******:** No.

Fritz: Can you tell us when operation and is maintenance was put into the budget, or we have director Abbaté who can help us out here, too. Thank you.

Mike Abbaté, Director, Portland Parks and Recreation: Thank you, commissioner. I don't want to speak for the budget office, but, as kia mentioned the project was originally envisioned as one project. When we came back to you, for authorization to proceed with phase 1, at that time, we did the estimate for what phase 1 and 2 would be. My understanding is because we were not sure if we were going to be able to move ahead with phase 2, the one that's before you today, that may be the reason why the budget office didn't plug that into the, into the cal target at that time because we were not sure if the funding would be available to move ahead with phase 2. They did add \$55,000 of, of maintenance for the phase 1 work into the cal target at that time.

Fritz: Am I misremembering, it seemed to me in past years when commissioner Fish has been advocating for the operations and maintenance, parks eats it the first year and goes into cal for the next year, is that correct?

Abbaté: I think that is, is --

Fish: That's how the budget office --

Abbaté: That's how it happened but not our desire. Our expectation was, was as soon as we are maintaining something like we are maintaining phase 1 as we speak, and that be funded, in the recent past that has happened, there's been a delay. Yes.

Fish: Let me ask you a question. If commissioner novick objects because he needs additional information, we cannot pass these as emergencies today. If we remove the emergencies and put them to a second reading next week does that cause any hardship on your construction schedule?

Abbaté: Yeah.

Fish: Would you let us know what that is?

Rouse: The phase 2 work has a lot of long lead time items that need to be resolved between now and the beginning of april, which is the inception of heavy construction. Such as ordering the steel for the overlooks, ordering the steel for the, some of the benches there, and also, the light fixtures, in particular, take a long time. I would hate to ask them to get to work until they were under contract. It very much does affect the, the eventual inception of construction in april. The price that they negotiated with us, depends on us starting in early april. So, actually, it is time critical that we start as quickly as possible.

February 5, 2014

Selley: This will take a lot of staff from fowler to pull this project off, in a very short period of time. So we're going to have this completed by late fall, so in order to do that, we want to make sure that we, we secure that staff capacity with fowler. If there is uncertainty about the contracts, and it delays the ordering of the key materials but also delays their ability to secure that staff and reserve it, for this project, that could put the project in peril and we could be looking at some delay.

Fritz: We have the city budget office staff has arrived.

Saltzman: And let me pose the question and we could hear from the staff. I appreciate the point, commissioner novick is raising here and the confusion on what, if anything the council did previously approve about, about operations and maintenance. I do believe that we had a policy that, when we accept these we commit operation and maintenance, but this looks like a phase 2 that is new and sizable 448,000 a year or whatever. I'm thinking out loud, if just from a strict dollars and cents point of view this project will not be online until say, the end of 2014, and seems to me the initial operational commitment could be at least half of what we're talking about here.

Fritz: I was just about to make that point.

Fish: Let me hold, and if, if, I believe, andrew scott from the budget office is here, and he must be watching channel 30. Thank you for joining us and we have a couple issues we need your help on, have you heard --

Andrew Scott, Director, City Budget Office: A bit. I didn't hear what the director said as I came over. If you would build a sky bridge it would be quicker.

Fish: There is a couple issues we would appreciate your clarification on, one is about the city policy, with respect to o&m, and two is, what, if anything did the council previously do when it adopted the ordinance, and why is that not in the five-year forecast, and no. 3, if we were to act on the request that's before us next week, when will, would that hit the budget?

Scott: In general, and I think the way you described the policy, the bits that I heard, you know, are accurate. When council approves a project, they should also at the same time be given an estimate of the o&m by the bureau, and should approve that going forward. There has been, as you know, as the parks commissioner, a lot of sort of conversations between us and, and the parks bureau, although there are other bureaus this impacts, about the best way to do this. And whether it should be done as part of the budget process or an ordinance. And I think that we're in agreement, and the policy, you know, is that it should be done as part of the ordinances, when council says move forward with the project, council should also determine how to pay for that. Now, in terms of what was approved last year that's the policy issue, there is a technical issue that we, actually, cal target increases have to be approved and specifically approved by council for us to make them. Anything, beyond normal inflation or other changes along those lines. Specific increases have to be approved by council, and that's generally in a budget process so they can occur in an ordinance. What happened last year, is that, you know, the ordinance that came forward, requested that increase for phase 1, and so, we built that into, that, phase 1, was \$55,000 roughly, and those costs into the forecast. And it did not, and council didn't authorize the increase, there was an estimate of what that remaining amount would be. And, again, it was not authorized as a cal target increase which is why this has come back to make that clear so we can increase that amount.

Fish: Given what you know about this project, when would the o&m hit the budget?

Scott: So, it will -- I understand it's coming online, in 14-15 --

Abbaté: November of this year.

Scott: Ok. So it would be an ongoing target increase probably in 2015 and 2016.

Fritz: That does not go in this year's budget.

Scott: It would take ongoing resources out this budget and convert them to one time. So, the 430,000, roughly, again, would, would come from the ongoing to the one-time side of the ledger. There are some costs for the partial year we would need to figure out, and my parks analyst isn't here so I don't know the exact amount so it would hit in 2014 and 2015.

February 5, 2014

Fish: You said something earlier, under our policy, now, and as it has been worked out with your office, the practice of the council is, if you support a new capital project, a new park, a greenway, the o&m automatically follows, and we could have a discussion about you have in the past come back and said you thought the number was a little high, and we have scrubbed it, but, we are, in effect, committing to the o&m.

Scott: Can I clarify? I want to be clear, that's why we need the language that council directs us to increase the cal target. There are different ways to pay for the o&m, and again, without getting into the merits of the ways, there are lots of pros and cons, council, when a new project comes online, and has operations maintenance costs can Add new money to the bureau's budget, right, and that is the, the, from a bureau's perspective, it's a new cost. The other way is to pay for the o&m, which are less popular from the bureau's perspective. You take it from other places within the bureau, so to say well I have got operations maintenance over here that I am going to cut in order to fund the operation and is maintenance, or to find efficiencies within the operations and maintenance and absorb those reductions. I'm not getting into the merits of whether that's possible but, that's why council needs to be very clear because identifying \$300,000 or \$400,000 of costs is not identifying how they will be paid for because there are other alternatives besides adding money to the budget.

Fish: Just to be clear, because o&m follows the project, if a member of the council did not want to incur the o&m they could vote no on the project because as a way of also getting at the question of the o&m but a second bite of the apple is to support it, but take the position that it should come from within the, the bureau's budge, not be additional resources, is that account?

*****: Right.

Fish: And what we have --

*****: A combination.

Fish: Or some combination. And what we have before us in item 130, is to authorize the commitment to fund this. Is it specific as to new money versus out of the bureau? Or --

Scott: yes, this is specifically new money for the bureau. we worked with parks in developing this language in particular.

Fish: Let me take it one step further, if a member of this body, when this comes back next week, wants to argue that it should come not from new resources, but should be some combination of the bureau and new resources, that is, that is an appropriate question for us to debate as part of this, is this correct?

Scott: Yeah, and I think that the language in there, specifically, says the final estimate of, of the o&m may change as new information becomes available. That's, actually, it's important because it gets at your second point of not only does it come from the new resources but also, are there, you know, is the o&m estimate of, of\$480,000 total, you know, are there ways that can be reduced? That can be a conversation that can occur over the course of the next few weeks or a couple of months to get to that final, you know, resolution.

Fish: We have precedent for that, mike, it was the o&m that was proposed for the new community gardens that went online. Parks came up with a figure. Your offers, and andrew, scrubbed that, and thought it should be lower. And we came in with a lower figure that the council adopted. So that's an example of that process. Questions from my colleagues?

Novick: I am worried about, I think it's unfortunate that this, was not dealt with, and that the ongoing o&m wasn't built into the cal target before. It seems to me if we have a rule it follows the project we should sort of adjust the procedures so that we approve the budget for maintenance when the project is approved. But, I am concerned about approving the additional work without having figured out how we're going to deal with maintenance.

Fish: The one concern that I have, having been involved in this project for a while is that there are so many, the deck is so stacked against the bureau on this project because of things like nature, water tables, a slew of alphabet agencies that come in and tell us what we have to do differently all

February 5, 2014

the time. And all of the, the complications, literally, if we don't do the in water work in a certain time, don't do it in certain phases, it ends up costing a lot more. And, and I personally think that you have raised an important question of policy. I would be low to hold the project hostage, I would hate to hold it hostage because I am satisfied that the council can still decide how much and how it is allocated which goes to your point, without breaking faith with the commitment that we made to complete this project, which would be the net effect of voting the other items down. And I am concerned about the time line because the time line on these things is extremely sensitive and, and I know from personal experience, it ends up being a cost driver if we don't stay on schedule.

Novick: How much, is the question for staff, how much would it mess with the time line if we just tabled this until next week and thought about it some and then, you know, if we are satisfied, we know what we're going to work this out, pass these items with emergency clauses next week? Is a week critical?

Abbaté: To your point, on the contract side, it's really critical. We have been in negotiations for, a couple of months, with our contractor to get at a price, and that price is very much related to the schedule that we have proposed. That's why, for example, we took on the, the two years of establishment and maintenance which we don't normally do but we are trying to get the project done in the most efficient and cost efficient way possible. So, yes, if we delay a week, on the contract side, I think that we run the risk of them coming back and saying, we're going to need slightly more money or, the staff are not going to be available.

Saltzman: What about if we delay a week on the operation and maintenance?

Fish: We removed the emergency on that.

Novick: If we -- what would happen if we approved the contract items, and then next week decided that we cannot afford the operation and maintenance, we need to pull the plug. Would we have incurred, you know, a legal liability by having a week?

Fritz: I would be meeting with mayor haes and asking him to assign you parks.

Fish: As a political matter, if it, if it -- what I will tell you there are the votes on council to move this. The question is, whether it's new money or some combination. That we can have that discussion, but mayor haes has already signed up on this, and commissioner Fritz, dan is the author of the policy, we can have that discussion but, for purposes of today, we cannot pass the emergency provisions over your objection. So, if you assert your objection, and it is right to do so, you need to just say that, and then if you say that, we have either the choice of taking the emergency off or tabling it for one week. And you control that, and you have, you have the privilege of controlling that on this body.

Novick: My concern is, there is lots of commitments the council has made that we have not funded, and for example, we made a commitment to build a west side emergency operation center, and I don't have any assurance that any portion of that will get funded in this budget cycle. So, I have no questions about the project. I have no questions about the policy and I understand it's frustrating for those of you to be told now, that the money was not included in the budget. But, I want to, it understood that basically, we're deciding, we're committing 8% of our, of the 5.9 million and ongoing Funds we've been told that we have to this. And that reduces the amount of money that all of us have available for all of the requests that we have made for this next budget, and my understanding is, andrew, is it correct that, that collectively we have requested something like three times as much money as is on the table?

Scott: I have an email, I was about to send when I started listening in so you will get it later on this morning, yeah, there is about, about \$26 million in total requests, that includes on-time, one-time and ongoing requests. Those are general fund requests, don't include the other issues.

Fish: How much?

Scott: \$26 million.

February 5, 2014

Fish: I didn't get the memo, are we on casual friday today? That's what happens when you get your own office and you are in a different building?

Scott: The other thing that I would point out, and again, we can continue to talk, but there is always an issue of when, we include something in the forecast and, and when the estimates are solid enough to do that and when, you know, the plan is solid enough. It's probably not helpful, commissioner novick but, had it been included a year ago, we would end up in the same place as we would be as if you included it now. So, those resources -- and I understand, psychologically it's harder to see them and have them taken away but they never would have been there had we included the cal target language a year ago, so the net result is the same, it just feels different in terms of the how we get there in terms of the information you have.

Fish: So this has been a great discussion, and again, under our rules, if we don't have the votes for an emergency, we can't act, so it is your privilege to assert it, and the only thing that I would say is, is that I think that you have done an outstanding job framing the issue, and if it does have a detrimental impact on the contracting process, but is otherwise likely to pass, I would hope you would balance that against the point you made because we are going to have the debate about how to fund it next week, and you've been very clear about how you would like us to approach that.

Novick: But, and I understand that, and I don't mean to be a jerk about this, but, I do want each of us to think about, would we be willing to reduce our request for other money in the next budget by the collectively a total of \$488,000. And, and I can't -- so, basically, that means each of us has to come up with 122 -- well, there is five of us, 90,000 a piece.

Fish: I don't believe that I have any pending general fund requests, I have gone from two general fund bureaus that competed to two utilities, which are out of the game. But, I think you made an outstanding point, but I would urge you to consider the end game because if the net effect is to make the contracting process harder for the bureau, and we still get back to the point that an o&m is going to be authorized by council, either out of their resources or new resources, i'm not sure we moved the ball, but it is your privilege to assert that objection.

Novick: Commissioner Fritz, could you find money for ongoing o&m in the rest of your budget?

Fritz: No. We have no money that we give back every year. We spend it down. When we look at the ending fund balance. I have \$450 million worth of deferred mariners and \$1 million to spend on it. And this is absolutely the right policy, that commissioner Saltzman put forward before I was on the council. And for all of our bureaus we should be allocating operations and maintenance when we bring new facilities online and we don't. So, to suggest that we need to back off because there is other new stuff that we might want to do, this is the right policy and we've been working on this project for 12 years. To try to get this greenway, which will stimulate more development in the south waterfront and bringing in more tax money, and I don't -- I looked into whether we should look out for a new contract, and whether we could delay it, I hate emergency clauses for this reason except when i'm the one wanting to vote no on it, in which case I love the emergency clauses. But, we took extra time to negotiate the contract because we were concerned about the amount of the bid. And so we worked on that, and now, it's down to the wire of can we get this project done this construction season and so, as commissioner Fish said, it's really up to you to decide how you want to go on this.

Novick: Commissioner Saltzman, one concern you might have about the budget is that we have got \$2.5 million worth of funding for firefighters and the feds for two years. So, I would imagine from your perspective we should assume that after those two years, we have to pick up that 2.5 million from the general fund.

Saltzman: Yes, \$2.6 million.

Novick: So, would you be willing to lay off a few firefighters in the future in order to help pay for, this o&m?

February 5, 2014

Saltzman: That's not something that I want to -- not a direction that I want to go, but, I guess, what I think would be -- to me it's a fair question about should this 488,000 be approved at this time. And should it be approved simply as an addition to the parks bureaus, current appropriation level, and versus saying, you know, come back with another approach that may be 50% of it is new appropriation levels. 50% is found internally. I realize those are tough questions, but I think that, that that's what we're here for is to ask ourselves tough questions all the time. So I think, I guess my preference would be to go ahead and approve the construction contracts, and have that discussion next week about, about are there alternatives to the 480 in terms of when it's needed and needs to be booked, and how much can be split between new appropriation versus internal. That's how I would, I would see this playing out.

Novick: Let me ask one more question, the options that we have are not doing this, raising some new money, or finding money elsewhere. I suggested the other day that we should revisit certain decisions we made in last year's budget, specifically, funding the mounted patrol which cost \$860,000 -- that's one suggestion, that's \$860,000 this year. And, I said that I think that that should be put up against other needs. And of course, i'm now getting lots of emails from the passionate supporters of the mounted patrol. So, I would like to know if my colleagues are willing to join me in asking to revisit that question in order to free up additional money for the projects including this one.

Saltzman: Absolutely, on my part.

Fish: So steve, it's still your call.

Novick: Commissioner Fish, what's your answer to that question?

Fish: I am going to be looking at every line item on the budget for ways of meeting my, putting my values into this budget. And, without any Limitations, but, that's not the issue before us today. We're not taking testimony. We're having a council discussion and please do not interrupt, joe.

Joe Walsh (from the audience): I did not interrupt, sir. You interrupted me.

Novick: Ok, I very much appreciate commissioner Saltzman's and commissioner Fritz's response to the last question, and given that, I am prepared to, to withdraw my rejection. Hoping that we'll have a vigorous discussion during the next week about the o&m.

Fritz: Thank you.

Fish: So, we now have, have five items to move to a vote on. We'll proceed to a vote, Karla, please read them in sequence starting with 127. Roll call, excuse me.

Roll 127.

Fritz: Thanks to commissioner Fish and commissioner Saltzman and commissioner novick for this vigorous discussion and to mike for his leadership of Portland parks and allison and kia, the leaders on this project and to the neighbors who came in and to those who have advocated for this for decades. And it needs to happen, and I appreciate that it can happen in the time line that we're moving for. And am very concerned about my announcement that we were going to build two parks in east Portland, and there is no way that I can absorb the operations and maintenance for those parks into the parks budget, so, maybe we need to have a discussion about the budget at a different time and indeed, the policy, but I think it's the right policy, and we should not be building new stuff without adding the money required to, to pay for it. We will be scrubbing those numbers and having a discussion with all the council offices between this week and next for the operations and maintenance. But, let's just look back to this project. It's a great project, and there are many parks and community members who have contributed and longed for this moment. And not expecting the discussion we just had. So, we have started planning this greenway in 2003, and it's been a very complicated project. It, actually, brings to mind not only the other major funding issues that commissioner novick has raised, firefighters, emergency management center, but the superfund. Look at how much money this project has cost. Look at, 200 pounds of asbestos taken out of this bank, who would have thought there would be that much asbestos in the banks of the willamette.

February 5, 2014

So, and that's not even in the focused area of the superfund. So, there are many, many funding challenges. When we have one-time moneys through construction fees, we put it back into the community by doing the work. By putting hundreds of people to work on this particular project with the investment of these development fees. And that's a good thing. One of the things that got us through the recession, was south Waterfront where everything else was stopped in terms of the residential and highrise commercial development, south waterfront kept going because this council had authorized the, the investments of public money, taxpayers' money, in the tax increment financing district to keep those projects going. So, that's, that's -- it all works together. It can't be just looking at one piece or another piece, and I appreciate the discussion. We entered the projects knowing that there would be uncertainties and boy, did we ever find what kind of challenges there were in them. But, this is good news. In this ordinance we begin the last phase of the project, over which we have control. There is another phase after that and we will be working on that, too. But by the end of the year, with this vote today, we will have transformed what was once a degraded river bank riddled with contaminants into a beautiful place where people can go on their bikes in a separated path, stroll through and look at the viewpoints and look out from their windows at the condos in south waterfront and the offices and the commercial development. This is fulfilling a promise, and it's important for government to keep our promises. I appreciate all of the work that's been done on this and especially patti howard in my office who has been stellar, as always. Aye.

Saltzman: Well, I think Commissioner Fritz said it well, this is an important milestone in the development of south waterfront, but in particular, the beginnings of the completion ultimately of the greenway trail from sellwood to downtown. There is a lot of work ahead of us to get that all done, but, let's get this central section done now and get it up and running and we'll get more people excited about seeing, seeing the extensions added north and south to bring the dream alive. I think it has been a great discussion about the maintenance cost and is how we deal with that. It has been a good reminder to all of us, and I think that we do have to ask, to continue to ask the tough questions about where the maintenance money will come for this particular segment's completion of phase 2. Good discussion, and pleased to vote aye.

Novick: I want to make it clear to the supporters of this project and to parks, the questions I was raising are not based on any concern about the value of this project. Not at all. I also recognize that parks has what is it \$450 million in unfunded maintenance and \$400 million in new projects that are unfunded. I remind people of that whenever I get an opportunity hoping I get the numbers right. I just think it's really unfortunate the money for maintenance wasn't actually build into the budget targets as soon as it was approved. I think we need to figure out how our procedures address that. We need to do a better job when we approve any project saying right then where the money is going to come from. How many times have we postponed the tree code because we didn't budget for the implementation of it. And I -- like I said, we committed to build a west side emergency operation center and I still don't know where the money is going to come from. The broader question is, when do we also when we're approving new spending, balance against other potential spending. Are we prepared to take the step of saying something else isn't as important as this, therefore, it should go away. So, again, I raise my concerns as part of a broader picture, have no problem with this particular project. We're just voting on 127 now right.

Fish Correct.

Novick: Okay. Aye.

Fish: I, too, think this has been an excellent discussion. And I think there is some policy questions that we need to address relating to this and future projects. But I don't want to miss this opportunity to hand out a couple of kudos. First to commissioner Fritz. She has been commissioner in charge now for seven months, and in those seven months, she has had resources to invest in projects that have been stalled for a long time. Last week was historic when she announced the funding for 20 acres of parks in east Portland. That was fulfilling a 30 year promise that had gone unfulfilled. And

February 5, 2014

now this -- this greenway, and this greenway some day will connect with the 40-mile loop and the larger system and it is one of the signature things in our city, it is something that the public regularly tells us among the things they love the most because it gives them access to the river. It connects our community. It allows people to bike and walk and it also has a very positive impact on cleaning up our river. So, this is a very important project. But commissioner Fritz, thank you for the leadership you've shown and thanks to the economy for rebounding. We're now the third, I believe, our region is the third fastest growing economy in the country, just beyond -- third to florida. And because of that, we're getting these new resources to systems development charges that allow us to invest in infrastructure. I want to thank the parks team for an outstanding job. This is a very complicated project. There are so many moving pieces and so many regulators and so many variables that we don't control. When you bring this home, it will be a minor miracle but a wonderful win for the larger city. For folks who live in south waterfront, I remember the headlines, declared failure, a failed district and the new headlines are successful district. When you look at the ohsu building where I get my medical treatment, and you look at the Elizabeth carothers park one of the gems in our city. When you look at gray's landing which is an award winning affordable housing development. When you look at the greenway and all of these amenities and when you think about the future development, we will have new resources to complete the work on affordable housing and will meet the other 50% commitment still on the table. This is a good day. But I think it was a great discussion. And I thank commissioner novick for putting those issues on the table and I think next week we will have a robust discussion about them. Aye. 127 passes. Karla call the roll on 128

Roll 128.

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

Fish: Aye. Passes. Please read 129.

Roll 129.

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

Fish: Aye. 130 passed to a second reading. Council item 131.

Roll 131.

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

Fish: Aye. [gavel pounded] The matter passes. Thank you all. We have three more items. Karla would you read council item 132, second reading only.

Item 132.

Fish: Vote only, thank you.

Fritz: Thanks to commissioner Fish and directors mike abbate and dean marriott for their work on this project. I think it is a good investment of public property. And cleaned up a brownfield and using that investment to stimulate more development in st. John's which is one of the premier communities in Portland, in my opinion. Aye.

Saltzman: Well, I wasn't here last week but I was able to listen to some of the discussion of this exciting project. And having one time been in charge of bes and parks both, I know how the city has wrestled with this brownfield property, and this looks like a very exciting proposal, the two-thirds project. I'm really looking forward and want to thank bes and parks and probably pdc had a role in their, too, and the developers for taking this on. Very exciting. Aye.

Novick: I just want to note that this project is so good that it generated a positive article in the Oregonian, which is extraordinary. Aye.

Fish: A bunch of thank yous. I want to thank the members of the advisory committee for the hundreds of hours that they put into this. The neighborhood association from st. John's, and cathedral park. I want to thank all of the citizens who were involved in the public involvement process. In particular, I want to thank marveta redding, jenn Bildersee, kevin Cavanaugh of gorilla development, Michael st. John's brownfield steering committee member. This is a great brownfield

February 5, 2014

story and we have lots of other stories ahead that will unfold. Thank you for your great work. Aye. Matter passes. Karla we are going to go with the two pulled items. Council item 122.

Item 122.

Fish: Thank you. We originally pulled this from consent and I have some brief comments. Almost every week, bureau of environmental services brings consent items related to its capital improvement plan before the council. And many of these projects are in the millions of dollars. This portion of the tabor to the river project we think provides a very good window into how we're managing green infrastructure generally and how projects like this pay rate payer dollars. We asked our chief engineer to come in and give you a few minutes of remarks about this project, and why we're so bullish on it. Thank you for joining us.

Bill Ryan: Thank you, commissioners. I think this is an excellent project level example, as the commissioner said of how we're saving money, improving watersheds, and doing the best thing that we can to maintain our infrastructure. The clinton caruthers project part of the much larger tabor to the river program initiated to address high sewer basement backup risk. Lots of properties in the area have a condition where in heavy rain storms, sewage does actually back up into the basements. There is also a number of deficient pipes, structurally deficient pipes, pipes which are soon to fail or have already failed. And we've also got a circumstance where because of the development over the years in this area, as well as much of the city of Portland, we have denigrated the watershed in the vicinity. Trying to get cold, clean water back into the ground water. The clinton and caruthers project runs from southeast 20th avenue, and straddles division. We delayed this project in order to not impact, further impact the traffic conditions on division street. So, we're letting it out now because we know that by summer, we should have things pretty well cleaned up on division. And it goes all of the way to the east, to caesar chavez. You can see on these maps, that it includes pipe replacement for those old, aging pipes, as well as several green street facilities, and some pervious pavement. This is in a combined sewer system, sewer system where the storm water mixes with the sanitary sewage and -- it is a fairly old part of the sewer system. The average age of the pipes that we're replacing is 102 years. We're replacing about 3,800 feet of pipe in this project. As I mentioned, this is an opportunity to integrate green infrastructure with the gray infrastructure, in order to come up with the best and most cost effective solution to these problems. We're adding 24 green street facilities, two blocks of pervious pavement, and by doing that, we will keep 1.8 million gallons per year out of the -- gallons of storm water per year out of the sewer system. I think most surprisingly to the public is that by integrating the gray and the green, by actually building green facilities to get the storm water out of the system, we can save money. And this is the best example, the whole tabor to the river program is the best example of that, because in 2000, we developed a predesign using our previous techniques which was almost entirely gray infrastructure. We put together the entire project with a parallel pipe system that we would build. A new storm water system, which would separate the storm water out of the sewers and thereby reducing the condition of basement flooding. The cost, the projected cost for that program was over \$144 million. And in 2007, we had already had quite a number of these integrated projects, we were integrating the gray and the green. And we decided to revisit the predesign and look at what it would cost. To address all of the aging pipe infrastructure, and to address the storm water, access storm water that was in the system, and at the same time bring improvements to the watershed. And what we found was that because we weren't putting in an entirely parallel pipe system, constructing a lot of gray infrastructure that would be separate and new, we were able to save over \$60 million of the tabor to the river program as a whole. I think that is an excellent example. And we have several others of cost savings through the integration of gray and green.

Fish: That concludes our presentation. Any questions from council --

February 5, 2014

Novick: Just a question about the new pipes. I can't remember whether I heard this from bes or water several months ago, but one thing that we're concerned about is the earthquake resilience of all of our systems, and have been told that japan has this fancy new pipe material that will survive any earthquake and the pipes that are -- 100-year-old pipes will crumble in a tiny earthquake. I want to know if you have any information about the earthquake sensitivity of the new piping.

Ryan: The earthquake sensitivity is much more significant in areas where you are along water shorelines and you are likely to have lateral spreading. In conditions like this, where we are a little bit away from the river, the kind of pipe that we typically use is actually some of the best pipe to use from an earthquake standpoint. As part of our work in resilience and our planning for resilience, we're actually mapping all of those areas that are prone to a lot of movement in an earthquake, and we will segregate those out and design different kinds of facilities to be constructed in those areas.

Novick: Thank you.

Fritz: This is probably a discussion for another time. It is. I know you are working on the equity issues of where the back-ups occur and where the most vulnerable are and I appreciate that work and look forward to that. Commissioner Fish, thank you for pulling this item and having this presentation. Not only is this a better way of doing things but a less expensive way of doing things.

Fish: Thank you. Karla, anybody sign up to testify? Come forward. Stick around if there are any questions, if you would.

Joe Walsh: My name is joe walsh. I represent individuals for justice. And just an observation. There were 50 items on the agenda, and 11 of them were emergencies. That's not a good indicator that you guys know what you're doing. You keep bringing up all of these emergencies

Fish: This is not an emergency item.

Walsh: Don't interrupt me please. I have three minutes to say what i'm going to say. Don't interrupt me. It is rude to interrupt. Rude. It is rude to interrupt.

Fish: To address this item.

Walsh: I will transmit my statement to this item. If you keep your mouth shut. There are 15 items on the agenda. 11 of them emergencies. One of them is not. This one. Which I am really excited about because I don't like the emergency ones. That was my points without the interruption. The second part of this, this was part of the consent agenda originally. And commissioner Fish says he pulled it. And I agree with that. Because when I looked at it this morning, I also pulled it. The reason that I pull these items off of the consent agenda is that we have a right to listen to the discussion that you just had. There seems to be some kind of limit that we should put on the consent agenda. If you guys are going to spend \$2 million, we have a right to hear what you are going to do with it. And my objection to this is not the the program itself, it is not the work itself, it is that bes is paying for it. And you think that the bes does not bother your general fund. Yes, it does. This is a very -- this is a tax on people, and they don't even know they're going to be taxed. Because eventually, you're going to have to pay for this. And who pays for bes? And who pays for the water department? The rate payers. And nobody knows what's going on unless you have this discussion. Here is my suggestion. When you're going to spend over \$1 million, over \$2 million, over \$3 million, you guys decide what level, what is a reasonable level that we have discussions and you don't put it on a consent agenda. That's my objection to this. It sounds like a good program, but if it is so good, then pay for it out of the general fund and stand before the voters and say this is a good program. We need it. We're going to pay for it. And don't try to hide it on the consent agenda and then later on pull it. Because there is no sign-up sheet for this. Nobody knows about this until the last minute. Where is the sign-up sheet? It doesn't exist. So, when I walked in here this morning, I could not sign up to talk about this. I had to pull it. So I had to be a pain in the ass for the people of this city to understand what you are going to do with \$2.5 million of their money.

February 5, 2014

Fish: Mr. Walsh, the matter goes to a second reading. Karla, please read council item 124.

Item 124.

Fish: Commissioner Novick.

Novick: This was originally on consent. I didn't think I would have the opportunity to read the summary that pbot staff and my staff have prepared. I'm very pleased about this item and I'm happy to do that. 122nd Avenue area has experienced considerable change in recent years. The area dramatically transformed from a low density semi-rural and suburban community to a one of the fastest growing areas in the city. While some street and pedestrian infrastructure was built along with the new development, today the corridor is a patchwork of infrastructure lacking in comprehensive network of streets and sidewalks. With a sizable increase in population, more and more residents walk and take transit in the area increasing the need for a safe pedestrian environment. East Portland action plan adopted by the Portland city council in 2009, identified southeast 122nd area as a prime location for a pilot study to explore land use infill development and infrastructure issues. Resulting SE 122nd Ave study, pilot project of the Portland plan, identified specific recommendations for improvements. In developing the study, Bureau of Planning and Sustainability assembled several groups to advise and provide guidance to inform the recommendations. The study completed end of 2010. While the study community outreach being conducted, PDC initiated the public process to develop an action plan to identify and prioritize infrastructure projects within the Itcra. The findings of the task force identified and the Itcra urban renewal advisory committee endorsed. SE 122nd Ave between Foster and Powell as a high priority to invest PDC funds and infrastructure projects. Subsequently PDC allocated \$225,000 for design and engineering of sidewalks and crossing improvements with the intention of investing 1 million in construction. Construction of this project will complete sidewalk system from Powell to Foster and southeast 122nd.

Fish: Any questions from council? Thank you. Has anyone signed up to testify?

Moore-Love: Mr. Lightning, I believe, wanted to testify.

Fish: Lightning, welcome.

Lightning: My company is Portland lightning watchdog and my name is lightning. One of the things I like about Commissioner Novick is that when you present something, you present facts and you present numbers. And that's what I want. I want the facts. I want the numbers. I want the transparency. I commend you on getting your grants. I commend you on your projects. One of the issues that was brought up today was where do we get all of the money? Where do we get all of the money for the parks? For the potholes, roads, various things. One of the issues I had today and I'm tying this all together, is on that St. John's brownfield project. I have a real problem with any property being sold for \$1. And the reason why I do is that when you declare a property surplus, it is my understanding that the policy states you must do an appraisal on the property to determine market value. Now, if you appraise that property at say four to \$600,000, and you sold it for a dollar, and you say that is a public benefit or a public good, I have a problem with that. We have two commissioners up here who both need funding for parks, both need funding for roads. And the brownfield, I feel, is the potential to fund a lot of those projects. For us to think that we have ample funds to transfer over to developers for their own private property for \$1, I don't like to see that happen. It is stated also that you can refer that money back to the general fund and, again, commissioners can submit and apply that toward their projects. Again, we saw that happen on MLK, on Trader Joe's. Discounted the property, \$2,300,000. Discounted the property at St. John's, possibly four to \$600,000. That is close to 2.5 to \$3 million. When we're talking about these parks and these roads, the city is not in a position to be a philanthropist. They don't have that kind of money. You are in debt. When you are in debt, you grab all of the money that you can from all different directions and make sure that these various projects are funded. You do not have the ability to give away public properties, city properties at \$1. I find that a problem. I want to see

February 5, 2014

more appraisals done on the surplus properties up front. I want the policies to be followed. And I think there is a tremendous potential of 900 acres of brownfield properties to look at, analyze, and see how we can transfer the sale of these properties back to the general fund and get all of these different projects that the commissioners want to have funded. Thank you.

Fish: Thanks very much. Just lightning, because you're always very thoughtful in your testimony, just one clarification.

Lightning: Yes.

Fish: The bureau of environmental services received the property at no cost.

Lightning: Yes.

Fish: And had there been any additional consideration for the property, it would have remained in bes and not by law been transferred to the general fund. I want to be clear about that.

Lightning: If I might state, that property was transferred in 1976. And, again, no taxes paid on that property. Environmental clean-up of 200 plus thousand. Again, we have -- it comes down to that operating and maintenance cost that has to be calculated in to the overall sales price to make sure that we don't take a loss and we are taking a loss right now at \$1. And nobody can tell me that developer couldn't come in and pay a reasonable market price, hold that development property for 10 years, which is in the agreement, and then fund that money if he ever sells it back to the general fund so that we don't have to give away the money to offer an incentive to these developers.

Fish: Appreciate your comment. Thanks for testifying.

Lightning: Thank you.

Fish: This is an emergency. Karla, please call the roll.

Roll 124.

Fritz: Very happy to be seeing a sidewalk being constructed from Holgate to Ramona on southeast 122nd. Congratulations commissioner novick, aye.

Saltzman: Very important pedestrian infrastructure, safety infrastructure so, congratulations. Aye.

Novick: Thank you, colleagues, aye.

Fish: Nice job. Aye. Any other matters for the good of the order? Hearing none, the hearing is closed. [gavel pounded]

At 11:25 a.m., Council adjourned.