



CITY OF
POR^TLAD, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **4TH DAY OF FEBRUARY, 2015** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

Commissioner Saltzman arrived at 9:33 a.m.

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

Item Nos. 130 and 132 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

		Disposition:
	COMMUNICATIONS	
124	Request of Ibrahim Mubarak to address Council regarding houseless issues (Communication)	PLACED ON FILE
125	Request of Mary Ann Schwab to address Council regarding Mt. Tabor Reservoir disconnect public involvement processes (Communication)	PLACED ON FILE
126	Request of David Kif Davis to address Council regarding police targeting of journalists and photo journalists during Ferguson Solidarity March (Communication)	PLACED ON FILE
127	Request of Joe Walsh to address Council regarding scheduling a communication (Communication)	PLACED ON FILE
128	Request of Michael Withey to address Council regarding update on micro communities, Accessory Dwelling Units and tiny houses (Communication)	PLACED ON FILE
	TIMES CERTAIN	
129	TIME CERTAIN: 9:30 AM – Proclaim the month of February 2015 to be Black History Month in Portland (Proclamation introduced by Mayor Hales) 15 minutes requested	PLACED ON FILE
	CONSENT AGENDA – NO DISCUSSION	

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130	Authorize City Attorney to seek and appeal a limited judgment in Anderson v. City of Portland, Multnomah Circuit Court No. 1112-15957, the water and sewer fund expenditure case (Resolution introduced by Mayor Hales and Commissioner Fish) (Y-5)	37108
131	Reappoint Katie Larsell to the Community Budget Advisory Board for a term to expire December 31, 2017 (Report) (Y-5)	CONFIRMED
132	Appoint Audrey Alverson, Marcia Suttenberg, Suzanne LaGrande and reappoint Aimee Samara, Chabre Vickers and Rebecca Naga to the Human Rights Commission (Report) Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-5)	CONFIRMED
133	Extend term of a temporary, revocable permit granted to Portland State University for electric vehicle supply equipment services (Second Reading Agenda 108; amend Ordinance No. 184805) (Y-5)	186997
*134	Commissioner Nick Fish Position No. 2 Bureau of Environmental Services Authorize the Director of the Bureau of Environmental Services to amend a Mutual Agreement and Order with the Department of Environmental Quality and Clean Water Services to settle past permit violations and resolve potential future compliance matters in accordance with the terms of the Order (Ordinance) (Y-5)	186998
135	REGULAR AGENDA Mayor Charlie Hales Office of Management and Finance Authorize the City Attorney to institute legal proceedings against Pabst Brewing Company to recover damages from Portland, Oregon sign trademark violations and enjoin future unauthorized use (Previous Agenda 114)	RESCHEDULED TO FEBRUARY 25, 2015 AT 9:30 AM
	Commissioner Amanda Fritz Position No. 1 Bureau of Development Services	

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136	Authorize the Director of the Bureau of Development Services to execute a Memorandum of Agreement relating to Delegated Building Inspection Program with Building Codes Division of the Department of Consumer and Business Services (Resolution) 15 minutes requested (Y-4; Fish absent)	37109
*137	Portland Parks & Recreation Authorize a contract with 2.ink Studio to provide planning, design and construction administration services for improvements to Beech Park at a not to exceed amount of \$674,428 (Ordinance) 10 minutes requested (Y-5)	186999
*138	Amend contract with R&H Construction Co. in the amount of \$151,250 to complete additional emergency structural repairs to St. Johns Racquet Center (Ordinance; amend Contract No. 30004361) (Y-5)	187001
*139	Authorize a contract with PLACE studio LLC to provide planning, design and construction observation services for Gateway Park for a not to exceed amount of \$708,585 (Ordinance) (Y-5)	187000
Commissioner Nick Fish Position No. 2 Bureau of Environmental Services		
140	Authorize four price agreements not to exceed \$500,000 each for on-call civil engineering services in support of Bureau of Environmental Services capital improvement program projects (Second Reading Agenda 115) (Y-5)	187002
141	Extend contract with Madison Biosolids, Inc. for Biosolids Use Services for an additional five years for \$3,250,000 (Second Reading Agenda 116; amend Contract No. 31000149) (Y-5)	187003
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
*142	Authorize the Bureau of Transportation to acquire additional temporary and permanent rights and amend certain legal descriptions for temporary construction and sewer easements necessary for construction of the NE 112th Ave and Marx St Local Improvement District Project, through the exercise of the City's Eminent Domain Authority (Ordinance; amend Ordinance No. 186292; C-10043) (Y-5)	187004

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*143	<p>Authorize an Intergovernmental Agreement with Metro to develop a Preferred Alternative Package, Locally Preferred Alternative and Draft Environmental Impact Statement for the Southwest Corridor Plan and fund the City share of the local partner agency contribution (Previous Agenda 103)</p> <p>Motion to accept Novick amendment to IGA exhibit A(3) Public Involvement: Moved by Novick and seconded by Fritz. (Y-5) (Y-5)</p>	<p>187005 AS AMENDED</p>
144	<p>Assess property for sidewalk repair for the Bureau of Maintenance (Hearing; Ordinance; Y1085) 15 minutes requested</p> <p>Motion to amend to remove Eichelberger from assessment: Moved by Fish and seconded by Fritz. (Y-5)</p>	<p>PASSED TO SECOND READING AS AMENDED FEBRUARY 11, 2015 AT 9:30 AM</p>

At 11:23 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **4TH DAY OF FEBRUARY, 2015** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

Commissioner Fish arrived at 2:06 p.m. and left at 5:42 p.m.
Commissioner Saltzman left at 6:18 p.m.

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

		Disposition:
145	TIME CERTAIN: 2:00 PM – Adopt the West Quadrant Plan as direction for updating the Central City Plan (Resolution introduced by Mayor Hales and Commissioner Saltzman) 2 hours requested	CONTINUED TO FEBRUARY 25, 2015 AT 3:00 PM TIME CERTAIN

At 6:45 p.m., Council recessed.

February 5, 2015

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **5TH DAY OF FEBRUARY, 2015** AT 5:00 P.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ian Leitheiser, Deputy City Attorney; at 7:30 p.m. Ellen Osoinach, Deputy City Attorney; and Jim Wood, Sergeant at Arms.

		Disposition:
146	TIME CERTAIN: 5:00 PM – The City of Portland shall not enter into a Memorandum of Understanding with the Federal Bureau of Investigation related to the work of the Joint Terrorism Task Force and shall repeal the Binding City Policy BCP-PSF-7.01 (Resolution introduced by Mayor Hales; repeal Resolution No. 36859) 3 hours requested for items 146-148 Motion to amend resolved section paragraphs 2, 3 and 4: Moved by Fritz and seconded by Novick. (Y-4)	CONTINUED TO FEBRUARY 19, 2015 AT 2:15 PM TIME CERTAIN AS AMENDED
147	The City of Portland shall enter into a Memorandum of Understanding to become a member of the local Joint Terrorism Task Force in conjunction with the Federal Bureau of Investigation and shall repeal Binding City Policy BCP-PSF-7.01 (Resolution introduced by Mayor Hales; repeal Resolution No. 36859)	CONTINUED TO FEBRUARY 19, 2015 AT 2:15 PM TIME CERTAIN
148	Enter into a Memorandum of Understanding to become a member of the local Joint Terrorism Task Force in conjunction with the Federal Bureau of Investigation (Ordinance introduced by Mayor Hales)	CONTINUED TO FEBRUARY 19, 2015 AT 2:15 PM TIME CERTAIN

At 9:03 p.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

FEBRUARY 4, 2015

9:30 AM

Hales: Good morning, and welcome to the February 4th meeting of the Portland City Council. Will you please call the roll, Karla?

Fritz: Here. **Fish:** Here. **Novick:** Here. **Hales:** Here.

Hales: Welcome, everyone. We've got a few communication items up front, as usual, and then a couple of time certains and a consent agenda and regular calendar. If you're here to speak on any of those regular calendar items, identify yourself -- you need to give us just your name. If you are a lobbyist representing an organization, please disclose that. We typically give people three minutes to speak and ask that we maintain civility in this room so that everybody's point of view is heard. So, if you agree with someone, feel free to give them a wave or a thumbs up, but please let's not have vocal demonstrations in favor or against our fellow citizens while they're having their say. With that, I think that we will take up the communications item number 124.

Item 124.

Hales: Good morning, Ibrahim. Welcome.

Ibrahim Mubarak: Good morning, Council and Mayor, Commissioners. I had a slide show, but unfortunately, we can't hook it up. What I want to talk about the present situation of the houseless people sleeping out in the street. I know we was doing a houseless count to get exact numbers, and I heard it was passed down through Commissioner Dan Saltzman that there would be no sweeps so they can get the proper count of the houseless community.

Well, I have slides and I have proof that the people are still being swept. They took their belongings and they were being told to sit there and wait for people to come and do a survey for them, and I don't think that's fair because if you have people sitting out in the streets with no covering with no belongings -- and if you can stop people from getting sweeps where they can get a proper night's rest, they won't be sprawled out over the streets in the daytime. Also, if you stop that for your purposes, why can't you stop it for their way of survival? And that's the irony part of it, that people is not the problem. The problem is the problem. We keep focusing on them, moving them around and sweeping them away from the social service area where they need to be at.

So, I would implore you that you sponsor the Homeless Bill of Rights Right to Rest Act that's going before the legislature as we speak now. And I would like for you all to back us up, because who knows best what the homeless community is suffering in this city. That's all I have to say. I don't feel well, so.

Hales: Thank you, take care. Thank you very much. [applause]

Item 125.

Hales: Good morning, Ms. Schwab.

Mary Ann Schwab: Good morning, Mayor and Commissioners. My name is Mary Ann Schwab. I'm here today to talk about the Mt. Tabor disconnect, the Type 3 historic resource review, and the Type 2 environmental review meeting that took place on January 26.

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Surely, the Super Bowl trumped Southeast Uplift's director as well as City Council from taking time to watch a 71-minute documentary featuring complex bantering between the Historic Landmarks Commissioners while listening to relentless badgering from Tom Heron to get an agreement on that application on that day. Nor were the Southeast Uplift members able to find time to get the latest edition of the Southeast Examiner to read the comments that were expressed by the commissioners.

These commissioners are professionals. They give their time, and when you have an attorney say we need to stop this, we highly recommend this go to mediation, we highly recommend that we have a meeting with all stakeholders -- and to that end, I would like to have that happen in this room on camera so that everyone can know what's happening. We have to have a vision for the future. To disconnect pipes and maybe 50 years out have our great grandkids have to pay to reconnect them is egregious.

It's not broke, don't fix it. I've talked to your principal engineer. We can order retrofitted pipes and valves and have a second one there so the water will not ever go back into your clean water system. There is a way of getting this done without spending a bazillion dollars. Your \$480,000 for the Mt. Tabor adjustments -- I'm not going to go there right now, but I am concerned that for the commissioners on the 26th -- this is the question. If the deadline for new material was to be submitted by noon on the 26th, how then can the Historic Landmarks Commission have proper time to look at the 12 noon submissions and digest any new material in order to be ready at 1:30 for the hearing to voice an opinion on that application?

If legal documents are very complex -- because this is land use, this is serious, this is laws -- we need to protect with our Oregon historical preservation office that treasure. There needs to be money to maintain those tanks. And when I watch the Mt. Tabor presentation and listen to the environment, and we see how much is lacking in repair up there just on that physical plant, it's egregious.

Please, let's go to mediation on this. And let me leave you with one thing here. If you keep pushing this forward -- and you did stop it once. You did stop it once because you knew these reports had not been completed. That was a good thing. So, please don't embarrass us anymore and keep pushing us into a corner. Please listen to the people.

We each have a duty to the land in which we live. We all come from the earth, and on death we return back to the ground. And in a cycle of life, everything that is born is always connected with water. Water is a giver of life. And that's from a religious leader, Pearce Mitchell [spelling?].

We must protect our water system. It's a 120-year-old treasure. I very much want to recognize Mt. Tabor Reservoir, Friends of the Reservoir, Mt. Tabor Neighborhood Association, and especially Cascade for getting us on the historic registry. Thank you.

Fish: Can I just make one comment? Because this is a land use proceeding, we cannot comment on the merits, we're not allowed to say anything. And you know that.

Schwab: I know that. But we can stop the clock, we can have mediation.

Fish: We can't comment on a land use proceeding, period. But the one thing you and I have talked about outside of this forum is that when asked, Commissioner Fritz and I agreed to convert this to a Type 3 and to set up a citizen stakeholder group to advise the bureau because the community said that they wanted a bigger say. So, that was designed to get as many voices at the table. At some point, this will come to Council, but in fact, Amanda and I were very responsive when we first heard the concerns that people weren't involved in this. That's why we shifted to a Type 3 and set up a citizen stakeholder meeting. I think it's unprecedented to do that. But at some point, this will come to Council and we'll have a discussion. We can't obviously comment on it until it does, but you'll have a chance to give your full views if it does.

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Schwab: Two minutes -- because this room will be packed -- is really a compromise to the government involvement process. We really need to have that on camera and really hash this out, and I am begging you to consider that. Thank you.

Hales: Thank you.

Schwab: You won't have to make any comment, you can just sit and referee from the sidelines and watch how they come to a conclusion. Thank you.

Hales: Thanks very much. [applause] OK, folks -- come on. Next please.

Item 126.

Hales: Mr. Davis, are you here? OK, then let's move on.

Item 127.

Hales: Mr. Walsh, good morning. Come on up.

Joe Walsh: My name is Joe Walsh, I represent individuals for justice. Just a side item -- the signup of communication is now taking anywhere from a month and a half to two months. That's outrageous. The County -- you can sign up and speak in communications that day. So, you ought to consider revamping it somehow. You have people not showing up because they forget, or, it's very difficult to schedule something two months in advance.

Now, this is all in response to the state of the city. The state of the city is good not because what the City Council has done over the last year, but in spite of them. We still do not have fluoride in our water, and that is a good thing. The City Council tried to shove it down our throats, but by popular vote, we have clear, wonderful water. If the reservoirs are covered, it will not be by the world of people but by five cocktail liberals who think they know best and have lied their way to giving out millions in contracts to friendly people who will repay them in the coming elections.

We still have anywhere from 1800 to 3000 souls who every night try to find a place to sleep and be safe from the police. Police sweeps continue. Fencing off areas used by campers seems to be the new threat to the homeless. Restrooms are just about nonexistent unless you are a paying customer. Transit cops continue to ticket people who have no money to pay fines. Community service has become free labor for the city.

Politicians constantly pat themselves on the back for doing a good job. It sounds like a repeat of the Bush telling Secretary Brown, "Brownie, you're doing a heck of a job" as thousands were trapped and Bush was bragging how good the government was doing a good job. Each time a politician brags, a star goes dark in the universe. Learn how to do things instead of just telling us it's going to be.

Politicians always tell us, look forward, look ahead, turn to new things and never look back. They do not want to remember what they did or tried to do. This administration has been involved in one scandal after the other. We would like to have just one month without being told that somebody has money missing or the money has been illegally moved from one account to the other and someone was fired because they tried to change things.

Judges tell you to clean up your administration, and your answer is to waste money appealing the decisions that are solid decisions by both the federal bench and state bench. Accountability, transparency, responsibility are dirty words to this administration, and all three running for re-election should be defeated unless there are changes.

When we talk changes, that would be for the people and not for the Business Alliance or the nonprofits who have their hands out for money from the treasury that does not belong to Charlie Hales but to the people of Portland. Yes, Portland is doing OK, but can you imagine how wonderful we would be doing if we had real progressives leading us instead of shills for the corporations? Thank you for your time.

Hales: Thank you. Next?

Item 128.

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Hales: Good morning.

Michael Withey: Good morning. I am also having some issues with my presentation, so I think I'll just go ahead and switch to this slide. So, this three minutes is an answer to your request that I come six months ago and talk about my current communities.

Since last June, we've taken your advice, Commissioner Fritz, and went ahead and continued to speak with different neighborhood associations, different organizations from the Human Rights Commission, Architects Without Borders, etc., etc.

Fish: Michael, what do you want us to [inaudible] --

Withey: Well unfortunately, it's not working. So we're going to close it off and I'll just speak.

What we've done is we've planned a micro-community at 151st and Stark. There is approximately 38 units, a total of 46 beds altogether. There are everything from just single rooms in a community house that will rent for 150 a month to studios -- which there is 24 studios on 0.6 acres. Those will rent for 200 a month. Everything has their own bathroom and kitchen, by the way. There's 10 two-bedroom homes. There's two three-bedroom homes. All of these will be for low income individuals.

So, how it will work is financially, 150 for the room, two for the studio, three for the two-bedroom, four for the three-bedroom. How we will work it in our model is that half that money -- which is almost \$10,000 per month that we'll bring in at that low rate -- half of that money will go to take care of that micro-community as far as pay for the full-time manager and the sewer and the water and the electricity, but the other half will go to finance the next micro-community. So there's about -- it equals out to 4900 that will go back into the community, and about 4600 that will stay in the bank for the next micro-community.

How we can adapt that to a micro-community for the homeless in Portland would be to go ahead and build that exact community, except that half that money -- approximately half that money -- would not go to refinance the next micro-community, but would pay the rent for the other half of the people that are going to stay there transitionally.

So, what we would have is a 50% of the folks paying the rent, the other 50% receiving a free place to stay for a determinant amount of time, whatever the case workers would think is appropriate to get them on their feet.

This program, I believe, should not focus on the chronically homeless. It should focus on the folks that are just on the verge of becoming homeless that just needs a bit of help. They don't need six months of free rent, they just need a place to stay for a month or two while they move onto wherever they are going to.

So, this is not really a program for chronically homeless, but it certainly could be a project for chronically homeless. Initially, that one program at 151st and Stark -- we could build that for less than one million. And we could do it because we're a nonprofit and we have a lot of volunteers and a lot of organizations that would help us build it of course. So, we could build that for less than one million and we could house 60 people permanently.

So, that's what we would have to offer to you. I can send you each the presentation via email.

Hales: Good, that'd be helpful.

Fish: Michael, who owns the dirt?

Withey: At 151st and Stark, that was a great deal. Unfortunately, it's a privately-owned piece of property.

Fish: Have you put an offer into buy it?

Withey: As soon as we finished our architect finishes his job and our other teams finish their jobs, we took it and presented it to the Human Rights Commission homeless event. And within three days, it was sold. So, we're trying not to tell people where we're planning

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our projects because they have a tendency to sell quickly. That piece of property was for sale for four and a half years until put it out in public that we wanted to buy it.

Fish: Do you have funding lined up to purchase the next property?

Withey: We do not. We do not have the financing lined up, but we do have a great finance team that are writing grants that are in the process of doing all that fundraising. But the reason I'm here today is to tell you that we know of a piece of property in Northwest Portland that we could certainly put a micro-community on, and it is owned by the City. And we would talk privately about that, as well.

Hales: OK, good.

Withey: So, we could -- if you wanted to give us in three weeks or a month from now to come back and give you a presentation from all of us for a site-specific micro-community specifically for the homeless issue, we could do that.

Fish: Michael, are you part of a process either with the mayor or Housing Commissioner on micro-housing? Do you have a forum to discuss this other than coming to us?

Withey: Not really, no. There really is no forum to talk about a new sort of micro-community. Micro-communities are new to begin with, let alone homeless micro-communities, low income micro-communities. That seems to complicate things quite a bit.

So, we think we could partner with the City on a homeless micro-community and set a precedent that other cities could easily replicate. In fact, we have a lot of other cities that are calling us and trying to find out about this. It's still in its preliminary stages so we can't set an example, but we should set an example, and we would love to work with the Mayor's Office, your offices in the meantime in the next few weeks to go ahead and set up a presentation that we can come and give you in just a few weeks and see if we can decide to go ahead and partner up -- at least on the land -- and our nonprofit to set up on the low income micro-communities.

Hales: Do follow up with our offices about that particular site as well.

Withey: Yes. So, to get on the agenda for a month from now, to present for a half-hour presentation on that --

Hales: I'm not sure if you want to get on the Council agenda so much as some of the advisory committees that work on these issues, but I would say get the particulars about that site and your plans for that site to us, to our offices, just get them to the relevant staff people in each office and let us evaluate that particular proposal. I don't think that we should discuss it now in the room for the reasons you just cited, but bring us that particular idea on that particular site and let folks evaluate that. Then I think the formalities can be start after that. But I think it'd be good for each of our offices to see what you specifically have in mind, what the costs are, what the City would need to contribute -- if the City is contributing land.

Withey: I'll continue to work with Josh Alpert --

Hales: Yeah, continue to work with Josh in my office, please.

Withey: If I could answer your question, Mr. Fish. There's going to be a meeting at 3 o'clock this afternoon at the County building -- Deborah Kafoury, I believe, is chairing that -- on the homeless issue. We've had meeting after meeting, committee after committee after committee. Everybody has their own agenda. When you go and you sit down and you join a committee or a team, you're really not going to get where you need to go.

Fish: Michael, just -- my sense is that you should go to that meeting, and if the County intends to issue an RFP -- which is how money is distributed -- and you have an idea, I would urge you to respond to the RFP so that you can be considered for funding. Because my understanding is that's how the county intends to put this out.

Withey: We do, and we will be at the meeting. Yes, absolutely.

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Hales: Thank you. I just sent Josh a note. Thank you very much. OK, let's move onto time certain, 129.

Item 129.

Hales: February is a traditional time of year for this declaration. There's a lot of things happening in the African American community in Portland, a lot of these we try to partner with our African American community, but once a year at any rate, we make some notice of that progress and those issues and those challenges. So, that's what this proclamation is about.

It says, whereas much of the City of Portland's honor, strength, and, stature can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this great region; and whereas, African Americans have played a significant role 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, intelligence, and perseverance, African Americans have made valuable and lasting contributions to Portland and to 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 build our nation, took a stand against prejudice and injustice, 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, present events both in Portland and across the United States have brought the topics of race and social justice to the forefront of conversation and remind us that though we have come a long way, the journey towards equity is arduous and ongoing; and whereas, during Black History Month, all Americans are encouraged to reflect upon the past and current 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, I, Charlie Hales, Mayor of the City of Portland, Oregon; the City of Roses; do hereby proclaim the month of February to be Black History Month in Portland and encourage all citizens to observe this month.

I'm proud to once again make that declaration. If you haven't had a chance to go up and see the exhibition at the Oregon history center about the history of African Americans in Portland -- or at least a good piece of that history -- I recommend it. The Historical Society has done a good job there. Just in the last month, we have had some pretty amazing events like the arrival and chance for some of us to hear Myrlie Evers speak here -- the widow of Medgar Evers, the civil rights' leader. So, we keep looking back in the past examples like Medgar Evers and Dr. King. We also see -- as this proclamation tries to capture -- issues of the present day.

And so, I'm glad that once again get to acknowledge the importance of this history and this part of our community and declare this Black History Month. So again, let's all get up there and take a look at that exhibition if you haven't seen it yet. It's a nice piece of work and shows both the injustice and the struggles and the triumphs of the African American community here in Portland. Thank you.

So, shall we move on to regular agenda -- consent calendar? I think we have had a couple of requests to pull items to the regular calendar --

Fritz: Before you do that, I just wanted to comment and thank the affinity group that has been putting this presentation together -- this acknowledgment -- for all your work within the City of Portland and in our community as leaders as folks who -- especially our City employees who are African American -- working so hard to correct the wrongs of the past. And I very much appreciate all the work you do for Black History Month but throughout the

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year. It's not a one-time thing, any more than Women's History Month is a one-time thing -- it's all the time and I appreciate all your work.

Novick: May I add something?

Hales: Yes, please. And if anyone else wants to add to the record this morning, come on up, please. Anyone want to speak, on this this morning? Come on up, don't be shy.

Novick: Last year for my birthday, my wife got me a wonderful book, Bartlett's Familiar Black Quotations, and we keep this in my office in February and put on Instagram -- which I don't know how to do access, but they tell me we do it -- every day one of the quotes from this book. So, I wanted to read one of them today. This is from W.E.B. Du Bois. The discovery of personal whiteness among the peoples is a very modern thing, a 19th and 20th century matter, indeed. The ancient world would have laughed at such a distinction. The middle age regarded skin color with mild curiosity, and even up into the 18th century, we were hammering our mannequins into one universal man with fine frenzy which ignored color and race even more than birth. Today, we have changed all that and the world in a sudden emotional conversion has discovered it is white and by that token, wonderful.

Hales: Well done. Good morning.

Lorraine Steen, Portland Bureau of Transportation: Good morning. My name is Lori Steen, I work in the office of Transportation, I work with the City African American Network, and am standing in for [indistinguishable], who is out of the country right now. But now just thanking you for the proclamation. We've been working hard -- we do have several things going on this month. There is a calendar on the DEEP website, there's also something going on at noon in the Portland Building -- you have [indistinguishable] bringing some performances at noon. So, I just wanted to thank you for your time and for the acknowledgment, and we'll see you again next year.

Hales: We appreciate CAAN and DEEP as groups of our own employees -- as you have -- who've said, let's get engaged in these issues. Even though we have a professional responsibility here, we also have a community responsibility. So, really appreciate that for all of you who are involved in that effort. Thank you.

Steen: Thank you.

Hales: Thank you very much. OK, anyone else? Thanks. Alright, now let's move onto consent calendar. I think that we've had one item -- maybe more than one item -- yes, two items pulled. One is 130 and the other is 132, is that right?

Moore-Love: Correct.

Hales: OK. Anything else to be pulled off from consent to regular? If not, a roll call on the balance of the consent calendar, please.

Roll on consent agenda.

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

Hales: OK. Why don't we take those now because they are going to be relatively brief, I think.

Item 130.

Hales: Mr. Thatcher.

Terry Thatcher, City Attorney's Office: Good morning, councilors. I am here to present this resolution, which authorizes the City Attorney first to seek what's called the limited judgment in the Anderson or so-called rate payer case which will then allow the City -- if granted, but that is in the power of the circuit court judge. So, first we have to ask for what's called the limited judgment, and then if the limited judgment is granted, the City Attorney has recommended -- and the Mayor and Commissioner Fish have concurred -- that we should appeal the fundamental legal rulings in the initial Anderson order on summary judgment. And the reason we recommend that is we believe that the judge has unreasonably restricted -- or interfered with, I should say -- the policy discretion of the City

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Council and how it runs its water and sewer entities. And as a consequence, we believe that an appellate court should review that decision sooner rather than later.

This case may go on for some time. There are hundreds, if not thousands of individual expenditures that have been challenged. It will take a long time to work through that. And in the meantime, we believe that the appellate court should review the fundamental legal interpretation of the City's Charter, which is contrary to that presented by the City.

We have previously gone to the judge about this, and he said that he did not think that the matter was yet configured in terms of how the -- what we called the remedy -- was structured, but that he said he understood why we were asking for it, and he thought in fact, it might well be wise -- he did not make a decision -- but it might be wise to have an appellate ruling on his fundamental interpretation of the Charter.

We believe that we can now present to him a judgment configured in such a way with an appropriate remedy that he could -- if he decides -- could allow us to appeal his fundamental legal ruling. And we would be appealing those parts of the ruling that determined that the City Council had improperly spent water and sewer money on what we used to call the voter-owned elections and on Loos.

And I want to emphasize that in those decisions, the council decided to spend a certain amount -- less than 50% of the Loos' expenses came from the Water Bureau. The Council made a decision to split that expense between various bureaus, including the Water Bureau.

And with respect to voter owned elections -- whatever one may think about the validity of that concept -- and it was, in many ways, a noble experiment that didn't work --

Fritz: I would beg to differ.

Thatcher: It worked at least one time. [laughter]

Fritz: And it worked to save the ratepayers' money.

Thatcher: And it worked to help get money out of the politics. But in any case, that's gone. But in that case, the City Council said every bureau should pay to help decide who runs all of the bureaus - even water and sewer bureau, because you run the water and sewer bureau. And the judge intervened and said, no, I think that the City Council shouldn't share this burden among all bureaus because I have a different idea of how we should implement the City Charter.

And it's that kind of judicial intervention and policy choices that we believe deserves appellate review. That's why we're asking for this authority to seek what's called the limited judgment and then if we get it, to ask the court of appeals to review the circuit court judge's interpretation of the City Charter. We think it raises a very important issue.

Fritz: Mr. Thatcher, I have two questions. It seems the Anderson decision was quite some time ago. Why are we appealing now?

Thatcher: It's just taken us some time to get things configured in a way that we thought that we could go back to the judge.

Fritz: And there isn't a time limit on how soon after a ruling that you can appeal?

Thatcher: Not when you have -- there is normally, but in this case, we actually have to ask him for the permission to appeal.

Fritz: Ah.

Thatcher: So, we're going back to ask him for permission. And if he says yes, we'll appeal. He may say no, in which case we won't get to appeal. So, that's that situation.

Fritz: OK, thank you. My second question is, could there be any unintended consequences to this appeal? Could the ruling that everything except those expenditures was correct be overturned?

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Thatcher: Theoretically, I suppose that's true. I have to say that we think it is a very low risk that the court of appeals will overturn the judge's decision to uphold the City Council discretion. So yes, theoretically, there is a risk that there will be a cross appeal and that the appellants will be able to say that sewer money shouldn't be spent on clean stormwater, but we just think that the fundamental principle is so important and the risk is so low that those parts of the ruling will be overturned that we still recommend an appeal. But that's a very good question and one that we did contemplate and talk about with the commissioner and the mayor.

Fish: Mr. Thatcher, one of the arguments that persuaded me was the argument that by taking this approach we potentially save ratepayer dollars. And here's the argument you made. When we move for summary judgment, both sides said, in effect, here's how we read the Charter. Here's what the Charter says we can and can't do, and judge, you tell us how you read the Charter.

And the judge issued a ruling that neither side loved. The plaintiffs argued something and the judge said, I don't fully agree with your view of the world. And we made an argument and the judge said, I don't fully agree with your view of the world. So, at that point, we had two options. We could go through each of the expenditures that are challenged -- the biggest single group in the lawsuit is all our green infrastructure investments. So, everything that we're investing in nature to save ratepayer dollars has been challenged in this lawsuit. But we could go through each of those and spend a ton of money convincing a judge that those are lawful. And at the end of the day, one or both the parties could appeal that to an appellate court and a judge could say, well, as a threshold matter, I don't agree with the standard that you applied to determine whether the Charter says you can or can't make that expenditure.

And what persuaded me when you briefed me was, why we should expend all this money operating on the assumption that the judge got it right? Let's let an appellate court tell us for sure, what is the standard for judging whether a green infrastructure investments are authorized by the Charter or not, and then based on that ruling, come back and do the litigation? And I think that the point you made to me was compelling was we might save a lot of money in legal fees by doing it at the front end rather than waiting at the back end for a judge to say, oops, you applied the wrong standard and you spent all this time litigating the case.

Thatcher: And then go back and do it again.

Fish: So, you have proposed that we appeal it, get a ruling, and then that ruling then governs the case. And that's what persuaded me because I think that it ends up saving us ratepayer dollars that we might expend unnecessarily. So, I appreciate your presentation.

Hales: Other questions for our legal counsel? Thank you, Terry.

Thatcher: Thank you.

Hales: Anyone else want to speak on this item?

Joe Walsh: My name is Joe Walsh, I represent individuals for justice. I was the one that pulled this item that you attempted to take under consent agenda with no discussion. So, the citizens watching this would have been deprived of the very good questions that Commissioner Fritz asked. Those are pertinent questions, and those are the questions that we considered also when we were looking at this. We think that you are running the risk of a cross complaint, that the people that took this to court in the first place -- in very general terms -- had the option also to appeal the judge's decision, and you gained \$10 million by the judge's decision, if I understand it correctly, because it was a split decision.

Here's the problem. You treat judges like they're machines and they're not. They're human beings. And when you appeal one of their decisions, they don't like it -- ever. Under

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any circumstances. Under the best circumstances. Even if the judge says, go ahead and do it, they don't like it. He's a human being. We don't like our decisions questioned.

So, you're going to take this to the appellate court and you are going to aggravate another judge. You've already aggravated the federal courts. Now you're going after the state courts to aggravate them or embarrass us? Even if you win this, you lose. Because the next case you're really interested in will have to go to one or the other jurisdictions, and judges have memories. They're human beings. Again, this is a stupid, idiotic appeal, and god, how the City Attorney talked you into doing this is insane. And you got two lawyers sitting up there, and neither one of you either understand the probability of winning this or you don't care because it's not your money, it's the ratepayer's money -- again. Thank you.

Hales: Anyone else? Further discussion? Roll call on the resolution.

Item 130 Roll.

Fritz: Obviously, I had already asked the questions that I asked Mr. Thatcher today beforehand because I was prepared to vote for this on the consent agenda. I am not a lawyer, but I do understand that there is a principle of law in the United States that legal decisions set precedent and other judges follow those precedents, so it does seem to be important to find out what the appeal court believes is the authority of the City Charter and the authority of the City Council.

I disagree with the finding that voter-owned elections was not appropriately funded by ratepayer dollars simply because I saved the ratepayers \$500 million by being independent and able to challenge the intent to build a filtration plant in the Bull Run watershed. So, I'm interested in overturning that particular piece of it.

I am guided by the City Attorney. They have the best interests of the City as their job, so I support this resolution. Aye.

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

Hales: I testify and affirm that I believe that our City Attorney is sane. Aye.

Item 132.

Hales: Did someone want to speak on this? Come on up.

Steven Entwistle: Good morning, Council.

Hales: Good morning.

Entwistle: My name is Steven Entwistle, I represent the healing man's sanctuary, I represent individuals for justice, I represent 100 million friends, and I am a whistle-blower for the less fortunate here in Portland.

Let's rewind six months back. The people that were in Chapman Square, the people out in front of City Hall that have a right to protest grievances against its own government. There's a young man named Nigel. A really smart kid -- I shouldn't call him a kid, he was an adult, a really nice guy. And he was sharp and he was really interested in the healing man sanctuary. He was excited. He wanted to work with me on it and he wanted to work on my mayor's campaign, also, because I'm running for mayor. Anyway, he's a young Black male, and he was my friend.

The City, in your desperate attempt to drive out the remaining folks in Chapman Square before the New Year, you sent out some paid police informants to go out and harass the individuals out there, to get them out. Some of these folks had medical histories that only -- I didn't even know, ok, but we know now. Some of these medical histories, somebody had cancer, lung cancer. Another person had a bad heart. Another person had some mental issues. And what this Council did -- and they know who did it -- they would data mine the information to find out the medical records and harass and bam blast people in public in order to get them to move on because they didn't want them around.

Well, we found out that Nigel had a bad heart. He's been in a coma for over six months. I don't even know if he's even alive right now, and I am holding back his last name

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in order to respect his family. But this was brought on by the City Council, paid for by the City Council. And here you talk about how well you are doing for the Black community here in Portland. I think it's a disgrace, and I think you guys need to be caught in what you are doing. This person -- [beeping] -- Sandra Harmon --

Hales: OK, you're done.

Entwistle: No, I'm not done --

Hales: Your time is up --

Entwistle: Sandra Harmon --

Hales: Your time is up.

*****: [indistinguishable] -- storage unit --

Hales: We have to let someone else speak now. So, Charles, you're welcome. Come on up.

Charles Johnson: Good morning, Commissioners. For the record, my name is Charles Johnson, but I do hope that they have a chance for Mr. Entwistle to relay this information about Sandra Harmon.

Hales: Well, actually, we're here about people being appointed to the Human Rights Commission, so it would be helpful if you spoke about that.

Johnson: The Human Rights Commission is very concerned with the fact that sweeps kill -- all these newly-appointed are really important commissioners and concerned with that issue, but I'm up here because the public should know that the new commissioners would welcome them to the Human Rights Commission meeting, which is today. When you all run long, it means I get to the Human Rights Commission meeting late. So, these fantastic people volunteering their time to serve are the Human Rights Commission, would like to have everyone in this room, if they wish, come this afternoon to the commonwealth building on 6th Avenue and go to the City-owned offices on the fifth floor and engage with other citizens who are volunteering to try and give advice and information to the City. [inaudible] somewhat of an expert on this topic.

So the Human Rights Commission are named here, and continuing ones like Sam, who is also a park ranger, and Bennett are engaging really on the cutting edge of race relations in the city, interfacing with Don't Shoot Portland and the newly elected NAACP leaders. So, I wanted to thank everyone on the Human Rights Commission ask the time you put into recruiting that, and encourage you all to drop in occasionally, because sometimes the Human Rights Commission has discussions at their public meetings about their level of interaction with the City Commissioners. Thank you.

Hales: Thank you. Thanks very much. Director James, good morning.

Dante James, Director, Office of Equity and Human Rights: Good morning. I hadn't planned on being here. Director of the Office of Equity and Human Rights, Dante James. Just speaking to the appointment and reappointment to the individuals to the Human Rights Commission -- I would urge your vote in the affirmative for all of them. They have been working -- at least the ones who have been on the Human Rights Commission have been working very hard certainly as it relates to the DOJ settlement and the COAB, human trafficking issues, and CPRC and police community relations. So, I think that they have in fact been doing a good deal of work and pushing the envelope and working hard above and beyond sometimes what we might even be expecting of them. So, I would encourage you to vote for their appointment.

Hales: Thank you. Anyone else?

Fish: I move the report.

Hales: A second on that motion, please?

Fritz: Second.

Hales: Any further information? Roll call on accepting the report, please.

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Item 132 Roll.

Fritz: Many thanks to these wonderful volunteers who put in enormous quantities of hours being an independent voice for citizens. I have in the past dropped in on some of the meetings. However, the presence of the City Commissioner tends to deflect some of the -- or distract from some of the conversation, and it's really important that the Human Rights Commission be independent and be able to say whatever they want to say -- which they do. And I agree with the Director James, I very much appreciate those who have volunteered for even more time volunteering to serve our citizens by serving on the Community Oversight Advisory Board for the Department of Justice settlement agreement. Aye.

Fish: Commissioner Fritz, I want to echo your comments. Marcia Suttenberg approached me a while ago saying that she had an interest in this position. I am delighted that she was selected. I think that she's going to be a great asset, but I note in the cover sheet that she is replacing Kyle Busse. And Kyle has been a terrific chair. He's the first chair since I've served on the Council who actually set up a regular check-in with my office and other offices to keep them connected to the work of the commission. And that is -- and he has a full-time day job as a busy civil rights lawyer. So in addition to his volunteer service, he met with Commissioners, maintained an open dialogue, and I thought that he did a terrific job. So I hope, Director James, we have a chance at some point to thank him for his service, but we welcome the new members, and particularly, I want to welcome Marcia Suttenberg. Aye.

Saltzman: I want to thank the new members for signing up for duty and also the reappointed members. And as Commissioner Fish just said, I would like to thank Kyle Busse for his outreach to us and for his service as chair. Aye.

Novick: I also thank Kyle Busse for his hard work and appreciate the willingness of these folks to serve. Aye.

Hales: You know, I got to talk a little last week about how Portland is in some ways different -- in some profound ways -- different from other places, and I think we're all proud of the differences. And one of them is that this very strong reliance on citizens in really demanding volunteer jobs to highlight issues, craft policy, and in many cases, actually make site by site decisions on the changes of the City. And we think that that's normal here. It's actually not normal in the United States, and in fact, it's much less true in the state of Oregon than it used to be. The state used to rely much more on volunteer commissions, and in many cases, they've drifted to being a bit more like an advisory board and a little less like a governing or policy-making commission. And we still with the Planning and Sustainability Commission and the Landmarks Commission and Design Commission and the Human Rights Commission and so on -- we actually, try to give our citizens who volunteer the opportunity to really shape things, and that's still a formidable commitment on their part, but I think that one of the best things about this process is that not only do we find people who are willing and passionate, but then they actually have power. I think that's a really important part of who we are as a city, and I want to celebrate that and the folks who are willing to stand up and exercise that power. Thank you very much. Aye. OK, we are out of the consent calendar into the regular agenda, and we have item 135.

Item 135.

Hales: If there's no objection -- pending a potential settlement, I am going to reschedule this for February 25.

Item 136.

Hales: Commissioner Fritz.

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Fritz: Thank you, Mayor. I put this on the regular agenda rather than consent because I felt it needed some explanation by experts because had anybody called my office, I would have been hard-pressed to give the presentation you are going to hear. On November 14, 2014, the building codes division adopted a temporary administrative rule adding a requirement that all City building inspections programs must enter into a momentum of agreement with the state. This resolution authorizes the Director of the Bureau of Development Services to execute that memorandum of agreement on behalf of the City of Portland once the wording for that agreement has been finalized with the City Attorney's Office and the State Building Codes Division. With that, I will turn it over to Director Paul Scarlett.

Hales: Good morning.

Paul Scarlett, Director, Bureau of Development Services: Good morning, and thank you, Commissioner Fritz. Good morning, Mayor and Commissioners. Paul Scarlett, Director for Bureau of Development Services. I appreciate the opportunity to share a few words on this memo agreement between the Bureau of Development Services and the State of Oregon's Building Codes Division.

BDS administers and enforces its building inspections program pursuant to state statute. The State Building Codes Division oversees the City's building inspections program, and BDS submits an operating plan every four years as part of the state requirements for running the building inspections program. This memo of agreement is new -- it's the first time -- and it was explained to us as a more formal way to create an agreement between every jurisdiction in the state of Oregon and the State Building Codes.

For the most part, the memo of agreement simply restates the state law requirements for building inspections program, and I'm in support of signing it. However, BDS does have a couple of concerns with the language in the memo of agreement that we are addressing in a cover letter, including the indemnification provision between the state and the City isn't identical, and some of the language in the MOA doesn't accurately reflect the state statute or administrative rule that it is based on, it paraphrases it. But overall, it generally captures the intent and the provisions of the language. I've got with me Tony Garcia, City Attorney, that will help to explain; and Nancy Thornton, our code analyst is also with us and can answer questions. Thank you.

Tony Garcia, City Attorney's Office: Good morning. Tony Garcia, and I'm primarily here to answer any questions regarding this memorandum of agreement and note a few items for the record.

This memorandum of agreement is to memorialize the statutory duties and functions imposed on BDS as a part of its assumption and administration and enforcement of its building inspection program. The Building Codes Division has requested this MOA be executed and returned to them by February 15 -- that is after we've received an extension. Because this memorandum of agreement contains indemnification provisions between the City and the state, the City Council must authorize the director to execute this.

And a little more on the indemnification provisions. They're mirrored after what's in the Oregon constitution and the Oregon tort claims act. And they're really setting out what likely is already in common law in that we would probably be primarily liable for any negligence on behalf of the City employee, and this is just putting that into this memorandum of agreement. And also, this indemnification provision is not going to hold the City of Portland liable for any negligence that is the fault of Building Codes Division. The attached resolution authorizes Paul to execute this MOA on behalf of the City, and a copy is attached to this resolution.

Hales: Great. Thank you. Questions?

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Saltzman: This doesn't have any bearing on the fire inspections or the authority of the state fire marshal and Portland Fire and Rescue, is that correct?

Garcia: That's correct.

Scarlett: That's correct. It's the Building Codes Division; it's different.

Hales: Is that the same delegation or do we have our own authority for fire inspections? I mean, is that delegated from the state like the state building code is?

Nancy Thorington, Bureau of Development Services: No, that's a whole different statutory scheme.

Hales: Yeah, OK. Other questions? Thank you all very much. Anyone want to speak on this item? If not, we will take a roll call on the resolution.

Item 136 Roll.

Fritz: Thank you very much. Aye.

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

Item 137.

Hales: And could you also read 139?

Item 139.

Hales: Commissioner Fritz.

Fritz: Oh, this is so exciting. These items are to design the Beech and Gateway Parks in East Portland using system development charge dollars. It's really important to recognize that we can only use the system development charges -- which are paid by fees on new development -- we can only use those to expand the system and provide more services. We can't use them for maintenance, which is one of the reasons we went to the voters last year to authorize Fix Our Parks funding part of it.

The Beech Park project addresses the parks deficiency in East Portland by serving 965 new households. And through these contracts, we hope to make certain that the economic benefits of the construction accrues to the surrounding community as much as possible through our public involvement plan and a community benefits plan. The Gateway urban park and plaza will serve an additional 827 Portland households and is envisioned to be the East Portland's living room, just like Pioneer Courthouse Square is the downtown Portland living room. So here is Kia Selley, our Portland Parks and Recreation planning development and asset manager, to give a brief presentation on these two projects.

Kia Selley, Portland Parks and Recreation: Thank you, Commissioner. Good morning, Mr. Mayor and Commissioners. My name is Kia Selley, I'm the planning development asset manager for Portland Parks and Recreation. As Commissioner Fritz mentioned, I'm here today to request your approval of the contract with 2.ink studio, a local woman-owned firm, for design and construction observation of Beech Park totaling \$674,428.

Beech Park is proposed on the 16-acre undeveloped site in the Argay neighborhood of East Portland adjacent to Shaver Elementary School. This part of our community is highly diverse with a large and growing number of young children. Development of the park is anticipated in spring 2017, and will address the park deficiency in this area. It will be funded entirely system development charges, as Commissioner Fritz mentioned, which funds growth that increases the capacity of the system.

Because of this location of the project and our desire for inclusion -- also thank you, Commissioner Fritz, for mentioning this -- we have a community benefits plan that's now in place for this project, and we think that this will particularly benefit minorities, women, small businesses, and East Portland residents. A public advisory committee has already been formed, and the first open house will be held on February 26th.

Fritz: Where at? Do you remember where the location of the hope house is?

Selley: I don't, let me ask the project manager.

*****: At Shaver Elementary School.

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Fritz: Oh, at Shaver Elementary School, which is right adjacent to Beech Park.

Selley: Mm-hmm, thank you. The second item -- I'm here to request your approval of the contract amendment for emergency structural -- excuse me -- that's the wrong one. That would be my third item today.

The second item is to request your approval of the contract with PLACE studio, a local minority-owned firm, for design and construction observation of Gateway Park and Urban Plaza. And this contract will total \$708,585.

The Gateway Park and Urban Plaza project is proposed on a 3.2-acre vacant site, located at the corner of NE Halsey Street and 106th Avenue. And as Commissioner Fritz mentioned, it's envisioned to be the East Portland's living room. It's also intended to catalyze adjacent development on a PDC-owned site that is currently vacant as well. We expect development of the park to be completed in the spring of 2017, and it will be funded in part with system development charges as well as a generous \$1 million contribution by the Portland Development Commission from the Gateway Urban Renewal Area. We also have a community benefits plan in place for this project, as well. And the project advisory committee has also been formed, and the first open house for this project is going to be held on February 17th.

Fritz: Do we know where that one is?

*****: [inaudible]

Fritz: Sacramento Elementary School, which is very close. Thank you. And Kia, could you just outline the process? This isn't the last time that we'll be seeing something about Beech and Gateway Park before Council for decision-making. Could you just tell us what the next steps are?

Selley: Absolutely. So, the next steps are -- once we hire the design team, we will start the design process. But concurrently, we are going to hire a construction manager, general contractor. So, right now, there is a request for proposal that is out in the community for Beech Park soliciting interest from the contracting community for that project. And we expect to release the RFP or request for proposal for Gateway Park very soon to solicit interests from the contracting community for the construction manager, general contractor position.

So, once we receive all of these solicitations and for that request for proposal, we will review those, and then we will be coming to Council to request Council to authorize the contracts with those contracting firms. You'll remember when I came before you a few months ago, we talked about the construction manager, general contractor process is a little bit different. We're hiring our contractor at the beginning of the design process instead of at the end of the design process. The ideas that the contractor will help us be more efficient with our money and effectively help guide the design.

And then, we will also be coming to you once we have a substantial amount of design completed and the contractor is able to prepare what's called a guaranteed maximum price. And that this effectively is the same thing as a bid that you might receive through a low-bid process, which is the traditional approach to contracting. And so, we'll be asking for -- or requesting your authorization of that guaranteed maximum price. So, we have a few more visits before you. And then we will of course then start construction and proceed with the project.

Hales: Questions from Council for Ms. Selley? OK, standby. We have one more item, anyone want to speak on these items? If not, then --

Moore-Love: I think Mr. Johnson wants to speak.

Hales: I'm sorry -- come on up, Charles.

Charles Johnson: Good morning, Commissioners. I think we would be remiss if we didn't thank Commissioner Fritz for all her hard work to improve the services at the parks; and

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the voters, also. I hope that since the recent homeless count happened, there will be some encouragement for 2.ink and the group working with the Gateway Park to be realistic and honest about the fact that all over our city, we have homeless people. And if there are not 24-hour facilities, they're going to take care of their business outdoors in the parks, even though the parks are technically closed. So, I hope that there will be a way to balance the fact that we don't want to create environments that are going to cause closed hours usage with the fact that we have people in distress all over our city, but I'm very glad that we found a womanly team with regard to 2.ink, and with regard Gateway Park, I hope that the group working there will have a lot of neighborhood engagement from Gateway up to Parkrose for people who benefit from this new project. Thanks.

Hales: Thank you. Anyone else? Let's take a roll call vote on 137.

Item 137 Roll.

Fritz: The reason these are emergencies is because we just want to get going. And even with the speed that we're moving at, these parks will not be opening until 2017. I also want to note and thank Kia and her team for their outreach and inclusion on these two projection. As she mentioned, one of the firms is a woman-led firm and the other a minority. The total percentage is 64.5% minority, women, emerging small business on the first contract; and 63% on the second.

And we do have this unique experimental pilot project in including in the request for proposals the requirement that the proposers describe how they are going to use East Portland businesses and East Portland workers as a part of the project. There are many reasons why we did two separate projects rather than combining the two. One of them was to break it up to make so that more small businesses could participate rather than a massive project which only the biggest ones could. So, I'm so grateful to the Parks team for putting this together, and again, for my Development Services team, who have been hauling in the system development charges in order so that we can fund these improvements. Thank you very much. Aye.

Fish: Commissioner Fritz, I want to thank you for your steadfast commitment to addressing East Portland and underserved areas, and I want to acknowledge that the question we often get asked is, where do we find the money to do things at a time when resources are so scarce? And so, I think it's important that the public know that a good chunk of this is systems development charges, which means the benefits of this bull market in building permits and construction, but that would only be half the answer because Commissioner Fritz has the authority to direct where those moneys are spent. So, one-half of the equation is we're getting a lot of money in through the systems development charges. The second half of the equation is she's investing it in targeted places that need assistance. Let's also acknowledge that this Council over the years has put general fund, the 2002 levy, and other one-time funding into projects which have allowed us to reach this day. So, that's a lot of strategic funding to get to the point where Commissioner Fritz will be cutting ribbons on new parks in East Portland, and I can't wait to be there on that day. Aye.

Saltzman: It's very exciting to see these two parks, Beech and Gateway, getting underway. Congratulations. Aye.

Novick: I particularly would like to echo Commissioner Fritz's and Fish's salute to systems development charges. I know that people don't like paying them, and development actually causes disruption to people's lives -- you know, there's construction that goes on that interrupts a variety of activities for people who live in the vicinity of the construction. But it's new construction that gives us the SDCs, and I really appreciate Commissioner Fritz's commitment to East Portland and her commitment to keep on hauling in those SDCs. Aye.

Hales: Aye.

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Item 139 Roll.

Fritz: I love it when we have two items to vote on, especially when I have to talk first because I always think of things that I wish I had said the first time around. Thank you very much to Laura McGuire also and the entire team at Parks, led by Director Mike Abbaté. I'm very glad to hear your endorsement for system development charges, Commissioner Novick. We will be coming to Council sometime this year for an update of the Parks system development charge. We're looking into the methodology. We currently only charge 75% of what we know to be the new need from new development, and that's a policy choice that we -- I'm going to be asking you to look at. I also want to respond to Mr. Johnson: every park that I am in charge of will have a Loo, so we will make sure that people's needs are taken care of. And there's probably more but we've got one more item so I will leave it at that for this one. Aye.

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

Hales: I'm very happy to support this, but I'm not going to pass up the opportunity to raise a concern that I have and that remains and that can be partially addressed by the completion of this park. And that is in any large organization, work that doesn't get assigned might not get done. And we don't have a bureau of public spaces. We have a bureau of Parks and Recreation, a Bureau of Transportation, and we have a bureau -- in the form of the Portland Development Commission -- of redevelopment. Each of them has had a role at times in creating successful public spaces. By those, I mean public gathering places where community life happens, whether those are farmer's markets in Lents or the myriad of events that happen in Pioneer courthouse Square, or the myriad of events that now happen at Director Park. And so, I've raised this question multiple times and I continue to raise it because as of yet, I don't have an answer, and I don't think we collectively have an answer.

If it is part of the livable city to have public spaces that are successful public spaces, who is in charge of designing and creating them? Now, in this case, it's the Parks Bureau. And in fact, I've had this conversation Director Abbaté and he in effect has jumped up and down and said choose me, choose me -- or choose my bureau, rather -- and that's a perfectly legitimate choice, and if the Commissioner-in-Charge were to propose changing the bureau's title to the Bureau of Parks, Recreation, and Public Spaces, I'd at least entertain that suggestion if it meant more than a name change. But somebody needs to be in charge of the enterprise of creating great public spaces. And we've succeeded a few times. If we're honest about it and look around at places like O'Bryant Square and still the unnamed park across the street from the Convention Center. We haven't always succeeded in enlivening those places. But it's really a really important piece of work and I think that we as a community and we as a city need to figure out how to do it.

Let me give you another example, while I'm on this riff here, and that is we had a short-term public space created out of the six-lane-wide section of SW 3rd between Burnside and Ankeny. It was great. It worked. It came from a volunteer group with a shoestring budget that made it happen. The question then falls to all of us -- well, so who says I'll make that into a permanent public space? Again, it might be Director Abbaté and the Parks Bureau. It might be, in some cases, the Portland Development Commission because they have an urban renewal district there. It might be someone else. But it seems to me that the Planning Bureau, the Transportation Bureau, the Parks Bureau, of the PDC, all have a piece of this community need, and yet we haven't clearly assigned it to Mike or anyone else.

So, I want to keep raising that issue. This project is another example to synthesize that kind of focus out of what's now kind of a disconnected set of assignments in City government. PDC is helping with this project, Kia and her team are leading, we've got

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great architects under contract to do the work -- we can succeed here. And by the way, other things have to happen around a public space in order for it to succeed. PDC has to do a really great job of getting a development on their parcel next door to this part that produces the synergy that we see at a place like Director Park, or at Jamison Square. So, it's not just the bureau-in-charge's responsibility to create a great space. And in fact, we usually need some nonprofit to be stood up or stand itself up to say, we're going to be in charge of programming in this public space because it does not happen on auto pilot.

So, I just want to raise this issue -- not that I fear failure in this case -- in fact, I think that we're set up for success in this case -- but because I want to keep highlighting that organizational challenge that we have as a set of bureaus reporting to Commissioners and a partial success out there in the community of making great public spaces happen.

I think the other part of this question that's maybe imponderable but worth debating is, how many great public spaces should we have? Should Hollywood have a public square? Should Belmont have a public square? Should Alberta? Should Woodstock? Don't know. And the Planning Bureau has got some responsibility to think about that while we're working on the comp plan. But I want to keep highlighting this issue because I think it's another great way for Portland to be livable city. We've had some success and some non-success in realizing that vision, and as yet we only have a handful of these kind of places in a city of 600,000 people. Go to Europe, go to most of the rest of the world, and you'll see a much higher dedication of that kind of public space to community life. Anyway.

Fish: Mayor, will you yield for questions?

Hales: I sure will. After a long speech like that, I should yield anyway.

Fish: It's a good speech. I'm glad you've highlighted it, because it's the first time I have heard you actually express this, but you mentioned the space in front of the Convention Center.

Hales: Right.

Fish: And who actually owns that?

Hales: I think PDC does -- Metro.

Selleys: It's Metro.

Fish: In defense of this Parks Bureau, I think that was Metro. And they used other funds, and it always looked to me like a bit of a knock-off of one of our other parks. But I would be remiss if we didn't also acknowledge that the last five or six parks that the bureau has done have won national awards. And Mike Abbaté was chosen in part because he is one of the most skilled people in his field of designing parks. So, I think the question of Council oversight and coordination is always a good issue. And you and I might even disagree a bit with the current state of our Charter. But this bureau has been conspicuously successful in delivering of the Council. What I think I hear you saying is, is there a bigger vision for the city that includes this bureau where we have a 30,000 foot look and not just a case-by-case presentation to Council.

Hales: Correct. And remember that the Parks Bureau has done a great job of delivering these spaces when they're in parks. The street at 3rd and Ankeny is not a park. So, if we want to assign the work to Mike Abbaté and the key is to say go forth and create plans for great public spaces in land you don't own, that's a possibility. But we haven't done that yet. So, I want to raise this question -- take this moment as just a privilege to do so -- because I think that it is something that we're interested in and that you have a really important role, you and your bureau, Kia, have an important role to play. So, again, I'm fairly agnostic about how we assign the work. I take Mike's full-hearted volunteerism very happily. So, we may have already answered the question about which bureau is in the lead, but that doesn't mean that they're there by themselves. So, for what it's worth I wanted to get this on the issue on the record while we create a great public space in a park. But more to

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come, I hope. Thank you. And thanks for indulging me in this soliloquy. Aye. Good work. And now let's take 138.

Item 138.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor. And in response for your riff -- pick me. [laughter]

Hales: OK! I love that spirit.

Fritz: Let's talk at our next meeting. [laughs] Again, we are back here to discuss the St. Johns Racquet Center. I authorized an emergency declaration for a 450,000 construction contract on December 12, 2014, to allow R&H Construction to undertake emergency structural repairs at the St. Johns Racquet Center. This is another great public-nonprofit partnership, but the asset is owned by Portland Parks and Recreation, the people of Portland.

This emergency ordinance before you today increases the amount of the construction contract to cover additional needed repair work that was discovered in the initial repair process. Something I relate to because I was having a fairly minor correction done to some structural issues on my house, and it's turned into this major -- when you find stuff that's gone rotten, you need to get rid of that and put good stuff in instead. That's the summary of what we're doing at the St. Johns Racquet Center. Kia will tell you about it in more technical terms.

The maintenance has been deferred over several years due to competing demands for our very limited maintenance dollars, but we do need to complete what we've started and while we're making [indistinguishable] to correct the other structural challenges that need to be repaired. So, the money is coming out of the ongoing major maintenance fund that Council allocates every year in the budget. And Kia Selley, our capital projects team manager, will give us more details.

Kia Selley, Portland Parks and Recreation: Thank you, Commissioner Fritz. Again, my name is Kia Selley, I'm the planning development and asset manager for Portland Parks. So, I'm here to request your approval of a request your approval of a contract amendment for emergency structural repairs to the St. Johns Racquet Center. The amount is \$151,250. This will create a total construction contract of \$650,000. And we are requesting this by emergency ordinance so that we can continue the repair work.

For those of you that have participated in construction projects, you'll know that asking your contractor to leave the site, demobilize, and then come back later cost a lot more. So, what we've been doing between the time that we found out about this need and the time that we are before you today is we've been having that contractor work on other things. So, again, this is so that we can continue our work without delay.

We found these repairs during our early renovation efforts that we started in December, and they just simply weren't visible during our preconstruction inspection without really invasive investigation. On one wall, we actually had insulation that we pulled apart somewhat but we didn't want to rip all the insulation off the wall and completely damage the wall. On the other side of the wall, we had offices with drywall and other types of improvements. So, we simply couldn't get to these inner wall cavities without pulling everything apart, which we did during the renovation that we started in December.

So, we have deferred this maintenance. It's a 1979 building. It's basically a metal building with three tennis courts on the interior and some offices. And the community uses these tennis courts in St. Johns but our nonprofit partner, Portland After School Tennis and Education, they run their program out of the building. And before we started this renovation work, they literally had buckets collecting water inside the building. The building had really deteriorated to a level where we would either have to stop the program or do the work we're doing today.

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This nonprofit helps K-12 students by providing tutoring, they provide tennis lessons, they provide nutrition and fitness curriculum, parent education, and then a development program for those kids that really excel at tennis. They have invested \$80,000 in in-kind donations, as well as cash both into the renovations we're doing today as well as looking to improve the building to better serve their program, which will basically increase the value of the building for us. As Commissioner Fritz mentioned, we are going to fund the work with the existing major maintenance funds.

Hales: Thank you very much. Questions for Ms. Selley? Thank you. Anyone want to speak on this item? If not, we'll take a roll call on the emergency ordinance.

Item 138 Roll.

Fritz: Thanks, again, to Kia and Dale Cook, our capital projects team manager, and to all of our great staff in Portland Parks and Recreation. Also, our nonprofit partners, the Portland After School Tennis and Education organization and R&H Construction who are doing a good job. Aye.

Fish: And Kia, I owe you an apology. What I meant to say earlier was that Director Abbaté and you were selected in part because of your outstanding background in design and management of complex projects. So, thank you for your good work. Aye.

Saltzman: Aye.

Novick: I have two complaints that are only tangentially related to this project, but I wanted to take the opportunity to voice them because I don't think I will have another opportunity. One is we're talking about St. Johns. Dennis Theriault, a resident of St. Johns, is here and he's about to betray the City by leaving coverage of City Hall to covering the state legislature. So, I want to launch my objection to that.

Second, I have an issue with the Parks Bureau -- an unrelated issue -- which recently printed a list of 12 broadleaf evergreen street trees you should plant, two of which are magnolias, but none of which are the sugar magnolias celebrated by the Grateful Dead. And given the large Deadhead community I think it's an oversight and should be corrected and brought to Director Abbaté's attention. I now bring it to Commissioner Fritz's attention. Aye.

Hales: I'm not going to try to top that, other than it's at least heartening in this case that in two different reports this week of leaking buildings and soggy insulation, we're at least fixing some of it. Aye. Thank you.

Item 140.

Hales: Second reading so roll call, please.

Item 140 Roll.

Fritz: Great work, Commissioner Fish. Aye.

Fish: I want to thank Scott Gibson, James Allison, and the whole team at BES for really pushing the envelope on this. Aye.

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

Hales: OK. 141, second reading, as well.

Item 141.

Hales: Roll call, please.

Item 141 Roll.

Fritz: Aye.

Fish: I want to thank Greg Char and some very talented people. Greg, Amanda, is sort of the Todd Lofgren of my bureau -- and that's one of the highest compliments that I can give to someone, because there's a lot of moving pieces on this, and he is at that intersection of innovative solutions to dealing with our bureau's needs and partnerships, and this is a good one. Aye.

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

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Item 142.

Hales: Commissioner Novick.

Novick: Colleagues, the 112th and Marx LID was created to address and make certain sidewalk and culvert improvements on those streets. This ordinance would amend the previous ordinance on October 2013 and authorize PBOT to acquire certain permanent and temporary rights as well as to amend certain legal descriptions of existing temporary construction and sewer easements necessary for completion of the LID. It was found that additional property rights -- both permanent and temporary -- were needed to construct the culvert improvements, as well as the hammer head needed for fire access. Both areas of additional property rights are on NE 112th, the segment added to the scope of the LID, and it's an emergency because PBOT staff believe it's necessary to acquire possession of easements by June 1st, 2015 so construction could begin on schedule. I'm going to turn it over to Marty Maloney of PBOT ROW acquisition to elaborate.

Marty Maloney, Portland Bureau of Transportation: My name is Marty Maloney, with City of Portland Right of Way. I just wanted to talk about the proposed ordinance at 112th Avenue and Marx LID -- or 12th Avenue and Marx Street LID combination ordinance.

Basically, you did a good job talking about it yourself, Mr. Novick. Just wanted to let you guys know that I have spoken to all the property owners that are affected by the right-of-way acquisitions and everybody was agreeable. If you do have any questions at this time, I'd be happy to answer anything.

Fritz: So, even though we're acquiring this through eminent domain, that's OK with property owners?

Maloney: Yeah, definitely. I've talked to them -- a couple of the property owners we've actually already acquired right-of-way from before we needed to amend this due to finding that we needed a couple temporary construction easements due to the culvert replacement.

Andrew Aebi, Portland Bureau of Transportation: And Commissioner -- Andrew Aebi, Local Improvement District Administrator and project manager. Just to very briefly set the context for this. When we formed this LID with the blessing of Council, we deferred the construction of the north end of NE 112th Avenue. There used to be a business called [indistinguishable] and it was owned by a gentleman that was not in the best of health. Certainly in 2008, the economy was not good and he was laying off quite a few of his employees. We just felt that from a financial point of view, we could defer the north end of 112th Avenue.

July 23rd, 2008, on top of all of those issues, he had a three-alarm fire, to which the bureau of Fire and Rescue responded. The Fire Bureau has had an interest in converting what is now a gravel hammerhead behind the locked gate into a public right-of-way that's paved with a turn-around for fire. Happily, that property has been acquired by a new thriving small business in Parkrose called River City Environmental, and they signed an extra work agreement and they are already busting at the seams in their new space. We're very happy about that.

It was an extremely complex negotiation that we weren't able to finalize until November 21st. So, what this allows us to do is avoid having to fold that work into a future LID where we're getting ready to go out to bid in a couple of weeks and we can pull all of this into the bid package. We just got permits from the U.S. Army Corps of Engineers and the Oregon Division of State Lands last week. We have a water work window of June 15th that we're trying to make. That's why we have the emergency clause on this ordinance.

Hales: Thank you.

Aebi: And the other piece of it, the additional temporary construction easements -- we've gotten a little feedback, minor changes back from the U.S. Army Corps of Engineer and

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DSL and we're just making some very minor changes in the construction plans that will be accommodated by the additional TCEs. So the property owners are anxious to get started, and we've already completed the first phase of construction on Marx Street and we look forward to starting the second phase on 112th Avenue this summer.

Hales: Any further questions? Thank you both. Anybody want to speak on the item? Emergency ordinance, so we'll take a roll call vote please.

Item 142 Roll.

Fritz: Thank you for the helpful explanations and usual good work. Aye.

Fish: Aye.

Saltzman: Aye.

Novick: Thank you, Marty; and thank you, Andrew. Aye.

Hales: If Andrew's program had a tag line, I think it would be "negotiating your way to a complete city." We're doing it, thanks to your good work. Thank you both. Aye.

Item 143.

Hales: Commissioner Novick.

Novick: Colleagues, I have an amendment to introduce this morning. Last week, Commissioner Fritz suggested that City staff, Metro staff, and SWNI representatives should talk about the Southwest Corridor timeline and how to better involve neighborhood associations and coalitions. Yesterday, Councilor Stacey, Malu Wilkinson and [indistinguishable] from Metro, staff from PBOT, BPS, and Erika Nebel of my office met to discuss potential opportunities to address these issues. I'm happy to come to Council today with the amendment that was sent to other Council offices late yesterday afternoon. The amendment would be to Exhibit A to the intergovernmental agreement. Specifically, Section 3, which is entitled public involvement. After the first sentence, I propose to add these words: quote, "detailed, technical information will be released to the public no less than 60 days prior to any expected decisions to be made by the Southwest Corridor Steering committee on a given topic or milestone. Recommendations and reports based on technical information will be released to the public no less than 30 days prior to any expected decisions to be made by the steering committee on a given topic or milestone." End quote.

Hales: That amendment has been moved. Is there a second?

Fritz: Second.

Hales: Any further discussion on the amendment?

Fish: Is that an amendment that Commissioner you and Commissioner Fritz have heard on?

Fritz: Yes.

Hales: Further discussion on that? Anyone want to speak on this? Roger does. Come on up.

Hales: Good morning.

Roger Averbeck: Good morning, Mayor, Councilors. My name is Roger Averbeck. As a volunteer, I serve as the chairperson of SWNI's -- that's Southwest Neighborhood, Inc. -- transportation committee. We appreciate the opportunity to speak to you today as well as the time and opportunity for our committee and our organization to consider the IGA and request some additional public involvement.

At the January 28th, 2015 City Council meeting, Marianne Fitzgerald, who I work closely with, expressed personal concerns about the public involvement portion of the IGA. On February 2nd, our transportation committee -- which was attended on very short notice by 15 of our 17 neighborhood associations -- met to discuss the IGA and what information should be made publicly available for more meaningful public engagement in the Southwest Corridor process.

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It is especially important for engaged members of the public to access detailed technical materials well in advance of decision-making -- that's our primary concern. So, on February 3rd, as Commissioner Novick noted, myself and Marianne Fitzgerald met with Metro and City staff and agreed to the following underlying language in my testimony which Commissioner Novick already read. I don't need to repeat it. But it's in the record now and in our testimony as well.

During the February meeting with Metro and City staff, we discussed the types of technical information that SWNI expects to receive well in advance of the Southwest Corridor steering committee decisions. And there is an attachment, the second page of my testimony. That's what we requested. And then at the meeting, Metro made some verbal commitments to SWNI to make information available to the public as soon as possible, as well as an advance of technical workshops which will be scheduled for late March, early April, 2015. And SWNI does expect that Metro will honor their commitments made on February 3rd -- yesterday.

SWNI would also like to request that Commissioner Novick, the City's current representative on the Southwest Corridor steering committee, meet with SWNI leadership to discuss SWNI comments, concerns, and recommendations a week prior to scheduled Southwest Corridor steering committee meetings, especially those at which decision-making is expected. And we also ask Commissioner Novick and Metro to share the information in the progress report that is scheduled for March 1st with the public. And thank you very much for your consideration of these requests. Are there any questions?

Hales: Thank you, Roger. Thanks for all of the effort that you and other SWNI volunteers put into this, the comp plan, and everything else. Appreciate your detailed interest in the details.

Fritz: Did you get commitment from Metro that they would meet with you to discuss the technical -- for your special technical meeting prior to the -- so that meeting would be in March or early April, did they agree to that?

Averbeck: We've had a verbal commitment from Metro -- and I know their staff is here today -- that they will schedule technical, community technical workshops, if that's the correct term, prior to these decision-making milestones and that they will also provide the technical information in advance of the meetings or the workshops so that we can come prepared to these workshops.

Fritz: And I see Malu Wilkinson from Metro nodding in the background. So, I very much appreciate. It was a quick turn-around from last week to this week that you have been able to get this degree of specificity as to what's needed. I guess I'll turn to Commissioner Novick. Are you willing to meet with the SWNI representatives prior to decision-making meetings?

Novick: Commissioner, I see your neighborhood coalition and raise it -- [laughter] -- because yesterday, Erika Nebel of my staff pointed out that since the project extends into downtown, we should also involve Neighbors West Northwest in those discussions, if that's OK with you, Roger.

Averbeck: We agree with that and I hope Metro engages our neighbors and our communities to the south and west of us to this extent as well.

Hales: Great result. Thank you. Thanks very much, Roger. Thank you. Anyone else? Let's take a roll call on adopting the amendment to Exhibit A.

Roll on amendment.

Fritz: Thank you, Commissioner Novick, for lots of work for both you and Erika Nebel on your staff as well as the community volunteers and Metro partners. Aye.

Fish: Aye.

Saltzman: Aye.

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Novick: I wanted to take this opportunity to stay how very much I appreciate SWNI's involvement in this project. I mean, this is a critical project in terms of achieving the goals of the Barbur concept plan, in terms of reducing congestion, in terms of meeting our commitments to reduce greenhouse gas emissions, and we are going to need a lot of citizen support for this project because at some point, we're going to need to raise money for local match for it and that's probably going to require going to the voters regionally, locally, or a combination, and that means we will have to have a lot of citizens on board supporting it. So, I very much appreciate that SWNI is supportive of the overall effort and deeply engaged and making sure that it's something that we can support. Aye.

Hales: Aye. And now to adopt the IGA itself.

Item 143 Roll.

Fritz: Mayor Hales, you spoke earlier about the commissions who do such great volunteer work locally and at the state level. The commissioners for the Human Rights Commission are those that Council appoints. SWNI's volunteers are chosen by the community, and it's absolutely phenomenal for both them and other areas of the city how great of expertise we get from folks who often are the only person who's willing to do a particular job and turn out to be the best person to do a particular volunteer task. So, thank you.

I agree, Commissioner Novick, that Southwest Neighborhood Inc. and all of our community volunteers provide us with great advice that we don't -- we pay for a little bit through the Office of Neighborhood Involvement to make sure that everybody has the opportunity to give input and we can always expand on that, but we don't pay you for the time that you are putting in this morning, Roger, and I appreciate that. Aye.

Fish: I'm really pleased with a one-week delay we were able to meet this agreement. I want to thank my two colleagues for getting together and fixing this. Aye.

Saltzman: Aye.

Novick: And I'd like to thank Metro for engaging on this issue and coming to a resolution. So, thank you Malu, thanks to Councilor Stacey. Aye.

Hales: Nice work. Thank you for getting the community at large together, including Metro and the City together, to make sure that this is a valid process. You've got majority of the Council, of course, who now lives in Southwest Portland and two of us who were former SWNI activists. So, to see people putting this kind of time and attention into a really important potential change in multiple neighborhoods is exactly what we have in mind when we have neighborhood activism. As Commissioner Fritz said, Roger for you and your fellow volunteers, thank you for all of the time you are putting in and I'm glad the process stretched to meet your expectations. Aye.

Item 144.

Hales: Steve, we have a presentation on this? Yes, we do. Good morning.

Sherree Matias, City Auditor's Office: Good morning. I'm Sherree Matias from the Auditor's Office.

Hales: Good morning.

Mike Zeller, Portland Bureau of Transportation: I am Mike Zeller, I'm one of the inspectors in the sidewalk department.

Lee Munson, Portland Bureau of Transportation: Lee Munson from sidewalks, also.

Hales: Great. Welcome.

Matias: This ordinance is for sidewalk repair on property that is required by the City. Any remonstrances have been pulled from this assessment and are not in this ordinance.

Hales: Do these -- were there a number that did remonstrate?

Matias: There were seven.

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Hales: Those are not included in the ones that remain here in front of us now. OK. Great. Alright, any questions for the team that put this package of repairs together? Thank you all very much. Is there anyone here who wants to speak?

Moore-Love: I show we have three people who signed up.

Hales: Let's take that testimony and then we may have more questions for you after that. Come on up. Welcome. Good morning. You just need to put your name in the record and have a seat and tell us what you think of this.

Earl J. Eichelberger: And I signed up on your little sheet out there. My name is Earl J. Eichelberger, and I have owned the property on 1261 NE 52nd Avenue in Northeast Portland since 1962. The sidewalks were put in in 1930 by Redmond [spelling?] and a construction crew came out this year and replaced sidewalks that did not need work. Not only had I contacted the sidewalk department -- the Bureau of Transportation sidewalk maintenance division -- and Mr. [indistinguishable] come out to discuss the business of a little lesser construction than closing the public right-of-way to do this. He gave me some pointers on what they call shortcuts. So, I went out and bought a big blade -- a hundred dollars' worth -- and rented a big machine and I came in and started working on the sidewalk.

And of course, it was really [indistinguishable] but the point is -- and when I didn't get it done on their schedule, they came out and every time I'd come back to from helping my buddy or something somewhere, you know, I would find more white paint all over everything. As it turned out, they had me down for seven different things that's wrong with your sidewalk. And I had none of those major things. The only thing I had was falling. And they even marked trip hazards that absolutely -- and all of my neighbors come by and say, why do they have you tagged out here, because there is nothing wrong with your sidewalk.

My issue not only with the idea of putting a lien against my property -- and I have paid my taxes, I have kept my place clean, and I haven't been involved in any illicit activity to try to get the money to pay the City or anything and my taxes are all up to date. And I think their measures were unjust and I wrote them a letter and I wrote a letter here, too. And I noticed that that lien is assessed at \$2207.70 against my property, and it will be against the property that has been free and clear since 1962 that belongs in the estate from my family. And I'm here opposing that. And so I'd like to -- I realize there's ordinances and so on. But when they come out and do sidewalk work that doesn't need to be done -- you walk one block from my house, there's work that needs to be done. Half a block over here, there's work that really needs to be done, it's dangerous and all of the other stuff. But I think they targeted me because my taxes were paid, it was a nice clean get in and get out. Nothing wrong with the sidewalks, everyone uses them every day -- children, babies, everything else. That's where I'm at.

Hales: Alright, well, thank you, thanks for bringing this to our attention. Thank you. Anyone else that wants to speak? Do you want to respond to this -- is this one of the remonstrances -- it one appears to be included in the list, right? I saw one in here at that amount.

Matias: We did receive that remonstrance, however, it came in after the remonstrance date.

Hales: OK.

Matias: And that one was referred to the Bureau of Maintenance for resolution.

Hales: How is that handled?

Zeller: Well, since it came in after remonstrance period, I will send a letter to him, but it's in the assessment.

Hales: It is in the assessment. The work has already been done?

Eichelberger: The work has been done, yes.

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Fish: When you say the challenge came in after the date for remonstrances, can you remind us what the time period is and how late was this appeal?

Matias: Yes. So, the remonstrances were due on the 27th of January, and this one came in on the 28th of January.

Fish: One day?

Matias: Mm-hmm.

Fish: And is there any question in the record as to whether this gentleman got adequate notice?

Matias: I believe he was notified.

Zeller: Yeah, several times. I think he met with the inspector. We usually send out second notices. There's always a door hanger before the contractor begins work. He actually made contact with the contractor doing the work.

Fish: OK. And he hasn't raised a notice issue. Had you received this on the 27th, what options would you have had in response to this remonstrance?

Matias: I would have taken it out of the assessment.

Fish: What would be the effect of us for good cause waiving the one day delay and asking you to consider his remonstrance? What consequence does that have to you?

Matias: We can take out that property owner's assessment, and then we would need to pass the rest on if that's -- if we can do that.

Fish: Mayor, this gentleman took the time to come. This is not probably the proper hearing to hear all of the issues. I wonder if we could just move to remove this issue from the package, adopt the package, and ask our good friends at the Auditor's Office and Bureau of Maintenance to meet with the gentleman and see if something can be worked out.

Fritz: Second.

Hales: Any objection to that?

Novick: I would like to ask staff, does that raise any broader concerns for you? I mean, if we do this, will that worry you that it will create a precedent that people can start missing deadlines with immunity?

Munson: I can say it has been done in the past. But it's totally a question for the Auditor's Office.

Fish: Well, I can say during my seven years, every once in a while someone does come before us. They --

Hales: Yeah, it's pretty rare.

Fish: They claim a hardship, we have as a matter of courtesy carved that out and ask staff to meet -- we are not setting a precedent, there is a deadline. We are asking them to come back with a recommendation.

Hales: Rather than include it in the remainder where we don't have remonstrance today but to go a have that negotiation separately.

Matias: As long as the rest of the assessments are passed on to second reading, that's no problem.

Hales: OK. We have a motion and a second. Let's take a roll call on the making that amendment to the package to remove Mr. Eichelberger's property from the role of those that are being assessed and ask staff to conduct further discussions with him.

Roll on motion.

Fritz: Good purpose in having a public hearing so people can come in and tell the decision-makers their concern. And thank you to staff for your agreement of handling this, and also what's not been mentioned -- all of the other properties that you haven't had any remonstrances with. Thank you for getting the work done. Aye.

Fish: Yes, thank you for your good work. Aye.

Saltzman: Aye.

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Novick: Thank you. Aye.

Hales: Aye. Thank you. And then on the remainder of the assessments, roll call. Oh no, that's a second reading. Sorry. Not an emergency item. That is set over to second reading and we are recessed until 2:00 p.m. at which point everybody ought to bring a granola bar or something.

At 11:23 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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Key: ***** means unidentified speaker.

FEBRUARY 4, 2015 **2:00 PM**

Hales: Good afternoon, everyone, and welcome to the July -- July? No, February 4th session of the Portland City Council, the afternoon session. It's July somewhere, but not here. Could you call the roll? I think Commissioner Fish will be joining us, but others of us are here.

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

Hales: Welcome, everyone. We've got a staff presentation coming shortly and some invited testimony, and then obviously quite a few people here that are interested in discussing the West Quadrant Plan. I want to thank everyone in the community and in the City's organizations -- both the Planning Bureau and others -- for the work so far and for a lot of amazing volunteer effort by members of our Planning and Sustainability Commission, some of whom we will hear from today.

The focal point of our city and focal point of a lot of our planning over the last forty years, this is a really pivotal piece of work. I'm looking forward to the discussion and to the presentation. We are going to hear -- as I said -- a staff presentation, followed by at least one member of the Planning and Sustainability Commission -- no, it looks like two of them -- and from our County Commissioner Jules Bailey who represents this district, and then we'll take public testimony. Because of the number of people here, we will try to hold public testimony to a two-minute oral statement. I know that's hard, but we've got at least 50 people signed up. So, if you can be succinct, please do. Remember that we're also going to hold the record open so that you can submit written testimony -- and we do actually read those written testimony pieces that we receive. So, you can follow-up if you can't get all of your points across in this afternoon's hearing. Again, our goal is to get everyone heard on that subject.

By the way, if you're here representing yourself, give us your name. If you're here representing a neighborhood organization or some other, obviously let us know that. If you're here as a paid lobbyist, you need to disclose that under our City Code. And we try to respect all points of view in this room, so if you agree with someone and want to give some sort of sign of that, please feel free to give them a thumbs up or wave of the hand. And obviously, the reverse is true if you really feel you need to do that, but we ask you don't make verbal demonstrations in favor or against our fellow citizens' points of views in this room so that we as a Council get to hear them all. So, those are the rules of the proceeding. I'll keep it at that and get started with Susan Anderson coming forward and along with the rest of her team. And I also -- while I do that -- want to call on my colleague, Commissioner Saltzman, who has some particular points about the housing elements of this plan.

Saltzman: Thank you, Mayor. At the outset of this hearing, I wanted to highlight an important part of this resolution that should provide context for the testimony ahead. I know we'll hear about height issues in the central city, as well as transportation and sustainability challenges, but my goal here today as the Portland Housing Commissioner is to make sure that we take some bold and vigorous steps to make sure that we provide for affordable housing in our central city, and to do so in a way that will prevent our city from turning into

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a San Francisco where people on either end of the income scale can live -- where you're either very rich or very poor but nowhere in the middle.

My goal -- as well as that of the Planning and Sustainability Commission as they expressed in their deliberations on this West Quadrant Plan -- is to see that the central city accommodates people with affordable housing for people in the zero to 80% of median income range. That's something that I very much agree with, but I also recognize that we lack the financial resources to make that happen, and we need to be creative and engage in some creative thinking for policy tools that will enable us to get there.

I know that both the Bureau of Planning and Sustainability staff, as well as the Portland Housing Bureau staff, the Mayor's staff, my staff, and the City Council has signed off on coming up with incentives for height or FAR allowances tied directly into creation of affordable housing stock within the city -- either creation of affordable housing directly by whomever is developing the property, or by paying into a Housing Investment Fund for an amount to be determined that will help us in turn generate that affordable housing stock. This is a very crucial issue. It permeates the West Quadrant Plan, it will permeate the Central City Comprehensive Plan when it finally gets to us some day. But I just wanted to let people know now because they can address this issue that there is language in this resolution -- and I'll read that language right there -- that talks about developing a substantive affordable housing bonus program. In the resolution, it says: be it further resolved the City Council instructs the Bureau of Planning and Sustainability and the Portland Housing Bureau to include a workable affordable housing bonus for City Council consideration in implementing code for the final Central City 2035 plan.

So, this is really a daunting challenge but it's a challenge I know this Council is up for. I know we all recognize the need for more affordable housing, as does our Planning and Sustainability Commission, but we need to actualize and we need to activate the tools that will get us there beyond simply urban renewal money or federal government money or other sources at our disposal. We need to be creative and we're going to be serious and creative about that in the West Quadrant and Central City Plan.

Hales: Thank very much. I wanna see if there are any of my Council colleagues that want to say anything at the outset before we get started? If not, then I'll get you, Karla, to read the item and we will start the staff presentation.

Item 145.

Hales: Thank you very much. Director Anderson?

Susan Anderson, Director, Bureau of Planning and Sustainability: Great. Good afternoon, Council, Mayor. Susan Anderson, Director of the Bureau of Planning and Sustainability. And with me here today is Zoe Zehnder, our chief planner; and Karl Lisle, who is a senior planner and has been the project manager on this project.

As you know, we're updating the Central City Plan. Because of the size of the plan and importance of it, we do this once in a generation. It's been 27 years since we've had a new Central City Plan. We broke the plan into manageable pieces. So, we broke it into North/Northeast, the entire westside, and also Southeast. Two years ago, we completed the Central City overall concept plan and the North/Northeast quadrant. Today, we will review for you the highlights of the westside and the West Quadrant Plan and in a few months right on the tail of this, we'll bring in the Southeast Quadrant Plan.

At each stage, Council adopts the quadrant plans only by resolution, not by ordinance. When the Southeast Quadrant Plan is done, we will compile pieces together and develop the appropriate zoning that goes along -- the zoning code changes necessary to implement the plan and to match it. And then we'll come back to you with the entire package, including the code, and you'll adopt all of that by ordinance.

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So, it's important -- to me anyway -- to note that this plan absolutely builds on the success of the 1988 plan. The '88 plan led to the development of a lot of things that we just take for granted, whether it's South Waterfront, whether it's the Pearl District, whether it's the thousands of units of housing that are now in our vibrant downtown, and it retained important industrial areas. And it also continues to position Portland as the regional center for innovation, for education, and for exchange.

This slide shows what we call the big picture plan. Again, it's not something we do every year; it's something that we do every 25 or 30 years from the Portland Plan, then comes out the Comprehensive Plan, and then the Central City Plan. We anticipate that you will adopt the new Comprehensive Plan this year and then the Central City Plan will follow with all of its components right after. It will be the first major zoning code package and plan amendment that's based on the new comprehensive plan.

So for today, our goal is just for you to hear about the West Quadrant Plan, to understand, to be able to ask questions. We have a few invited speakers: Andre Baugh, who is the chair of the Planning and Sustainability Commission; Katherine Schultz, who is one of the co-chairs of the stakeholder advisory committee; and then we'll have testimony, as the mayor indicated. Again, the request for today is to have discussion and then to adopt a resolution either today or in a couple of weeks to adopt this westside plan. If there aren't any questions about the timeline, then I will turn it over to Joe to do the presentation.

Hales: Thank you. Joe?

Joe Zehnder, Bureau of Planning and Sustainability: Good afternoon, Commissioners. Today, we're here to talk about the West Quadrant of the central city, and it includes all of the central city west of the Willamette from the Pearl District in the north to South Waterfront in the south to Goose Hollow in the west.

The Central City 2035, or CC 2035, updates the 1988 Central City Plan which was based on the 1972 Downtown Plan, and the good news is that we found that we can build on the soundness and success of these plans and that many of the actions that are recommended in CC 2035 are to address issues that still remain from those plans. So, we're following through. It retains the role of the central city as the economic hub of the region. It calls for more mixed use, because we have seen the success of mixed-use development in the central city to produce jobs and housing, and it stays the track with more residential development.

The Central City Plan update also looked at the unique role of the central city and the region and really in the state. It is our most intensely developed-center. It is a place that serves and benefits the entire city and region, especially as an employment, cultural, and civic center. Also in our new Comprehensive Plan, staying with a more dense and intensely developed central city allows us to keep neighborhood centers and corridor development at a scale that really works better in those settings while we still meet our overall economic vitality and create great places.

By 2035, the city overall is expected to grow by 122,000 households and 140,000 jobs. The West Quadrant's share is 23,000 more households -- which almost doubles the amount of residential development in the central city -- and about 31,000 more jobs on top of the 130,000 jobs that are already in the whole central city.

The West Quadrant Plan was developed over a year and a half with extensive public involvement and oversight by a 30-person steering committee -- and full details on all public involvement and outreach is in Appendix F of the document that was submitted to you. Early in the process of developing this plan, we focused on community charrettes for Goose Hollow, for Chinatown, and for the riverfront for places where we thought we needed focused attention before we all dive in to really be able to understand community intent in those places.

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So, here's what's in the plan document that you already received. It includes additions to the central city-wide policies that you adopted in 2012. As we did this plan, we found some of the direction we were getting when we looked at the West Quadrant was really relevant to the whole city, so we made those amendments. And then for each of the seven districts which make up the West Quadrant, you have goals, policy, implementing actions in great detail.

This plan covers a lot of topics, as you can see from the outline of the report and what's in it, and this stakeholder advisory committee worked through all of the details of all of those topics. And in the end, they wanted us to emphasize the plan also has big ideas. Part of the market distinction of this plan that they thought was worthy -- was the product of the time they devoted to -- and I want to give you two examples to illustrate.

First, Waterfront Park and the waterfront. As people looked out to 2035, there was still clear love and commitment for the westside of the water and the Waterfront Park. This was a signature idea from the '72 plan, and it's still a core element of the West Quadrant. The public was very interested in implementing the ideas in our current Waterfront Park plan. They're interested in updating that plan as well, and the West Quadrant added ideas that complemented the goals for the waterfront, including finding ways to bring more activity along Naito Parkway, to bring more people and activity to the park on a day-to-day basis, to improve access to the river itself while enhancing habitat within the river, and to promote more year-round activity.

Another big idea in the plan is called the Green Loop. The Green Loop -- think of it as a 10-mile urban promenade for walking and biking that invites people to experience Portland's central city in an entirely new way. It's an idea that complements our transit, bike, waterfront path, and street network. It links the eastside and the westside -- that's a long-standing goal of our central city planning. It links central city destinations in a new way. It would be a different kind of recreational destination, kind of an urban trek through the city -- safe, green, active, vibrant, and fun for all ages and ability. That's the Green Loop.

There are a lot of ideas and issues and goals in Central City 2035. However, we know from the testimony we've received and from what Planning and Sustainability Commission heard that the maximum height limits in the central city are a big item of focus and concern. So, right now I would like to just take a moment to give you a little background on how we manage height and building mass in the central city.

In the central city, height is regulated by a specific map in the zoning code. It's a fairly detailed map, and it includes not just the zoning for the heights related to how much intensity different parts of the central city are developed, but also has our view corridor analyses, and that's where you're seeing a lot of detail that shows up in the map.

As we talk about height, there's a few background pieces that I want to be sure that you're aware of. First, to understand our approach to height in the central city, you need to understand our uniquely fine grain block pattern. In our central city, 40% of the central city area is in public right-of-way because we have these fabulous 200-by-200 foot blocks. That's why the central city seems so walkable, but it also is why it can be difficult to develop at an urban scale in our central city.

Because we have these 200-by-200 foot blocks, you don't necessarily perceive the canyons of tall buildings that you see in other cities or that you perceive there, because if you're a pedestrian, every 100 feet, you're never more than 100 feet from a street intersection which is kind of a window to light and air. But as I said, it also creates a challenge for the development of the parcels.

Second background fact is that our zoning uses a combination of floor area and height to manage the scale of buildings. And what floor area is is the amount of

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development that you can build on a particular site -- and that's a separate map and a ratio that is in the zoning code. The principle is that the same amount of floor area can produce a single height building over an entire block that's shorter, or if it goes taller, it can squeeze that amount of development on to just a section of the site. This opens up some flexibility for these difficult to develop sites in the central city, as I was referring to. It creates the opportunity -- and we see this all over our central city -- of mixing scales of buildings. It creates opportunities to preserve smaller buildings, because the development potential for the whole block can be arranged on just part of the block. It creates the opportunity for open space and plazas. So, that combination of floor area and height is an essential part of our system.

Third background fact is that floor area/height is not the only way that we affect the success of our buildings in the central city. You need to pay attention to what happens on the ground in the public realm -- and we have design review, we have zoning code design standards, and we have pedestrian design standards that really take a look at that ground floor, which is where most of us experience the central city to begin with. It's where we get the perception of it as a vibrant, comfortable, safe place, and we really understand the scale. You put those ingredients together -- that's how you have successful urban design in the central city.

So, those are elements that I wanted to make sure you are aware of. And then there's the principles that we have been using since the '80s to allocate height across the central city. The first of these principles is that where we have our most intense development, we have taller height. And in our city, that's in our commercial corridor downtown. And basically the way the pattern works is that the heights and intensity of development tapers down as you move away from that commercial core. The commercial core and the transit mall have been where we focused that over the years.

We have places that require special attention and we stepped down to those to preserve light and air, and those were our parks and open spaces and waterfront. You'll see that in the zoning map and you'll see that in our proposal. We stepped down to protect view corridors. For instance, from Washington Park to Mount Hood -- those are built in to how we allocate height. And we put lower heights on our adopted historic districts to match the character and what we're trying to accomplish.

Finally, as you look at the map of the overall central city, we also taper down the heights and intensity of development as you get to the edges of central city and make the transition into our single family neighborhoods. And the Planning and Sustainability Commission was particularly interested in this plan was that additional height and additional floor area ratio should come in return for a public benefit. So, they've asked us -- where we are talking about height and FAR in this -- to consider it as part of a bonus system, which we intend to bring back to you when we bring back the full plan.

Within the plan that you're looking at today, it proposes a limited set of height increases, as well as a few height reductions, but on the whole, we have not changed height in the central city and we've not changed FAR in a significant way. On this map, you're seeing the place circled. The yellow are places where we've bumped up height. The blues places where we reduced them. You can see a circle around much of the Pearl District, where we are allowing more height there. But this illustrates a principle that you see in place in a lot of plan. The community supported greater height there. But the way you access the greater heights is that you transfer development rights off of smaller historic and/or character buildings. So, in the Pearl, that mix of big and small is something they value, and if we can create an economic value for that, it benefits the ability to preserve the smaller buildings. So, that's what was reflected in our recommendation for the

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Pearl -- and we did a similar version for that for Centennial Mill. Only there, what the public benefit will be is enhanced greenway.

Second, we did increase heights along the expansion of the light rail corridor all the way down Lincoln Street to that new station. So, we're building on that principle we've always had of greater intensity of development along the light rail line. We proposed to decrease heights along the north and west edges of Chinatown but increase it on a particular set of blocks within Chinatown. I'm going to talk about that in more detail next.

And finally, the plan proposes to increase heights at the bridgeheads. So let's take a look --

Fritz: If you could just go back to that -- what's the rationale for that? Because when you look at the whole waterfront in that section, it seems like there's going to be just those two major bumps.

Zehnder: Commissioner, we're going to get to illustrations in a moment and I will return to that question, I promise.

Fritz: OK.

Zehnder: For the first one of these, we are going to talk about Chinatown and we're going to talk about the bridgeheads.

In Chinatown, the height discussion there centered on blocks between Couch and Everett along 4th. So, they are shown here in the red square. As I said already -- and if you remember that picture, the '88 plan, there was that big red swath that swept up from the central city, went up the transit mall across the Steel Bridge and over into Lloyd District. That was assumed to be an extension of our commercial core. What we've now done in this plan is rethought what our expectations are for the area north of Burnside and lowered those heights along Glisan and lowered them along 5th. But Chinatown itself, it's a historic district and one where we focused a good deal of attention in trying to incentivize development to help to add to the district in a way that improves its economic viability. And the plan proposes to explore for these three blocks increasing the base height from 100 to 150. The principle, though, is that to access that additional height, you would need to transfer it off of historic properties within Chinatown.

And part of the reason why we think this is viable is that you can shift the height to different parts of the site. So, just some illustrations. That Block 33, that blue site there, that's between the Goldsmith buildings and PDC offices. It's a full-surface parking lot now. And our proposal is today at 100 feet, for the amount of floor area that you could build there -- demonstrating that principle -- you could fill the whole block up.

What we're proposing is consider greater heights, especially on the transit mall side and a step-down along the 4th Avenue side to be able to possibly create a greater incentive for infill development there. When you look at it from the street level, that's what the current entitlements might look like massing-wise, and here's how you can use the ability to shift height from one part of the site to another to maybe get it to fit into the district better. As I said, all of this is contingent on a transfer, so it transfers some of the value to existing historic properties.

Second, bridgehead -- and this is what Commissioner Fritz was asking about -- the Morrison bridgehead farther down the Hawthorne bridgehead. Here, the principle was looking at these sites, especially -- the sites that are shown in blue are surface lots or underdeveloped parcels today. And as part of wanting to bring more activity to the waterfront on a day-to-day basis, the redevelopment and more intense development of sites along Naito was thought to be something that we should try to aspire to, and we thought additional height in these targeted locations could contribute to the ability to do that.

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And also, there is this premise that these are where the bridges enter the westside. So, if you were looking at the pulses of height along the waterfront, we're still maintaining a stepdown, it's just that we're allowing more height there. The pulses correspond to these gateways into the central city as well. Today, the height all along that section is 75 feet. And the blocks we're talking about are book marked between Yamhill Historic District and Old Town Historic District. We're proposing on those set of blocks around the ramps to bump up the height to 250. Another step behind it to slightly higher, and then it steps up to what it is today in the commercial core: 460 feet.

Fritz: Is it envisioned that the off ramps would be moved?

Zehnder: Well, that's part of why we're even creating this option, Commissioner, is this next slide Karl is showing is -- you know, just showing the mapping, this isn't really architecture. It's really hard to develop those sites with the ramps on them. Conceivably someone could, but it would be unlikely they would hit this scale if the ramps are still there.

Also, though, those ramps are very important, especially for access on to the freeway for the Central Eastside. So, that's sort of an ongoing debate that we're going to be studying as we complete the plan. This just creates the possibility of possibly affording to relocate -- making it worthwhile to reconsider the configuration of one or both of those ramps and be able to pay for it.

The other thing about this -- and this goes to a point that the Planning and Sustainability Commission made very strongly -- is that additional height would be tied to a bonus. So, you'd have to give something to get it. As a waterfront location, it might have some particular value that could contribute to the affordable housing aspects of the bonus.

Fritz: Are you going to go into more detail about the heights in Old Town, slide 21?

Zehnder: We can come back to it, Commissioner. That was all I had on Old Town.

Fritz: You talked about the difference between 100 feet and 150, but it looked like there are other changes as well.

Zehnder: Oh, yeah -- you want to go back to that, Karl?

Fritz: That one. It's the 100 to 150, but then there's this corner little block, which is currently 130, and it's going up to 250? And then the 250 going to 325.

Zehnder: So, what the proposal -- no, today, the block is 250. And what we're proposing in the hashed area on either side of the Chinese Garden -- that's what the green spot is -- we're taking another examination of if our step-down to that important public place is adequate to protect light and air of the Chinese Garden. So, what we're saying there is we're going to come back in with a step-down around the Chinese Garden to accomplish that objective. And then --

Fritz: The block where it says 130.

Karl Lisle, Bureau of Planning and Sustainability: Right -- if I can jump in. What we're doing there is actually that would change to 250. So, you have a transition from the office core of 460 to 250 for a half block, and then right down to 75 in the Skidmore Historic District. That's what you are seeing on the proposal, and that's really directly in response to many years of conversations with folks on the Historic Landmarks Commission from which we took the premise that it's less important to step down to the edge of the historic district than it is to maintain an absolutely uniform height at a low level within the historic district.

If you remember back a few years ago, we talked about looking at increasing heights at some surface parking lot sites at the edge of but within the historic district, and that was very unpopular with the Historic Preservation Committee and the Landmarks Commission. And instead, what they asked us to do is to say, you know, outside of the historic district boundary, it's much less important to us what happens there, and a stark

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transition is OK, we actually want to see the place feel distinctively different once you enter the historic district. So, that's responding to that idea.

Zehnder: Thank you. So, that's the two height proposals I wanted to feature. But I want to talk about neighborhood as well where we've gotten a lot of testimony -- the West End. We are not proposing any height changes to the West End, which are 250 feet today, pretty much south of Salmon and 325 with bonuses to the north.

The West End if built out -- and you can see it in this illustration -- with a mix of smaller and taller older and new buildings. It's the location of some very successful residential infill, such as the Eliot Tower. It has a large number of landmark properties which are protected with a demolition review that make sort of redevelopment or the height on those properties somewhat less relevant -- and that's what's shown here in the black dots. There's probably more historic landmark eligible properties in the district, but that's what's designated today. The plan does not propose to change heights, but it does carry in that re-examination of how we get to the heights that are in the district, and we're looking at the same approach that we would talk about in the Pearl where you can transfer off of a shorter building to get to the heights that you want thereby creating economic incentive to preserve some of the character buildings.

The second district I wanted to talk about -- but actually, back to the Goose Hollow, too. What you're looking at there is the darker red buildings today are over 100 feet and the rest are below 100 feet.

Hales: They're existing buildings.

Zehnder: Those are existing buildings. So, it's that place, and that's part of its character today.

Goose Hollow -- again, where no height changes are proposed -- we spent a good deal of time talking about the area called the flats which is along the light rail line on the northeast corner of Goose Hollow. And there today heights are up to 250 feet, I believe. More with bonuses. And up to 75 feet more with bonuses. Also, there's certain greater height along Burnside. And you get to the south side of the district, it's 100 feet base plus another 75 feet if you're able to get to the bonuses. And that's predominantly more residential in character on the south side of that district.

And then other thing that you see here on the slide are those dots with the arrows. One of the things -- as I said, when we come back to you with the fine grain height map, we are going to show you the view corridors and how that impacts these particular areas. We're undergoing a new analysis of all view corridors and we're possibly going to be recommending at consideration of additional view corridors. So, even though we're talking in broad swaths about the height in this district, it's going to be carved up -- it's going to be refined by where we put in those view corridors. And you can see that if we were in at least sort of along the southern section there today -- you put a view corridor in and what it does to the height map. Same thing is true about the area south along the extension of the transit line; there's a lot of view corridors in there.

OK, two more issues. Affordable housing. The Portland Plan set a goal of having 15% of the housing stock affordable citywide. And currently, over 30% of the housing in the central city is affordable at the 80% median family income or less. So, the PSC set an ambitious goal of by 2035 -- or in 2035 -- we're still going to have 30% of the housing in central city affordable to 80% MFI or less households. The current City strategy targets affordable housing around opportunity areas, and the notion is that some of our neighborhoods are rich in transit, they're rich in good schools, they're rich in these things that if -- for affordable housing residents -- adds to likelihood of success and lowers the cost. The Planning Commission sort of focused in on the fact that between the concentration of jobs -- and not just the concentration of jobs in general, but the

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concentration of sort of working class jobs in the central city -- concentration of transit, this is a great place to have affordable housing to save households money. So, they want to set a more ambitious goal there than they have in the rest of the city.

Finally, environmental issues were discussed a great deal at the Planning and Sustainability Commission, and we worked on them closely with Commissioner Houck and Bob Sallinger from the Audubon. Came up at the end of the day with a package that was soundly supported by both of those and by the PSC. In reviewing the plan, we identified two things that we failed to get into the plan, so there is an amendment that we circulated to you today. We're acknowledging that we have a central city-wide target for river bank enhancement of 12,600 linear feet, and that we have a central city-wide target for riverbank restoration sites of at least two or three sites. With that, we believe the environmental package is the package that the Planning and Sustainability Commission fully endorsed.

As Susan said, we're finishing up the quadrant plans. We're going to then run into writing up the code and bringing all of that back to you as the final Central City 2035 Plan and implementing code. And with that, I think we're done. So, thank you.

Hales: Thank you. Questions at the outset for staff? Obviously, there may be many more along the way.

Fish: After you, Commissioner.

Fritz: Thank you. One of the things that you didn't mention is the proposal to cap 405, and I see that as an action item. I'm wondering -- and I'm interested to hear from the community -- as to how much of a priority that really is in comparison with the other things. I'm going to need time after today's hearing -- and I really appreciate the mayor saying that we're not going to be voting today and take more testimony and such. This is a very important plan, I want to take a lot of time to go through it. I'm going to be checking through all of the items that Portland Parks and Recreation is designated to take the lead on in the next two to five years to see if we can feasibly do that in our work plan. Because it is very important to me that we can't promise things that we are not going to be able to do. So, I would like to hear how much discussion there was of capping 405 as an example.

Zehnder: On the capping of 405, there was a good deal of discussion. And the premise this time that maybe is distinction from how we've talked about it in the past is it was talked about in sort of a strategic intervention around a few locations on the 405 -- primarily, often in association with possible redevelopment at Lincoln High School if that ever comes to be. What we discovered when we did the Northeast quadrant was even ODOT was acknowledging at Broadway and Weidler, the most cost effective solution for them to cover up that trench and to do the changes that they want to do to the freeway was to cap it there, basically. So, it seems extraordinary. This is a notion that it could make a big difference for bringing the continuity of the central city across the 405, if and when we get to reconstruction of the ramps and reconstruction of those parts of the freeway, the community wanted to keep it on the table as an option that was considered.

Fritz: That was something that -- I notice we have reporters covering -- I would be interested to hear from folks in the rest of the city: is that a priority for use or asks to the federal and state governments? So, that's one thing I'm interested in.

Another I would like to hear community comment on is about choosing Jefferson Street rather than Burnside as the main street from the West End to Goose Hollow. Interested in that.

The specifics in some of the zoning proposals. We just got done with discussing Block 7, and I see the rezoning of the block west of Providence Park to CXD -- wondering how much community conversation there has been about that.

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I have -- I won't go into all of my detailed concerns. I am, however, overall concerned about the relationship to the river, and in the policy for that there isn't the specific language that was directed when we had the concept plan discussion which was in the resolution about the step-down to the river. And so, I again want to hear community comments about that.

Hales: You're talking about height and building step down, right?

Fritz: Right. That's in the current comprehensive plan that we have a principle of step down to the river. When you're walking along Naito, it's very clear that we've followed that nicely, and you get the sense of a broad open space and a gradual ramp up to the transit mall, for example. So, I want to make sure that that's not lost. And one of the reasons I'm mentioning that now is that this was discussed when we had the hearing in October of 2012, but because it wasn't in the documented concept plan at that time, the specific language wasn't added to the concept plan, it was added to the resolution, and it's not then captured in this document. So, I want to make sure when we come back for the comprehensive plan that I see a followed policy with that in it.

Hales: Good. Other questions, things to flag? Commissioner Fish?

Fish: Thank you, Mayor. Joe, a slide that you showed us earlier really got my attention in the briefing and tonight, and that's 2035, 30% of all of the housing affordable to people making zero to 80% median family income. And just to put that in context, at 60% of median family income, we're talking about people who make \$29,000 a year single; and we're talking families of four that make \$42,000. I think the MFI stuff always seems like an abstraction, so I try to put a face on it and then you can extrapolate who are the workers and people in our community that need housing that is targeted to them.

This will not be the first time that Council adopts a grand vision with a commitment that is as bold as that. And the last time we had this conversation was courtesy of the mayor and the Housing Commissioner -- we talked about North/Northeast Portland. And we talked about the Albina Plan, and a generation later a whole community displaced. And we talked about a huge deficit in affordable housing. So, I previewed this question to you before the hearing because I was sincerely interested in getting your response. Why are you confident in this plan? That we can reach these lofty goals? And in addition, what does this Council have to do to make sure that we reach those goals?

Zehnder: Even when we discussed this at the Planning and Sustainability Commission, Commissioner, I think we all acknowledged that the means -- how you get to that goal -- we had not figured out. It wasn't sort of -- you're not going to find it in that plan. We are working on things like bonuses, but bringing more resources to the table clearly is probably a core part of the ability to do that. Because what we're talking about is over the next 20 years, 6900 more affordable units -- if we get our 23,000. So, that's a lot. That's more than we produce today on a regular basis. So it's a resource question, in part. And so the commission thought that especially for working poor households, the central city is a great location to be able to be housed, to be able to live because it saves you a lot of money, it offers a lot of opportunities. So, they wanted to mark the distinction of how important they thought it was to include in the central city. They wanted to mark the distinction that today, it's almost 35% of the households in the central city are affordable at that level. So, we're staying the path, but the specific means were not identified. It's an aspirational big challenge and I'm sure that Commissioner Baugh is going to talk about that, too.

Fish: What I would appreciate as we go through this is that you help us be as prescriptive as possible about what it's going to mean. Commissioner Saltzman has put this voluntary bonus plan for affordable housing on the table. We applaud him for doing so. But that's going to be a market-based tool. The council has put in the legislative agenda lifting the preemption on inclusionary zoning. That's a tool, but it doesn't solve the problem. We have

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some TIF, but the Tax Increment Financing dollars are a declining resource. Short of a miracle, we're not going to get more money from the federal government. And so, we've got this great big goal, and if we get it right, it is going to go to the question that Dan posed in the beginning about what kind of city are we going to look like in a generation? So, it's really big.

I think it's safe to say that prior Councils have had those good intentions of getting this right. But we've fallen a little short -- sometimes for reasons beyond our control, and sometimes because it is just very hard when you're swinging for the fences. And on this plan, I really urge you to be as prescriptive as possible and lay out for us on a regular basis how we do a check-in and how we measure success. And towards that end, I went back and re-read the no net loss policy that the council adopted in 2001, and it's like a walk down memory lane. Because Dan Saltzman and Erik Sten brought it forward, and the mayor voted for it. And it was a wonderful document saying that we're going to protect housing downtown but particularly in the West End.

One of the things it said was we have to make sure that we preserve 705 units of Section 8 expiring use properties that are at risk. This Council preserved every god damn one of them, and it was laid out in a document that these two guys put out there and set as a goal, and we did it. And that is something to be applauded, but it doesn't always happen despite best intentions. So, I urge you to be as prescriptive as possible and focus on what action items we have to take to get there because the goal is smashing.

And along that way, I want to offer just two other observations. We ought to have the debate about whether 80% is where the need is or whether we should cap it at 60%. The no net loss policy said our most urgent need is zero to 60%. If we're going to lift the ceiling, let's have that debate and let's debate it on the basis of a needs assessment, not on the basis of just conjecture. What's the need?

And the second thing I want to just offer as an observation -- you have a lot of action items in this plan. We could spend an entire day discussing which action item should get the star first and be the first year, year two through five, and that's obviously not a science. We're going to talk that through. But I'll give you one example where I see a potential values proposition we ought to debate at some point. In the West End implementation plan for housing and neighborhoods -- and the West End was the center piece of the no net loss policy, because we had a lot of hotels there that had very low income people and vulnerable properties. You've prioritized creating incentives to the development of family housing over preserving existing affordable housing. I don't know whether that's right. We know that family housing is more expensive. I'm not sure whether that's where families would choose to live if they had other options. I don't know that -- you might.

But you might argue that in year one, we ought to focus on preserving what we have because the one thing I think we're all concerned about this plan is that it's going to stimulate development and market forces, and we know from history that market forces displace poor people. So, I would think that preservation quantifying at-risk building and preserving ought to come ahead of building family housing absent some evidence that the family housing market there is robust and we can do it. I might want to preserve what we have, because I suspect there will be a lot of pressure on the existing stock of affordable housing. And we know it takes an enormous focus to preserve vulnerable properties. And that's embedded throughout -- there's zero to 80 and family housing prioritized ahead of other kinds of housing -- I just think that's an important debate and I hope we can have it, because I think we might want to re-tweak that one.

But really, my big plea is if we're going to do something different here, we have limited tools at the back end to fix problems. We have the opportunity to get this right and

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have a downtown unlike any other downtown. But we've got to have clear metrics, we have to have clear goals, and the council has to say at the front end this is not something that in 2035 we are going to have a future Council say gosh, sorry we missed that opportunity. We want to be here in 2035 and say, we kept our promise, and we need you to keep us on track.

Hales: Good point. Thank you very much. Other points or questions at this juncture?

Novick: I have one big vague question, which is, is there any relationship between the decisions we make about building heights and our goals around climate action? Will any of those height-related decisions have any impact at all on our climate actions and goals?

Anderson: In the broad sense, yes, because by having more population near transit and able to take transit, we'll reduce transportation. Transportation is 40% of our carbon emissions. In terms of the new construction versus old, there's a debate. But in general, people living in smaller spaces in more densely arranged buildings -- multifamily versus living and single family spread out -- are going to use a lot less energy.

Hales: Good. Thank you all very much. I'm sure we will have more -- I'm sorry.

Zehnder: Excuse me, Mayor. Commissioner Bailey is on a timer.

Hales: We will call Commissioner Bailey next, and then two representatives of the PSC. So, Commissioner Jules Bailey is here on behalf of Multnomah County. Welcome.

Fish: Mayor, he's been waiting so long, he grew a beard. [laughter]

Jules Bailey: Not that long yet. Did go a little gray, though.

Hales: Just wait until you have been in this job for a while.

Fish: Did you have to make that comment with five middle-aged people sitting up here?

Bailey: Touché. Well, thank you, Mayor and Council for getting me in here and allowing me to get back for the Home for Everyone coordinating board that I know is a priority for you all as well. For the record, my name is Jules Bailey, and I'm here today in support of the West Quadrant Plan and many of the planning goals and policy objectives that were developed during this process. As you know, Multnomah County Chair Kafoury and I submitted a letter that mirrors my comments today, so you have the substantive part of my message before you in writing.

Portland's westside is a vibrant mix of housing, high-rise office space, innovative transit options, entertainment and art venues, public spaces, and parks. And unlike many other cities in the United States, Portland and the metro region have focused our growth inward. We believe that many of the successes of our urban area are due to this purposeful planning, and we support the added focus that the West Quadrant Plan will bring to this area. And I think, as an illustration, one only need to look at my district in Multnomah County -- district one -- to see the effect of some of the land use policies. My district include the westside of Multnomah County as well as some of inner eastside, and our urban growth boundary has helped to keep farmlands in the rural areas of my district productive and still farming, and the urban area growing dense and up and accommodating a mix of infill and urban green spaces to keep the city vibrant and livable.

These choices -- and they have been choices -- have gotten us here, and they have been deliberate. And as we approach now another decision point, we have an opportunity to think for the future once again and for generations of Portlanders to come. And I have to add as an urban planning geek -- this is a really exciting time.

Multnomah County shares the City's goal for this area of Portland: to be a healthy, thriving, sustainable community that provides family-wage jobs, affordable housing, and recreation areas for all members of our community. And I come to you with two particular lenses beyond that conceptual continuation of our forward-thinking land use planning policies in the urban growth boundary. First, around housing more people in the core.

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We support the plan's goals to allow for needed future residential development capacity for all income levels. As I mentioned, A Home for Everyone executive committee, which is a partnership between cities of Portland and Gresham, Multnomah County, Home Forward, and Meyer Memorial Trust, is committed to providing an urgent and coordinated response to ending homelessness in our city and region.

Our region's low vacancy rate, increasing rents, and lack of tools to increase the supply of affordable housing makes this work extremely difficult -- as you know. Not only is downtown an attractive place to build a wide range of housing options, it also is a great place to wrap around those kinds of housing support services that we need to support families and individuals.

In addition, Multnomah County owns many public buildings and provides many public services in this project area, and we also receive property taxes from private property in the area. We are working on the site selection for a new and much-needed courthouse and are developing a new health department headquarters that can meet the demands of modernized public health. Both of these buildings will be in the West Quadrant for multiple reasons, but build-ability and access to transportation and other amenities paramount criteria as we look to developing the projects.

In short, we support the plan's goals for population density and maintaining or increasing as appropriate building height. And as we grow as a region over the coming decades, we know that well-designed, dense, mixed-use urban communities can promote livability, reduce transportation and housing costs, improve equity, and make our streets safe. And to Commissioner Novick's earlier point, they are also fundamental to our climate responsibilities.

After the plan is adopted, Multnomah County looks forward to collaborating with the City on City/County priorities in the plan related to transportation, public safety, emergency management, housing and homelessness, and sustainability. I thank you for your time.

Hales: Thank you very much, appreciate your cooperation and coordination with what we're doing.

Bailey: Absolutely.

Fish: Commissioner, before we lose you, do you have a quick update on the status of the new health department building and a timeline for development?

Bailey: Commissioner, I unfortunately don't have that for you right now, but I would be happy -- my staff is here and will make sure that you get that update immediately.

Fish: The other piece that's buried in this plan is Multnomah County has asked for some additional height at the location that the City has made available, Block U2. Could we also get some clarity about why the additional height is necessary?

Bailey: Absolutely. I will make sure that happens.

Hales: Thank you very much.

Bailey: Thank you.

Hales: Thanks. OK, let's call our two volunteer leaders here. Mr. Baugh and Ms. Schultz, come on up. Thank you both.

*****: There you go. [laughter]

Hales: Keep playing musical chairs for as long as you like.

Katherine Schultz: I think we all want to get on with it.

Hales: Good afternoon.

Schultz: Good afternoon. For the record, my name is Katherine Schultz. As co-chair on the West Quadrant stakeholders advisory committee, or SAC; and vice chair of the Planning and Sustainability Commission, or PSC; I've had the privilege to be involved in the evolution of the plan for the last couple of years. You'll likely hear testimony about the SAC process, so I would like to provide a little bit of background on that.

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The SAC was comprised by a group of 33 individuals selected by an application process. In addition, there are many individuals who were not formally on the SAC but attended every single meeting and participated by testifying at every single meeting. They all -- both the SAC members and those people who came to all of our meetings -- dedicated a significant amount of time to the creation of this plan.

The SAC process began with the challenge from Mayor Hales to think big. And as Joe outlined, we did. The work evolved throughout four phases. We began with the generation of ideas and issues, and then we moved into the conceptual development for the entire West Quadrant and on to plan development for districts within the West Quadrant. We concluded with developing the goals, policies, and actions that are needed to support the plan.

A majority of the SAC supported the plan, but there was not unanimous consensus on all parts of it. Therefore, the SAC agreed to move the plan forward to the PSC with the minority report which outlined environmental and building height issues that remain a concern for some of the individuals. And I'll address those next.

Regarding the environmental concerns, several members of the SAC did not feel that the plan went far enough in protecting and improving our natural resources. This was echoed at the PSC and it resulted in strengthening of the language around protection of natural resources through higher standards for many items, including green infrastructure, development within the floodplain, and tree canopy targets.

Regarding building height -- you will hear negative testimony regarding building heights. It should be noted that both the SAC and the PSC listened to thoughtful testimony that led to extensive, informed, meaningful discussions on the building height, and both bodies arrived at the exact same conclusion. Throughout both the SAC and the PSC deliberations, there were three targeted areas of discussion -- Joe outlined them: Old Town/Chinatown, the bridgeheads, and West End. I think it should be noted that there was little to no discussion of the building heights at Goose Hollow during the SAC process.

In Old Town/Chinatown, there was support for greater height on the three designated blocks. It was agreed that this is necessary to finally get a very catalytic project moving forward in the district that desperately needs it. That being said, the support came with the caveat that design guidelines where the district be developed and adopted to ensure that the character of the neighborhood is preserved.

At the bridgehead, Portland has a policy of stepping down to the river. So, reaction of the idea of taller buildings at the bridgehead kind of raised peoples' eyebrows. But throughout discussion and deliberation, it was recognized that allowing taller buildings at the bridgeheads will increase the development flexibility in those very hard-to-develop sites, and development on these sites will address numerous plan goals, policy, and actions that call for kind of a renewed participation along the Willamette River greenway.

There are very few opportunity sites left within kind of the central and south end of Naito Avenue that allow people to live along our river. And people living along our river's edge will create 24/7 activation. By encouraging development of the bridgeheads, we can increase the potential of this activation happening.

Finally, at the West End. This plan does not change building heights at the West End. There was much testimony and debate on the request by some members of the West End community to reduce the building height at the West End. But both the SAC and the PSC supported not changing the heights. The West End is ideally located in the heart of downtown with excellent access to transportation, jobs, schools, and groceries. Decreasing heights would have an effect on this potential density, which goes directly against our comprehensive plan goals of supporting and increasing growth around centers that have the infrastructure to support greater density.

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Aside from these few but important concerns, there was much support, enthusiasm, and agreement for most of the plan. Some highlights of our agreement include activating the Willamette riverway with a 21st-century urban waterfront; embracing zoning tools that increase flexibility, and allow more mixing of office, retail, residential, within districts as well as buildings. As an architect, I can tell you while this concept seems basic here in Portland, it's actually pretty revolutionary to many cities and towns.

Other areas of agreement include designing our streets with more intention towards the activities that they need to support; creating the Green Loop that Joe talking about, a signature 10-mile walking and biking parkway; developing effective tools to accommodate growth while preserving historic, cultural, and environmental resources; ensuring that underrepresented and underserved populations have access to the benefits of our central city; and last but by no means least, reducing carbon emissions to re-enforce our city's place for a model of low-carbon sustainable development.

Commissioner Fritz, regarding the 405 capping, I think the SAC would say that we all recognized it was extremely aspirational but also in the locations that it was proposed, very important for connectivity within the central city to the other parts of the city on the other side of 405.

Fritz: And did you discuss the issue that there isn't an infinite amount of money and if we had additional transportation dollars, should they go to 405 or should they go to other transportation infrastructure elsewhere?

Schultz: We did not necessarily debate how to prioritize at all, not at the SAC level. There are still some topic areas that need to be addressed in the plan, such as the Willamette greenway, parking, bonus system. This work will continue, and it will come together when we complete the Central City Plan. Therefore, the SAC recommends moving this plan forward with approval of the resolution. Thank you.

Hales: Thank you, Katherine.

André Baugh: André Baugh, Planning and Sustainability Chair. Mayor, Council, before you today is the major component of moving our central city forward. What you will hear are policies of how our downtown skyline may change and look; the importance of historical preservation; stronger environmental policies; recognition that parts of our downtown districts have unique character and need to be relative to their culture; and a reaffirming and elevation of the affordable housing in our central city. I'm going to recap kind of the deliberations, I think, or the high points, and then I would like to touch on the housing and talk a little more about that.

The housing discussion -- we recognized there was a need to elevate housing in the critical need in our downtown, directing resources, doing business differently, and ensuring that our vulnerable populations had an opportunity to afford to live in our central city. So, we've set a goal that's been discussed, the 30% of all housing production. And the zero to 80% -- and I will talk to that a little bit later about how we look at the zero to 80% -- but there's a simple principle that people who work in Portland's core should be able to afford to live in Portland's core. That's just -- if you work down here, you should be able to live down here -- or at least have that opportunity.

Height. You heard Katherine talk about height. One of the key components of height when we look at height that came out of it -- and this is part of the future work -- is what can we get from height when we look at the bonus systems and the FARs? So, what in terms of livability components can we contribute to the downtown from a height discussion? So -- especially at the bridgeheads, I don't think -- it's fair to characterize that there was not a real enthusiasm for doing the height, but there was an enthusiasm for taking that height and converting that value to some livability components that may be affordability of housing and other things that contribute to a better downtown. So, it wasn't

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automatic we wanted a lot of height at the waterfront. It was, what can we get out of that height that helped contribute to the downtown? And that comes through the zoning code and the bonuses and FAR discussions that will come on later.

The environment and Willamette River -- again, we weren't happy with what we heard initially, so Katherine has talked about how we've strengthened the policy and languages, added action items, and addressed flooding and other impacts, but I think that is a great start to a stronger discussion around the environment in our central city core.

Third, there's an opportunity as we look at the taller buildings down in the historic Chinatown, Japantown historic district. Again, how do we ensure that -- Joe talked about design standards, and how do we ensure that we have -- part of that was that we wanted standards that met the cultural competency, I guess, of that area that said we just didn't want taller buildings, we wanted buildings that were pedestrian-friendly but that also respected the cultural significance of those areas. So, that's part of the follow-on work that comes with the height that hopefully gets us buildings that are culturally sensitive to the areas.

Redevelopment of parking lots. We had a discussion about that. I think that the plan provides us to really develop a strategy going forward of how we implement those and get those active versus just being parking lots in the future. I think the SAC had a very vigorous discussion of that, and we had part of that discussion, too, but we did not get to zooming them out or anything like that, but moving forward with some kind of strategy to achieve that ultimately through the plan. So, that's really a development.

I would say at the end here -- it really is now for us to come back with a full city plan that will come back in about a year or so -- that's the full city, all of the quadrants -- and work through some of the bonus systems and some of the zoning codes and so that you have those action items in place to look at a complete plan. So, this is the major component moving forward but we still have a lot of work to do, and the Planning Commission will come back with a complete plan in the future. At that time, minor issues that may need to be addressed through the code work can be addressed at that time also.

Specifically, to the housing discussion. Not in front of you today, but coming in front of you a little bit later in another month -- we looked at housing and said housing -- we bifurcated the zero to 80. So, we have said as a commission that the zero to 60 should be directed toward funds. That's where the City's funds should go. In the 61 to 80 is where alternative tools should go, should be developed so that actual money the City has -- whether it's TIF or whatever type of money that is actually going to the zero to 60 with the highest need, and then other tools may be used for that 61 to 80.

We also recognize that you need to get a different toolbox and get a lot of tools in the toolbox because you don't have resources today. What is it going to take? I'm not really sure. But there's a lot of people looking at this problem. I think today there's not only the City, but there's other committees out there, nonprofits looking at that. What will it take to get more affordable housing in our downtown core? As the chair of the commission, I think we're committed -- and I'm committed -- to bringing back something to you that says, this is how we think we can get there. It's going to be a toolbox. It's not one -- I don't think there's a crescent wrench in there that solves this problem, but I think it's a full toolbox of tools that are not only bonuses but I've talked to PDC about their toolbox, what can we do with them? I want to make sure that we uncover whatever those items are. And we also want to talk about accountability.

I think it's important that we examine, long-term, are we meeting the goal and do we need to make other changes? Maybe every two, three years there's a review of how we're doing against the 30% and how many units have we produced, and can we take advantage of market forces if they're moving slower or faster? From that standpoint, based

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upon our tool kit that we have put together. But I don't know that there is an answer today. And I certainly as a commissioner of the Planning and Sustainability Commission I am committing to go work on those answers. We have a comp plan that has a housing component, and we will be working there. And we will be coming back through the comp plan with that part of the housing, plus the central city will be coming back also that will have a housing component.

Fish: Mr. Chairman, can I engage you on that point for a second?

Baugh: Yes.

Fish: First of all, thank you for clarifying the housing goals. In fact, on page 43 of this outstanding document, it does note that you have proposed housing affordability at zero to 80 generally, but you've also been very clear that the public investment, the City's resources should be focused on zero to 60.

Baugh: Yeah.

Fish: And that's why these new tools in our tool kit -- Commissioner Saltzman's proposal for a bonus system that's voluntary, potentially inclusionary zoning, and other things. So, thank you for clarifying that.

Under the old no net loss policy, there was a requirement of both an inventory and an annual report of where we stood to the inventory. And I think your idea of updating the inventory -- and part of that is agreeing on the methodology, because we have a wonderful report from Northwest Pilot Project, but not everybody subscribes to the methodology. So I think a) establish the baseline methodology, and then b) do an annual or every other year report and see where we are. Because the 30% of total housing is not just prospective, it's not new construction, it's 30% of all of the housing that is there in 2035. So, I concur that a report with some predictability is a good idea.

And then, I just offer this sobering observation -- the chart, the data that accompanied the 2000 resolution on no net loss and the numbers -- I got the back-up stuff. And just by way of context -- in 1978, there were 5200 affordable units downtown. In 2014, there are 3200. So, there was like an extraordinary amount of energy and effort and intent to protect the housing stock, but we are not more powerful than the marketplace. And I think that the more check-ins we build into this and the more intentionality, the better, because we're going to unleash market forces through this exercise that are going to make it harder.

Baugh: Yeah. I would say two things. First, that what Commissioner Saltzman has proposed through the resolution is kind of the start of that process, because we need to get those tools developed first before we -- I mean, it's great to measure, but you gotta have something to measure. And the work that -- and when I commit -- you know, the commission, we show up to a meeting every two weeks, but it's really Susan and her staff that is working with the Housing Bureau and community groups to engage in that policy.

The other side to that and really the follow-on is engaging the development community in an active discussion about what tools work. Maybe not for them today, but over time. And I think, you know, there's examples in Seattle that have passed some things in other cities -- Boston -- that start to look at, you know, how do you bring all of those tools together as a city and work with the development community to achieve the goals? And we have to get that private partnership active as we go forward. And that in part is part of the solution to me -- the private partnerships that we need to bring to the table, along with the public money.

Fish: And you've also been keeping our feet to the fire about spending urban renewal dollars and meeting housing goals. So, I appreciate that. One other question, sir. There's a proposal to add some additional height to some properties in Old Town/Chinatown.

Baugh: Mm-hmm.

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Fish: And there's one site in particular that's had some fits and starts in trying to get some development going. Once upon a time, I think there was an Uwajimaya that's been proposed, and other things. You're proposing some additional height. What's the safeguard to the community that if we give the additional height, the building will fit within the fabric of a historic area?

Baugh: Again, back to my comments about we are looking to put some design guidelines in that would ensure that there's design character consistent with the area where the building is being proposed. And so those pedestrian standards and the design guidelines that Joe had on the screen are what will come -- that we have future work to do to create that -- work with the community and say, what those standards are? We don't have those today.

Hales: Those would be an overlay over and above the Central City Design Guidelines that we already have?

Baugh: Yeah.

Hales: OK.

Fish: I think that's a very important piece. Would you say the principle driver of that additional height in that area is making some redevelopment economical or a view about the urban form?

Baugh: You want to touch on that a little bit?

Schultz: I would say it's both. I guess in the interest of saying potential conflict of interest, my firm worked on Uwajimaya project, and I can tell you that it did not pencil out economically without being able to get more volume on the site.

Fish: I think the City was approached about a pretty substantial investment in that project and it was a big gap, I remember.

Schultz: Correct. So, it's both. But I also think it is very -- it's a district, neighborhood with a lot of historic significance, and so paying attention to the details and how a project gets massed up -- whether it steps down and how it meets the street -- is extremely important.

Fish: Thank you.

Baugh: Other questions?

Hales: Other questions? Thank you both for all of the work that you do --

Novick: Mr. Mayor, I do have one question. And this is a specific question but it's addressed to the general question of when we adopt an aspirational goal that seems like it would cost some money, what are the implications of that? The specific example I'm looking at is page 99. It says, create unique urban riverfront with center piece at Centennial Mills, develop a uniquely urban riverfront that features an iconic segment of the greenway trail with a "jewel" civic space in Centennial Mills framed by high density development along the riverfront. Now, I've heard that people have ideas for Centennial Mills that would cost \$40 million -- I don't know whether we have or not -- I'm just curious: if we adopt this, what does that mean? Does that mean that we think that we should spend \$40 million at Centennial Mills or it means we would like to have a jewel at a low price, or what would it mean for us to adopt that in your view?

Baugh: In my view, it means that the City is going to go through a process to look at that property and decide how to develop it as a jewel, defining whatever that jewel is. I mean, you know, it's eye of the beholder. But I would say it's just not saying we're going to spend \$40 million, it's saying the City is going to go through a process and deliberately try to develop that property and make an intent to do that. Whether or not you actually develop it comes down to economics, but at least make an attempt to explore the possibility.

Fritz: And Commissioner, if you look on page 101, then there are the implementation action items, and that is where I was going before with my comments about where the Portland Parks and Recreation can actually do everything that has been assigned to us.

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RC7 says, explore the possibility of building a public boat house for Portland Parks and Recreation, and the timeline two to five years. If we adopt it as is, we would be required to put that into our CIP and start figuring out how to fund it.

So, I'm very concerned, and I would encourage you to go through all of the action items to see -- because I want to be realistic about what we can promise and what is truly aspirational. And I know we want to get to public testimony, but I just have to frame this because I was on the Planning Commission when we adopted the North Macadam framework plan, which is somewhat similar to this. There was an action item about explore the potential for a gondola between OHSU and then North Macadam district. I asked about that as a Planning Commissioner and the response was much like, meh, isn't this a lovely idea to think about. And then it came, the tram came into being. I was told, well, you already adopted that; it's in the plan. So, the time to complain was then. So, I want to be really clear. I think we should take the time to be careful and to be clear about when it's a lovely idea and when it's something that we're actually planning to do.

Hales: Yeah, let me put this in the air for both our later discussion and maybe some reaction now from our two volunteers, but I take -- my ears are open to these comments about the need to ground what's in these aspirational plans to implementation strategies that can actually work. I'm not sure if you're right that just because it's in the plan, it has to go into the CIP when it says explore the possibility of building something. Remember that the 1988 Central City Plan had a dotted line in it that said future urban circulator. That was as detailed as it got. It's now the Portland Streetcar. So, you know, it's OK, in my opinion, to have some stretch goals and not fully-formed visionary ideas in a plan. It also is important to know which are which. So, I take your point. But you know, I don't think we should -- not every item in a 20-year plan should be directly attached to a budget proposal.

Fritz: If it's in the two to five years, though.

Hales: OK, so maybe it's in the wrong time block. But over the course of 20 years, some of this stuff will prove to be doable and some of it won't. And again, I don't want us to be too short-term in our thinking about the plan. So maybe it is where it lies in the time scale rather than that we have to get specificity about how we're going to fund something in each instance. For what it's worth -- I'm sure you've debated these points.

Schultz: Well, just a little bit of perspective from the SAC. I would say that certainly is an example -- as well as some others -- where I think we all recognize as a group that more time needed to be put in to determining whether it was a good idea or not, as great and aspirational as it sounded. So, when we said explore, it meant explore it in the next two to five years and then determine if you move forward with it. That was the intent, and maybe it's not clear and needs to be made more clear.

Fritz: As I've learned with Parks, even the exploring part requires staff time to do that exploration and a public process to plan for something, and that's not currently in our plans. And again, because we have to look at what does the city need citywide and where do we dedicate limited resources? Anyway, thank you very much. I really appreciate --

Fish: Commissioner Fritz, the question you raised reminds me of just a quick personal story. When I was a teenager, my father was very keen on me getting confirmed. And the culmination of this religious process was I would have to recite the Nicene Creed in front of a lot of people. And I expressed to him at the time some misgivings because I was a little unclear about my religious impulses at the time. And he said, well, don't worry about that, do this now, and later on you can decide whether you want to become religious. [laughter] So, there's window of opportunity to get this out of the way, and then at some point -- but I appreciate the colloquy between my colleagues, because, for example, I would like to at the appropriate time make suggestions about maybe moving the sequencing and prioritization, but I think it is also important that we qualify our support for this plan in that --

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as you suggested, Mayor -- it's aspirational. And we want to make sure that there is some things that are very specific, there are other things that are more aspirational. And I think if we're clear about that, we will give ourselves the room to do lead the budgeting of our bureaus and make recommendations and not be necessarily bound by every single aspirational goal in the plan. I think it's a fantastically important question.

Baugh: One of the things that we got an education about when we started the comp plan was about language, and we've become very deliberate about develop, explore, recommend. And I think it's a great observation -- what does explore mean relative to your budgets? And so, there may be another word that gets you there without having to expend money. And we've taken that as -- and we've had a lot of discussions about just a single word. And so, I would encourage you to -- I think our City Attorney had to go through those words and what they meant.

Hales: Thank you both. Anything else for these two? Thank you very much for all of the time you have invested in this so far. Thanks. Alright. I think unless there are any other issues to discuss now, we will move into public testimony. Karla, if you would --

Fish: Mayor, can I ask you a procedural question?

Hales: Sure, sure.

Fish: If any of your colleagues have amendments or ideas about this process, is it your intention to collect those after this hearing and to bring them back at a future hearing?

Hales: I think that would be most orderly. One, we're going to keep the record open unless there is something that you need to get people to comment on right now.

Fish: No, I mean, I think that the testimony is going to suggest some modifications. As long as we're clear that we can bring them at a subsequent proceeding.

Hales: Yes, it is our intention to take testimony, close the public hearing, and then allow further time for written testimony to come in and for Council to be able to propose amendments.

Fish: Thank you.

Hales: With that, let's take testimony.

Moore-Love: OK. We have about 69 people signed up.

Hales: OK, let's plunge in. Welcome. You just have to give us your name, no need for address unless you're representing an organization.

Willie Levenson: Willie Levenson, Human Access Project. Address -- no?

Hales: No need.

Levenson: I submitted testimony and had a chance to talk with staff from everybody's office, either directly or through email. I guess the most important part of my two pages of comments -- which I really hope you guys will have an opportunity to see and consider -- is that there has been a change with Portland's relationship with the Willamette River thanks to the Big Pipe project. First, I would like to suggest that this is added to the history section of the planning document. It was completely omitted.

I think the history section probably would be considered superfluous in a lot of situations, but it guides why people have thought about maybe the Willamette River in the past and what has maybe changed about it. We now have among one of the highest sewer bills in the county. One thing we can point to is the Willamette is now safe for swimming and recreation. I think that's a great message to bring out, and specifically around the Big Pipe.

I think that planning in the past is really aspired to create a better human connection to the Willamette River, but it has settled for visual access and a lot of opportunities -- possibly because if the Willamette was viewed as an open sewer, maybe people would just want to look at it and not get into it. Now, it's vetted scientifically safe, as long as

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there's not a combined sewer overflow, and now there's about four a year in the wintertime rather than 50 to 100.

So, I'd consider to strengthen the document. It might help if there's an actual definition of public human access versus visual access. And one other thought is that really big ideas -- oftentimes we can get stuck. I mean, at what point will we be able to do something with the Willamette River? There are seven studies in the last 11 years related to the Willamette River. So, how do we actually start? What are the first steps?

What I would say is that, un-sexily, the things that Human Access Project has in mind does not cost \$20 million. We would like to slowly court the public to fall in love with the Willamette River to allow the big projects to happen.

Hales: Thank you. Thanks very much. Wendy, welcome.

Wendy Rahm: Thank you. I'm Wendy Rahm, a West End resident. Bill Moyers recently devoted a full program to the immorality of tall towers in the struggle between the moneyed few and our history and livability. Who owns the light on the street?

We all know that Portland used to lead. In the '70s and '80s, it stopped urban planners from building freeways through neighborhoods. It's time to stop another '80s policy that of building tall towers everywhere. Urban planning has evolved beyond tall towers to livability; from top-down planning to street-level planning. It's time to stop and consider our generation's legacy.

Are these proposed heights about the emerging dollar-ocracy? We need a fresh look at the West End not just as a place to build 20 and 30 and 40-story buildings that encourage demolition for density, but as a place that tells us about us; a historic human-scale area branding Portland as unique.

I'm sure you've seen the many travel articles specifically on the West End in flight magazines and in the New York Times. There is a distinct character in the West End. Don't destroy the goose that lays the golden egg. The past is present in the West End's over-100 historic buildings, and these should coexist with future economic aspirations and livability. The high concentration of West End historic buildings are mostly unprotected today from demolition. If they go one by one, affordable housing and affordable offices will disappear, as well as the stories these buildings tell us.

We are in the middle of Portland's story. Without its beginning, the story will lose its shape and meaning -- even its soul. Let international investors build tall towers and leave, and it's no longer our story. Do not let profits be the story in the West End. Too much is at stake.

One final thought. Perhaps these decisions should not be made only by moneyed interests and policymakers. Residents' voices can matter, but there was no West End resident on the SAC. We are not opposed to increasing density. Eight-story buildings on the many parking lots will add plenty of density and likely meet goals within a margin of error. I urge to you vote to lower the maximum building height on the West End to 100 feet. Thank you for listening.

Hales: Wendy, thank you. Do you think there's not sufficient protection on the existing historic buildings in addition to the height issue itself? I mean, I understand your point on the height issue, but --

Rahm: There are two kinds of existing buildings in the West End. One are on the register, but the large majority are unprotected buildings. And you all have a copy of the inventory that I did a couple years ago. There are over a hundred of them, and most of them are not protected at all. And we are seeing that --

Hales: Because it's not a district and they're not on the register.

Rahm: That's exactly right. And we're seeing them go one by one because the Design Commission of course doesn't address history.

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Hales: Thank you. Welcome.

Craig McConachie: Good afternoon, Mayor Hales, Commissioners. My name is Craig McConachie. I am here in support of the draft of the West Quadrant Plan and opposed to the granting or continuance of the delay of the hearing. I have been a property and business owner in the Goose Hollow neighborhood for 30 years. I own a building on 15th and SW Taylor which my company C&R Real Estate Services operates. I want to see my neighborhood reach its full potential, and I'm convinced that the West Quadrant Plan as drafted will achieve this.

I joined the Goose Hollow Foothills League in September of 2011, and participated in the vision realization committee since its inception. This committee was formed specifically to provide input to the board regarding the West Quadrant Plan. I attended 25 out of 33 meetings held. After more than two years of dedicated work, the Goose Hollow principles document was formulated by the committee and presented to the board of directors which subsequently adopted the principles' statement. A new Goose Hollow Foothills League board was recently elected. They are in disagreement with not only the content of the Goose Hollow section of the West Quadrant Plan, but the process in which the previous board came to endorse the principles document.

I can testify that the vision realization committee, to my knowledge, conducted itself in a thoroughly transparent and open manner, encouraging input from all attendees and invited guest speakers. Committee meetings were regularly published and submitted for review by the entire neighborhood association. Committee discussions and decisions were not unduly influenced by developers trying to change zoning in their favor. To the contrary, most of our time was spent discussing how to improve the livability and vitality of the Goose Hollow neighborhood. Heights limits and flexible zoning were openly discussed, along with view corridors and the desire to encourage the type of development that would benefit the neighborhood.

I support the recommendations put forward in the draft West Quadrant Plan. Development has lagged in this neighborhood, and the need for more flexible zoning is very apparent. I oppose the granting of the continuance or delay. [beeping] Revisiting the goals and objectives at this late date that had been drafted openly and publicly serves to undermine the process that neighborhood associations need to adhere to. Thank you.

Hales: Thank you. Yeah, I think the only continuance we're contemplating at this point is enough time for the council to take in additional written testimony and to consider amendments. We aren't looking at some -- I haven't heard anything from my colleagues and I'm not intending any protracted delay on our action on the plan.

Fish: No one, for example, came to my office and asked for a continuance or a delay. What I will tell you is it's a 225-page document, and we're going to have a five-hour hearing. And we sometimes do our best work with an interval between the hearing and the final vote -- [laughter] -- because it gives us a chance to absorb all the testimony. I concur with what the mayor said. There's no other agenda that I'm aware of.

Hales: We try to develop major policy while we're awake. [laughter] Thank you. Good afternoon. Mary, I think you're first.

Mary Vogel: Yes, thank you. And thank you for the opportunity to share my thoughts on the West Quadrant Plan. While I commend the West Quadrant Plan planners for the job they did in putting together a huge amount of very complex material, they made a significant oversight that I beg you to amend.

As a resident of the West End who spends much of her time thinking about adaptation to climate change, I was utterly dismayed by the lack of implementation actions for the West End under environment. There was only one. This is Portland, Oregon, where we advertise to the world that we build green cities. And for the major residential area of

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our downtown, we have only one implementation action for the environment in a plan that takes us through to 2035.

Below, I expand on the one and propose a dozen others. These ideas are not new. I've been involved in the West Quadrant Plan process since the beginning, and I have been blogging on my own website, plangreen.net, since 2009 about improving Portland's downtown. Some of the actions below build upon actions that were in the urban design item of the West End and surrounding neighborhoods, but even if the concepts are found there, they bear clarification and repetition. They include things like locally-produced distributed energy -- this builds on the first one, the one that was in there of utilizing the brewery blocks district energy system and expanding that. A tree canopy of at least 30% -- and I passed along some photos of the -- was that actually three minutes?

Hales: No, it's two, trying to --

Vogel: OK. Anyway -- of some low-income housing that has no trees whatsoever around it. Anyway, you can read the 13 items that I proposed for implementation action under the environment section in the West End, page 84. I'm suggesting you take out the photo of my favorite bike shop, the Bike Gallery downtown, and put in these items on that page. And then we can proudly say to others, we build green cities. Thank you. .

Hales: Thanks, Mary. You know of course there's 13 items under the environment goal earlier in the plan on page 54, but they're not specific to the West End. So, your point is specifically to the West End.

Vogel: Yes. The West End needs its own environmental action items.

Fritz: Yeah, it's even got a performance target for tree canopy but then no implementing items. So, that's a point well made. I also understand you're been a key proponent of the Green Loop concept?

Vogel: I am. I was actually amazed to see how many of the concepts from my blogs and my previous testimonies did end up in the plan. I'm delighted with all of that.

Fritz: Thank you for that particular contribution, I think that's a very key piece of plan throughout it. So the mayor I think is right -- there are pieces throughout. Thank you for your work.

Hales: Thank you very much. Who's next?

Bob Sallinger: Good afternoon, Mayor Hales and members of the City Council. My name is Bob Sallinger, I'm the conservation director for Audubon Society of Portland and I was also on the citizen advisory committee. I was one of two members representing the environment that actually submitted a minority report, because we thought the environment in the original draft that went to the PSC was pretty much ignored. And we were very disappointed in that. I will say now I really appreciate the work the staff and PSC have done. I think they came a long way in addressing the concerns that we did raise; the plan is vastly improved. I would also say that I think it has a long way to go on the environment. To some degree, I think we're coasting on our green reputation.

There's a lot of good stuff in here -- the Green Loop, the section on Ross Island toward the end, a lot of high level language about the green infrastructure, a lot of very positive things in this plan. But I think when it comes to really visionary new initiatives, kind of what are we going to really do, the detail level for the 21st century to continue our green reputation into the 21st century -- I think it's still lacking. Again, some good stuff in here, but big gaps, too.

I just want to highlight a few of those. Willamette River. There's about five miles of Willamette River in the central district, 10 miles of shore bank. We're aspiring to find two to three restoration sites on that entire stretch of river. That is absolutely anemic. If we're really committed to restoring the river, making it healthy for salmon, helping recover

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salmon, we've gotta do better than two to three sites on 10 miles of river bank. Salmon needs a good habitat area about every quarter mile, so we've got aim higher than that.

And one of those sites which should be rolling back the seawall at Tom McCall Park -- that was talked about a lot. That's been in the plans for a long time. We need to think harder about that, because it's a discussion item still.

Green infrastructure. A lot of good high-level language about green infrastructure but very little specificity, especially at the district scale, very few specifics of what we're going to do in each neighborhood. A couple of things. We need to aim very high on trees. The targets aren't in there still. We need high tree targets. We also should really be considering either green roof mandate or a green factor mandate. Green factor is something they do in Seattle where you can choose from a menu if you're a developer of green things you can do on your site. We talked about that for a long time, we've gotten rid of the incentives for green roofs -- it's time to actually green the city top. And we hope that you'll consider actually putting in the decision to move forward with that, not just consider it going forward.

Resiliency in the face of climate change. We'd like to see this plan crosswalk with the Climate Change Action Plan to make sure we're really addressing it -- I don't think where. Again, some high-level language but at a time where we should be moving back from the river, creating wider greenways -- what I read in this plan is a plan to intensify development next to the river. We need to be thinking hard about what the landscape is going to look like in 20 or 40 or 60 years.

Fish: Bob, because we are under a time constraint -- on the specific areas where you think it still falls short, are you planning on sending a follow-up email just with bullet points?

Sallinger: We will. That last thing I'm going to say -- I'd love for us to think about one thing that really isn't mentioned in this plan, and that is night lighting. A lot of cities are moving away from really lighting up their landscapes. Our city is going the other direction -- I see it getting brighter and brighter and more and more glaring. It would be nice for our kids to look up and see the sky, and I think we ought to be thinking harder about that. Light pollution is a growing issue.

Fritz: And Mayor -- Bob, we did receive some of proposed staff amendments just before the hearing. One of them was change it from two or three restoration sites to at least two or three restoration sites, so that's edging closer. I realize you'd like it to be 20 to 30.

Sallinger: When I hear at least two or three, I hear at least two.

Fritz: OK. [laughter] So --

Sallinger: At least two to three needs to be at least three.

Fritz: OK, got it.

Sallinger: But I think we need to be looking at more like 10 or 15. I mean, we're not going to get them all done, but the mayor talked about being aspirational. We should be aspirational, we shouldn't be anemic. And in this case, we know that's not anywhere near sufficient. There are more opportunities that are challenging, but if we want the public to have access to the river and we want a healthy river for fish and wildlife, and we want resiliency in the face of climate change, we've got to do this, and we've got to try harder.

Fritz: So perhaps Commissioner Fish's staff and mine from Environmental Services and Parks could look at what are we actually planning to do in terms of restoration projects, and get you a number that might be more than three. And then the other amendment is on page 48 to add the riverbank enhancement target of 12,600 linear feet and specify that the tweaked targets are still under development. So, I think in both cases your concerns have been heard -- perhaps not entirely to your satisfaction, but with each iteration we're getting closer.

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Sallinger: Absolutely. And the plan has come a long way since we submitted the minority report.

Fritz: Yeah, and I don't -- is this the minority report that came about the height issue?

Sallinger: No, this was separate.

Fritz: And I didn't receive either minority report, so if you could --

Sallinger: It went to the Planning Commission. But we'll send you new comments. That's not germane anymore; they addressed enough of that and we appreciate that. We would not submit the same report today. It has come a long way.

Fritz: Thank you.

Sallinger: Thanks.

Hales: Thank you very much.

Patricia Gardner: Patricia Gardner, Pearl District Neighborhood Association, and I sat on the SAC committee. I'm here to basically testify that it's a great plan and we should move forward on it. Primarily, I've got some data to throw out, which is the population of the Portland region is expected to grow by 300,000 new residents in the next 25 years. That's a lot. And they are made up of millennials and baby boomers -- everybody wants to live in the central city. And so, if we do not allow density to happen in the central city, where is it going to go? So, that's the challenge. If you overturn just the existing zoning -- which a lot of this is existing zoning -- where is it going? That's the challenge. And I'll submit my letter.

There are questions earlier that had come up earlier that I've got some answers to that I wanted to follow up with. One, regarding capping. I had the honor of signature on two steering committees or blue ribbon panels for Mayor Katz regarding capping the freeway. And the last one is the most germane. That's the one where we looked at the economics of it. I would highly recommend you get your hands on it, because what we found is that I don't think you guys are going to have to build it. There's a certain point where land is going to be such that it'll be cheaper to put a cap over the freeway than it is to buy a city block in Portland, particularly on either side of it. And so we looked at that cost with developers, with ODOT -- everybody was in the room and it's a very good report. Nohad Toulan was a part of it. And that is interesting. So, I'm not sure you're going to be stuck with the bill. If it doesn't say that in the report, if it says Parks, that's maybe something that should be pushed out because there are other opportunities there.

Back to that question, are you bound to do something if it's in the plan? And I'm very familiar with a lot of the plans and I remember where there was a river basin and I remember when there was an aquarium, and none of that came to pass. So, I think you are not going to be bound if you look at that language. There's definite precedence in the previous plans that this plan is built on that don't bind you to the aspirational things, but it's important to have them in a plan because it is a 25-year vision plan.

Hales: Thank you very much, thank you all. Good afternoon.

Brooke Buxbaum: Good afternoon. My name is Brooke Buxbaum. I want to thank you for the opportunity to testify about the West Quadrant Plan, and I'm here to say I believe that allowing the plan to go forward with the brobdingnagian building heights it allows would be grievous error on the part of the City Council. Albeit, those building heights are in the present plan -- previous errors should not constitute a precedent.

My bona fides for this testimony are that I'm currently a resident of Northwest Portland, previously lived in the West End for six years, and I'm a citizen concerned with preserving what is best and most distinctive about my adopted hometown. Portland isn't Seattle, Vancouver, New York, Shanghai, Chicago, or Dubai -- and it certainly shouldn't aspire to emulate them or look to them as models. The magic of Portland as a tourist destination, as a magnet to young creatives, as a welcoming community to retirees such as myself, as a home for young families, and a simpatico environment for human-scale

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entrepreneurship lies in its quirkiness. That is, that it's not like every other place. Its magic lies in its small-town yet metropolitan vibe, its diverse neighbors and architecture, its intimacy, its accessibility, and its moderate cost of living.

Glass towers reach to the sky shutting out life on the street, slick, sterile, homogeneous, expansive just don't fit. Tall towers in the West End would obliterate a historic buildings stock that is irreplaceable. It would drive up rental and ownership prices. It would be an aesthetic error. It would reduce the sunlight falling on the street, and certainly, we don't have enough sunlight as it is. Towering buildings would destroy the very character that makes Portland, Portland. And with that gone, you really have to ask, why would people choose to come here? Why would we want to lose the magic that is Portland? Why would businesses locate here? The central public space in Portland, Pioneer Square, is called the city's living room. Think of what that evokes: hominess, human scale, inclusiveness, a laid-back tempo. So different and unique compared to all the other cities I know. The West End almost at the doorstep of the living room should continue to reflect that same character. We need to keep building human scale, and we're counting on you to keep Portland, Portland.

Hales: Thank you.

Micah James: I've been a homeowner in the City of Portland for 18 years. Thank you for letting us come here, and thank you for what I can see is a very considered study you guys have made of this incredible plan. I am here because I think the proposed height limits in the West Quadrant Plan are excessive. Surprise. I hope that you will reject them and follow the recommendation in the Northwest District Association's minority report by Steve Pinger. I hope you've all read that. I believe that that report clearly outlines the negative socioeconomic impacts that this West Quadrant Plan contains. I think it will destroy lots with livable streetscapes and relatively harmonious heights that now exist in Portland and replace them with blocks where there are scattered, adjacent buildings, some dwarfing others.

If you've bought a Blue Star doughnut at the Blue Indigo, or if you walk by the Civic on Burnside, you know that I'm talking about windy streets, streets without sunlight, streets that don't cause us to feel comfortable in Portland.

Density can be accomplished with low and medium height buildings, like in the central part of Paris, Washington D.C., and a lot of the urban part of Portland. Our city can retain its unique character and be a place where schoolteachers a fire department folks and just normal folks can live -- not just those fortunate enough to be retired and have money. Thank you for your attention to this plan and for the future of Portland.

Hales: Thank you. Welcome.

Marion Haynes: Good afternoon, Mayor Hales, Commissioners. My name is Marion Haynes, and I'm the vice president of government relations for the Portland Business Alliance. We appreciate this plan's focus on the role of the central city as the economic engine of the region and really applaud the staff for developing strategies to promote private sector investment, housing, job growth, retail activity in this area.

For decades, Portland has made a conscious choice and significant investments to ensure downtown is dense and active. Through developments downtown, through investments, and transit and things of that nature, we believe this plan continues that commit and that that's the right way to go.

I'll keep my comments brief and focus on what seems to be one of the larger issues at hand on the heights. We do support the existing heights in the West End and the proposal for height increases in strategic areas in the draft, including bridgeheads and Old Town/Chinatown. This does support -- as I said -- our city's long-standing land use planning goals to accommodate growth by developing an existing built environment rather

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than pushing out at the edges. This our downtown core that we're talking about, and that's an appropriate place to try to accommodate what's pretty significant residential and employment growth coming to the city in future years. We've made the investment in light rail and transit. This helps leverage those and it really helps continue what has made Portland a national model for activating our central city. And we meet with people all the time that want to come in and hear and learn about what we've done.

Again, we support the height recommendations and recognize the need when we do that to keep a critical eye on transportation and portal capacity into the city to ensure people continue to get in and out of our wonderful downtown. Thank you.

Hales: Thank you. Thanks very much.

Fish: Since you're representing the PBA, I have to ask -- on the housing side, do you support the goal of 30% of the housing in the whole quadrant targeted to people at zero to 80?

Haynes: We haven't taken that up specifically -- it's a newer proposal, and so we'll have to get back to you on that specifically. But we have generally supported a number of proposals and the idea of looking at additional tools to support both affordable and workforce housing.

Fish: It would be great if you gave us your thoughts on that as well as this question of how we get there. What are some concrete steps you want us to commit to?

Haynes: An important issue, yeah. Thank you.

Fish: Thank you.

Hales: Good afternoon.

Paula Lifschey: Good afternoon. My name is Paula Lifschey, and I am a resident of the West End. Some time ago, I attended a Historic Landmarks Commission meeting where there was a presentation of the historic buildings in the West End. I was attracted to this part of Portland to live in because of the human scale and neighborhood feel in a midtown location. Also, I loved the historic buildings and their varied architecture from different eras, as well as some rare single-family homes dating from the time the West End was Portland's first suburb.

I'm reminded of how Isaac Stern fought to preserve Carnegie Hall, the icon for the performance of classical music in this country. He argued that a new building, no matter how well-designed, could not replace the atmosphere of history one feels when hearing a concert in Carnegie. In one's imagination, hearing the overtones of the ghosts of the greatest musicians of all times. When friends and family visit me here, they inevitably admire the unique historical and aesthetic aspect of the West End and applaud the efforts being made to preserve it.

I understand the City's need to increase density, but I believe that density can be achieved by buildings of eight stories or less. I am not opposed to increased density but I hope that the City will not accomplish this by allowing building heights are 20, 30, and 40 stories, and I encourage the council to lower these allotted maximum building heights to no more than 100 feet. And I think I beat the bell. [laughter]

Hales: Extra credit for that, thank you. Ms. Lennard, welcome.

Suzanne Crowhurst Lennard: Good afternoon, Mayor and Commissioners. Suzanne Crowhurst Lennard, cofounder and director of the International Making Cities Livable Conference, specialist and consultant on social aspects of [indistinguishable] nature and urban design. I live in the Pearl on NW Johnson Street.

I attended almost every meeting of the CC 2035 committee and West Quadrant SAC and as a member of the public and spoke at most meetings. There are major flaws both in the SAC process and in the report. The report's strong promotion of a single vision

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high-rise development agenda is in conflict with the 2035 concept statement that emphasizes livability, health, equity and affordability.

Every year, I bring to Portland about 400 mayors, PR actioners, and scholars in planning and public health from around the world. They're drawn not only by the IMCL conference, but by their desire to learn from Portland how to make their own cities more healthy and livable. Portland's international reputation as a livable city was hard-won by Portlanders in the '70s when they projected the planning behemoths of their day -- the Moses freeway, the high-rise development -- and chose instead to emphasize Portland's true strengths: small walkable blocks, human scale, nature, and the public realm; a city that belongs to all, not just to the wealthy. They pulled down a freeway to create Waterfront Park, built Pioneer Square, and improved the city's walkability by creating the streetcar.

Today, we are at another crossroads. Singapore, Hong Kong, and the World Bank are promoting the concept of world cities, and trying to shame our planners and elected leaders into joining their big boys club. These are citizens that are prepared to lie down to have their unique identity and heritage raped by global investors with their high-rise condos. The 250 to 460-foot height limits in the West Quadrant Plan damage the public realm -- our commonwealth -- but make investors drool.

Committed to high-rise, Singapore and Hong Kong now have the least affordable housing in the world and a deteriorating public realm. When you permit very high-rise buildings, the potential profits inflate land prices. This jeopardizes historic buildings -- Portland's heritage and historic identity -- and makes it increasingly difficult to ensure affordable market rate housing. And as research clearly demonstrates, high-rises are not suitable for many mothers, children, and elders -- i.e., affordable housing. The supposed benefits for all income level housing do not trickle down. Just look at the statistics for the South Waterfront or the Pearl District.

What kind of a city do Portlanders want? A pale imitation of Singapore or Vancouver, B.C. that satisfies the global investors, or to retain Portland's unique identity, walkability, human scale, and affordability for all -- and its worldwide renown as the most livability city in the U.S? I ask the council to reject the West Quadrant Plan's height policy and call for a thorough review of heights involving citizens -- not just developers -- in considering a range of height alternatives. Thank you. [applause]

Hales: Suzanne, I wasn't much engaged in the planning process here in the city during the time -- I think you might have been -- when the height limits in the north end of the Pearl were increased. Do you think that was a mistake?

Crowhurst Lennard: Personally, I think it was a mistake because it encourages luxury condos and increases land prices. And frankly, I don't think Portland wants to get in that world cities club. I think it's much better to maintain affordability of land and maintain a population of people who actually live here and who have to work here, not just provide opportunities for investments in the sky, as they say.

Hales: Right. No, I appreciate and respect your point of view as a planner very much, but I'm a little puzzled that we've found ourselves at this juncture. Because as I understand it, that increase was requested by the neighborhood on the grounds of architectural diversity -- that we were too monochromatic in the early phases of the Pearl in terms of the height and scale of the buildings. And the residents of the district -- I think it might have been the first time in the history of planning that this happened -- the residents lobbied the council in those days to increase the height there. If I got the story wrong, it's because I wasn't here then. But that's how I've heard it told.

Crowhurst Lennard: That's how I've heard it told, too. I was not in that process, unfortunately.

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Hales: I'm just puzzled how we could be at that place eight or 10 years ago, and we're at this place now.

Crowhurst Lennard: I agree, I'm puzzled myself. [laughs]

Hales: OK. Well, let's continue this dialogue because I know you've thought a lot about this issue and appreciate it very much.

Novick: Actually, Mayor -- Suzanne, I was curious about you talking about Singapore with as place with unaffordable housing. The New York Times had an article last April that said that Singapore is the one major world city that has successfully addressed housing affordability. I was wondering if you would elaborate and explain why that's wrong.

Crowhurst Lennard: I will have to look up the references that show that Singapore and Hong Kong are the most unaffordable housing in the world. They have a very special housing policy. Singapore wants everybody -- every single Singaporean -- to have the opportunity to own their own apartment in Singapore, and they have had a policy now for, what, 50-plus years to develop only high-rise, increasingly higher and higher rise buildings. They have a lot of social problems that have come along with that. And they also problems for instance that in order to increase productivity, they have to import -- bring people in to live in the country, but those people don't get any kind of housing benefits and they are living at a very, very low standard of housing. But I will look into the data and find you the references that show that Singapore and Hong Kong are the two with the most unaffordable housing.

Hales: Thank you very much. Welcome.

Kay Tsurumi: Thank you. My name is Kay Tsurumi, and I ask the council to lower the maximum building height to 100 feet or less in the West End and to preserve the historic buildings there. Research has verified that neighborhoods made up of small-scale buildings combined with older buildings provide two important things: they provide affordable office space and affordable housing. Affordable office space supports locally-owned business. What local shop owner can afford to rent in a new 400-foot glass tower? Affordable housing attracts younger residents. They in turn increase a bike-walk orientation in the city. I understand that your goal is to build Portland as a unique human scale pedestrian city with a thriving economy and committed citizens. If this truly is your goal, then the path of wisdom is to limit building heights to 100 feet or less in the West End and to preserve the architectural legacy of the city and the neighborhood. Small-scale buildings and buildings of historical value create livable cities with proud residents and a vibrant entrepreneurial economy. Thank you. On my written statement, I will reference -- I have referenced the research that I'm basing this on.

Hales: Thank you. Thank you all very much.

Fish: Have you given Karla your statement? Thank you.

Hales: Good afternoon, welcome.

Jackie Peterson: Good afternoon. I'm Jackie Peterson, I'm a professor emerita of history, and I'm also representing the Old Town/Chinatown neighborhood association – I'm its secretary of the board. And I'm sorry that neither the chair nor the land use chair could be here, but I'm here to represent them. I'm also representing myself and the Asian American community, which has tirelessly spoken before you and the Planning Bureau and the Planning Commission over the last 18 months. The letter you all received today from the neighborhood association board again asks you to take a second look at the amendment we would like to make on the West Quadrant Plan, which of course is a question of heights.

We are not satisfied that the current recommendation which targets part of a national historic district -- the very center of new Chinatown, Japantown -- for heights up to 150 feet west of 4th Avenue. Again, we are willing to average that the block that has been

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focused on today by Joe Zehnder -- the catalytic Block 33, the parking lot -- is a place we're convinced that maybe in fact greater heights may be useful there. And so, we are willing to recommend to you that we would spot-zone that particular block. However, we really do feel that heights 150 feet in that fragile national historic district are too high. We also urge you to pass immediately the design guidelines not only for the Skidmore landmark district but also to create new design guidelines for the new Chinatown and Japantown national district.

Let me step out of this role for a second to tell you that I recently heard and interesting lecture by Carl Abbott reporting on a study that he and others at PSU are doing about the way in which cities and states grow. I think that 300,000 people in 25 years is actually a very small number. I think that those who aspiring or thinking we're in danger of becoming Hong Kong -- I think that is absolutely untrue, I think it's unlikely, and I think it's precisely the fact that we are a small, livable city that we want to preserve it. A hundred years ago we doubled and then tripled our area in a decade. A projection of 300,000 in 25 years means that we're going to continue to be a small, livable, walkable city; and let's make sure this Council makes that happen. Thank you.

Fritz: Jackie, if you could possibly give me a map showing which of the proposed height increases around Skidmore that the neighborhood association supports and which ones you don't, that would be really helpful.

Peterson: You have all received a letter which has been endorsed by the entire board of the neighborhood association today.

Fritz: Does it have a map in it?

Peterson: No, but I can get you a map.

Fritz: That would be very helpful, thank you. I just want to make sure I'm clear on the ones you support, because I'm not as familiar with Block 33 or block this or block that. Thank you very much.

Hales: Thanks. Good afternoon.

Shirley Rackner: Hi, I'm Shirley Rackner. One has only to Google historic preservation and building heights to read about the national debate taking place over historic preservation and scaling down the heights of new buildings across the country. The debate started long ago and has been fought for decades.

The iconic Jackie Kennedy Onassis led the fight to save giant historic buildings such as Grand Central Station, which was to be torn down for a skyscraper office building; and when Lafayette Square was to be taken down for a tall federal building, she worked to preserve the square. She also led the battle to save Columbus Circle from those who would destroy the landmark for yet another tall building in New York City. She defied those who lost track of values beyond how it penciled out. Portland is not Washington D.C. or New York City, nor am I Jackie Kennedy -- obviously. [laughter] However, I am Shirley Rackner who lived here for 49 years and has seen this city grow, prosper, and yet maintain its culture and its niceness.

I believe, just as Jackie Kennedy did, that to retain the city's historic buildings is an imperative. Our West End old brick and mortar residences that have been built many years ago created the old neighborhood which has become my neighborhood. If we do not stop tearing down the buildings that have become important to us, then what will we have left? It is now time for the decision makers of Portland to decide what side of history we will be on.

Hales: Thank you.

Fish: Shirley, I've been listening to a lot of testimony today, but one thing that strikes me is that almost everyone begins with saying how much they love this city. And Mayor, I'm

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hoping we can make this an annual hearing. [laughter] Frankly, it's a refreshing antidote to maybe some counter messages we get through the media.

But you know, Jackie Kennedy was not successful with all the buildings. In fact, one would argue that the behemoth that got built on the park at the southwest corner of Central Park was not consistent with her vision and cast an enormous shadow over the corner of the park. But have you 49 years of distinguished service for our community, so if there are specific buildings that you are especially concerned about, it may not completely fit this discussion – it may be part of a larger discussion -- I hope you will share your view of those gems we should keep our eye on as we go through this process.

This plan fortunately does not go into the Skidmore District and propose changing height. That's a fight we had a few years ago and it ended with sort of a draw, and we decided to postpone it. But if there are iconic structures that you think are at risk and we need to be focused on, I hope you will follow up by giving us sort of your list so we can be aware of them as we do our planning.

Rackner: Absolutely. And on the point of what Jackie couldn't save -- we do what we can do.

Fish: Amen.

Hales: Here's to that. Thank you. Brian, you're next.

Brian Newman: Good afternoon. My name is Brian Newman, I'm the associate vice president for campus planning, development, and real estate at Oregon Health and Sciences University. On behalf of OHSU, we appreciate the time and energy the City staff and the Planning and Sustainability Commission have put into the West Quadrant Plan.

The plan before you today does an excellent job of recognizing future challenges and opportunities and sets the stage for future OHSU investments in South Waterfront district and beyond -- investments that will help ensure Oregon residents from all economic backgrounds have access to the highest quality of care, from primary care to highly-specialized medical treatments to clinical trials.

Over a decade ago, OHSU made an important decision to continue to expand our clinical and research operations in Portland instead of expanding those operations in the suburbs. We recognized at the time the challenges of building on a central location on a brownfield versus a greenfield site, but we're confident that in partnership with the City and pursuing flexibility in our own program, we can achieve the ends that the City of Portland the community expect of us. We're confident that we've achieved that, and today, the collaborative life sciences building and the center for health and healing are a testament to that partnership and a sign of more to come.

OHSU plans to construct three new buildings in the South Waterfront district, totaling a million square feet in the next four years. I don't have time to speak to all of those investments, but I wanted to give you one example. We planned to build an 80-bed guest house for patients and their families who need to be close to OHSU sometimes for weeks and months at a time to peruse life-saving treatment. To be clear, this is not a service that the market provides -- most of these patients aren't able to pay for lodging. A third of them, based on our own modeling, will pay nothing; and a vast majority of them will pay less than \$20 a night. Nonetheless, it's an essential service that we need to provide so parents can be close to sick children that are at Doernbecher Children's Hospital or a cancer patient can receive up to three or four weeks of outpatient therapy and be close by. I just use that as one example to show that there's a lot we can and do do to ensure that vulnerable communities are served.

Thanks again for this opportunity to support the West Quadrant Plan, as it provides a sound framework for all that we do. While our health care providers and educators and

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researchers touch lives across the state and beyond, Portland is our home and always will be, and we're excited about creating a future with you.

Hales: Thank you. I think your testimony affirms this, but let me just double-check.

Everyone obviously is very enthusiastic about the Knight challenge and is committed making sure that the last mile is completed and that the funds are raised for this amazing upgrading of OHSU. Does the plan as it now stands in draft form accommodate the growth that you expect to occur, including the response that you're likely to make to the Knight challenge?

Newman: It does, at least for this planning horizon it certainly does. And just to be clear, I think we're at about \$455 million of that challenge, and the \$500 million that OSHU is investing in South Waterfront in this next wave of development is in addition to any of that money -- in addition to the billion-dollar goal that has been set out. But accommodating the cancer center -- the research, but also the clinical portion, as well as expanding our clinical enterprise in South Waterfront is all accommodated as a part of this plan.

Hales: Great, thank you. Just wanted to make sure we had that on the record that we're set up for your success, and obviously, we're all supportive of it.

Newman: Thank you.

Hales Thank you. Next three, please. Good afternoon.

Sharon Whitney: Good afternoon. I'm Sharon Whitney. My comments have been covered brilliantly -- what am I supposed to do? [laughter] And now, Commissioner Fish is out of the room because he wants to hear praise for Portland.

Hales: So do we all.

Whitney: Alright, alright, for you -- OK. It's about livability and it's what people say when they visit Portland. I've heard it from Europeans and Australians and my own friends from different parts of this country. They invariably say, "I could live here." And you tell them it rains, and it rain a lot and -- they still say it -- "but I could live here." And I love that. I love feeling part of something so special.

And I had a lot here about what livability means to me. It's softer that some of the stuff you've heard, but one point I need to make is when you're looking at a historic building, you have to see it in context. You have to see what's next to it, because we have some of our wonderful, wonderful downtown churches with these spires that look like they are made out of gingerbread -- are dwarfed by what's next to them. You can't look at the horizon and even pick those out because of the -- I don't know, the clueless building that went in next to them, possibly. Anyway, I, too, am concerned that our quality of life -- which is livability -- shouldn't be cramped by runaway development. As someone said, we are not Seattle or San Francisco, we're Stumptown. And if you need a model for a good building height, look at the heritage tree on SW 10th, which across from the sculpture court. It's an American Elm seven stories tall, over a century old, a vision in every season and those visitors I'm talking about take lots of pictures of it.

Hales: Thank you very much.

Susan Bliss: I'm Susan Bliss, and I'm a resident of the West End. As a resident of the West End, I believe the Mayor and City Council must hear and consider points of view of citizens and residents regarding the West Quadrant Plan now being proposed. This is strong evidence this has not happened to date.

I'm one among a large group of residents who want you their representatives to one, lower maximum heights to 100 feet; two, delay the City Council vote on said height limits in the current West End Plan because the plan is flawed in both in process and outcome, especially as regards building heights; three, reconvene a more representative membership f the West Quadrant stakeholders advisory committee to include all categories of stakeholders -- specifically residents -- who were largely overlooked in favor

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of developers and architects the first time around. Not a single resident representative of the West End was included. Four, allow the new group to revisit sections of the West Quadrant Plan and register their comments before any vote by the City Council takes place.

My last words are a repetition. Lower maximum building heights in the West End to 100 feet. Thank you.

Hales: Thank you. Good afternoon.

Burton Francis: Before I start my comments, Mr. Mayor, I'd like to respond to a question you had about the Pearl. If you look at zoning map 5.10-3, the Pearl is actually three different sections, it's not just one homogenous place. There's the place north of Lovejoy, then there's the place Lovejoy to Hoyt, and then 405 to the river, and then there's south of Hoyt down to Burnside.

Hales: Right.

Francis: So, it's not a homogeneous thing. The second thing I would say is be careful when you're looking to what the residents want or don't want. I think that's dependent -- if you're relying on the neighborhood association -- to how democratic the neighborhood association is and how much outreach that neighborhood association has done in terms of figuring out what the residents are interested in.

Thirdly, I don't know how many were living north of Lovejoy 15 years ago or something like that. You know, it's a very changing area and a changing demographic.

So, to begin my comments, my name is Burton Francis, I'm one of the founding members of Preserve the Pearl, a group of home-owners that formed in opposition to the Pearl District Neighborhood Association and its failure to keep the residents of our neighborhood informed on issues of development and livability. We're inspired by our westside neighbors in Goose Hollow, and look forward to the day when the voices of the residents are actually heard.

The allure of the Pearl can be best experienced along the 13th Avenue historical district where, as we all know, there's brick buildings and early 20th century warehouses, and they've been turned into lofts and framing studios and shops. But any remaining authenticity in this area is fast becoming lost in the pursuit of huge towers and in their design and dominating size which threaten to drown out the last bit of industrial drive -- the authenticity of what the Pearl is attracts people with that we as residents enjoy.

We know the area of the Pearl north of Lovejoy is pretty much lost to the coming forest of South Waterfront-style sky-rises -- and that goes directly to your query. But the area where most of our group lives, which is described in that zoning map I referred to, is still a low-slung SoHo funky warehouse sort of area. Not for long, though. The current zoning map in our area is 75 feet without any bonuses, and that's consistent with about the 88 feet height of the brick buildings along 13th Avenue.

Under the West Quadrant map, however, our area is due to go to 220 feet. That is tripling in our neighborhood. We in Preserve the Pearl ask that you delay any approval of the West Quadrant Plan and at least begin the discussion of density that was never really undertaken seriously in the SAC. And in this request, we will support the so-called minority report.

These are my last comments. We ask that the serious discussion be undertaken to determine if the density that's needed to grow Portland in the next 25 years can be achieved with low and midrise buildings at least in those neighborhoods not already overwhelmed by high-rises. That's our request.

Fritz: Does your group support leaving the height limits in the Pearl neighborhood at their current heights?

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Francis: Yeah, we would support that. But you know, we want to be realistic. And I want you to understand, we're not against development, we're not against density. There are -- to borrow a phrase from a different part of the world -- there are facts on the ground now north of Lovejoy that are pretty hard to ignore. And if that area is going to be designated as a kind of alpha and omega to the South Waterfront, I guess that's what's going to happen. But in our neighborhood, which is south of Lovejoy to Hoyt and 405 to the -- we'd desperately would like to retain the integrity of that neighborhood, which encompasses the 13th Avenue historic district.

Fritz: And in your case, it's by keeping the current height limits, whereas in the West End, the request is to reduce them. Am I understanding that correctly?

Francis: Yeah, the current high limits, yes.

Hales: Thank you all. Good afternoon, welcome.

Richard Rahn: Good afternoon. I'm Richard Rahn, I've been asked to read a statement by Tom Neilson who's unable to attend today. These are his comments.

I am a West End resident, former mayor of the city of Salem, a person who has been involved in a great deal of public process around a wide range of issues. I ask you to consider the structure for citizen input on the West Quadrant Plan. A significant component of the 2035 plan will set the parameters for how Portland develops over the next 20 years.

Despite nominations of very capable and experienced residents of the West End, not one was appointed to the SAC. Birds represented by the Audubon Society had more representation on the SAC than the West End's human residents. The West End is the largely residential component within a downtown neighborhood association which also contains the downtown retail core and PSU. A planning process which relies on neighborhood associations to represent the will of the residents and businesses within their geographic boundary is only somewhat reasonable in a homogeneous neighborhood with a very sophisticated process of determining the range of sentiments of those who reside and do business in that neighborhood or with an issue on which there is consensus. In an area with diverse interests that comprises downtown neighborhood associations, this is ludicrous. With an issue as contentious and potentially problematic as building heights in a residential area, this is a mistake.

Recognizing that the process as conducted relied on stakeholders with vested interests -- largely but not entirely financial -- and did not amply allow for input on building heights, a contentious issue, and that two of the City's own appointed commissions are at odds over the recommendations regarding building heights, the issue of heights warrants an in-depth study and more precision in application, particularly in the West End. Thank you.

Hales: Thank you. Welcome.

Liam Thornton: Thank you. I'm Liam Thornton with Langley Investment Properties in Portland, Oregon. I'd like to offer a perspective from someone who recently made the decision to invest in the Goose Hollow neighborhood.

We made the decision to invest in the Goose Hollow neighborhood because we believe in the city's long-established vision for a high-density, mixed use, walkable, livable district with accessible transit -- consistent with what is shown known now in the West Quadrant Plan.

Much of the property in Goose Hollow is actually privately owned -- not corporately owned -- and our purchase of the property was from a private landowner. Moreover, our decision and our purchase price was based on the allowable density and height of that land. In short, land value is based on what you are allowed to do with the property, and people make land investment decisions based on the certainty found in the zoning code.

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For those who are advocating a reduction in building heights -- while well-intentioned and strong arguments are made in favor of that, reducing building heights in Goose Hollow and elsewhere in the central city is not without consequence. It does reduce economic value and negatively impacts the private landowner.

I think it's important to reinforce that the West Quadrant Plan is not proposing or seeking to increase building heights in Goose Hollow, it merely seeks to maintain them in at the same level as found in the current and longstanding zoning code.

Many of you have talked today about new tools in your toolkits to support public policy objectives given limited funding resources and public funding resources. Certainty of the zoning code is fundamental to the attraction of private investment that would support the broader public policy goals contained in the plan.

Additionally, maintaining existing height limits also avoids reductions in current land values and corresponding reductions in property taxes that would dilute the already-limited public resources that would be needed to achieve the public planning and policy goals discussed here today and contained in the West Quadrant Plan. I'd like to state that we support the West Quadrant Plan. Thank you.

Hales: Thanks very much. Welcome.

Tracy Prince: Hi, I'm Tracy Prince. I'm a resident of Goose Hollow and I'm the newly-elected board president of the Goose Hollow Foothills League. We've had a turnover of seven new board members who were endorsed by the Friends of Goose Hollow and swept all open seats. I'm one of those.

I speak on behalf of the GHFL board who discussed the discomfort they felt with GHFL's representation on the West Quadrant stakeholders committee, especially regarding height limits and removing the required residential overlay. One stakeholder introduced himself as a former GHFL president, but didn't mention that his opinions were not endorsed by the previous or the current board. The official GHFL stakeholder took positions which GHFL minutes show were not endorsed by the board and were simply personal opinions.

The board was also concerned that view corridors are not adequately protected, and that West Quadrant staff and participants have branded The Flats -- a term that has not been in use in Goose Hollow before the West Quadrant discussions -- and then stated that this area needs rebranding by a developer.

So, in front of you there's the official letter that was unanimously presented by the Goose Hollow Foothills League board. I don't know if you want moo toe go step by step through our suggested changes.

Hales: If you've got them here for us, it would be better if you led us to go through that later.

Prince: They address our concerns with representation. We unanimously endorse the building height minority report and the environmental report. We request a delay of the vote today because as the new president I have called -- I've heard a lot of people say what Goose Hollow wants on height limits, and I'm a little tired of it so I've called for a vote of the membership so that the residents, the members can speak and can vote on height limits, bonuses, and FAR. We were misled during the West Quadrant process. We were told we could not discuss lowering height limits by planning staff. So, we plan to discuss that.

Finally, a quick issue is on page 171 -- this my personal issue. There's a map problem in this plan. Regardless of what you saw presented by the planning staff today, the map that's in the draft only shows -- the height limits are only showing the full build out of every bonus possible on every property on the West Quadrant, as if that is going to happen on every property. That rarely happens that a property get its full bonus. So it

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seems like -- just looking at the map -- that it's kind of a deregulation of bonuses. I think in order to make sure everybody understands that it's not, somewhere in this plan should be today's current base height limit. I had to look in another City document to find that information. So, I'm asking for the current base heights. Thank you.

Hales: Thank you.

Fritz: That's a good point, thank you. So, Tracy, just to clarify -- the Goose Hollow Foothills League does support changing that block from RHD to CXD as long as it does have the continued residential requirements?

Prince: Yes. There was discussion about that, and that was unanimous to change that as long as it has a residential overlay. What most of us don't want to see of the current board is we don't want to see a standalone parking structure, and a residential overlay will require that. We've actually offered the MAC to come and give us that exact proposal that they've offered on Block 7 and propose it over on 20th on the lot right here, and we'd go for it. Exactly the same, bury the parking, and that would support that possible proposal.

We understand that some flexibility is needed, but stripping off the required residential overlays is only good for developers and is not good for the neighborhood. We're a dense urban neighborhood and we need 24-hour eyes on the ground, which residential development gives. Thank you.

Fritz: Thank you. And my second question is historically, the Hollow is the better term?

Prince: I literally wrote the book on it. [laughs]

Fritz: I know you did.

Prince: So, it really drives me crazy. I'd never heard that term used before. Nick Clark talked about talking to his family who'd been in Goose Hollow, his father's been in Goose Hollow since 1938 when he lived there as a child -- Bud Clark lived there. So, nobody remembers it being called The Flats. This was a term that either the participants or the staff of the West Quadrant process started using because maybe they didn't know. It should be called the Hollow. The lower elevations at the base of the hills are the hollow -- that's the hollow. And it really is infuriating to see them putting as a line item that they literally ask a private developer to rebrand us. And that just makes me pretty angry. [laughs] And also, you ask about the 405. In every iteration -- I've been involved with the Goose Hollow board for almost a decade off-and-on and checking in and out -- every iteration of the board, no matter what our arguments are and how we disagree with each other, we all like the I-405 cap.

Fritz: Yeah, thank you. Potentially we might do one and let us take out the City as the implementers as was suggested by Patricia Gardner. If somebody else is willing to pay for it --

Prince: I agree. And in 10 years, it'll be worth it for a developer to cap that.

Fritz: Thank you.

Hales: Thank you. OK, the next three. Welcome.

Kal Toth: My name is Kal Toth, I live in Goose Hollow. Thank you for the opportunity to speak to all of you. I have submitted my full testimony since I had to cut quite a few paragraphs of the one I have right here in front of me.

I moved to Portland in 2001 from Vancouver, British Columbia because Portland was and remains to this day a human scale city. It avoided the vertical sprawl of Vancouver, Seattle, San Francisco, New York, and other cities like that. Over the 20-year period, I watched the neighborhoods of Vancouver abutting the city core, False Creek -- so it's a little bit like here -- False Creek, Yaletown, and Coal Harbour rapidly littering the landscape with virtually indistinguishable glass towers, creating skyline similar to those of so-called world cities of the far east.

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Not surprisingly, Vancouver's embrace of high towers was made possible by land use policies that attracted huge inflows of global moneys, mostly from Southeast Asia. Instead of fostering affordable housing and livable neighborhoods in Vancouver, this wave of high-rise construction created a glut of luxury housing for the very wealthy, many of them visitors from other lands and many occupying them only part time.

This over-supply of unaffordable housing has pushed ordinary Vancouver citizens further into less-affluent neighborhoods including the city's downtrodden east side, which is a druggie area. Apparently, taxing empty units has become a challenge and a hot election issue of late. There are other ways of achieving density, not just height -- as some people have mentioned. I hope you can solution such problems. Thank you.

Hales: Thank you. Welcome.

Connie Kirk: Hi, my name is Connie Kirk, I live in Goose Hollow --

Fish: Connie, we've missed you.

Kirk: [laughs] It's been much too long -- glad to be back. I urge to you vote to lower the height limits in the West Quadrant. You know, throughout the West Quadrant process, there's been an assumption that those who oppose skyscrapers in residential neighborhoods are ignorant of the planning process. On the contrary, many are urban planners, engineers, historic preservationists, and property owners. They're the gatekeepers of unchecked growth, vertical sprawl, and economic disparity.

This love of skyscrapers is an enticing apple, but replicating New York in Portland brings risk. And having lived in skyscrapers for many years in New York City, I concur completely with Suzanne Lennard's analysis. It really creates a life of atomization, it dilutes civic involvement. Manhattan today has evolved into a playground for those who are wealthy enough to afford high-rise living, but the middle classes and the working poor bottomed out. They have to commute long hours to serve the city's upper classes. While I was there, the elderly even had to resort to living in their storage lockers. It's just disgraceful -- the elderly living in their storage lockers. Now, I've lived on both sides of the economic aisle, and I just don't want this to happen in Portland.

As for the GHFL, it is true as Dr. Prince said -- they were voted in unanimously, and they were voted in in a landslide by Goose Hollow residents. So when they speak, they do speak for us.

Also note Dr. Toth's comments on Vancouver, British Columbia -- it's a classic example of point tower development, and Vancouver's papers consistently I can't. It's a classic example of point tower development. They consistently report on the stripping away of history.

I would like to leave you a few final thoughts. Commissioners, you can feel proud that Portland's model is not saturated with point towers. Feel good about that. And I leave you also with a report from the BBC notes of January 12th, 2012. Barkley's capital analyst his this to say: often the world's tallest buildings are simply the edifice of a broader skyscraper building boom reflecting a widespread misallocation of capital and an impending economic correction. With that, I urge you again to lower the height limits in the West Quadrant, and I thank you for your time.

Hales: Thank you.

Joan Kvitra: Hi, I'm Joan Kvitra, an involved neighborhood advocate who understands the livability of the South Auditorium district. I represent a neighborhood group called SAGE, South Auditorium Greenway Environs. We are honored to appear before you today, and we speak as voice for the hundreds of residents who live downtown from the Keller Auditorium along the Halprin Open Sequence to the Lee Kelly sculpture park.

Over the past year, we have worked closely with the City of Portland's Bureau of Planning and Sustainability in defining the needs of our historic neighborhood. SAGE

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appears before you today to endorse the focus on neighborhood livability within Central City 2035 West Quadrant Plan.

West Quadrant Plan links of insights of 21st-century urban planning with the foresight of Portland designers of 50 years ago. Briefly stated, beginning in the 1960s, the renewal of the South Auditorium district brought Portland national distinction as pioneer in urban design that promoted the values of sustainability and livability. The creation of super blocks dedicated to tree-lined pedestrian paths, cascading waterfalls, hills and valleys brought daily interaction with nature into the built environment of live, work, and play. Lawrence Halprin's design elements still today connect the beauty and harmony of the Willamette River and Cascade mountains within a freshly-imagined urban landscape. Existing tall towers were many of us live do not dwarf nature's aliveness in our neighborhoods.

As development moves forward in the West Quadrant in general and South Auditorium district in particular, we want to remain true to the harmony and balance within our urban environment. In closing, SAGE knows that high density living need not overwhelm us. A varied landscape with open spaces and green canopy, diverse building heights, mixed use functions, and daily encounters with the joys of nature, art, and culture should intertwine. Our conclusion is best summed up by saying SAGE supports urban development in the South Auditorium district that brings the sage wisdom of nature into our city planning. Thank you.

Hales: Thank you. Welcome.

Robert Wright: My name is Robert Wright. My wife and I have lived in the West End since 2006. We returned to the city where we were born, raised, and educated. We were from Southeast Portland. There are many fine southeast neighborhoods, but we were drawn to the West End with its urban vitality and livability.

I am very proud to say Portland has been the world leader on many things, urban development among them. People are drawn to Portland not only to learn but to live. Five annual International Making Cities Livable conferences have been held in Portland. Portland has become the model for urban planners from around the world.

Areas of the West Quadrant -- the West End, Goose Hollow, the Pearl -- are at or approaching the sweet spot of urban development, the fine balance between urban livability and density. Proposed maximum building heights will upset that balance. Clustered high-rise residential buildings and livability are most directly at odds. There appears to be school of thought among some city planners that we should copy larger cities with clustered high-rises rather than lead as one of the most livable cities on the planet. Those involved in the development of the West Quadrant Plan have publicly countered that all new buildings won't be expected to reach legislated maximums, so, not to worry. This is naive or dishonest. It is a hope, not a plan.

Other cities have accommodated increased density without resorting to vertical sprawl with tall, dark canyons that limits street-level access to light and air, becoming gusty wind tunnels on windy days. They have proved that urban density can be increased with mid-rise buildings while preserving structures and heritage.

If the proposed plan is adopted, city planners will still be in Portland years from now but then it will be studying the post-mortem of what went wrong. Admittedly, the ability to build tall buildings packed together would attract and benefit developers and increase the City coffers with higher tax revenue, but that would come at the greater expense of what makes Portland's urban areas attractive and livable. By the time the comprehensive plan is approved and buildings are allowed to the proposed maximum heights, we gray-heads will be long gone. Our children and grandchildren will live with the consequences of your planning. I strongly urge you to lower maximum building heights in West Quadrant Plan.

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Hales: Thank you. Mr. Wilcox?

Peter Wilcox: Greetings, I'm Peter Wilcox, I live in Northeast Portland. I'm a licensed captain, that's why I'm Captain Peter Wilcox, and I'm also president of Columbia Riverkeeper, although I'm speaking on my own behalf today. I actively participated in the central reach and West Quadrant Plan meetings and charrettes, and I'd like to give you briefly a visit to the current state of the city regarding the waterfront regarding prior plans, and also mention some ideas -- and I won't get to all of them.

As noted in West Quadrant Plan's executive summary item number one, no other topic generated more shared enthusiasm among participants than activating the Willamette River. That's what I'll talk about mostly. Yet, the river activation recommendations in the West Quadrant and central plans could be considerably bolder and greener and even have a bigger economic impact -- in my opinion -- and will still leave us behind other urban waterfront cities when we're done with what we have now.

The 1998 Central City Plan called for a network of water taxis -- that's a topic I've been interested in for a long time, as some of you know. Many of those at the hearings who spoke about this are sorry that it already hasn't happened, and 13 years later in the river renaissance plan, this was again championed and challenged the City to connect quote unquote new and existing neighborhoods to and across the river through multiple means that include water taxis.

What can be done about a bolder, greener plan that includes water transport? Here's a few ideas. First, either complete the implementation of the current Waterfront Park master plan or update it and follow through on those recommendations. Hopefully, either way a river-connected Portland will emerge, using vessels that leave the river cleaner and the city greener behind their small wakes.

Second, move up the two existing West Quadrant river transport actions from six to 20 years for another couple of decades to two to five years -- at least the one that studies the funding that's available.

Third, the Portland Waterfront Alliance is a group that I'm part of made up of individuals and organizations who spend a disproportionate amount of time looking at the city from the water and its rivers. And we're creating and will be sharing a vision -- a really bold vision -- for activating the downtown waterfront with new place-making and a river-connected city centered on the James Beard public market. I have a couple other ideas regarding funding for this, especially on the state of the science restoration that are on my letter that I'll give to you.

Hales: Good, thank you very much.

Cox: Thank you very much.

Hales: Welcome.

Ruth Ann Barrett: Hi, I'm Ruth Ann Barrett, and I'm going to start my presentation by admitting I am a near nobody. I'm a somebody in terms of sustainability, I'm a sustainability advocate. I have a site, earthseries.tv and about 10,000 people come to it to hear the voices of sustainability each month.

I'm here because I've been starting a PDX downtowner -- I started it three or four years ago -- channel on YouTube. And I pretty much do what I like, and I interview people who interest me, and I'm creating pieces of work around educating our citizens who, if you remember, the research indicates that we're really quite unaware and clearly not very knowledgeable about the ABCs of government.

So, here I am, and I did something called spongy parking lots. It's a short three minutes, and what it does is talk about taking the parking lots that surrounds me -- and now I'm going to admit something to everyone -- I live in Chinatown. I know you never get to meet people much who live in Chinatown, certainly not in the New

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Chinatown/Japantown Historical District, of which I'm very proud. And so, one of the things we have in the area is parking lots galore, and they need to be spongy. And one of the interesting things is the quadrant plan, which I think is miraculous -- I have nothing about the highest respect for everyone who contributed to that. But it's awesome, this minority report things that I got my hands on, and one of the things they talked about is specificity.

And you know, in my neighborhood -- looking up at this plan, which again, I have the greatest respect for -- where is what we used to call an MBO objective? How many old buildings, how many abandoned buildings, how many unsafe buildings, and of those in your 35-year plan do you intend to restore? That's all I want. I want to know if those three parking lots around me are going to be there for the next 30 years, because then I have each more fuel to say we need to make them spongy today. Thank you.

Hales: Thank you, thanks very much. Appreciate that. And what you'll find in Portland I think is almost anybody can propose a good idea and have it get adopted. So, thank you.

Barrett: Thank you for the encouragement.

Lynn Grannan: My name is Lynn Grannan, and I represent Oregon Nikkei Endowment. We are a nonprofit, I serve on the executive board of the organization. We have two projects. One is the Japanese American Historical Plaza that's on the north waterfront, and the other is the Oregon Nikkei Legacy Center which is on NW 2nd.

Before I go on, I just the word Nikkei. It refers to anybody of Japanese descent who resides outside of Japan. So, that would from my immigrant grandparents down to my grandchildren -- we are all Nikkei. The Japanese American Historical Plaza was built 25 years ago. It was a vision of one of Portland's greatest visionaries, Bill Naito. And with the help of our Nikkei community and with the help of Portland City, including the Portland Parks and Rec, the Metropolitan Arts Commission, and the Portland Development Commission, we made Bill's vision come to reality.

It tells the Nikkei story from Japanese immigrants down through their settlement in Oregon and then their lives through the wartime where they were incarcerated to resettlement. And it tells it through art in bronze etchings and through poetry edged in stone. Bill liked to refer to it as the Bill of Rights Plaza because it evokes for many of us the rights guaranteed to all Americans through the Bill of Rights, and he had those etched in stone and that's the beginning of the plaza.

Our other project is the Oregon Nikkei Legacy Center, which is located in Old Town/Chinatown. And many people don't know that prior to 1942, it was known as Japantown. At that time, it had over 100 Japanese-owned businesses. And of course, that all ceased to exist after May of 1942 when everyone was removed. Our Legacy Center is located in one of the original Japanese businesses.

And I'm a retired educator, so when we have our thousands of visitors that have come through both of our projects in the last 20 to 25 years, it is really powerful when we tell the stories of our ancestors and our legacy and we are in the actual buildings where they worked and they lived. As many people have mentioned, the legacy that we have here in Portland is so important and so rich, culturally rich, and we hope to be able to preserve this.

I would like to thank the Portland bureau of sustainability to go through this process with us and discuss how we can work together and maintain the rich history that we have for future generations. We do support the height limit only on Block 33. I think there are there areas that were noted in the maps. And we also support the immediate adoption of the nomination for the New Chinatown/Japantown National Historic District. And thank you for working with us thus far.

Hales: Thank you, thank you very much. Good evening.

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Tina Wyszynski: Hi, I'm Tina and I'm testifying on behalf of my husband Randy who could not be here because he's out of town. So, here we go.

Hello, Councilors and Mayor, thank you very much for the opportunity to appear before you. As a seven-year Goose Hollow resident and former GHFL board member -- that's Goose Hollow Foothills League -- for more than four years, I am deeply optimistic for the potential that Goose Hollow has as neighborhood. Being as close in as we are to one of the most dynamic downtowns in the country, with careful planning, there is no reason our neighborhood shouldn't become one of the most desired locations to live, work and play in the USA. It is convenient, historic, and diverse. I feel confident that if we can focus on the safety, livability, parkways, public spaces, availability of retail and family living, we can achieve that dream.

I say this with experience, as I have lived in every quadrant of the city and have been involved in neighborhood associations throughout as well. It is through these experiences that I chose to devote my time to the Goose Hollow cause. I feel it is a diamond in the rough. I was very excited to participate in not only the visionary conversations that we were able to have in the past four years through the VRC, but as well through participation in the design charrettes that were held in conjunction with the City of Portland. The great thing about an open and thorough process is that you can't complain about it once it is completed.

From past experience, done properly -- which I firmly believe this process was done not only properly but robustly -- I have seen this process leave some incredible legacies and build some great relationships throughout the neighborhood. I must admit that in the beginning, I expected the City would have its own agenda. However, I was pleasantly surprised to read how thoughtful, thorough, and representative the results and recommendations that were recently published were. It is nice to see the results of careful collaboration when all parties are respected and their viewpoints taken into consideration. I am happy to say that the recent study was not only representative of our neighborhood -- our entire neighborhood, not just one building -- it left me excited to be visionary enough to live in and own a piece of Goose Hollow. As a resident and former GHFL board member, I fully support the West Quadrant Plan and implementation. And the capping of the 405.

[laughter] Thank you.

Hales: Thank you.

Michael Mehaffy: Good afternoon, I'm Michael Mehaffy with the Stasis Foundation, 742 SW Vista Avenue. I'm a practicing urban planner and urban designer and I also do research and education in sustainable urban development, and many of my good friends and colleagues have been part of developing the West Quadrant Plan. So, nothing I say is meant to impugn their hard work or others' throughout this process. But as I have shared with staff previously, there is research evidence on tall buildings that shows that they can fuel demolition of historic structures; they can exacerbate economic inequality; they have significant impacts of shading, wind, view and other factors; and they can degrade the livability of the critical public realm.

The claim that tall buildings will promote more sustainable development is contradicted by a large and growing body of research evidence -- I'd be happy to share more of that with you. I do understand that tall buildings offer attractive profits, particularly for affordable housing -- that's a goal I share very much as well, but I think we have to recognize the dangers in this kind of supply-side economic strategy, deregulating so that the wealth will trickle down to the rest of the city and to affordable housing and other things we want to do. In many cities around the world, the results of this strategy have been -- to put it bluntly -- dismaying.

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Some of my own research for the Urban Land Institute has documented how global capital currently is flooding into high-rise projects and profoundly changing the character of cities around the globe. And unfortunately, we are not here. Up until now Portland, has been a champion of an alternative path to urban economic development -- a Jane Jacobs model, if you will -- promoting diversity of people, of businesses, of building types and ages, and I think it's urgent to build upon and secure this kind of economic asset and to maintain our global leadership and not throw that away and rush to become a pale imitation of some other city that we wish we were. We are a great city already and to that treasure, let us first do no harm.

Hales: Thank you very much. How many more do we have left signed up?

Fish: Sir, are you going put your testimony in?

Hales: Michael, are you going to leave us a copy of your testimony?

Mehaffy: Actually, I have already submitted that to your staff, all Councilmembers, Commissioners have a copy of those already. I would be happy to furnish additional.

Hales: As long as we've got it in the record.

Mehaffy: Yes, there's a white paper that actually sets out many of the citations and evidence-based approach that we're advocating. Thank you.

Hales: Great, thank you.

Parsons: I believe we have 30 or so more.

Hales: I don't think that's still true in the room. How many are still planning to testify? OK, we're down to a relatively manageable number. Let's take a five-minute break and come back and try to finish it up.

Fritz: Just to stretch.

Hales: Just a stretch. We've been at it three hours.

At 5:00 p.m., Council recessed.

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

Hales: OK, let's get ready to get back to the hearing, folks. Five-minute breaks are very dangerous here because they tend to become longer than five minutes. We'll convene in about 30 seconds here. OK, we'll take up where we left off and call the next three people, please. Come on up. Welcome. Go ahead.

Indrani Boyle: Good afternoon, my name is Indrani Boyle, I'm an associate campus planner at Portland State University. I'm here on behalf of our director of campus planning Jason Franklin, who served on the stakeholder advisory committee but couldn't be here this afternoon.

I'm here to express support for recommended draft West Quadrant Plan. The plan emphasizes the continued success of downtown Portland, and also improves key areas. The success of PSU is undeniably linked to the success of downtown Portland. I don't think we can pretend otherwise. PSU is a major landholder and employer in the central city, and we believe that this plan supports PSU's mission and future growth.

Like much of the central city, PSU's growth is becoming more dense and mixed-use. Any new buildings are likely to have a partnership component with either another institution, a nonprofit, a government agency, or a part of the private sector. In order to enhance that kind of development, we need the appropriate land use entitlements and infrastructure development. We believe this plan makes that possible.

We welcome the levels of density recommended in the plan, which will increase the vibrancy of the University District, create new opportunities, and also increase private housing development, which serves PSU students. We want to recognize the hard work of

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staff and the advisory committee, and again, we encourage you to adopt the plan. Thanks for your time.

Hales: Thank you. Welcome.

Kristine Sarles: Thank you for the opportunity to speak today. My name is Kristine Sarles, I am a 25-year resident of downtown Portland. I've lived by Portland State where I attended and graduated from, I've lived in Goose Hollow, I've also lived in Northwest near the Fred Meyer near civic stadium, and I'm currently as of the last 13 years living in the Pearl District in Irving Street Lofts, which is part of the Preserve the Pearl area. I'm here on my own behalf, however. I do support actually what he was talking about, however, in terms of the historic part of the Pearl District, which is slowly disappearing. Actually, more like rapidly disappearing.

It's interesting you're representing Portland State. Well, Portland State actually has been known for its urban planning, and its urban planning in terms of = how Portland is right now in terms of its footprint and walkability, livability, and building height restrictions.

When I graduated from Portland State, I had very specific career goals in mind. I made a conscientious choice to pick a career that I of course would enjoy but would give me the great's chance of being able to remain in Portland. I did so because I appreciate the lifestyle and quality of life that the city affords me. A large part of my lifestyle and its quality of life has much to do with the urban design of the city -- Portland State had that influence. I truly enjoy walking around Portland and living here. Key to this sound design is a restriction of building heights.

In any case, many of us here today are distressed -- not about development -- in fact, development can have a very positive impact on communities. No, we distressed over the fact that the West Quadrant Plan in its current iteration seeks to eviscerate the identity of Portland, a city that for the most part currently affords many of us a higher standard of living than what we would find in other cities, and this has great deal to do with building heights. Thank you again.

Hales: Thank you, thanks very much.

Fritz: Can you just tell me -- how many story is Irving Street Lofts?

Sarles: It's 70 feet high, 7 stories.

Fritz: Thank you.

Hales: Thanks. Next speakers, please. Good evening. You're on first, Mr. Spencer.

John Spencer: Good afternoon, Commissioners, and thank you for hosting this event. I'm here representing the Urban Design Panel, which is made up -- and the executive committee of that panel -- which is made up of members from the American Institute of Architects, the American Planning Association, and the American Society of Landscape Architects. So, it's a multi-disciplinary group that gets together a couple time a month and deals with urban design issues in the central city and other parts of Portland and other parts of the region.

We've been a participant in the planning process through some charrettes, we've hosted some workshops with staff, so we've been involved in the process. And we support the West Quadrant Plan as it was presented to you here, and we support the maximum height limits that are incorporated as part of the plan.

I think our group feels that it's important and there's a whole history of planning in Portland where it's well-regulated but there are allowances for a whole lot of variety of building types and building forms and building shapes and building sizes on our small blocks, including some tall buildings. And we really don't see the recommendations -- basically refinements, I believe -- of the current height limits as being big issues or a threat to the scale and diversity and the livability a lot of people have been talking about.

Fish: Excuse me -- could we start the clock on this?

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Hales: Oh. That's alright, keep going.

Spencer: I'm finished. [laughter]

Fish: Since you have two minutes and you represent a lot of people here, what do you say to -- we've heard a lot of people say they believe the character of Portland is at risk with this height. They've talk about a range of things from demolitions to inequality to vertical sprawl and other things, you obviously have a very strong view to the contrary. But very briefly, could you comment on that.

Spencer: I think all you have to do is look at the area between the Wells Fargo Bank and the U.S. Bank tower. The height standards of like 400 some odd feet and those buildings have been in place since 1972. And you can pretty much count the number of towers that are even close to the maximum height on two hands. So, I think that the scale of development and the scale of growth that's being talked about through this area in my mind doesn't conjure up the sort of row after row after row of towers that people seem to be implying that this plan would allow.

Hales: Right, that's fine along the transit mall. It's been pretty much unchanged for 30 years.

Spencer: Right. We've got some written testimony and we've actually addressed some of the points brought up so I won't go into that. You should have a copy of that.

Hales: OK, thank you. Welcome.

Daniel Kaven: Hi, good afternoon -- evening, I guess. My name is Daniel Kaven, and I'm the managing director at William Kaven Architecture and the founder of Kaven and Company, a development company. I speak to you today from the world of architectural optimists and number-crunching hopeful. Specifically, I would like to further elaborate on the height of old town Chinatown, as I'm currently developing a catalytic project in the neighborhood. I strongly urge to you raise the height in Chinatown proper to 150 feet unencumbered by historic resource transfers.

One hundred and fifty feet is the minimum height limit to build a structure that will be enjoyed for generations to come and pencil out in today's economy. The current limit of 100 feet simply does not allow for the economy of scale to utilize generational building systems. We are in danger, Portland, in becoming a city of five over one wood buildings which top out at about 65 feet, do not weather well, and do not perform as well in an earthquake. An international jury assembled this year for the AIA Portland architecture awards publicly chided the local design community here for the uninspired and homogenized five over one wood apartment buildings.

Lastly, I encourage to you seek counsel in discussing the West Quadrant Plan with teens and 20-somethings. Speak to those who are going to live with the decision we make today. They are not well-represented in this process. Thank you for your time and consideration.

Hales: Thank you.

David Gold: Mayor and Commissioners, my name is David Gold and I am one of the owners of Block 33 that's been discussed so much today, commonly known and Jack's Old Town parking lot. I'm also part of the ownership teams of the buildings across the street known as the Goldsmith blocks and also the technology and arts block. Let me preface my remarks, though, by saying on a recent trip to Dallas, unfortunately one of the high points of high trip was to see the deck, which is the cover of three blocks of freeway -- and it's fabulous.

Hales: Been there, yeah -- it's great.

Gold: Unfortunately, the football game was not the high point. But truly, if you haven't seen it, even Google map it, it's worth taking two seconds to do that.

Hales: I can top that, I got to hear Lyle Lovett sing on that deck. [laughter]

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Gold: So, I'm here mainly to discuss the height issue -- and I think Daniel covered some of my testimony. I want to emphasize that the 100-foot limit is truly a unique mark because it is that in-between, and it dictates the style and the type of construction that you will eventually see -- or development. I find myself in an interesting situation. I'm not a big fan of surface parking lots, yet I own a full block. But I also want to do a legacy quality project there, and I think the hundred-foot limit -- and I think I've persuaded many of the people in the neighborhood -- stakeholders in the neighborhood -- that the 150 feet will at least allow the possibility of a true quality project. I'm not interested in a five over one project on that block. It may happen, but it wouldn't be me -- I wouldn't develop it.

Real quickly, I would say the Uwajimaya -- I'm not going make a statement that it would've gotten built if there had been 150 feet - -there were a lot of other considerations -- but it was good possibility. It was something we tried to include but we thought we couldn't spot zone. We went through it with another developer office for housing -- could not make anything pencil at the 100-foot limit.

The last thing -- I'm not of the status of the parking lot tax is. We were at a \$14 million gap. And I don't care how much the tax was on the surface parking -- it wouldn't have made any difference. As the landlord for small retailers, small businesses -- I'm talking really small businesses -- and small creative office spaces, the first thing those folks ask me is, where do I park? And increasing the cost of parking to those folks and their customers -- it's just another nail in the coffin down there. So, I think we need to keep that parking available, especially as we build new projects and don't require parking for those budgets.

Fish: David, you mentioned there was a delta of like 14, 15, 16 million or whatever on the Uwajimaya deal. If we went 150 feet on Block 33, do you have visions of development to pencil out without public subsidy?

Gold: May I go back to Daniel?

Kaven: No.

Gold: I think the greatest challenge there is going to be the parking. We've been talking about which urban renewal area we're going to be in, and that's fine, there's like six million in downtown waterfront, there's more in the river district. But really, the parking is going to be the big hurdle because I'm insistent that the demands of the new building be met, plus the 175 spaces that are currently existing be replaced. Because I own over 110,000 square feet of office and retail across the street, there's got to be parking for those folks and -- for example -- the New Grove hotel. They are previewing a nine-story building with I think 110 units total -- no parking. Parking is going to be scarce.

Kaven: And underground parking is unbelievably expensive and does not make much very much money. I mean, that's the big problem -- particularly being in a location that's near the river.

Hales: Thank you both, thanks very much, thank you all. Come on up and why don't you go ahead and star, Mr. Black?

Harvey Black: Alright. I'm Harvey Black, chair of Friends of Goose Hollow, LLC. I will not repeat the testimony that was sent to all of you about 10 days, two weeks ago, and some of us have pointed out the voice of the individual citizen was not allowed to be heard in the stakeholders committee. My comments will be on how to achieve the increased population density while preserving livability.

We have been successfully living with the urban growth boundary for many years. Its effects have been beneficial in curbing urban sprawl. However, the concept presumes a rising population density in the boundary. The U.S. census of 2010 shows that Goose Hollow and the Northwest district taken together has the fourth highest population density

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in Oregon. The rank would've been higher -- 2 or 3 -- if the PSU students hadn't been considered as residents for the population.

When one travels through Goose Hollow and Northwest districts, one finds a majority of the existing buildings are less than 75 feet. We advocate limiting height for new construction in these districts to 100 feet, and this will allow a substantial increase in density while maintaining livability of the area. I might note that in the presentation of the West Quadrant Plan which started this meeting, there was no rationale nor justification for the rising of heights. There's no reason. There may be good reasons which I am not aware of but we didn't hear any. Thank you very much.

Hales: Thank you. Good evening.

Jamie Anderson: Good afternoon -- good evening. My name's Jamie Anderson, and I've been a resident of the West End for almost eight years. Everybody else has spoken much more eloquently than I am able to, but I wanted to speak my support of lowering the maximum building heights in the West End to 100 feet.

Portland has a real history of being progressive and forward-thinking. We've benefited from the foresight and careful planning of previous generations from the park blocks developed in the 1880s to the esplanades on the Willamette River in the 1990s to public sculpture gardens to the streetcar to bicycle lanes -- every effort has been made to enhance the livability of this city. I am hoping that that same thoughtful planning will continue to the West End. It's a quality of life that is offered by that human scale environment, and it provides all the neighborhood necessities for area residents and buildings that don't dwarf the older buildings. And that's part of what would continue to make Portland one of the most attractive cities on the west coast. You are at a point where you will decide the trajectory of our neighborhood's growth. I hope you will look forward and plan appropriate densities and still refer to Portland's past. Thank you.

Hales: Thank you. Good evening.

Jim Kilpatrick: Good evening. My name is Jim Kilpatrick, I am a business owner and a property owner at 17th and Taylor in the Goose Hollow neighborhood. My company has brought people and vitality to a building that had been vacant for many years there. In 2005, we moved in with 20 employees. Today, we have 140. My partners and I have invested a great deal of capital into our building and the neighborhood to accommodate that growth. We moved into a drab stucco building with little punched windows. Today, it's a creative open office space with floor-to-ceiling window wall. It's LEED-certified and we have achieved City of Portland sustainability at gold designation. It's a bustling, cool place to work.

All that is to say that I'm invested and deeply care about the future and character of the Goose Hollow neighborhood. My business partner Greg Wimmer served on the neighborhood board for many years to represent our interests in substantiating a direction that supported job growth and redevelopment. In that regard, I've studied the West End plan particularly as it relates to the Goose Hollow neighborhood and I support it as written.

The neighborhood process we participated in over the last five years was transparent and did include a diverse representation of the property owners in that area. The new neighborhood board which advocates for height reduction does not represent us. The board elections were swept by the residents of a single building and don't speak for most of the business and property owners in the neighborhood. I urge to you honor the work that the well-intentioned Portlanders on the SAC and VRC has done, and move forward maintaining the current height limitations currently reflected in the West Quadrant Plan. Thank you.

Hales: Thank you.

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Black: I would urge the council to carefully consider Michael Mehaffy's documentary submission in this matter.

Hales: We will, thank you very much. Thank you all. Next? Welcome.

Judy Bell: Hi. My name is Judy Bell, and I'm a resident of the West End and will read a statement by a fellow resident who was unable to attend today.

My name is Christine Neilson, I'm a resident of the West End and pastor of the Eliot Tower Condominium Owners Association. I chose purposely to live in the West End, an area of mixed-use structures evocative of the time when Portland's distinctive neighborhoods were developing around streetcar lines. I value that this is not the glamorous Pearl District or the futuristic South Waterfront. This is a neighborhood in an old-fashioned sense.

I ask to you consider the treasured history of turn of the century Portland in the West End's existing buildings. Should the allowable heights specified in the draft West Quadrant Plan be adopted, the buildings that not only give the neighborhood character but offer affordable housing to a large number of elderly on fixed incomes, Portland State students, and those of moderate means who work downtown would over time give way to more costly housing and lead to gentrification. This is a neighborhood that should continue to develop to support a balanced mixture of populations across the economic spectrum. What we call the middle class is the least represented in the West End.

In order to add new residents that will bring vitality to our neighborhood and at the same time protect the character of the neighborhood and continued affordability across the spectrum of incomes, building height must not exceed 80 to 100 feet. For those locations in the West End where building in excess of eight to 10 stories might make sense, developers should be required to seek and win a variance making the case for how the added height will strengthen the area, not degrade it. Ideally, new buildings of five to eight stories should be encouraged. And that way, new development will enhance the fabric of the neighborhood. Thank you.

Hales: Thank you very much. Welcome.

Jill Long: Thank you. My name is Jill Long, and I'm an attorney with Lane Powell. I'm here today on behalf of our client, the Multnomah Athletic Club.

As a proud member of the Goose Hollow community for almost 125 years, the MAC is excited to be here today to testify in support of the West Quadrant Plan. We would like to thank the City, the stakeholder advisory committee, and the Planning and Sustainability Committee for its diligence and hard work in creating this plan. Over an 18-month period through multiple public works sessions, public hearings, the MAC has seen the City take a thoughtful and balanced approach to protecting Goose Hollow and promoting reasonable growth in Goose Hollow.

In particular, the MAC appreciates the Plan's efforts to support the many components that make up the vibrant Goose Hollow neighborhood. Goose Hollow is a unique urban neighborhood with transit-rich amenities and a true mixed-use character. It's made up a wide variety of uses from business to retail to residential, and of course, to regional destinations such as Providence Park and the Multnomah Athletic Club.

It's a challenge to honor each of those types of uses while still protecting the character of Goose Hollow, but we believe the proposed West Quadrant Plan does that very successfully. Goose Hollow is a critical component to a healthy central city, and the West Quadrant Plan ensures that it will remain a successful neighborhood for decades to come. The MAC looks forward to being a proud member of Goose Hollow for another 125 years at least. Thank you.

Hales: Thank you. Welcome.

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Deanna Mueller-Crispin: Hello. I'm Deanna Mueller-Crispin, and I live in the West End. I have four points to make. First, keep Portland, Portland -- you've heard that quite a bit today. Second, it's a false notion that housing density can only be achieved by high-rises -- that's just not true. Third, affordable housing is not being addressed in the proposed plan -- you've heard a lot about that, too. Fourth, citizens and experts were not listened to in this planning process.

Keeping Portland, Portland. The design principle to shape the skyline seems to apply to a person driving a car across the Willamette River and maybe looking over the city, but it really has no meaning for someone who's trying to live and work in the city. I might mention that nearly 80% of the West End where I live is zoned for between 250 and not 350 but 460 square feet, which totally contradicts livability goals. Unique neighborhoods are Portland's trump card, and our historic buildings are the central art of the ambience that we love. Although there's a place for tall buildings in Portland, they need to be located strategically, not allowed willy-nilly everywhere.

Second, density. As a teenager, I visited the Cumberland Apartments on the park blocks, a wonderful four-story building built in 1910, and I immediately wanted to live there. The zoning is 50 feet tall, zoning permit's 250. It provides 32 units on 0.1 acre. Is this dense housing? I think so.

Third point, affordable housing is not being created or preserved in Portland. You've heard that a lot. The plan's housing goal is to preserve existing supply and continue to support development of exiting housing, but there is nothing in the plan addressing preserving affordable housing and little substance to implement the goal other than developing tools to partner with the private development community, timeline 2016 to 2021.

I just wanted to say one thing about experts not being listened to. I was particularly disappointed that many well-considered comments by the AIA's Portland Historic Landmark Commission dated 9/3/14 provisions to the plan were disregarded. Those comments would have reinforced both green City goals and reuse of existing resources.

Hales: Thank you all.

Debbie Kitchin: Thank you, Mayor and Commissioners, for an opportunity to comment on the West Quadrant plan. I'm Debbie Kitchin, and I'm testifying on behalf of the Central Eastside Industrial Council.

Our board and members are very concerned about some of the language in the West Quadrant Plan that addresses possible removal of the -- or reconfigure ration of the westside ramps on the Morrison bridge. We feel this would be a critical issue for us. We have fought very hard to preserve freight movement in and out of our district, and we need the westside ramps not only to get access to I-5 but we need it to get access to north -- to Highway 30 and points west. Right now, the Ross Island Bridge is extremely congested. If traffic had to move there or all the traffic had to move up to Broadway Bridge, that would have impacts on a lot of other neighborhood business districts as well, not just the Central Eastside. So, we're very concerned about those issues.

The Central Eastside is home to over 17,000 jobs. During the recession, our district was one of the most successful in terms of still growing jobs. We have a number of businesses and products that are made there, including building materials, food products, furniture, coffee, beer, bicycles, machinery, athletic equipment -- you could go on and on. Many of these business are traded sector so they contribute to the economic health of the region, and we need to be able to access our transit system and transportation system in order to get our goods to market. The industrial composition of the district also enhances the opportunity for blue-collar and family-wage jobs that contribute to the City's goals for equity.

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So in short, we want to preserve the ramps on the Morrison Bridge -- the westside ramps in order to ensure we have efficient freight movement. This is really critical for our district. And so, that's what I'm here today to talk about.

Hales: Thank you.

Fritz: Thank you for your testimony and for hanging in there, I know everyone has been very patient taking your turn. There's an item that says, explore opportunities to mitigate noise and visual impacts of the eastside freeway on Waterfront Park, which I assume might mean some kind noise barrier on your side of the river -- did you have any conversation about that?

Kitchin: I'm not sure -- we weren't sure what that means, and we didn't feel that that was an important issue. If it's set up so that -- there are ways you can do it by resurfacing the bridge -- that you can have noise reduction. There's ways you can put a little bit higher walls around the lanes that would help with noise mitigation. We don't feel -- as long as they didn't decrease the size of the bridge in terms of number of lanes and ability to move -- that that was a concern. I'm not sure what other measures there might be, so it could be that if we saw more detailed plans that had something -- that impacted the portal capacity for the freeways, then we might have a concern.

Fritz: OK.

Kitchin: But some of the measures that people have talked about didn't seem to be a concern for our access of freight and freight movement.

Fritz: Well, that's something I'll get more information from staff. But I really appreciate you bringing the perspective that what happens in the West Quadrant doesn't stay in the West Quadrant. It doesn't only affect folks in the West Quadrant, it affects the whole city. And so you bring an important perspective. Thank you.

Kitchin: Thank you.

Hales: Thanks. Good evening.

Mary Valeant: Good evening. My name is Mary Valeant. I'm a resident of the Goose Hollow neighborhood, an architect, and the mother of two young children. And after sitting here today, I might want to add they will be graduating college, looking for a job, and looking for a home when this plan comes due. So, this is very relevant to my family and people of my age group.

I was a Goose Hollow Foothills League board member from 2009 to 2013, chair of its visioning committee from 2011 to 2013, and was a neighborhood representative on the West Quadrant Plan stakeholders advisory committee. I'm here today to encourage Council approve the recommended draft.

Goose Hollow has been working on this draft for more than for years now. The Goose Hollow vision realization committee established in 2011 sought to bring together a diverse representation of neighborhood stakeholders to craft its vision prior to the Central City 2035 process. The work of that committee culminated in a list of neighborhood principles that were incorporated into the draft before you. I would like to thank the many residents, Goose Hollow board members, neighborhood businesses, representatives from Lincoln High School, the MAC, the Oregonian, and Artists Repertory Theatre who served on this committee during that time the principles were drafted.

In addition, I would like to thank the staff at BPS for their time and attention to the neighborhood. They spent countless hours attending neighborhood meetings, organizing and conducting a neighborhood charrette, open house, and drafting and redrafting district goals and policies to align with the neighborhood vision.

The document before you successfully incorporates the aspirations of the Goose Hollow neighborhood and provides for improved livability for its current and future residents. The plan envisions a neighborhood main street on Jefferson with restored Vista

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Bridge at its terminus; a redeveloped Lincoln High School site with a public greenspace and community center; a safe and improved Burnside; a vibrant mixed-use site around Providence Park; affordable family and workforce housing; and a cap over 405.

As a neighborhood, we are rightfully excited at the prospects and are ready to start implementing the plan. To do so, this Council can help. I would recommend an addition to adoption of this document that Council considers acting on the following four issues critical to Goose Hollow and the city at large in the near future.

First of all, Lincoln High School. The Portland Public School board has approved a new Lincoln to be included on the 2016 bond. Master planning of the site will begin soon. This is a critical piece of property in the Goose Hollow and the central city at large. City collaboration with PPS, the neighborhood, and Lincoln community in coming months is essential to maximize its potential.

On Burnside, this is the only east street in the West Quadrant termed a high crash corridor. The draft does little to improve it, instead referring to adopted Council policy favoring a couplet. There was talk about a fall back plan but nothing has been done. The street is too important to let languish, and Council should take action as soon as possible.

As far as the I-405 cap, yes, it's a big project, but every neighborhood that touches it recognizes it as a barrier and source of pollution that detracts from the livability of the city. As the city grows, the area over the 405 will continue to gain in value. It cannot just continue to be a line item in a long-range plan.

And finally, the historic inventory. This is very important to Goose Hollow and many other parts of the city. With population growth making our historic structures more vulnerable, this inventory and the methods we use to protect them needs to be revisited and updated as soon as possible. Thank you very much, I appreciate the opportunity.

Hales: Thank you, good points. Welcome.

Mark Velky: Good evening, Mayor and Commissioners. My name is Mark Velky, I'm a retired navy veteran of 25 years and Goose Hollow resident.

Three months ago, seven new GHFL board members who were endorsed by Friends of Goose Hollow overthrew the old Goose Hollow Foothills League board after they refused to listen to residents' concerns and abandoned their obligation to the neighborhood. For a decade, the Goose Hollow Foothills League board has been dominated by developers and business interests who often held over 50% of board positions even though they make up only 10% of the membership. Developers and business members friendly to developer positions were the dominant voices. They stacked committees and the board with their allies, making it difficult for most residents to be heard. For example, as the minutes show, the vision realization committee was designed by these folks to get around the GHFL planning committee. Yet West Quadrant staff relied heavily on this committee to make decisions for what Goose Hollow wants.

Residents who disagreed with business members about planning and development were discredited, defamed, shouted down, forced off the board, and had their livelihoods threatened. The residents' removal of developer and business control over Goose Hollow must be addressed, since this changes what Goose Hollow wants for the West Quadrant Plan.

I'm also worried about who the Planning Bureau chose for its stakeholders committee. You know the Office of Neighborhood Involvement requires neighborhood association board members avoid conflicts of interest. They must disclose any interest in a transaction or board decision that may result in a financial gain to them, their businesses, family members, or employers. And they can't be present for or participate in board discussions or votes on decisions that they will gain financially from. If the Planning Bureau stuck to the same code of ethics for the so-called stakeholders of the West Quadrant, then

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a large portion of the committee couldn't have participated. Many of the stakeholders will profit financially if the West Quadrant Plan goes their way. The Melvin Mark development company even had two representatives on the stakeholders committee. No wonder they voted for unlimited height limits. Meanwhile, not a single resident of the West End was on the stakeholders committee.

Commissioners, I want you to understand that the opinions heard from West Quadrant stakeholders were slanted in favor of developers who stand to gain millions of dollars by steering height limits, FAR bonuses, and zone changes in their favor. I would like you to hold the West Quadrant stakeholders to the same ethical standards that neighborhood board members have. Please give time for the Goose Hollow residents to be heard. We are asking that you delay your vote until Goose Hollow holds its membership vote on height limits February 11th. Thank you.

Hales: Thank you.

Novick: Mr. Mayor, could I ask a question about this Goose Hollow Foothills League board election?

Hales: Yes.

Novick: I'm just curious, how many people voted in that election and how does that compare to the total population of Goose Hollow?

Velky: If I remember right, there were I think around 80 people at the meeting. And if I remember from reading the census, which was several years ago, I think there was around five to 6000 people in Goose Hollow. But 80 members at an election -- that's huge. I can't even remember the last time -- maybe somebody who's been to a few more than me -- but that's huge to get 80 members to show up at a meeting. Typically, we get about 10 or 12, 15, something like that.

Novick: Thank you.

Valeant: Could I add one thing? Any resident has a vote if they join. So, there are obviously other interests besides residents in the neighborhood, too. For example, a theater or somebody else only has one vote, whereas a condominium building or something obviously would have obviously hundreds of the votes.

Hales: Got it. Thanks very much. Why don't you start?

Wilfried Mueller-Crispin: Good evening, my name is Wilfried Mueller-Crispin. I would like to give testimony in favor of height restrictions to a maximum of 100 feet in West End. I do live downtown Portland on 10th and Jefferson.

We need to revitalize already-existing buildings and have further studies before plan adoptions. I call it livability for the many [indistinguishable] Richmond building to the few. I was born in Germany as a background, grew up in a smallish town near Frankfurt, Germany. My sister worked there for 45 years. One of the main business streets that Frankfurt has -- she used to be very comfortable in that city. Many high-rises were built in between and she today she wouldn't set foot after sundown into Frankfurt because of the increased crime and the discomfort that you get with a city with a lot of high-rises and not much more. So, just as a reference.

My wife and I moved to downtown Portland in 2008 from unincorporated Washington County. Had half an acre. What attracted us was the openness and variety of the architectural buildings styles, many of them of historical value, giving the city warmth and character, and livability of the downtown area. A city that is walkable, vibrant, and full of life as promoted by Travel Portland. Many of you have noticed how many groups come to Portland, visitors, guests who want to visit Portland as it is today. An increase I notice over the last 10 years very easy. They're coming here because of what Portland is, not what it might be.

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I've visited over 65 countries, many cities with high-rises. The ones I feel most comfortable in and safe are cities of human scale. [beeping] For example -- I'll take up a second -- Dresden, clean slate after World War II. Could have been rebuilt in any which way you think of. You go there, they are actually proud that they only have one high rise in the city. You go there, you go to St. Petersburg -- anywhere in the world -- Paris, you feel good because it has a human scale to it. Thank you.

Hales: Thank you. Jerry, welcome.

Jerry Powell: Mr. Mayor, Commissioners, I'm Jerry Powell, I live at 196 SW Madison Street. And you generally know me. I'm a retired planner, and I've been active in my neighborhood for 40 years.

Daniel Burnham said make no little plans. In a funny way, this is a little plan. Not because it's small in scale but because it's a bit timid. The downtown plan -- I was actually a participant in the downtown plan in the early '70s -- established a pattern for the central city that talked about its scale. It talked about it in a way that attempted to draw people, attract people to it rather than send them away from it. In terms of the visual environment of this place -- and this is a capital place -- very, very important. Anyway, the envelope of downtown was to scale down to the river so that it didn't eclipse the river. It was to scale down to the historic districts so it doesn't eclipse them. It was to provide vision and views and vistas not only of the town but from the town. Not just a single pathway from the Rose Garden to Mount Hood, but a view that encompassed the place. Place comes up repeatedly, repeatedly, repeatedly -- it is what we are about. If we didn't have the green fringe around downtown, we wouldn't be us. We can't lose that.

When a building penetrates the skyline, the skyline becomes about that building, not about the place. The Goose Hollow neighborhood is basically a historic suburb and has become an urban place. The scale of that place was clearly the dominant concern when we did a neighborhood plan 20 years ago. Stadium Station Plan is what it's called in official annals, but it's really the Goose Hollow neighborhood plan. When we did that plan, we very consciously planned a certain scale of that place. It wasn't tiny by any means, but it did make certain assumptions about the carrying capacity of the place, how you got into it, how you got out of it. It made some assumptions about what people needed. One of the primary principles in that plan which implies really as well I think to what I'm hearing people say about the West End is that it should be a people place. It should be a place that has housing for families. It should be a place that has housing for all the folks that are in between those two polar opposites that you've heard about being attracted of high density and high rise dominated places. So, how do you get there? Well, one of the things you have to think about and that I find missing in the plan is an attention to scale elements. What do you do for active recreation, for instance, in the West End in Goose Hollow?

Fritz: So Jerry, let me just stop you because I need some clarification. In Goose Hollow, are the heights proposed to be increased?

Powell: That's a very interesting question because the graphic that exists in the West Quadrant document that you have uses for instance a 175 feet height for large part of Goose Hollow. The height limit that's in the Title 33, in 33.820 -- that's wrong, 520 -- is 100 feet. Where do you get that height? It's the bonus.

Fritz: But this gets back to Tracy's point about the actual height, not the height with the bonus.

Powell: Exactly.

Fritz: So, are they actually proposing changing the base height or not?

Powell: I don't think you can tell that from the text or from the graphics in the quadrant plan.

Fritz: I'm very relieved to hear you say that because I've been studying it -- [laughter]

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Powell: Trying to figure out the same thing? Yeah. OK

Fritz: Yes. That's something we'll get clarification.

Powell: A little piece of history that might help. I don't think -- there are too many people knew that the bonus height that goes through downtown Portland and applies in the vicinity -- a radius of every light rail station -- was put in place as a citywide effort to encourage development around light rail stations in East County. It was totally inapplicable and maybe even counterproductive in the downtown area.

Fritz: But do you -- what you would like to see is to keep the heights in Goose Hollow the way they are currently in the zoning code.

Powell: I would like to see the bonus heights removed from the central city plan area, frankly.

Fritz: But as far as the base zone heights?

Powell: I don't have a quarrel with that.

Fritz: Thank you.

Powell: Two more points. One is -- there was question with respect to Jefferson. Jefferson is becoming the kind of main street that it once aspired to be. We sort of shook off the problem of having been a federally secondary highway and become again a main street. Don't interfere with that. Let the commercial store front character go all the way from, well -- should I say the museum or the park blocks to the reservoirs. That's really a critical part.

The other thing is Burnside. There's an ad hoc group that has been meeting with respect to Burnside. You're all well aware that there is a plan on the City's books still for a couplet on Burnside. Goose Hollow has never really wavered from its support for that couple and I fear that the City probably has. There have been alternatives offered that never quite passed muster. We can't let Burnside languish as a sort of failed area simply because there's never been any directed action on it. Thank you for your time.

Hales: Thank you for your work. Good evening.

Steve Pinger: Good evening. I'm Steve Pinger, and I reside at 2669 NW Savior Street. And believe it or not, I was actually in this very room 43 or so odd years ago when one of the downtown plans was adopted by Council -- a very different Council, it appears to me.

Hales: Different room, too. [laughs]

Pinger: Exactly. More recently, however, I was a member of the stakeholders advisory committee for the West Quadrant Plan and I wrote the minority report on building height policy.

I hope that you've had the opportunity to read through the minority report because I feel that in four fairly un-dense pages, it raises a handful of important questions about current and proposed building height policy. But at heart, the minority report is not really about building heights but about what kind of city we want Portland to become over the next generation. How we manage how tall buildings can be and where they could be built is fundamental to this question, and no other factor has the ability to influence livability of the central city as much as this does.

And Portland's livability is truly its greatest asset. Everybody wants to come to live and work in Portland, and not because of its exciting skyline but because of its comfortable scale, the character of its streets and neighborhoods, and its unpretentious buildings and way of life. These qualities are the soul of Portland that I believe we need to be careful to conserve and that I fear building height concept of the West Quadrant Plan as currently written puts in jeopardy.

And so, my request is that the council consider adopting the four specific recommendations of the minority report along with the West Quadrant Plan. The recommendations do not suggest lowering building heights or any changes in current policy. They're intended to be uncontroversial and simply to establish the framework for a

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more comprehensive review of this critical area of public policy as the West Quadrant Plan goes forward. Thank you.

Hales: Thanks, Steve. I appreciate it. Thank you all. Good evening. Ron, go ahead while John is getting settled there.

Ron Paul: Good evening. Ron Paul, director of the James Beard Market. Had I known we were going this late, I would have brought treats.

Hales: Yeah, where's the food -- come on, now -- [laughter]

*****: Smoked salmon.

Paul: The area of the plan that I want to address is the Morrison bridgehead, which is the proposed site for the James Beard Market. The site is at an urban crossroads, not at an urban cul-de-sac, and it really deserves the kind of flexibility that the plan allows. The purpose of the market is really to enhance the viability of local foods for the entire city and to create a pipeline for 60 to 70 independent, locally-owned, non-franchised food merchants to be able to showcase the bounty that really is growing right outside the urban growth boundary.

In the '70s, we created the UGB and we allowed family farms to survive. And survive they did, but often just barely. With the development of the market, we have a chance for them to thrive. And that is really the purpose of the integration and the actualization of the rhetoric that we've had in bridging the urban/rural divide.

The flexibility that the plan allows really is a testament to the commitment to the rhetoric of the -- just long held rhetoric of connecting to the river. We haven't done it. Joe Zehnder laid out a vision in his presentation four plus hours ago. Commissioner Fish immediately asked him, how we are going to actualize that? Well, let's take some concrete steps like the market along the waterfront to bring over a million people a year to the most neglected part of our city.

We talk about historic preservation. Well, we're preserving three-plus acres of asphalt surface parking lot that have been around since the '50s as the staging area for the Morrison Bridge. We have an opportunity to be more than timid -- as the plan has been alluded to. We can be bold and the Morrison bridgehead is one of those catalytic opportunities. Thank you.

Hales: Thank you. Good evening, John.

John Czarnecki: Good evening, Mayor and Commissioners. I'm John Czarnecki. I'm an architect, past chair of the Portland Historic Landmarks Commission, and also a past architect consultant to Oregon housing and community services regarding affordable housing. This testimony strongly supports the adoption of the plan with the following conditions regarding specific aspects of livability as they apply to the West Quadrant neighborhoods.

Mayor, in your State of the City address and in yesterday's OPB interview, you mentioned height, bulk, and setbacks as important qualities with that compatibility. Today, I would like to address briefly the notion of compatibility and the provision of housing and supportive amenities for genuinely diverse neighborhoods.

First of all, livability depends on making good neighborhoods. Neighborhoods require support services. Space has not been set aside for public amenities, particularly those for children. This includes parks, schools, and community centers. Reinserting specific language struck from number 17 on page 43 of chapter four Housing and Neighborhoods would directly support the necessity of family amenities. I'm going to read this a little bit -- it'll just take a sec here -- it's number 17, housing diversity: create attractive, dense, high-quality affordable housing throughout the central city that accommodates a broad range of needs, preferences, and financial capability in terms of different types, tenures, size, cost, and locations. That's great. Here's the sentence that

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was struck which would actually greatly increase the impact of housing policy on the city, especially with the West Quadrant: provide a more diverse stock of housing to support diversifying a central city population that includes housing compatible with needs of families with children, people with special needs, students, seniors, and the central city workforce.

I believe that this is important language because it deals with more than the simplicity, overly simple aspect of providing so many units of affordable housing. It deals with size, it deals with family type. Adoption of this language puts strength behind the adoption of public amenities that are essential for the making of a good neighborhood.

The other really has to do with issues of height and bulk that impact the entire quadrant. Policy that limits sprawl and encourages strategic and effective density can help maintain increased livability. Considerable concerns regarding the ability of new tall buildings to meet complex requirements of the urban and global environment persist and grow. Land use policy that supports that is certainly possible. We need not acquiesce to the allure and questionable value of new tall buildings. With that, I thank you for your stewardship and forward thinking on behalf of us all. Thanks.

Hales: Thank you, John. Appreciate your comments as always. Thank you.

Moore-Love: The next three are dwayne betts, Dan Petrusich, and Fred Leeson.

Hales: We're asking a lot of Karla when we ask her to introduce Dan Petrusich after John Czarnecki. [laughter] That's a mouthful. Go ahead, Dan.

Dan Petrusich: OK, thank you. I'm Dan Petrusich, I was a member of the West Quadrant stakeholders advisory committee as the representative for the Portland Business Alliance. I support adoption of the West Quadrant Plan. The plan is the culmination of five years of work by City staff and was well-vetted by many Portland residents and business owners.

I'd like to talk about two aspects of the plan today, flexible zoning and height limits. Flexible zoning is not controversial and a big part of the plan. What the city has learned from experience is that you get more and better development with flexible zoning compared to single-use zoning -- i.e. just residential or just commercial. More and better development with a 10 minute neighborhood that you can walk, work, or play in. Pearl District is proof of how flexible zoning works very successfully. You get more of everything -- more residential than a residential-only, more commercial, and more retail services. There's been more residential in the last 10 years in the Pearl District than any RX zone. There's been more office built in the Pearl than in the downtown commercial code zone.

I'd also like to talk for a minute about building heights in the West Quadrant Plan. With the urban growth boundary, it's been the policy for the last 40 years to grow up and not out. Portland is by far the shortest city on the west coast. Seattle's tallest building is 944 feet. San Francisco's is 850. Los Angeles' is 1150. We have only two buildings that are over 500 feet. We have only four buildings -- including those two -- that are over 400 feet. So, we're not a tall city at all by any means.

The other thing I'd like to back up Ron Paul on is that the Morrison bridgehead 00 there's virtually no way to use the existing density there at the bridgehead without a height increase. It's just not possible.

Building up and not out provides for better, slimmer buildings with more natural light and air for its neighbors. I support adoption of the plan as recommended by the vast majority of the stakeholders.

The other thing I'd like to point out -- I heard a lot about world cities, clubs, and thanks to the internet and the devices I carry, I was able to do a little research. We're in no danger of joining the world cities club. And let me explain. Our entire office market of 25 million or so square feet could fit -- it would take seven World Trade Center buildings to fit our entire market into. To put it into perspective, we're a suburb compared to some of the

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world cities that were mentioned earlier. You know, Singapore's got a building height of 919 feet. Hong Kong, 1588 feet. Vancouver B.C., 659. New York, 1776. We're just never going to be a world cities club. We're Portland.

Hales: Let me make sure I understand your point about the bridgehead. Because of the limitation of the site, there's floor area ratio there that's just never going to get used unless you have more height.

Petrusich: That's right.

Hales: OK. Thank you. Good evening.

Wendy Chung: Good evening, Mayor and Commissioners. Karla, I have my --

Hales: Is there a PowerPoint there?

Chung: There is. Thank you for your service to the city and for letting me speak today. I'm Wendy Chung, and I live at 2739 NW Irving. I'm not an architect, I'm not a planner, I don't even live in the West End but I'm testifying because I work in the West End as a corporate lawyer. I've worked in business for 20 years. I have an MBA. So, I'm not opposed to business. I do, however, walk through the West End. I have two children, one who attends Lincoln High School in the West End, and one who is in college at the University of Oregon. And I'm testifying because I care deeply about historic preservation and I care also about economic vitality of the city in which we live.

I'm also here to endorse the minority report of Portland Landmarks Commission to the BPS recommending strategic reconsideration of building heights in the West Quadrant. So, here is the height map for the West Quadrant. You've seen this. You will see the 460 foot heights that we've all been talking about throughout this meeting. Just by way of point of reference, the Galleria is 63 feet tall. The central library 38 feet tall. The Crystal Ballroom is 50 feet tall. There are dozens of other significant low to medium-rise buildings in the West End that are not protected under the code. Commissioner Fish asked for a list of gems. He doesn't need a list, there's a multi-property listing of historic properties within downtown area that aren't historic landmarks that are on the chart that Zoe Zehnder presented that are at risk because they could be demolished without a Type 4 review. The other thing I would point out is over 100 feet doesn't necessarily equate to 360 or 460 feet. In fact, this building right here, the Eliot, is 266 feet -- just to give you a frame of reference.

Mayor Hales identified three key priorities for Portland in his recent State of the City address: neighborhoods, economic opportunity, and public safety. Strategically managing building heights in the West End addresses the first two. The National Trust recently issued this report on how smaller buildings and older neighborhoods contribute to urban vitality, confirming what Jane Jacobs said more than 50 years ago continues to bear out today.

Interestingly, the previous testifier talked about San Francisco and Seattle. The three cities they evaluated were Washington D.C., San Francisco, and Seattle. And they assessed them against 40 economic social, cultural, and environmental performance metrics. This is what they found.

First, among other things, older districts provide affordable space for entrepreneurs of all backgrounds; and that older, smaller buildings provide a strong local economy. There are nearly 40% more jobs per square foot and more than double the number of women and minority owned businesses in older parts of Seattle than in the newer districts. Other studies reached similar conclusions. I grew up working in a family-owned immigrant business that would not have existed but for the availability of affordable commercial space.

We see the blossoming local economy in the West End today with its many eclectic independent shops that draw visitors from near and far. But as Commissioner Fish talked about in market forces, the excessive height headroom motivates large scale development

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in this area that threatens to destroy the very thing that makes it desirable. If we're not building point towers and the zoning is already at 460 feet, what's the harm in lowering them?

The comp gives us a once in a generation opportunity to preserve valuable historic resources and to promote continued economic growth in this special part of our city. Please, before you vote to adopt the West Quadrant Plan, consider strategic reconsideration of the height policy in the West End, as has been proposed elsewhere.

I also want to add, if I may, just for a second -- the one thing that others testified about were bonuses for height that would add or contribute to the community. One thing I would ask -- and I raised this in meetings with BPS during the West Quadrant Plan process -- why not offer some sort of a bonus for cultural revitalization of Chinatown? There are no Chinese people in Chinatown. And I don't see -- I understand about motivating affordable housing. I'm all for that. But can we not also inspire Uwajimaya or other Chinese or Japanese businesses to come back to Chinatown, maybe through a bonus program? I'll just throw that out there. Thank you very much for the opportunity to speak.

Hales: Thank you very much. Good evening, Mary.

Mary Czarnecki: Hello, Mayor, Commissioners. Mary Czarnecki, New Traditional Architecture. We practice preservation architecture and urbanism. We believe that they should be one entity. I'm really happy to see the City explore all of these pieces together.

The one example I would like to bring out is the city of Vancouver as a model. We had the opportunity to take students from Mexico up to Vancouver, and we saw the downtown as a place that has aging high-rises and brand new high-rises, but in contrast to that, we were able to go outside of the downtown to new neighborhoods that the premier planner and urbanist Patrick Condon has taken neighborhoods where their challenge was to double the density, and they did that with strategic planning. They did that with infill and other kinds of ways to add low-scale density and mid-rise density on the main streets. In addition, a half mile new streetcar system that would be less expensive than a subway system. So, that kind of approach to deal with the carbon issues and the flat city is really a great model for Portland to understand and to continue its heritage, appreciation, and great livable place that we are in Portland. Thank you.

Hales: Thank you. Thanks very much. Thank you all. Nolan, I think you are on next.

Nolan Lienhart: Great. Good evening.

Hales: Good evening.

Lienhart: My name is Nolan Lienhart and I live in the Pearl District. I walk to work in the West End where I'm director of planning and urban design at ZGF Architects. I'm also currently serving as board president for 1,000 Friends of Oregon, but I speak tonight only for myself.

I'm here because I was fortunate to be a member of the West Quadrant stakeholder advisory committee and I support the West Quadrant Plan recommendations. This was my first time serving on a stakeholder committee with the Bureau of Planning and Sustainability, and I found it to be a robust conversation with a diverse range of stakeholders. In my work, I'm engaged with major district planning projects in Denver, San Francisco, and Vancouver B.C. among other cities. Yesterday, my colleagues and I hosted a delegation from China; and Friday, we're hosting clients from Tokyo. These cities seek planning expertise from Portland not because of the ambition of our plans but because of the proven outcomes: a world-class, thriving, livable urban center.

It is important to understand that this plan is not a major departure from the way that we have grown since the last central city plan which laid the framework for the success

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that I've just described. The existing and proposed height limits in Portland's central city are modest compared with the height limits in most U.S. central cities. While it's possible to create density with the uniform application of six to eight-story buildings, flexibility, height, and density across the central city is critical to facilitate population growth in the places that provide access to high-capacity transit, public services, urban amenities, and the region's highest concentration of jobs.

New limits on growth in the central city will have a dramatic impact on housing affordability throughout the city. Commissioner Fish mentioned the displacement that occurred as a result of the Albina plan, and I would caution this kind of displacement is not going to be stopped with new limitations on development. In fact, it will likely accelerate as it has in San Francisco, a city that is adding 30,000 to 40,000 new jobs a year, but fewer than 7000 housing units a year. The result is more central city workers have a long commute from the suburbs.

Many of the people who have traditionally lived in the central city and inner Northwest neighborhoods are young professionals, a group that is not well-represented among those testifying this evening. I was lucky to live in Goose Hollow when I returned to Portland in 2006, but the cost of a walk-up one bedroom unit at the edge of the central city has doubled in the course of the last decade. So young professionals, like my 24-year-old cousin get a few roommates and pack into inner Northeast Portland homes that might otherwise be occupied by families. Please consider this demographic as well as future residents not yet here who may never be here if we begin a process of lowering expectations about concentrating growth in the central city. Thank you.

Hales: Thank you. Good evening.

Peggy Moretti: Hello. Wow, a marathon session. I'm Peggy Moretti, I'm executive director of Restore Oregon, and Restore Oregon is a nonprofit. Our statewide mission is to save Oregon's historic places and promote livable communities.

We did engage quite a bit in the West Quadrant planning process, particularly focusing on our historic districts. And we do appreciate the thoughtful process and contributions of time and talent through that whole thing. I'm just going to try not to repeat things that have been shared many, many, many times here, but I think we can definitely identify recurring themes from the testimony tonight, and we definitely share a number of those concerns. So, I'm going to kind of zero in on a couple of things.

First of all, Skidmore Old Town. We very much applaud and heartedly support the retention of the 75-foot height limit on this national landmark district, and the design guidelines appear to be poised for a passage that have been long overdue, or long put on a back burner. I think now we need to for that district adopt the right policies and incentives to stimulate infill developments, the compatible infill development in the Skidmore district, which would include shifting parking from surface lots into structured parking that will support both the historic buildings and that new infill development and help alleviate the need to dig underground parking which jacks up cost.

In Japantown/Chinatown -- and we do have two separate historic districts there who have some differences -- we have one of Oregon's most endangered places in Japantown/ Chinatown, and that's the Wong laundry building. It is a representation I think of a number of properties going through demolition by neglect. That district includes such a rich cultural history whose story is not being very well told right now.

So, as we look at how we kind of get from some of the aspirational very generally stated goals of the plan, we're hoping we can get down to some of the specifics that will specifically incentivize the historic preservation and appropriate infill development. And we would love to see the City consider -- as part of that effort to get into the more granular implementation -- that we might want to consider an ordinance that would penalize

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demolition by neglect. Because I do believe there are property owners who are using that strategy to get around demolition review and demolition denial. And as we potentially raise height limits there, that just creates an increased incentive to engage in demolition by neglect.

As we put pressures on the land value underneath the historic properties, we have to be putting in place counterbalancing incentives for the preservation of the historic properties, or you're going to create an untenable tension between those two things. And we would support the Japantown/ Chinatown neighborhood association recommendations that challenge that idea of boosting the height limit along Burnside with the exception of Block 33, where that would seem to be perhaps an appropriate exception.

So, I just think in general, as we look at the West End and all of the testimony that has come in today, we have to acknowledge that every time we raise height, we are in some ways sealing the doom of historic properties unless there are counterbalancing incentives that help create some financial weight on that side of the scale for rehabilitation. In that regard, we appreciate the City's support of the revitalize main street act that Restore Oregon has. It's Senate Bill 565 that would create a historic rehabilitation fund which provides a 25% rebate on the cost of rehabilitation of historic buildings, and we ask that you advocate strongly for it because we're going to be in a tough fight for that, but interest is definitely mounting in Salem. And we would also really urge the City to get serious about incentives for seismic upgrades of our historic buildings. That is often 20% or 25% of the cost of rehabilitation, and it is often the stumbling block that is keeping people from moving forward with rehabilitation.

And then I have one final personal comment. As we densify our city and we jam more and more people per square foot, I think can challenge assumptions that height does not always create livability, it isn't always the only way to create density. And where we do have to go tall, I think it is really time to raise our game on design in this city. I don't know how quite we want to tackle that, but I think we need to set some better higher standards for design that aren't just about doing something that's green and inoffensive. We can step it up here so that the new buildings that are going to go in that will create this density really do continue to tell the story of Portland -- that when they live next to historic buildings, they enhance the story of that historic place, and that create that keeping Portland, Portland. Certainly, there is a big role for design to play in that going forward. Thank you.

Hales: Thank you. Thank you very much. Good evening.

Roger Leachman: My name is Roger Leachman, I am resident of Goose Hollow. I live on SW Vista. I was just elected in November to the board of the Goose Hollow Foothills League directors. Fielding has written, it is a tried but true observation that examples work more forcibly on the mind than precepts. And that certainly applies to the examples given by North American building vis-à-vis, for instance, the precepts galumphing through the pages of the West Quadrant Plan committee prose.

I was privileged and lucky to be an undergraduate in Philadelphia in the '60s to see daily from my dorm room Louis Kahn's medical research building. To spend days halcyon days downtown where no building could be higher than William Penn's hat on the top of that beautiful city hall. That changed in 1984. Philly sold its birthright for a mess of pottage. Let us not do likewise.

From my living room window, I look at 735 St. Claire -- 22 stories of architectural tedium and the ugliest building bar none in Goose Hollow, completely out of scale and out of character with everything around it. There's no getting rid of it. It's much, much easier to get rid of 1890 Victorian houses, of course, as not only Goose Hollow has experienced. My own unit is six stories. I know many of my neighbors, and we socialize and interact. I feel a

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part of my neighborhood in much the same way as when I was a homeowner in single family neighborhoods in Virginia and Minnesota.

Vertical sprawl creates towers of psychological and social isolation. You do not have to be a devotee of Professor Putnam of Harvard to understand that when the social fabric is upbraided by isolation and detachment, a sense of community erodes or becomes virtually nonexistent. And exactly that happens in impersonal towers, which become like the infamous projects in Chicago regardless of the income group inhabiting them. A trailer park has more community and connectedness.

When we as a neighborhood and city level -- or state and federal for that matter -- rim the social fabric, we do so at our peril. An irony of this very flawed West Quadrant process and draft is that it has created community among those of us who came together from our different neighborhoods and backgrounds because we care about our neighborhoods and our city, their present and their future. And I think we are not going to cease to struggle and to care.

Hales: Thank you very much. Do we have a couple more still here? Anyone else? You two gentlemen get the last word and thank you for being willing to wait this long to have it.

Simon Jaworsky: You're welcome. A long day.

Hales: Oh, I think you have one more companion. Go ahead, please.

Jaworsky: My name is Simon, and you know, Portland had an original plan back in the turn of the last 20th century where people would work out in the rural areas and -- I'm sorry, let me say -- people would live out in the rural areas and work downtown. I think we should keep that plan because that plan has always worked, it was environmentally sustainable, and it was very successful.

If you look at the MAX line, Beaverton round -- there is a beautiful condominium out there out in Beaverton, it's right on the MAX station, there's restaurants around it, and it's a direct line to downtown. Now, there's vacant land all around there, all around the MAX line. They could build all of the 100, 200-story condos out there. We don't need any more of this density. We don't need any more housing. We don't -- especially don't need any more affluent people that are going to change the demographics. They're not going to take transit like they're saying. The Northwest neighborhood is a proof of that. Along that streetcar and around the Hoyt area in the Pearl District -- that area is flooded with cars. We've got too much congestion, way too much overcrowding and it's getting very bad for the air.

I like what Commissioner Fish said, we should preserve what we have downtown. The big building that is going up -- Nordstrom's -- completely ugly -- we need to save the downtown area for business space. That is prime business space for people to go shopping. I love to go shopping downtown. But if you're going to build nothing but residential there, where are people going to shop? I live over on 12th and Clay and the people in my building take a bus all of the way to the WinCo shopping center out in Beaverton because there's no cheap place to shop down -- other than Safeway and they're not all that cheap. All of the rest of the stores, like Zupan's, those are for more affluent people. They can't afford it where we have.

We don't need more biking paths. As you can see, biking paths -- they hardly ever get used. It's a big waste of money. I think like the earlier plan, we need to use more mass transit, build up along the mass transit. Build the condominiums and our residential areas, like the Kenton neighborhood Hollywood districts where it is already residential. You have an urban growth boundary plan. Don't make it in the business district, make it in already residential districts like for example, Kenton neighborhoods. Build condominiums out there, connect with light rail, connect them with good bus service. That will be fine.

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I know what [indistinguishable] says about increasing the campus, you know, the Oregon Health Sciences in Portland. PCC is a good example of that. They took out a much-needed grocery store in Northeast Portland and built their campus all over it and there's no place for people to shop or buy groceries or anything and destroyed the neighborhood.

Hales: Thank you very much. I want you to wrap up because we're --

Jaworsky: OK, I'm just saying there is really no proof that this density really helps economic growth very much. The only thing that really seems to help the growth is mass transit because it helped build the store downtown Macy's, and, you know, the only way to help mass transit is by increased service.

Hales: Thank you so much. OK, sir. Good evening.

Timothy Moore: Yes, good evening. My name is timothy Moore, and I am a Goose Hollow resident. I'm also a middle income homeowner and really happy to be part of the community, and I am an avid bicyclist and drive less than 1000 miles a year because I live in a central Portland place where I have the benefit of being able to walk to things I really appreciate. So, I love it here.

I want to acknowledge just a couple things that have been said along the way and then move on to other points. I want to acknowledge the comments from a lot of people. I think that while there's a lot of controversy around the whole question of building heights and things like that, I'm glad that people are raising the issues. I'm glad that they're speaking up about it. I particularly appreciate what was said by Steve Pinger and Michael Mehaffy from the Urban Land Institute -- the evidence-based design approach. I think you guys really have your work cut out for you.

A little bit more background on me. I was involved in the U.S. Green Building Council since its inception, since 2001 and was a part of creating the LEED green building rating system. I have been involved with the neighborhood, I've been involved with the vision realization committee for three and a half years now, and am currently on the Goose Hollow Foothills League board, although I don't pretend to be speaking for the board at this time -- my comments are my own comments. I've been on the board for a year now.

From my experience, I felt like the vision realization committee was a very well-conducted committee and we came up with a lot of great things. I'm really excited about -- you know, even though I think you guys really have your work cut out for you and I'm glad that people are raising the building height issues and I think you're going to have to figure out how to balance questions about density -- which are important -- climate issues, and on the other hand, all of the issues that have been raised by the concerns about building height.

I think there are lot of examples in the world of how density can be achieved with lower building heights. We all -- anybody who has been to Copenhagen, Denmark loves the place, and there's hardly a building over seven stories. Granted, we have different challenges today we have to balance with. That's not the reality that we're faced with today.

But I want to make some other points that I think are really important and salient --

Hales: Make them quickly, if you can.

Moore: Yes, I will. And that is that we created -- the vision realization committee spent more than two and a half years creating our principles document, and I'm glad to see that a lot of what the good work that we did 00 including many residents on that committee 00 did find its way into the West Quadrant Plan. And just to highlight a couple of things that I think are important that you guys asked about.

One of them is Jefferson Street as a main street. I think that's a naturally evolving thing, much more than 18th, and the planning of the City really needs to not only let that

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happen but re-enforce it. It's too easy for that to be treated by people with automobiles as a glorified ramp to Highway 26. I think that the things that Mary Valeant brought up about Burnside and improving the crossings at Burnside and not letting West Burnside be forgotten -- those are really important and I don't think the really is -- it's a timid address of that as well.

The last one is that I think you guys asked about the cap on 405 and the reconnection of downtown with the neighborhoods to the west I think is a huge deal. And probably it's inappropriate and too expensive to try to cap the whole thing, but doing some strategic caps around Lincoln High School and the light rail and things like that may be really valuable, and I don't think that the City has to tote the entire thing -- the entire bill for that, but I also don't think it makes sense to just wait and see if private development comes up with something. I think there's a role for the City and encouraging that and making it happen. That's all I have to say.

Hales: Thank you very much. Good evening.

Reza Farhoodi: Good evening Mr. Mayor and Commissioners, my name is Reza Farhoodi. I am a resident of the Pearl District and like this gentlemen I also really enjoy living in the Central city. I want to reiterate a few points that were mentioned earlier in today's testimony. You know, the people who are predisposed to supporting this plan are not represented well in this process, probably because they have day jobs. You know, I tried to get here as soon as I could after work to be able to speak to you tonight.

The generational divide from today's testimony is very clear. Millennials have shown a clear preference to living in dense, vibrant, urban cores with a number of amenities that are in convenient walking or biking distance, which you may call a 20-minute neighborhood. It's incredibly convenient for people who already live here to want things to stay the same. It takes strong leadership and a bold vision to fight for the future generations who want to live here, and it's up to us to ensure that the housing supply and affordability allows them to move here -- here, as in the central city and not on the fringes of our urban sprawl. And therefore, I urge you to pass the West Quadrant Plan as proposed by City staff and the stakeholder advisory committee. Thank you.

Hales: Thank you very much.

Jaworsky: I say please don't support the West Quadrant plan.

Hales: Gotcha. Thank you very much. OK. We have staff available but we also have had a long hearing. So, my suggestion is we get staff back up here briefly. Did we leave somebody else out? I'm sorry.

*****: Thanks for sticking around to hear us.

Hales: Thank you for sticking around yourself. Appreciate it. Sorry, I didn't mean to knock you off the bottom of the list.

Tina Wyszynski: Somebody had to leave for their work. So, I'm not Tim Block, I'm Tina, but I'm going to speak on behalf of Tim Block. He asked me to read a letter that he wrote from the Hotel deLuxe.

Good evening, I'm Tim Block, general manager of the Hotel deLuxe, which is home to Gracie's restaurant and the Driftwood Room. We are located SW 15th avenue and SW Yamhill, the area often referred to in Goose Hollow as the Flats. Our owner, the owner of the Hotel deLuxe, recently purchased the vacant lot across the street from the hotel on SW 15th with the intention of developing it under the zoning and property rights as they currently exist. I was a member of the Goose Hollow Foothills League vision committee for several years and regularly attended the monthly meetings. We hosted the monthly meetings of the VRC at the Hotel deLuxe from September 2012 to February 2014, and we also hosted all of the Goose Hollow neighborhood charrettes in December of 2012. Those gatherings were well-attended by Goose Hollow residents, business owners, and property

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owners. I fully stand by the open and inclusive nature of the process in both of the meetings and the results it yielded.

There currently is a lack of a robust business community in the Goose Hollow area, particularly on weekends. The hope is that the new plan will encourage the building of new residences in the area immediately surrounding the hotel but really throughout all of Goose Hollow, leading to a better business environment, additional businesses, amenities, maybe some parking, and other things which our guests and our residents may enjoy. I urge you to adopt the West Quadrant Plan as proposed. Thank you very much.

Hales: Thank you. OK. Susan and Karl, why don't you come up? I know Joe will be back in a minute. My suggestion is this. One, that we set some dates here. My recommendation is we keep the record open until the 13th to allow people to continue to send in information and perspectives, and that we set a date of the 25th for the council to have Council deliberations and further response from staff on requests that we're going to make in the meantime. The meantime could start now, but doesn't need to end now.

So, if there are things that Councilmembers want to put on your to-do list at the moment, we can do that, but we can also follow-up by a memorandum from each other and to you after today if we're too tired to remember everything that we want to ask. But for those that are still ready to do so, I want to open the opportunity for that.

Fritz: Well, I will have a list to give you and to have to discuss with you. And you have been very responsive to my requests for different kinds of maps and larger maps. I'm still struggling with what's changing. So, if I could have some 11-by-17s to show the base zone heights across the district and then one that just shows proposed changes, that would be helpful.

Susan Anderson, Director, Bureau of Planning and Sustainability: Yep.

Hales: Distribute those to all of us.

Fritz: That will inform my suggestions request discussion.

Anderson: And we're happy to come any time that you want.

Fritz: It's a phenomenal amount of staff work and also community engagement, and thanks to everybody for all of it. The Mayor said when he appointed me to the Planning Commission that he expects things to come to Council 90% done. I think this is a great example of something that I'm really glad I didn't have to do 90% of the work because there is a lot of it in here. [laughter]

Hales: OK. Commissioner Novick anything for the moment?

Novick: No, except that I kind of feel compelled to complain about the idea that all anybody seems to care about is height. [laughter]

Hales: Thank you, Steve. I think we needed that. So, anything that you need to put on the table for us other than again, I want to make sure that not only the three of us but our two colleagues have a chance in the next few days to lob requests to you. My request is that we sure we copy one another on the requests so that we know what's being asked for and that you distribute responses to all five members of the council so we can keep this thread going of this discussion this evening.

Fritz: Actually Mayor, we got scolded by the City Attorney that we're not supposed to copy each other on internal emails. Staff can sent it [speaking simultaneously] to all of us, but we're not allowed to send it to all of us --

Hales: I don't want to violate the open meeting law. Do --

Fritz: -- try to keep public records [speaking simultaneously] -- so, we'll send the requests to you and you can send the replies to everybody.

Anderson: I'd suggest two things. One -- if it's OK, and then we'll send a note out to Commissioner Saltzman and Commissioner Fish -- within a week to get your requests in --

Hales: Yes --

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Anderson: So that we can make sure that we're doing this -- obviously if you have another question after that we'll be responsive -- but just to keep it moving. The other is picking a date for a final vote because there's many, many interested parties. And I would suggest potentially the 25th of February.

Hales: Correct. That's what I said -- let's take the 13th for closing the record, requests to you in a week, and the 25th for Council deliberations.

Fritz: Except there will be amendments --

Hales: There will be amendments -- 25th and the following --

Anderson: And the following week, OK.

Fritz: So, we'll have another public hearing on just the amendments on the 25th of February, and vote on it the first week of March.

Anderson: OK.

Hales: Alright. Does that work for everybody?

Anderson: Yes.

Fritz: Thank you.

Hales: We'll set those dates. Thank you all for your attendance this evening. The hearing is closed, and we are recessed until tomorrow at 5:00 p.m.

At 6:45 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

FEBRUARY 5, 2015

5:00 PM

Hales: Good evening, everyone. Welcome to the February 5th meeting of the Portland City Council. Would you please call the roll, Karla?

Fritz: Here. **Fish:** Here. **Novick:** Here. **Hales:** Here.

Hales: Welcome, everyone. We appreciate your attendance tonight. This is going to be a hearing in which we're taking up one subject, but we're taking it up with two alternatives -- a little bit of an unusual way for us to proceed into an issue. One of the reasons why we're doing that is this is an issue where there are very strong arguments and very strong feelings on both sides, and the purpose of this hearing is to get the staff to present the issue to us and then to hear from people that have those strong feelings and strong opinions. And we're going to do that in this way.

We're going to call up a panel of city employees first of all, then we're going to call up a panel that are here to speak in favor of the Portland's participation in the Joint Terrorism Task Force, and then we're going to call up a panel of folks who believe that is not the right way to proceed. And then, we'll open it up to public testimony. So, we have invited testimony up front and public testimony to follow that.

As always in this chamber, but particularly on an issue with strong feelings, we want to respect our fellow citizens' point of view. If you agree with someone and want to demonstrate support, feel free to give them a thumbs up or waves of the hand but we ask that we not make vocal demonstrations in favor or against our fellow citizens' opinions, because this should be a chamber where all opinions get heard. We have two different versions of this tonight. I'll ask Karla to read those and then I'll call up the first panel.

Item 146.

Item 147.

Hales: Thank you. I want to first call up Dave Woboril from the City Attorney's Office; Deanna Wesson-Mitchell from my staff; and our Chief of Police, Larry O'Dea for a staff presentation. And we'll take it from there.

Deanna Wesson-Mitchell, Office of Mayor Charlie Hales: Hello, Commissioners. I'm Deanna Wesson-Mitchell, and I'm a policy director for Mayor Hales. What I'm doing today is just going to provide a summary of what the two resolutions are that are going to be before you. They're both based off of the existing policy, which was done in 2011 with a lot of community involvement, months of community input and government work together to figure out how to do a partial case-by-case relationship with the Joint Terrorism Task Force with the Portland Police Bureau involved only on a case-by-case basis. After a significant and well-documented community collaborative effort, this compromise -- the 2011 current resolution -- was achieved.

Some of the issues that the compromise addressed were community and governmental concerns about access to terrorist threat investigations and detailed information that could be received only by joining the JTTF; increasing the capacity of the JTTF through support of PPB officers; investigative procedures and policies under federal laws and policies, which were also a concern. The resolution addressed concerns that PPB officers -- if we entered into a memorandum of understanding -- would be outside of the standard chain of command on day-to-day operational matters. There was also a

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concern about the level of access to information regarding the activity of the Police Bureau officers who were assigned to the JTTF, and then differences in the interpretation specifically of ORS 181.575 and 181.850, which address how the Oregon law regarding government's involvement in people's immigration status or investigations of immigration status and also the ability to collect information on people in Oregon. So, those are the Oregon laws -- specific Oregon laws -- that were of great concern.

Implementing the case-by-case membership relationship with JTTF has not proved possible with the current -- with the way JTTF is structured. Our current participation level -- these two resolutions -- if the council decides to go with the resolution that does not enter into a memorandum of understanding, it will pretty much maintain the current status and participation level of the Police Bureau with JTTF. So right now, the policy says that the Police Bureau can be involved on an as-needed basis, but that hasn't worked out so the Police Bureau is currently not a member of the JTTF and does not assign officers on a full-time basis.

When the resolution was developed in 2011, there was a hope that officers could be assigned possibly for multiple months at a time, but that has not worked out to be possible. We do have a lot of -- five other specific coordinated efforts with the FBI that are working successfully. Those include the Innocent Images, Bank Robbery Task Force, the Metro Gang Task Force. We want to highlight that we have -- the Police Bureau has successful partnerships with the FBI.

Currently, the situation is if the FBI -- they will notify the Portland Police Bureau should a JTTF investigation lead to knowledge of an immediate threat here in Portland. That is currently the situation that we're in. Also, the Police Chief is required under the current policy to gain FBI secret service clearance so they can participate in the JTTF executive board, and that would continue with the resolution to not enter into a memorandum of understanding.

The other current members of the executive board include police chiefs and sheriffs from Beaverton, Clackamas, Gladstone, Hillsboro, Milwaukie, Multnomah County, and Tigard. So, participation in that executive board will continue, and they meet periodically to go over with the terrorist threats to the region and updates for leaders of local police agencies.

Another thing that will continue under the resolution you have before you today to remain out of the JTTF would be that the Police Commissioner and the Chief will continue to receive biannual briefings from the FBI Special Agent in Charge. These cover updates on activities that the FBI and Portland Police Bureau are -- currently have task force together including the Metro Gang Task Force and the others listed earlier. They will also include summaries or general updates regarding current issues around terrorist activity nationally, internationally, and regionally, but it won't deal with specifics regarding what's going on in Portland.

The difference with the resolution to stay out of the MOU -- it would discontinue the requirement for the Police Commissioner to seek a secret level FBI clearance because that is currently not the general policy for the FBI to issue that to an elected official who is also not a sworn law enforcement officer; and it would discontinue the public reports which have been highly unsatisfactory to people because of their vagueness and lack of information in those reports.

So, that's kind of the basics of what is in the resolution that would say that we're not going to join the MOU to join the JTTF. It basically maintains and clearly states what the current situation is as far as the relationship that we have. So then the other resolution before you is also based off of the 2011 resolution very closely. We really wanted to honor all of the time and effort that went into developing that resolution. So if this is the resolution

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the council decides to go with, then it will allow Portland Police Bureau to become full-time members with the three other current local agencies: the Oregon state police, Port of Portland police and Washington County Sheriff's Office are currently full-time members of the JTTF.

This resolution has several additional safeguards that were established in 2011, including the Portland Police Bureau assigned officers' responsibilities. We would assign two officers to the JTTF full-time. There will be under the day-to-day operational chain of command of the JTTF as they would be located in the FBI offices, however, they would still be responsible to uphold the same Oregon and local laws, regulations, and policies that are applicable to all Portland police officers. Chief O'Dea is going to give more details on what that structure would look like.

The other Portland Police Bureau -- Portland officer responsibilities in the resolution require them to participate in an annual training with the city attorneys to make sure they fully understand and are able to comply with current state and federal laws. If they are ever asked to do something while they are over doing work with the JTTF that is outside of Oregon or local laws, they would be required to notify the Special Agent in Charge and the Police Chief, especially concerning ORS laws 181.175 and ORS 181.850. If an officer who is assigned to the JTTF ever has a question regarding how to apply an Oregon law, they would be required to seek the legal advice from the City Attorney's Office. And the City Attorney's Office responsibilities in this resolution would be required to consult with the officers if they ever have concerns, obtain a nondisclosure agreement with the FBI if they needed to obtain classified information in order to provide accurate advice to the officers, and they would also be required to notify the Police Commissioner and Chief if they could not obtain enough information to provide accurate advice to the police officers who came to them with questions. Then, it would be leadership's responsibility to seek resolution with the FBI regarding that matter.

So, the city attorneys would also be responsible to provide annual training to the officers and confer annually with the Oregon Attorney General regarding any possible changes to laws or policies which would preclude PPB officers from legally working with the JTTF. That would be an annual written statement they would do. And then the Police Chief's responsibilities would be to adopt publicly available administrative policies and procedures consistent with the resolution, continue their participation in the JTTF executive board, obtain top secret clearance to allow them to receive regular briefings from PPB staff, and immediately notify the Police Commissioner of any report from officers assigned to the JTTF that they had been asked to -- or something they were doing was in violation of law.

The Police Chief would also be responsible to participate in the quarterly classified FBI briefings with the Police Commissioner. And this is a new one that is in this current resolution that will hopefully address some of the concerns if the council decides to enter into a memorandum of understanding. The FBI has agreed to enter into a nondisclosure agreement with the Police Commissioner -- the mayor -- and provide quarterly classified briefings regarding activities of the Portland Police Bureau officers who are assigned to the JTTF. This would replace the request for secret clearance which wasn't going to actually happen.

The other change in addition to no longer asking for secret clearance, there would not be an annual public report if we entered into a memorandum of understanding because the reports would -- there is a difference in the federal public records laws, and reports would be property of the FBI. So, if we were doing an annual report, it would continue to be very unsatisfactory to people by the amount of information that was able to be shared publicly, so that is where the nondisclosure agreement with the Police Commissioner

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would enable the Police Commissioner to have those classified briefings, and if ever they found they were not able to have enough information from the FBI about what the officers were involved in, there is the ability for the Police Commissioner to withdraw officers from the JTTF and City Council could move to terminate the MOU with 60-day notice. That's standard in the MOU.

That's a summary of the two resolutions. Again, they are both closely based off the 2011 resolution that was developed with a lot of input, but they could -- both of those would be able to be fully operationalized by the Police Bureau and City Attorney's Office to make them an actuality.

Hales: Thank you, Deanna. Questions for Deanna before Dave takes the next segment? OK.

David Woboril, City Attorney's Office: Good evening, Mayor, Commissioners. David Woboril with the City Attorney's Office. Let me take a minute and get a little PowerPoint up here. I can help you with three things this evening. I have been asked to -- well, I can help you with the history, how we've managed the relationship, the various configurations of resolution and MOU we've over the years if you have particular questions about that. That can be very detailed, I won't go into it at first. I'm also the person that's monitored some of our criminal intelligence unit activities, and I'm familiar with dealing with sensitive information -- legal review of sensitive information. I would likely be the person charged with taking questions from officers should you pass that resolution.

First of all, though, I am going to present the MOU itself. You needed a lawyer to go through the MOU and lay out what it does and doesn't do. It's 16, 17 pages long, so I've organized by three issue areas that I see perennially when this is discussed. The characteristics of this thing that are at issue -- the purpose of the investigations. There's often a question about who determines the purpose of the investigations and if they are doing that with interests of Portlanders at heart. Secondly, use of investigative tools. Are our officers contributed to JTTF given access to investigative tools not available under the Oregon constitution and Oregon case law? And then finally, this issue of access to information from management. I've used these three issue areas to kind of pull apart the MOU, and I'm going to show you some of the particulars in the MOU that address these things.

There's a general statement on page one about the purpose announced by the federal government for the JTTF. And of course, after 9/11, there was considerable concern of lack of coordination between various law enforcement agencies, and the stated goal by the federal government is to facilitate information sharing between the locals and all people involved in anti-terrorism activities. And at the bottom underlined, you see there's an acknowledgment that this must be done in a manner that preserves constitutional rights and civil liberties. Again, mission statement on page one.

Information sharing, again, emphasized by the MOU. The MOU doesn't say exactly what the rules are, but it lists many, many documents and sources of regulation that the federal government applies to these kinds of investigations. It's an extensive list. There's two pages here. I'll give you some time to absorb it.

The federal investigators are rule-bound. They have many, many layers of oversight. I'm sure people will talk about whether that's effective or not, but they have way more oversight than we can imagine here in Portland. Layers and parallel responsibilities. And here are some more of those controlling documents to which the people the people of the JTTF would be subject -- our people as well as federal people.

To burrow into what gets talked about almost every time this comes up, I've got here for you the Oregon statute that addresses criminal intelligence gathering and prohibits essentially spying on the social activities and associational activities of the public.

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ORS 181.575 was enacted back in the '80s in response to abuses by criminal intelligence units in the state, and prohibits law enforcement agencies from collecting or maintaining information without -- and I'll shorten this up -- without a criminal predicate. I apply this to information I receive from officers regularly. Criminal predicate is essential in Oregon to apply any investigative tools when there may be associations at issue. The federal language -- it's more extensive. And the reasons I showed you the documents is that the rules are kind of spread through all sorts of regulatory tools. But this is what the federal government has provided us in the past as a statement of their principle in drawing the line between investigations that pursue a criminal problem and investigations that may be interested only in associational activities, political beliefs, religious beliefs. So the Attorney General guidelines are federal government. The privacy act is a federal government document. It is clear from this language in the MOU that the JTTF is controlled by the federal government.

The overall commander of each individual JTTF will be the Special Agent in Charge. The chain of command is quite clear and laid out in the MOU. FBI policy runs the JTTF. And there is a provision in the last sentence there for -- last paragraph for resolving conflicts that arise between operational units in the field. It's expected of course, every once in a while, you're going to have questions and perhaps get different answers from the chain of command, and there's a resolution mechanism. Now, this is -- I believe this is change that happened somewhere around 2007, 2008, and 2009 -- somewhere in there. The federal government recognized that people contributed by local agencies to a JTTF would be bound by their personnel rules, laws, and policies. And the second paragraph there talks about what will happen if there is a conflict. So, while the chain of command is quite clearly defined as federal, the personnel rules and policies of the local agency do play a role in managing the activities of the contributing employees.

Fish: Do we know when that was added?

Woboril: I can't say with specificity. I can find out.

Fish: Was it in the MOU that we took up two years ago?

Woboril: Yes. This has been in place since then, yes. Alright. So, who directs the JTTF? Well, the federal government does. There's accommodation for policy control over people that contribute and extensive overlay and oversight.

Use of investigative tools used to be for me a tough issue. It involved a lot of case law having to do with particular tools, and there were differences between Oregon search and seizure rules handed down by the courts -- it's an interpretation of article one section nine of our constitution -- and the fourth amendment rulings by the federal courts. That gap has narrowed considerably over the years, and there's not much left of it. In fact, it might have actually flipped the other way.

The principal tool that I can think of in the past available to the federal investigators not available to Oregon investigators was the ability to place a vehicle tracker in a car without a warrant. Pretty powerful tool, it was available to the federal investigators, not to our people unless they were deputized and acting in a federal capacity. We had a case a few years ago that ended that for the federal government. The federal government -- their employees, their investigators, and JTTF people are required to get warrants in order to place trackers.

One difference I can think of now I spotted the other day has to do with mere conversation where the federal rule of consensual or mere conversation context between investigators and people on the street is actually more generous to law enforcement in the federal system -- I'm sorry, in Oregon than in the federal system. So, we have something of a reversal. From my point of view as the lawyer watching this for years, this issue shouldn't be as much in play. There's not much difference any longer.

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Access to information from management is of course of great concern. The JTTF MOU requires that the people that you contribute apply for and receive top secret sensitive compartmented information security clearance from the FBI. And of course, participants in the JTTF are strictly forbidden from releasing information except in conformance with federal regulations.

An important part of the conversation that we don't explore fully every time is need to know. You have to have appropriate security clearance plus need to know to receive information. This seems Draconian to some, but in any law enforcement activity -- and I'll refer to this again in couple of slides -- for instance, a homicide case, these are typical rules. Need to know is a dominant guide in management of information in criminal investigations, whether they are JTTF, Portland Police Bureau's fraud division, homicide division, whatever. It's pretty typical for law enforcement to manifest here in this language.

The records of the activities of JTTF belong to JTTF and not to the City. They'll be maintained by the FBI. The FBI will regulate disclosure. Again, this seems -- there's strong language here. The FBI has taken control, as do we -- for instance, if we have a joint homicide investigation with Beaverton, we will maintain those records and require Beaverton to turn to us if there's a request for the records, and Portland makes the decision on release. That's what I have for you.

Hales: Thank you. Questions for David? OK. Then let's turn to you, Chief. Thank you for being here tonight.

Larry O'Dea, Chief, Portland Police Bureau: You bet. Thank you for your thoughtful consideration regarding city participation in the Joint Terrorism Task Force. A decision like this requires robust and thoughtful discussion as we balance our responsibility that we both share regarding maintaining a safe city and maintaining trust in our government and our police. I appreciate the thoughtfulness you're giving in making this important decision and in preserving both of these principles.

I'm not here to pound on the table and tell you that Portland will be in grave danger if we have no involvement in the Joint Terrorism Task Force, because that's not what I believe and that's not what I think will occur.

If we're not part of the Joint Terrorism Task Force, the FBI is going to continue doing its investigations without any of our involvement, any of our information, or any of our influence. We'll be notified of an impending event or action, but it's going to likely be minutes or hours before that event is supposed to occur and we will have had no ability to influence or impact the investigation and will have to live with and manage with whatever or however they have decided to best proceed without our assistance.

If Portland is part of the Joint Terrorism Task Force, we'll be aware of what investigations are going on in our community and be able to infuse Portland values, assistance, and influence into these investigations. I believe our influence can help not only provide an increased amount of trust, but also provide for more timely, accurate, and thoughtful outcomes. For example, the Portland Police Bureau robustly works with our Behavioral Health Unit when we're making determinations in investigations where there's threats involved. That allows us to much more appropriately determine if a criminal investigation and prosecution is appropriate, or maybe something else. It may be that simply that connecting somebody who may be mentally ill and acting out with the appropriate services achieves the best and just outcomes appropriate for our community. Also, by working together and sharing information between agencies, we are much more efficient and knowledgeable. We have the ability to connect a lot of dots working together, and our situational awareness is much greater. This is especially important during increasingly concerning times.

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We already currently and effectively partner with the FBI in the regional computer forensic lab, Metro Gang Task Force, the Bank Robbery Task Force, and the Child Exploitation Task Force. If you do decide Portland is to participate, I'm very confident in the level of oversight, influence, control, and access that I and the mayor would have to protect our interests and fully comply with Oregon law.

You never want to make decisions like this based on personalities either, but know that Special Agent in Charge Greg Bretzing is a very different Special Agent in Charge. He's been very transparent, opened his door to me, answered every question that I have had, and he's the first Special Agent in Charge that I've talked to who wants to prioritize community outreach and relationship-building for the FBI.

Thank you for your thoughtful consideration as you balance our shared priorities of keeping our community safe and ensuring trust in its government and its police. Know that I and the Police Bureau are here to fully support whichever direction you ultimately choose to the very best of our abilities.

Hales: Thanks, Chief. Let me pose a couple of questions at the outset here of this panel. To you particularly, Chief. Deanna and Dave just went through this requirement that if we were to participate in the JTTF, our officers would be required to disclose to you and to me if they had concerns about violation of law or policy. Given a situation like this, where they were in effect under another chain of command, what incentive would they have, what reassurance would they have -- those officers -- that they would follow? What incentive to go ahead and say, hey, Chief, I've got a problem here, as opposed to keeping silent about it?

O'Dea: I think the approach to take with that -- I've given a lot of thought to who and how I would assign and that's why you're hearing the number two. Not one officer. I'm not going to send one officer over there to disappear in a task force. I'm going to send two officers who will have the right personalities; the right training from the City Attorney; very clear directions, expectations and support from me. By having two over there, they can talk to each other. The lieutenant that oversees them they will be a part of the chain of command for investigations that the FBI is in charge of. They will have regular weekly contact with their lieutenant, who also has the same clearance. I meet with that lieutenant once a week.

Hales: Alright, that's helpful. Then another question -- sort of broader scope -- what other benefits do you see accruing to the Portland Police Bureau or to us as a community of participating, aside from the fact that we may be more effective at actually dealing with real potential terrorist threats. Do you see any other potential benefits?

O'Dea: I do. I see that just by having the ability to share information, it's going to increase the body of knowledge that we have. I think it's also going to increase the ability and access to various training when you're partnered with many of the federal agencies, such as the ones I talked about earlier. That also gets you access to additional training opportunities to better improve your work force as well.

Hales: OK, great. Thank you. Other questions?

Fish: Thank you, Mayor. Chief, if we are, quote, all in, you'll have to make a decision about staffing and budget.

O'Dea: Yes, sir.

Fish: You said your preference is two officers -- a sergeant in the configuration. And so, could you give us a sense of what burdens that places on you and the organization to dedicate those three individuals both in terms of other kinds of things that you couldn't do and any budget impact?

O'Dea: Yeah, I would be looking at doing this with no additional cost. What I would be doing is doing this out of existing resources that I have and repurposing part of the time two people who also will retain some duties within the bureau. That's another piece going

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back to not just having people disappear forever. But two people working a lot of time there, some of their time with us. We would keep them housed with us. They're working under the FBI supervision on those investigations and reporting to a current lieutenant that we already have, so there would be no additional lieutenant as a part of that.

Fish: And my understanding, sir, is that you currently have the requisite security clearance.

O'Dea: Yes, sir.

Fish: And that is?

O'Dea: Secret clearance.

Fish: Thank you.

Fritz: How does that proposed level of staffing compare with the staffing you've been dedicating to the task force over the last year?

O'Dea: We've had two people that we -- whenever we would do things, we would look at using those folks.

Fritz: So we've had two officers participating the past year?

O'Dea: We've had two officers working under the current arrangement.

Hales: Available to participate.

O'Dea: Yeah.

Fritz: Can you tell me how much they have participated over the last year?

O'Dea: That's the subject of the report we have been discussing at length that have caused us so many problems.

Fritz: The answer is no, you can't tell me.

Hales: I think it's permissible to say very little. [laughter]

Fritz: It's a secret.

Hales: I think it's safe for me to say very little.

*****: That's the problem.

Fritz: So, what would the -- we're not having additional officers. I know how much overtime you currently are facing, and that you are not -- you don't have a high number of officers per number of citizens anyway, so what would these officers -- where would they be pulled from?

O'Dea: They would be repurposed from duties that we already have.

Fritz: Right, so that means they would not be doing traffic duty or not be doing -- what kinds of things would they not do because they were participating full-time in the task force?

O'Dea: They would be doing different investigative type of work that they might otherwise be doing. This isn't going to be pulling a blue suit patrol officer off of the street.

Fritz: So other investigation would be shorter of manpower, womanpower, because these officers would be full-time.

O'Dea: Certainly.

Hales: Commissioner Novick?

Novick: This is probably a question for Dave -- although Chief, I would be interested in your take, too. One of the features of the Attorney General's guidelines that the ACLU points to is, quote, these guidelines do not authorize investigating or collecting or maintaining information on United States persons solely for the purpose of monitoring activities protected by the first amendment or lawful exercise of other rights secured by the constitution or laws of the United States. And the ACLU points to the word solely, and says, does that mean you can investigate or maintain information on United States persons where 95% of the reason is to exercise their first amendment rights? What's the significance of that word "solely" to you?

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Woboril: You need to read that word in context of the whole regulatory scheme. The federal government has an extensive system of categorizing investigations by their intrusiveness, by how long they've continued, by how strong the interest, law enforcement interest -- in other words, the criminal predicate. And there are some that start with very low threat information but indications -- it's required that there be indications that investigators are actually pursuing criminal activity that has or will occur. Then that balance is continually measured by their oversight system. Cases do not survive -- if the system works as it should -- do not survive unless the criminal investigatory interests or terrorism interests, which are quite similar are increasingly substantial. And certainly intrusive.

There's a whole set of rules for when the investigators can apply more intrusive investigative techniques. I mean, for instance, at a low level of criminal predicate -- open source the front page of the paper, for instance -- open source internet information can be gathered by investigators -- it's not very intrusive. To start using warrants, going to homes, wiretaps, that sort of thing require a concurrence of prosecutors, judges, and evaluation that the case is worth the intrusion. So, it varies. It can start again with very low level of concern. The example that I've heard about for years -- it seems to kind of bring these issues together -- is observations by, say, a marine owner in Portland of someone taking cameras out and shooting photographs of our bridges. Is that -- ? That could be terrible. It could be nothing. And the rules are set up in the federal system to allow some level of investigation, low level intrusiveness.

So, it's a delicate balance at each stage, and the regulatory overlay recognizes that. So, solely can be -- you can end up with some pretty criminal predicate. The question is, as a policy matter, what do you apply as an investigative technique given the small criminal predicate?

*****: Can we get that in English?

Fritz: My husband used to take pictures of bridges quite a lot, and he sometimes was stopped and asked why he was taking pictures of bridges with a very long photo lens. So, that's an example of an activity which many people would not think might have a criminal nexus but potentially could. Is that a good translation?

Woboril: Yes. Thank you.

Novick: A similar question -- this again from the ACLU quoting the 2010 inspector general's report where they say, the purpose test for attending public events under part six of the 2002 Attorney General guidelines did not require any demonstration of articulable suspicion to attend the event. It simply required that the agent ordering the activity have an anti-terrorism purpose in mind. End quote. So, some people feel that even if they're at a public event, if somebody's there to, quote, spy on them, they still feel they are spied on even though it's a public event. This sort of seems like the FBI can attend any public event just because they think they're fighting terrorism. Does that -- I mean, how would you read that language?

Woboril: I've seen that presentation by the ACLU, and it's one of the slides they presented in the past. We might see it today. On its face, yes, the ACLU asserts that that is not strict enough, it isn't a very firm or strict line. I can't speak with authority to the whole federal structure. I have a general sense of it. But if you had an officer who wanted to attend a rally and went to a supervisor in the federal system for approval, I don't know what that process would look like -- that approval process. That's too deep into it for me with my kind of sophomoric knowledge reading through the Attorney General's guidelines.

Hales: Other questions for our team here from the City? Thank you all very much, appreciate that. Now, we're going to call on a panel on one side of the issue that is the panel that believes we should proceed to join the Joint Terrorism Task Force. And that panel consists of our U.S. Attorney, Amanda Marshall; Bill Williams from the U.S.

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Attorney's Office; and Bill Barr from the Citizens Crime Commission. Please come up, and thank you very much for being with us this evening. Good evening.

Amanda Marshall: Good evening, Mr. Mayor, members of Council. I want to start by just thanking all of you for the opportunity to address you today. I know you've been working really hard on this issue individually and doing your homework, because we've been providing you any information you've asked for and I really appreciate the thoughtfulness with which you have been approaching this problem.

It was a difficult decision for me to decide to come, because I'm not an elected official or a politician, but I'm a representative of a federal law enforcement. So, one of my real concerns is not to politicize this issue or make it about personalities, but simply to be able to publicly provide the facts that I think would support this decision to join the JTTF moving forward to protect the citizens of Portland.

I've been asked to address a few issues, so I framed my remarks around those in the interests of providing the commission with the information you requested. I actually grouped the first three, because I think the answer covers really three of your questions, and those are: how will this support the JTTF mission? How will it enhance Portland Police Bureau generally? And what are the drawbacks of the current system not being involved on a day-to-day basis?

I do want to start with the third, though, to just clarify that from the position of the Federal Bureau of Investigation in the U.S. Attorney's Office, there is no half in and half out. There is in or out. And to be in, you have to be a signatory to the FBI MOU. So, the resolution that was passed in 2011 -- which some have referred to as part way in -- isn't binding on the FBI or federal government of course as a city resolution but was really more a framework as we view it for the city to forward in how the City manages Portland Police Bureau's participation in terrorism investigations, since they were not members of the JTTF. So, that's just sort of a rhetorical framing, but I think it's significant. So, the answer -- to group those questions really go through the answers how it makes the JTTF better, how it makes Portland police better, and how it will take away drawbacks from the current system.

Initially, because counterterrorism is the FBI's number one priority, every field office in the country has a Joint Terrorism Task Force made up of federal agents and local law enforcement officers. Portland is the only major metropolitan city in the United States whose city's police force has opted out of that partnership. And it shouldn't be anyone's part-time job -- not in Portland or anywhere -- to make sure our city is safe from terrorist threats.

The first sign of a terrorist threat in Portland -- as it has been in the past -- likely will not be spotted by an FBI agent or related to the FBI's gathering of intelligence. It will more likely be a local police officer or sheriff's deputy who will be in a position to observe and respond to a citizen complaint. The relationship through full-time active participation in the task force is vital to connecting those dots. Face-to-face daily contact with an embedded task force officer gives them real time constant access to intelligence and investigations. It helps to connect thousands of dots between Portland Police Bureau's thousands of street and citizen contacts and the FBI's thousands of intel contacts.

We know that in all spheres, modern day law enforcement is about partnerships and relationships. And you heard Chief O'Dea talk about some of those partnerships and relationships that exist and thrive between the city of Portland and the FBI, including the Metro Gangs Task Force, the Bank Robbery Task Force, and the Child Exploitation Task Force. Those are all FBI task forces, and Portland police has acknowledged and benefited from the relationships in all of those cases to keep our community safe. Portland loses out on day-to-day investigative steps if they're not in the task force, and they also lose out on

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one more layer of oversight and enhanced transparency between what federal law enforcement and local law enforcement are doing.

At the time of the 9/11 attacks on this nation, the City of New York was the primary JTTF in the country. The City of New York PD has been embedded with the FBI for some time. After 9/11, with the acknowledgment that intelligence information had been siloed between federal and state and local law enforcement and the risk that that posed to our nation and our communities -- the JTTFs were ordered to be put in place in every field office of the FBI across the nation for the purpose of not creating more walls and silos but for opening up that information to people like the City of Portland in order to better connect your communities. So, it's really more of an openness and transparency. It not only gives more oversight to the Portland police officers in terms of the layers and layers and layers of oversight that your city attorney discussed and that are contained in literally thousands of pages of documents located throughout the federal government and different policies, but also gives the Portland police oversight into what the FBI is doing directly through your TFOs, your task force officers, who will be reporting straight up your chain of command all the way to the Police Commissioner that you know what it is the FBI is doing in your city in a way you would not know were you not members of the JTTF.

The JTTF is not just about detecting and managing threats. It's also about prevention, response, and apprehension, and one need look no further than the terrible tragedy that happened at the Boston Marathon to see how well these relationships work in a time of crisis. Yes, that attack was not prevented, but the outcome of the investigation would not and could not have been successful without the strong partnership between the Boston police department and the FBI's JTTF.

Carmen Ortiz was here -- the U.S. Attorney from Boston -- recently and I know, Mayor, you had a chance to meet with her with some of your staff and some of your staff attended a briefing she did for my anti-terrorism council. And she really highlighted how because of the relationship and embedded-ness of the police with the JTTF, they were able to gather intelligence information, lock down the city, keep people safe, determine who the suspects were, and bring them into custody in a more expeditious way, a safer way, and a more effective way than ever would have been done without that relationship. An example of that is that the Boston police officers were aware of every single pole camera in the city that the FBI had and so they knew exactly how to access that information and utilize it in their investigation in real time right at the time of the bombing. That's just an example of the type of intel and investigative partnership and technique that allowed them to coordinate in order to apprehend those suspects.

I was asked what current threat is now compared to in previous years. The FBI and collaboration between state and local and federal law enforcement goes back in time way before Portland even had a JTTF. Many years ago, there were -- that type of task force and collaboration led to apprehension of the suspect and successful prosecution of somebody who lit a Portland abortion clinic on fire. So, you can go back to times like that. That would be an example of a type of investigation that even today if it were to occur in Portland they would be able to work together on.

We've always had here in Oregon a large presence of folks who refer to themselves as sovereign citizens. Those are other types of investigations that are still going on. We have threats here in Oregon to this day. That's been a pretty consistent threat in terms of domestic security -- white supremacist groups and others as well. But in the last -- and we all know about 9/11 and the threat of Al Qaeda, but in the last five to 10 years, it has changed from just al Qaeda. We have people acting alone and getting radicalized on the internet. We have home-grown extremists, lone wolves, and we have people from Oregon who are traveling overseas to Syria and other parts of the Middle East to fight with ISIS

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and ISIL. And the scary thing is what happens when they come back. After France, the nature of the attacks are smaller, they're easier to organize, and they're harder to detect and disrupt. The Willamette Week published cartoons a few weeks ago that Charlie Hebdo was attacked for publishing. So, it's not just Paris.

Those types of threats exist in our city as well. We have people in Portland who are troubled and lost, they're looking for meaning and direction, and they're vulnerable. And the challenge we face in law enforcement is that they may be getting exposed to radicalization and calls to violence on the internet. After prolonged exposure to that sort of poison, they may get up from the computer and kill people, which is the call of ISIL -- just kill somebody. There are open cases looking into individuals who may be related to ISIL or ISIS in every state in this country with the exception of Alaska.

I was also asked to highlight the process by which the JTTF opens new cases, and your city attorney addressed some of that, so I hope this isn't too repetitive. I do want to tell you that there is a manual that is utilized by the FBI that covers a lot of this. And it's thousands of pages and there's also lots of other policy and it's embedded in a lot of other sections of the law depending on the nature of the investigation and the techniques that are used, but generally, just to summarize it, there are three stages.

The first is threat assessment. When something comes in, there's a threshold question. At that stage, you can't do much. So, Commissioner Fritz, you know, if your husband's taking pictures of Portland's beautiful bridges -- which I'm sure many people do and why wouldn't they -- then the FBI or JTTF or task force officer doesn't have a right to tap his phone. They may have the right to say, hey, why are you taking those pictures? So, that's the type of low level contact that is allowed under the first phase of the investigation, which is a threat assessment. Is there anything wrong? And in the vast majority of these cases, the answer is, no. They say, nice to see you, have a nice day, and enjoy your photos.

But as that threat escalates, then the investigation and the techniques that can be used can escalate. But while it's designated as only a threat assessment, there's very little that law enforcement can do at that stage. Open source data, conversation, things of that nature. The second stage -- and again, this is only after intensive review by lawyers, by people within the FBI following their own procedures about when it can be escalated from a threat assessment to a preliminary investigation is the preliminary investigation. This is where additional investigative techniques are available, such as grand jury subpoenas.

So again, now you've got oversight of the U.S. Attorney's Office and grand jury is another threat on a case that's moved into this level of investigation that would allow these techniques to be used. This is also the stage at which they may be authorized to interview people in a more formal setting. These cases -- once designated as preliminary investigations -- are reviewed every 90 days to determine if the case should move forward or closed. And they're supposed to be -- if they haven't moved forward, then the rule says they're closed in six months unless there's another review and they determine it should be extended as if it was a new investigation.

I want to give you an example of the way that this works in real practice with the JTTF and investigations that I've been personally aware of in Portland. Most of these cases, again, are going to be closed. These are the cases where they see the guy with the camera, and they engage in mere conversation with him or look at open source documents to determine whether there's anything that would indicate there's some threat -- maybe they call over to Chief O'Dea and he checks with the Behavioral Health Unit to find out if this is maybe an individual with mental health issues that they're addressing in another way, which would be helpful to know in terms of what follow-up should take place. And in

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some of the cases I've seen -- in many of the cases I've seen -- people are diverted and the case is closed.

But the FBI engages in citizen engagement to try to turn people around when they can. That's always the first point of action. They don't need cases -- they don't need more to do. They don't need to make somebody a terrorist who's not, but if somebody is on that borderline, the vulnerable people we talk about who could be radicalized, they try to get them turned them in the right direction. And that includes such things as FBI terrorism agents reaching out to universities to help a kid get back in school because he's lost his way, and they know if they can just get him connected back with his community and back on the right track, maybe he can turn it around.

Because there's nothing illegal about looking at radicalizing propaganda on the internet. That is protected by the first amendment. And mere speech alone does not justify a criminal investigation or prosecution. So, they are very careful to try to disrupt and dissuade whenever possible, even if it means doing things that you might not think about FBI agents doing, like going to talk to school administrators, or talking to somebody's employer, or reaching out to community support, mental health support, contacting up with the BHU to try to find out what resource these have, local mental help to try to steer somebody off of the path of terrorism. That happens a lot in this phase two.

Phase three is a full blown active investigation. Very few of these are opened. Additional techniques can be used, for example, search warrants or tracker devices like your city attorney discussed. But at each level with each additional technique, there's more intrusive review and more oversight. For example, obviously, if you wanted to tap somebody's phone, that has to go to a federal judge and you have to get a warrant which requires an application about this big to support, and then judicial oversight in addition to the oversight by the U.S. Attorney's Office, by the criminal division of justice back in Washington D.C. and by several others. So, with each technique, there's additional oversight, additional requirements, and I think that's important to highlight. Now, the next question was how are civil rights protected --

Fritz: Before you move on, could you just explain that oversight by the Department of Justice, the U.S. Attorney's Office, the oversight of the FBI -- what's your role and do your staff participate in the JTTF?

Marshall: Absolutely. Yes, we do participate in the JTTF. I do have clearance, as do many people in my office. Mr. Williams, who's here with me, who until today was my criminal chief is now my first assistant -- he has clearance and participates in the JTTF. We have a unit in my office that's the anti-terrorism unit, national security unit, and all of the prosecutors in that unit have clearance and participate in the JTTF. But particularly, my national security prosecutors -- of which we have four and a half -- they go to the FBI. They spend time at the FBI field office. They review investigations. The Department of Justice.

So, anything that the FBI wants to do or JTTF officers need to do that would require any type of technique that the constitution or federal law requires judicial involvement or grand jury, we have to sign off on and review and be briefed on. So, any grand jury subpoena, any title three wire, any tracker device, anything like that is going to be reviewed and signed off on by a prosecutor. And in some of those matters, a federal judge will be involved as well. In addition, the -- so, my terrorism folks are working in conjunction with the JTTF on a regular basis on all of their cases.

Fritz: And they're watching to make sure the participants in the JTTF are doing their job the way that the law is required?

Marshall: Absolutely. I would say recently that oversight involvement has actually substantially increased. And that's a result of policy directive issued by Attorney General Eric Holder to all U.S. Attorneys, directing us to create a risk assessment tool and to work

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with our Special Agents in Charge and Assistant Special Agents in Charge of all federal law enforcement partners so we early identify any case that involves sensitive investigation or a sensitive technique. So, a sensitive technique would be something like the use of an undercover. Obviously, the use of any type of heightened surveillance activity. We have to be briefed on those regularly, and we have to be in concurrence with those decisions.

As an additional layer of oversight -- over the fact that FBI themselves have their own -- as you have City Council, they have their own in-house council that is also ensuring that all of their activities and techniques are compliant with federal law.

Fritz: And who are the judges who are not in the Joint Terrorism Task Force who are then -- the officers then apply for the wiretapping or whatever the authority that they're seeking or the search warrant?

Marshall: They're district court judges in Oregon.

Fritz: So, they're just randomly assigned -- there is no particular judge who does this?

Marshall: No. Any article three judge in the district of Oregon would be -- is cleared by their own background and Senate confirmation process. And any article three judge in the district of Oregon would be qualified to review, say, a wiretap application or other types of techniques that would require that type of oversight and review up to -- if you get into matters of foreign intelligence collecting, then that would not be a judge in the district of Oregon, although we have one in the court, but it would be the FISA Court in Washington, D.C.

If you're asking about collection of foreign intelligence, it would be covered under the Foreign Intelligence Surveillance Act, then those cases go to the FISA Court in Washington, D.C. But there's about a hundred steps and hoops you have to go through of approval both through FBI and the Department of Justice, national security division, in order to get concurrence to even seek anything under the FISA Court. And that's not something we deal with very often.

Fritz: Part of the Department of Justice and your attorneys' participation in the task force is to remind the FBI agents you have to go get a warrant for this wiretapping, if they --

Marshall: Oh, yeah -- and believe me, you don't have to remind an FBI agent they need a warrant to get a tap. They do that all the time, and they certainly understand that.

Fritz: But that is part of the role of the Department of Justice in being involved in the task force.

Marshall: Yes, to make sure the cases are legally sufficient moving forward, that the law is being complied with, that the constitution is being complied with, to weigh in from our independent perch as U.S. Attorney's Office not part of the FBI as another voice. Also because we -- when we use the attorney's -- when the U.S. Attorney's Office is involved, our terrorism prosecutors, our national security prosecutors are looking with a mind towards having a case in criminal court. We aren't general counsel to the FBI. We're looking to build a case that would be able to stand up under scrutiny of a jury and a judge and review -- an appellate review by the 9th Circuit.

So, we need to make sure that regardless of what the FBI concludes is legally sufficient that we are able to have evidence that we can produce and use in court that will be available for that level of scrutiny including up on appeal through the 9th Circuit and Supreme Court.

Fritz: Thank you, that's very helpful.

Fish: May I ask one follow-up question? Chief O'Dea testified to the chain of command within the Police Bureau, culminating in the mayor. And if the city -- if the mayor is the Police Commissioner -- after getting a briefing pursuant to a confidentiality agreement -- determined that there's a problem with an investigation, it contemplates a number of things. There's a 60-day opt out if they feel it cannot be resolved. But there's also a

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contemplation that the mayor or Police Chief would pick up the phone and call you. So, if you are contacted by the mayor or the Police Chief who raises a concern about a violation of constitutional rights, Oregon state law, or whatever, do you have the authority to resolve that issue at the level of the U.S. Attorney?

Marshall: Well, let me answer that question this way, and that is that in reality, there will be questions, and potentially the perception of a conflict. And there have been. And when that has happened in the past -- and I'm not just talking about Portland, but I'm talking about any JTTF or, say, Washington County Sheriff's Office right now -- the way that those have been resolved in every case that I'm aware of is that the -- say the Sheriff of Washington County has picked up the phone and called the SAC, the Special Agent in Charge of the FBI, and said, here's my concern. Or called the supervisor who's in charge of the JTTF on the more day-to-day basis. Because normally, it wouldn't even need to go up to the SAC level. He would call Jessica and say, I'm concerned, or my officer has a concern, or my county council has a concern about this legal issue or this technique or this investigation. And the FBI would say, come right over, we'll show you everything. Here is everything that's been done. Here is the whole file. It's complete transparency, because that person is cleared -- as Chief O'Dea is -- and so Chief O'Dea would go to the FBI and meet with their JTTF supervisors, find out, see everything he wanted to see, know everything he was doing, and in every instance that's the level at which those conflicts have been resolved.

Now, what I perceived to be the very unlikely event that it couldn't get resolved at that level and the SAC, and say, the Chief of Police end up to have a true conflict in terms of how a Portland Police Bureau task force officer was being used, then absolutely I would come and walk into the room with them and try to participate in resolving that conflict. And I think our office is well-situated to do that both as the U.S. Attorney's Office with our relationship the City of Portland Police Bureau, which of course is right across the street from my office, and we communicate with them every day several times a day, whereas the FBI is actually out by the airport, and I'm out there a lot less than I am by PPB. So, we would have that ability to settle those things.

But also as lawyers in Oregon and with people in our office with expertise in Oregon law and Oregon law enforcement, and a good portion of my staff having been stolen, you might say, from Multnomah County DA's Office and other district attorneys' offices around the state, we are in a very good position to help mediate those disputes. But I don't -- I guess my main point is I don't anticipate it getting to my level. It never has before. I think if you speak with the Port of Portland, Washington County Sheriff's Office, other agencies that are embedded with the task force, they would tell you that the FBI's completely open and transparent to that chain of command because ultimately, the Portland police officer answers to his lieutenant, and his lieutenant answers to the chief, and the chief answers to the mayor. And that's his chain of command. If there's a legal question, they consult with the City Attorney's Office on that question, and none of that changes because they become a task force officer.

So, how are civil rights protected? You know, as we've talked about, there are literally thousands of pages of policy and extensive oversight and review by the FBI, Portland Police Bureau's own chain of command, my office, the anti-terrorism advisory council, and in many options, the court. I would just point out that the FBI besides -- I mentioned their number one priority is national security, always on their top three priority lists is enforcement of civil rights. So, they are also the agency that is generally enforcing civil rights violations in the state of Oregon, including against state actors in Oregon who violate federal standards of civil rights protections. And I myself and my office also have our civil rights enforcement as a key priority, as you know, since we sued the Portland

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Police Bureau over their violation of civil rights in excessive use of force case. So, we absolutely see that as a responsibility.

Additionally, just looking back in history the FBI has done in many cases on the forefront of enforcing federal civil rights laws across this country. I would also note -- as I think your city attorney did -- that there is the Portland Police Bureau officers who participate in this task force will find themselves under much greater scrutiny and oversight than Portland Police Bureau officers do in any other role that they play on any other investigation. I can tell you having been a state prosecutor myself that I find the bureaucracy and oversight working within the national security apparatus to be at times stifling. But like Jim Comey, the director of the FBI, said in my office earlier this year, he would have it no other way. And neither would we. Because we're all committed to the rule of law, and ultimately, this Council's decision about voting into the JTTF or not hopefully will be based on a belief and trust in the rule of law, in our constitutional system, in the checks and balances and oversight of the federal courts, and that's the reason why you should be confident to vote in. And that would be my hope. That's all I have.

Hales: Thank you very much. Mr. Williams?

Bill Williams: Thank you, Mr. Mayor and Commissioners. I'm not sure I have a lot to add to what Amanda has said, but I can tell you there's a clear understanding that reasonable minds can differ on whether or not Portland should be in or out. Good arguments on both sides. That's one of the things that's unique about Portland. That's one of the things that we've all discovered, for instance, in the case involving the Police Bureau that Amanda mentioned that I've been a part of as well from its inception. There's something incredibly valuable about having this debate.

I've been a prosecutor for 25 years now, and handled just about every kind of case you can imagine. In the last four and a half years, I've been supervising up until two days ago the criminal division, which includes the terrorism cases, the terrorism unit, and our personnel who are extremely experienced, well-seasoned prosecutors who take the responsibilities very seriously. The level of oversight cannot be overstated in terms of the level of scrutiny that's applied by the assistant United States attorneys in their working with the JTTF. The line of supervision that's within our office, that's within the main justice, the national security division that Amanda has outlined -- it is significant. It's supervised by magistrates, judges, by Congress. The FBI has oversight report responsibilities to Congress. So do we. So, there's a tremendous amount of oversight that frankly I just think the general public has no idea that it exists, but it's significant.

We do engage in a lot of community outreach, in particular, with Muslim communities that Amanda and I have been involved with for some time critical to our mission on behalf of the United States Department of Justice. So, I think our message is we're dedicated to civil rights, to understanding there's a difference of opinion. We're supervised by all manner and level of oversight possible, and ultimately, at the end of the day, if we make a mistake as a matter of law, the 9th Circuit Court of Appeals and the U.S. Supreme Court is the ultimate oversight.

So, there are people -- I don't believe in scare tactics, either. Unfortunately, you can turn on CNN twenty four hours a day and realize there are actually people who don't like westerners, who are being trained, and who are traveling. I'm going to a symposium next Monday on foreign fighters and the significant risk that's not just posed in rhetoric, it's the reality of which we're tasked with dealing with. So, we're going to do our job. I think we do it well, and we're hoping that Portland is a part of our team that does it because at the end of the day, what this is about is not the politics of it, it's about public safety. That's why we're encouraging you to consider all of the arguments. And at the end of the day, the people of Portland need to be safe and this is one way to do it. Thank you.

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Hales: Thank you. Mr. Barr, welcome.

Bill Barr: Thank you. Good evening Mayor Hales and Commissioners, I'm Bill Barr, a chair of the Portland Citizen Crime Commission. Thank you for the opportunity to share our view about the city's role and responsibility in combating terrorism. I'm testifying today on behalf of the Citizens Crime Commission and the Portland Business Alliance. Several members of both organizations are here tonight as well. We support the city having two Portland police officers assigned to the local Joint Terrorism Task Force as prescribed in resolutions 147 and 148, and urge you to vote yes. We do not support resolution 146 preventing the city from entering into a memorandum of understanding with the FBI and preventing Portland Police Bureau officers from being part of the JTTF, and urge you to vote no.

All of us have a vested interest in combating terrorism. Acts of terrorism threaten our security and our liberty. Several events in recent years, including the attempted bombing of the Christmas tree lighting ceremony in Pioneer Courthouse Square, demonstrate that Oregon and Portland are not immune. We need only mention Boston and Paris to instantly recall the terror experienced recently in those cities. Members of the Citizens Crime Commission and Portland Business Alliance are concerned. Both boards have examined this issue and taking a position supporting full participation in the Joint Terrorism Task Force. Companies including Greenbrier, Northwest National, fleer [spelling?], and the Portland Trail Blazers to name a few have a vested interest in safety and security for their product distribution, their employees, and the public. Acts of terrorism threaten that safety and threaten the foundation of our community. That's why they support collaborative law enforcement teams who share information on potential threats to community safety, and leverage resources to respond to those threats. We have taken time to speak with leaders in several cities in our region and around the country about their experience in working with the Joint Terrorism Task Force. Uniformly, they have spoken to the value created, the time saved, and the increased security experienced in working together uniformly.

Joint Terrorism Task Forces are part of our national security. Local, federal, and state law enforcement agencies share information, leverage their relationships, and coordinate their efforts on the focused goal of detecting, deterring, and responding to terrorist threats. The FBI and Portland police have separate unique strengths and advantages when it comes to counterterrorism. The FBI has greater resources and access to secret or classified information necessary to investigate national and international terrorist networks. The importance of local police to this collaboration cannot be overstated. More than 900 Portland police officers with close to 400,000 contacts -- have more than 400,000 contacts with community members every year. They know the community and the community values they are entrusted to protect and serve. Local officers bring that network of expertise and knowledge often not possessed by federal JTTF partners. That knowledge of the local community and a greater awareness of local sensitivities and values are critical to enlist the community's help in combating terrorism.

Community security and protection of civil liberties are not mutually exclusive. We are confident law enforcement working together with the community is in fact the best way to accomplish these objectives. We are safer when Portland police have more information about threats in our community. Having Portland Police Bureau officers on the task force makes the task force stronger and ensures Portland values are represented and protected. We are the only city of our size not a part of this national security effort. We should join other cities in our state and across the nation united against terrorism with the goal of doing everything possible to increase the safety of our community. Thank you for inviting the testimony. We appreciate being a part of the work and discussion tonight.

Hales: Thank you all. Any further questions for this panel?

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Novick: U.S. Attorney Marshall, Mr. Williams, I'd like for you to talk more about your outreach to the Muslim community. Because I've had people tell me that the Muslim community is -- a lot of people are scared of the FBI, and if we were all in that would give people the impression they couldn't trust the Portland police; it would damage the relationship. So, that's what I've heard. I would like to hear -- obviously, no community is uniform, but I would like to hear more about the outreach you have done and your gauge of the effectiveness of it.

Marshall: Thank you so much, Commissioner Novick, for that question. I think it is a very important piece of this. I want to talk specifically about some of our outreach efforts both at the FBI in Portland and the U.S. Attorney's Office since I've been there, but I also want to make it clear that these efforts are not just because I'm the U.S. Attorney or because Mr. Bretzing is the Special Agent in Charge. They really aren't personality-driven, they are a shift in the way that the Department of Justice is approaching violent extremism and community engagement and balancing with civil rights to make sure that people's interests are protected and that they are -- that we are inclusive and not exclusive in our efforts moving forward. And this is taking place at the Attorney General level, at the Congressional level, it's being embedded into policy.

We have -- on the Department of Justice website, the internet, we have link to outreach tool kits for different communities and it's very much part of the civil rights agenda as well as the combating violent extremism agenda on a national and policy level. But here in Oregon, those efforts have been running strong through several administrations. I know that U.S. Attorney Karin Immergut had been actively involved in outreach specific to Muslim communities during her tenure. Dwight Holton, when he was the interim U.S. Attorney, carried that effort on and spent a lot of time engaging with Muslim communities across state of Oregon.

When I came in, not only did I continue those individual efforts, I also took steps to institutionalize those efforts within the framework of the U.S. Attorney's Office so that regardless of who is sitting in the corner office, those efforts will continue. We have created a team, we've got outreach contacts, we've got email list serves, we go out and meet all over the state. We've gone to -- Billy Williams and I and other members -- who's also a member of my outreach engagement team -- have visited community groups and mosques in Eugene, Corvallis, Portland. We've involved ourselves in the inner faith community with a lot of those outreach events. We've spent time in people's homes sharing meals and learning about each other and culture in both informal and formal ways.

Recently, on the anniversary of the fire-bombing of the mosque in Corvallis -- which is allegedly in the indictment of retaliatory events that took place after Mohamed Mohamud's attempt on the Pioneer Courthouse Square -- we held an outreach event at the mosque in Corvallis which was very well-attended by state and federal law enforcement alike and community leaders, members from the Muslim -- many diverse Muslim communities across Oregon, including Eugene and Portland, attended that event in solidarity with the community in terms of -- not just in terms of investigations that people might think are directed in some way because somebody is more likely to be a suspect because of their faith, but because we realize that oftentimes, people are more likely to be victimized because of their faith. In a lot of these outreach events we talk about people's civil rights.

I spent a lot of time at the Somali American Council of Oregon -- and I think Mr. Novick, I've seen you there at one of their events -- I have a picture -- and engaging with that community, because they are particularly at risk of hate crimes, housing discrimination. We've gone out and done seminars about fair housing. Because I have a background in child welfare, I helped negotiate some of their issues around cultural

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competency with Department of Human Services child welfare in the state of Oregon in terms of Muslim kids being placed in foster care and needing particular dietary and prayer framework so they can practice their religion in a way that makes them safe and healthy individuals as children.

And so, our outreach has been multi-layered. In fact, I'm going to be flying to Washington, D.C. later this month -- and was invited as one of four United States Attorneys in the country to attend a White House summit, international White House summit on efforts to combat violent extremism in the United States through outreach and engagement.

So, it's very much embedded in the framework of everything we do. But the most important tenet of that outreach is creating relationships between state and federal, local law enforcement, and all different factions of the community, but particularly those that are most impacted to make sure that they feel -- and they know, not just feel like -- they actually experience that they are a part of our solution. Most of our tips on cases that are opened in the JTTF -- they often come from inside of those communities. And so, we need to make sure that people have the tools and the trust to be able to know what to do because most -- again -- terrorism plots and threats come from a citizen who is concerned and calls their local police bureau. So we try to connect up all of those dots.

Hales: Thank you. Anything else?

Williams: Just to follow up on that, I think it's very clear -- radicalization and the terror that's brought on around the world for that matter will never change without community involvement of engaging members of communities that perhaps are new to western diplomacy of engagement cannot change. And that includes here in the district of Oregon. So, community outreach is a fundamental tenet of the department's approach to -- for lack of better terms -- addressing the war on terror. It's sort of like the argument of changing the dynamics with understanding -- you can't build so many jails, jail your way out of prison -- or out of crime. It just doesn't work that way. So, it is about engagement and having mutual understandings within communities with governments and how they work and where the interest lies. So, it's a critical part of what we do. Yes, we investigate cases, prosecute where appropriate. But that's clearly not all that's part of our efforts in this endeavor.

Hales: Thank you all very much. Appreciate your informing this important choice for us. Thank you. Next, I want to call Dave Fidanque from the American Civil Liberties Union of Oregon, and Kayse Jama from the Center for Intercultural Organizing.

David Fidanque: David Fidanque, Executive Director of the ACLU of Oregon. I wanted to let you know we have a petition we've circulated by email and on our website that started last week. We already have 675 signatories on that of people who live, work, or regularly visit Portland. And I have a hard copy for you.

Hales: Great, thank you.

Fidanque: I appreciate the council's deliberation again on this issue. It's obviously not the first time we've been through this. The ACLU did support adoption of the current resolution and ordinance. And at this time, we are asking the council to make it crystal clear that the city will get out of the Joint Terrorism Task Force and stay out.

We believe that this is not a question of whether the city wants to prevent acts of terror. We all want that. The question is, how can the city of Portland best do its job to prevent acts of terrorism? And we believe that is by staying out of the JTTF.

You had a presentation from the Deputy City Attorney Dave Woboril and your staff which mentioned ORS 181.575. And that law, I think you all know, was adopted because of past abuses in the early '80s. And it's still in place and the city has been very sensitive about the enforcement of that statute. We have some disagreements about details, but it does require -- for lack of a better term -- a criminal nexus before members of the Portland

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Police Bureau can collect or maintain information about the political, religious, or social views and associations or activities of any individual or group unless that information directly relates to an investigation of criminal activities and there are reasonable grounds to suspect the subject is or may be involved in criminal conduct. That remains today a very different standard than the standard that the FBI and the Joint Terrorism Task Force operate under.

You've heard again today how the mission of the FBI has changed dramatically since September of 2001. The emphasis now is more on intelligence gathering and analysis rather than law enforcement. There is much less effort on actually solving crimes that have been committed, and more and more effort and resources going into greatly expanding the surveillance without a criminal nexus of those against whom information is being collected.

We're all very familiar with the revelations that came out -- thanks to Edward Snowden -- of activities that had been authorized and some not authorized, but now that have been authorized retroactively and going forward by the Foreign Intelligence Surveillance Court to gather the records of telephone calls made to and from all Americans in the United States, information about people's email traffic, the to and from and subject lines of all emails of all Americans, regardless of whether they are communicating within the borders of the United States or externally. The FBI now routinely uses not only government databases but also commercial and private databases that they can get hold of.

Trying to prevent an act of terror is like trying to find a needle in a haystack. But since 9/11, what the federal government has been doing -- rather than focusing on where there is evidence -- is to make that haystack bigger. That does not help in finding the needle that may be inside that haystack.

So, how big is the haystack? Well, we don't know exactly. You know, in the old days -- and once again, I've brought the FBI file that was gathered on the ACLU over a course of 35 years that we were able to get access to under the Freedom of Information Act in the 1970s. This is all technology; it's a few hundred pages. What the FBI and other federal agencies are doing now is collecting massive amounts of information about millions of Americans -- Americans who are under no suspicion of having done anything wrong -- just so that in case they might ever come under suspicion, the FBI and other intelligence agencies can quickly find out everything about each of our lives, where we've been, who we talk to, how often we talk to them, and by inference, what we might be thinking and saying in those communications.

By 2007, the FBI had amassed 1.5 billion records relating to individuals. By 2012, that estimate had grown to 6 billion records. We have no idea how large those databases are today, how many records are in them, and how many Americans' information is contained in those records. Staffing to track and gather these massive amounts of information has also been greatly expanded. The FBI's foreign terrorist tracking task force -- the last report I saw had 360 staff members. Those are not here in Oregon, that's nationwide, and they're involved in 40 different projects.

So, of course one of the major implications of these databases is the amassing of the terrorist watch lists. There is not one, there are numerous terrorist watch lists. The one that is most well-known is the no-fly list. And we know because again, of Freedom of Information Act requests that the no-fly list itself, which is the smallest of the lists, have increased by more than 1000% since 2009. The ACLU filed a federal lawsuit here in Portland on past of clients from all over the country. And that litigation is ongoing, but two of our clients I think will give you a sense of what the FBI is doing, how they are using these watch lists, and what they are doing to people who are on them.

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In 2010, Ave Mashal, a U.S. Citizen, was denied boarding at Chicago's Midway Airport where he was surrounded by TSA employees and FBI agents and questioned at length about his religious beliefs and practices. The agents told Mr. Mashal that if he would agree to be an informant for the FBI, his name would be removed from the no-fly list immediately and he would be paid by the FBI as an informant. When he refused, the FBI promptly ended the meeting and not until the ACLU filed suit and won a ruling from U.S. District Judge here in Portland did the FBI finally remove his name from the no-fly list. In the interest of time, I won't go into the second story right now.

You heard earlier testimony about the limits and restrictions on the FBI's activities, and you heard reference to the Attorney General's guidelines. Those guidelines have been weakened substantially since 9/11. First, by Attorney General Ashcroft in 2002, and then by Attorney General Michael Mukasey in the waning hours of the George W. Bush administration in late 2008. In addition, one of the other documents the FBI is subject to is Domestic Investigations and Operations Guide.

I'm holding one-third of that document -- and you can see it's rather thick -- that was declassified and posted on the FBI website from 2011. There are significant redactions in this document, but the relevant portions relating to the Attorney General guidelines and restrictions on surveillance of first amendment activity were not redacted. This document, however, has been updated twice since then -- in 2012 and 2013 -- and those have not been declassified, so I can't tell you whether the provisions I'm going to cite to you have been modified, but I don't think they have because the Attorney General guidelines have not been changed.

You heard reference to assessments. Assessments were created for the first time in the Attorney General guidelines adopted by John Ashcroft in 2002. They weakened and expanded the ability of the FBI -- they weakened protections of first amendment protected activity and expanded ability of the FBI and cooperating agencies to engage in surveillance. The Attorney General guidelines themselves note that in order to open an assessment, there is not required any particular factual predicate. And that language is reflected in the domestic investigations and operations guide of 2011.

Between 2009 and 2011, the FBI opened more than 82,000 assessments -- and that's based on data that they turned over to the senate judiciary committee. Of those 82,000 assessments, fewer than 3500 discovered information that justified further investigation. I would submit that's a lot of wasted effort.

So, what is the next step? The next step is a preliminary investigation. And I want to point out to you that a preliminary -- it doesn't take much to get to that next level. You still don't have to have direct evidence pointing to an individual. It may be initiated on the basis of information or an allegation indicating that a federal crime or threat to national security has or may have occurred, is or may be occurring, or will or may occur, and the investigation may obtain information relating to that activity.

The inspector general of the Department of Justice who reviewed practices carried out by the FBI concluded that the current policies -- and these were the policies in place as of 2008, but as I pointed out they have not changed in any meaningful way -- like prior policies and guidelines allowed the FBIs to open preliminary and even full investigations through standards that are easily met. That's the inspector general talking, not the ACLU.

One of the expansions of the ability of the FBI to engage in surveillance of first amendment protected activity merely requires that the agent or the supervising activity has a law enforcement purpose for someone to attend a public event. Now, this can be an FBI agent, it can be an informant or undercover operative under the FBI's control. Does not require -- again, this is the inspector general -- does not require any demonstration of an

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articulable suspicion in order to justify attendance at the event, it simply requires the agent or the activity have an anti-terrorism purpose in mind.

Again, the inspector general's conclusion -- the 2008 guidelines which are still in effect loosened the limitations on the FBI retention of information collected in connection with attendance at public events. It no longer needs to relate to potential criminal or terrorist activity in order to be retained.

Now, this is where you have the most direct conflict. Even if a Portland police officer -- you could somehow justify them under 181.575 investigating or collecting material about someone's political, religious, or social activities; once it becomes clear that they are not involved in any criminal activity -- present or future -- Oregon law requires the city to purge that material. Under the rules of the Joint Terrorism Task Force, your officers would be creating FBI records, not Portland police records, and those records would be subject to the retention rules of the FBI.

Again, the domestic investigations and operations guide lays out the retention requirements. They are exceedingly loose. And I can give you the page citation for that if you want it. That material can be retained indefinitely by the FBI. You heard earlier and saw this language that I have up on the screen currently that the Attorney General guidelines and the MOU and the domestic investigations and operations guide all repeat this language -- that investigations, collecting and maintaining information cannot be based solely for the purpose of monitoring activities protected by the first amendment or the lawful exercise of other rights secured by the constitution or the laws of the United States. But there is nothing in the guidelines, there is nothing in the domestic investigations and operations guide that prevents collecting and maintaining that material primarily because of someone's protected first amendment activity.

Let's talk about racial, ethnic, and religious profiling. The domestic investigations and operation guide specifically permits the FBI to identify locations of concentrated ethnic communities in every field office's domain if these locations will reasonably aid the analysis of potential threats and vulnerabilities. Reasonably aid. That again is a very soft standard. Well, Attorney General Holder just last year issued new guidelines restricting racial and ethnic profiling by federal agencies. However, he specifically authorized this racial, ethnic, and religious mapping to continue in local FBI field offices. There were other exemptions as well, covering customs and border patrol, and the Attorney General's guidelines also permit recruitment of innocent individuals based solely on their race, ethnicity, or religion. So, the Attorney General has continued to give a green light to the kind of intimidation and bullying tactics that the FBI has been engaging in to try to force people to spy on their neighbors and members of their place of worship.

You've been assured by the U.S. Attorney that Portland would be able to carry out and follow both the City's policies and Oregon law. The memorandum of understanding that was circulated -- the unsigned and not finalized memorandum of understanding that as a Council you're being asked to authorize the City to enter into -- has language that we believe says otherwise. As I mentioned earlier, the MOU provides that all investigations carried out by the JTTF will be documented on FBI forms in accordance with FBI rules and regulations, not local or state rules and regulations.

You talked about with the U.S. Attorney what happens when there's a conflict between those things that is brought to the attention of supervisors of your officers if they were to rejoin the JTTF. The standard in the MOU which the City would be agreeing to if it signs this document is that those conflicts will be resolved in a way that provides the greatest organizational protection or benefit. And I think you should insert in that phrase to the FBI -- and if you want to try to insert something else, good luck, that's what Mayor

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Adams tried to do back in 2011, and the Department of Justice in Washington D.C. vetoed all of those suggestions.

On page six of the model MOU is language that specifically prohibits JTTF personnel from discussing any JTTF business with supervisors who are not members of the JTTF unless the supervisor possesses the appropriate security clearance. You already know that the mayor, who is at the top of that chain of command, is not going to have that security clearance. On page seven is a provision that provides that non-federal members of the JTTF will be federally deputized while being detailed to the JTTF. We would submit to you that is in conflict with the assurance that your officers can be properly supervised by their superiors in the Police Bureau.

On page eight, despite the language that was cited by Deputy City Attorney Woboril about participating agencies being able to follow their own policies and laws, it provides all non-FBI members of the JTTF must adhere to the same rules and regulations as FBI employees while conducting JTTF business. How do those provisions get reconciled? There should be specific language about that. There isn't -- at least not that would protect the city.

On page nine, again, another provision that provides all JTTF materials and investigative records -- including any memorandum of understanding, like the one you're being asked to sign -- would originate with, belong to, and be maintained by the FBI. In San Francisco and Oakland, the FBI has refused to release and declassify the memoranda of understanding with those jurisdictions so that those documents could be made public.

In summary, the FBI JTTF operates in total secrecy under the FBI's rules. It's categorically different from every other task force that the city participates in. Everything the JTTF does is classified, everything it has access to is classified. If the City rejoins the JTTF, Police Bureau personnel we believe will be shielded from the chain of command, would create FBI records subject to FBI rules and retention policies not Oregon law, would be tainted by the FBI's suspicion-less surveillance tactics and practices, and the Police Bureau we believe would be further alienated from the community rather than trying to rebuild relationships of trust that have been deeply strained.

Again, we believe the best way for the city to have its ears to the ground and eyes and other senses acutely aware of activity in this city and to have the positive relationships with members of the community that would be most likely to hear about plans to commit these kinds of criminal acts is to stay out of the Joint Terrorism Task Force, and to distance yourselves as much as possible from the federal government and its tactics and policies and practices. Thank you.

Hales: Thank you very much. I meant to mention earlier -- but I assume it's OK with you since you presented this -- but we want to have the PowerPoint presentations that we receive this evening in the record, actually get those duplicated for Council members. Because -- by the way, we are going to conduct this hearing tonight and bring these resolutions back for a decision by the council in two weeks. So, we want time for people to be able to send in additional written testimony after this evening, and also for the council to be able to deliberate on what we have heard. I think these presentations have been so good. Thank you, Dave. I would really like to have that document in front of me as I continue to look at these issues.

Fidanque: Thank you, Mr. Mayor. And I did circulate hard copies to each of you, and the clerk has an electronic copy.

Hales: Great, thank you very much. Mr. Jama, welcome.

Kayse Jama: Thank you, Mayor Hales and members of the commission. My name is Kayse Jama, I'm the Executive Director of the Center for Intercultural Organizing. We are social justice based immigrant and refugee rights organization in the city of Portland. I

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don't think I'm going to add much; I think my colleague David actually covered most of the legal framing around this issue. But I want to talk to you a little bit about the community perspective.

I will start on a lighter note. I refused to remain silent and anything I say cannot be used against me. [laughter] I have been around this issue since 9/11, and I have testified many times on this collaboration between the City and the JTTF. I think with the community -- we're really at a place where the community is used as a resource. So, when they've been challenged or they have an issue, they come to us, they call us, and we find a resource, whether we call the ACLU or other resources we have to connect them to the legal assistance they need. But this case -- there's one, actually, right now, he's just driving from Seattle, and he's one of the cases that we're working with him closely and he really wanted to come testify today and I'm hoping he will be joining us later. But if not, I will be happy to help you to connect with him so he can share with you his own personal experience on this issue.

I think overall, both the FBI as well as the U.S. Attorney kind of created a two-picture scenario. One is that we are in imminent threat and there's a dangerous dooms day scenario, and the other picture they created for us was that we are working with the community and we have a better relationship with the Muslim community and we are trying our best to outreach to them.

I think in my experience in the community, first of all, there's actually fear of the FBI in the community. And I think there's a lot of circles that when we talking with community members, they actually even hesitate to say the FBI word. They coin a phrase, they usually say, "the three-letter agency." That's really how frightened they are even to say FBI. So, that shows the level of mistrust the community has with the agency.

Also, as Dave has said, I think for us, the ethnic and racial profiling is a real issue. So, we believe that continuing with the JTTF will lead to more profiling, surveillance, and intimidation of many innocent community members and violates the basic civil liberties and civil rights for our community members.

We also believe the City of Portland claims to strive as an urban and inclusive community, and we should be able to strive and achieve that by ensuring the most vulnerable members of our community -- that we care about their safety, we care about their concerns, and we will not be working and joining with the JTTF.

We also believe that the outreach that has been said -- the outreach to the community -- many community members also believe that the outreach itself is actually a mechanism of spying. There is an article that is just published recently by the Star Tribune in Minneapolis that actually shows the FBI director assigned to Minneapolis and five other cities in 2009 to use community outreach with Somali groups as a covert intelligence-gathering on terrorist-recruiting efforts and individuals who were likely to be vulnerable to being politicized, according to a newly-release memo that outlined the secretive operations. So, even the outreach itself -- the community knows that there's actually a potentiality of surveillance cases.

So overall, I think for us as an agency -- I think you will hear members of the Center for Intercultural Organizing -- our bottom line, what we are asking you to do is -- we tried to do it case by case, we tried fully joining the JTTF. What we're asking you to do today is to completely stay out of it. Do not join the JTTF, period. That's where we are and that's what we're asking as members of this community. Thank you very much.

Hales: Thank you both. Questions?

Fish: Thank you. I have two questions, David, for you. The first is in your PowerPoint, you state that if we were full participants in the JTTF, Police Bureau personnel would be shielded from the chain of command. And I take it that that's based on the notion that the

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mayor would not as the Police Commissioner be exercising some sort of supervisory authority, is that correct?

Fidanque: I think in the first instance, Commissioner Fish, you have to rely on the wisdom of who this chief or the next chief or the chief after that assigns to the JTTF.

Fish: Alright.

Fidanque: Because if those officers don't report everything to their supervisors -- the sergeant, the lieutenant -- then that chain of command is broken. And in addition to that, because of the way the MOU is written, we believe that the City would essentially be saying -- one interpretation of the MOU, despite what you're being told today -- and remember that the personalities can change, you know, next week tomorrow. We've had several different special agents in charge of the FBI field office here since 9/11. We've had several different U.S. Attorneys. Who knows who's going to be elected president in 2016? The MOU provides that its term is indefinite.

So, I think you need to ask yourselves how can you assure that you are going to have the information you feel you need to know that anything untoward is happening? It's all classified under the terms of FBI rules. It can be withheld. And I think it's unlikely that the City would ever exercise its option to get out, unless you have a mayor who looks at all of this material and concludes the way that Mayor Potter did that this is just flat inconsistent with the chain of command and the proper way to operate a law enforcement agency in Oregon.

Fish: Thank you. May I ask a related question? What in your view is the difference between the mayor exercising oversight under a nondisclosure or confidentiality agreement, and the mayor exercising oversight with secret clearance?

Fidanque: In both instances, there probably isn't a huge difference if you take as a given that what the Special Agent in Charge and other personnel are going to tell the mayor will be the same thing. That's both the good and the bad.

Fish: I forget all the other law enforcement agencies that were listed on an earlier slide, but I seem to recall Multnomah County Sheriff, state police, Port of Portland, there were some other law enforcement agencies that are --

Hales: Those are the ones that are on the working group below the level of the JTTF itself. It's the Washington County Sheriff's Office, the Oregon state police that are actually full members.

Fish: So -- thank you, Mayor. So, let's take the Oregon state police and the Washington County Sheriff's Office. Now, there's no dispute in this room that they are fully covered by Oregon law. They are obliged to follow, including 181.575. Do we have any evidence since they've been a participant that this statute has been violated?

Fidanque: Commissioner Fish and Mr. Mayor and members of the council, we don't have any evidence at all of anything that the JTTF has been doing.

Fish: Right -- no, I understand that, but there are lawsuits going on around the country. The last time we took this up, the ACLU supported the "as needed" and was prepared to support putting police officers into this arrangement on an as-needed basis. One of the important things we talked about was litigation around the country, evidence of wrongdoing. We assessed it and we did a balancing test. And that's how you ended up -- I understand -- concluding that "as needed" reduce the risk of some long-term violation of law, among other things. I'm just asking, do we have any specific evidence through complaints or court cases or anything that their participation has led to a violation of this statute?

Fidanque: I think the major point I would make, Commissioner Fish, is that we have no way of knowing one way or the other whether there have been violations by the FBI or cooperating agencies like the state police. I would hope not, but the point is we have no

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way of knowing because those agencies are subject to the FBI's rules, and the FBI's rules keep everything secret, and their rules trump everything else.

Fish: Thank you.

Jama: I think I can add one example -- and I don't want to detail the issue because of confidentiality. There was a case that my agency was involved in -- I don't know whether it's being seen as a violation of the agreement or law, but it was a case in Washington County where I got a call from a client. And after I investigated and visited the client, I learned that actually FBI agencies went to the schools of some of the family members' kids were attending the schools in that area, and the kids were interviewed. They were very much pulled from the classroom and then being interviewed. And when I looked at cards that folks left for the family, definitely the state police was one of the folks who were involved in that case. So, that's as much as I can share but, you know.

Fish: David, I'm sorry, one last point going back to some point in an earlier panel. I just was curious to get your view. We had someone earlier argue that if Portland police officers subject to a chain of command at the City were participating in the JTTF, in fact, they could serve effectively as watchdogs in that role.

*****: [inaudible]

Fish: Please -- someone else raised the point, and let's show respect to people's points of view. And the argument that we heard from an early panelist was that, in fact, we'd have more influence by having participation and bringing Oregon values into the equation than if we didn't. I wanted to get your reaction to that.

Fidanque: Again, Commissioner Fish -- I don't want to minimize the positive actions that the Portland Police Bureau has taken in the past. You know, when Attorney General Ashcroft put out the call for dragnet interviews shortly after 9/11 of individuals who were in this country on visas based on the country of origin and their faith or their presumed faith who were to be questioned about their political and religious views, the Portland Police Bureau refused to participate in that although they were requested and the city was part of the JTTF.

So, that's an instance where the city did step up. And I'm not telling you that would never happen, or that the Police Bureau couldn't have some positive impact behind the scenes. The problem is the community is unlikely to ever find out about it absent that kind of a dramatic situation. And I believe that our community would be safer if the Police Bureau distances itself, if it's still available to work with the FBI on a case-by-case basis as the bureau would be under proposed Resolution 146. So, it can actually have positive relationships based on trust with members of communities of color and minority religious faiths in this community that are not tainted by the FBI's bullying tactics and intimidation that is well known in those communities and has undermined its ability to ever develop relationships of trust.

Hales: So, let me actually follow that and maybe get you both to come at the big question that's in my mind here from a slightly higher altitude. We've gotten into some important questions of law and policy. Let me try to state it this way. Dave, you in particular have really done an incisive job of critiquing the FBI's approach and their practices and the AG's guidelines. I followed that, again, I appreciated the presentations very much. And therefore, the potential danger of associating Portland police officers with those policies and practices and guidelines.

So, setting aside the question of whether Portland police officers' values could even influence an organization the size of the FBI -- there are, after all, only two of them. Let's set that aside. Some people might think they could, some people might think they can't. If you can set all that aside, there's still a danger. I would think we would all submit that there's some danger -- well, maybe not everyone will admit that. I believe there's a danger,

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there's some things that keep me awake as Police Commissioner and as mayor and one of them is that something like what happened in Paris or Boston can happen here. And so, do you see no legally defensible operational advantage -- I'm going to ask you the same question, Kayse -- do you see no legally defensible under our laws here in Oregon and here in Portland -- do you see no legally defensible operational advantage to the Portland Police Bureau in keeping us safe in cooperating with the FBI at all or under this arrangement? Does that make sense?

Fidanque: It makes perfect sense, Mr. Mayor, and I sympathize with your sleepless nights, believe me. I believe that since -- and let me say, as you know, I'm not a lawyer. I have talked about these issues with the national ACLU attorneys who are experts in these matters and they have assured me that the material I've given you today is accurate as far as they know, to the extent that anyone could know it that is outside of the federal government. But I think, you know, again, going back to the 50,000-foot level.

The fundamental question is: what you believe will make this community as safe as it can be? Do you want to align yourself with an agency that has been treating everyone as a suspect, including millions of law-abiding Americans; that is amassing huge amounts of data on all of us; that was not able to prevent the Boston attack; and do you think those are the tactics that are going to make this country as safe as it can be? Or do you believe there should be someone out there that adopts a different strategy and tries to increase the amount of safety we might have?

Up to now, Portland has been that jurisdiction that has said, no, there is a better way. We want our community to continue to be safe and we're going to do it consistent with the constitution and the laws of Oregon. I regret that Portland is alone in taking that stand, but I sincerely believe it is the best direction -- that this city took the right move in 2005, that it did everything it could in 2011 to have a symbiotic relationship with the FBI, and the FBI's essentially said to the city, that's all well and good, but as far as we're concerned, you're either in or you're out, and you're out.

So, let's recognize that now and make it crystal clear to the citizens and residents and visitors and those who work in Portland that the city has taken a different path, and it is every bit as committed to this community's safety as the FBI and the Joint Terrorism Task Force, but it is pursuing a different strategy -- one that relies on the community, not one that suspects the community.

Hales: Thank you.

Jama: Mr. Mayor, thank you very much, I think it's a very important and valid question. I am a father of two children, and consider myself as Oregonian, I consider myself a proud Portlander. We all want safety. We want to be a safe community -- all of us. And the question will be, are we able to prevent what's happened in Paris or what happened in Boston? I don't know -- that's a hard question. I think the question we have to ask ourselves is what David said about the different strategy: what strategy should we take as a city, as a community? One is that do we work with the FBI and hope for the best, even if legally we're OK and we're covered. What is that going to do to us, our most vulnerable populations who are being targeted by the FBI investigations? And if the strategy is -- if that alignment will create exclusion or create members of our community who are law-abiding Oregonians who believe that they are being targeted and they are fearful of their safety and they are part of this community -- if that collaboration creates that fear in that community, I think we should think about it.

I think the other strategy is that do we opt out and say no, we're not going to collaborate and work with our law enforcement. There's nothing that prevents the FBI to pick up the phone and call you or call our Police Chief if there's an issue that needs to be

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discussed and solved. They can do that without a JTTF memorandum of understanding if there's an issue. Law enforcement will always collaborate.

But for me, the question -- the fundamental question -- is strategy. So, the strategy that we are pursuing is important to members of the community that I work with. That is, we as a city will ensure that we are inclusive for all, and that is the type of security and safety that we are all seeking for us as members of this community. And for us, the strategy will put us in a state of assuming that just sheer luck if we collaborate with the FBI, even if we're illegally profiled, we might be preventing potentially unknown terrorist attacks.

I think for me that's the wrong strategy and that's the wrong thinking. I think what we need to do is what David outlined, what we've been outlining since the beginning since 9/11 happened is that fear does not prevent terrorism. We are fighting the hearts of the minds of our youth, particularly the Somali community that I work with. The fight that we are fighting is winning their hearts and their minds. And for us, the way to win their hearts and minds -- it's not targeting them and making them labeled to be a suspect. The way we can win their hearts and minds is creating an opportunity for them to feel they are part of the fabric of our community. That is the type of inclusiveness that I really want us to strive for. So, for that reason, I think that's a better strategy.

Hales: Thank you both very much.

Novick: Mr. Jama, you heard U.S. Attorney Marshall and Mr. Williams talk about the importance of the outreach they've done and wanting to develop good relationships with the community. You said that there's other people that see the outreach itself as a form of spying. Is there anything that the FBI could do to develop a good relationship, particularly with the Muslim community? Is there something they could do over the course of the next months or years that could win people's trust?

Jama: I am a firm believer that we can work together as a community. I practice conflict resolution, so I think the answer is yes. I think, first of all, number one is stop spying on the community. [applause] I think that's the first step that they have to do. Number two is that they have to be genuinely wanting to have a better relationship with the community. And I think you have to admit that our U.S. Attorney mentioned the case Mohamed Mohamud case -- that case did not help at all in terms of building a better relationship with our community.

So for us, we can always start at the blank page, and we're open to that. I am open to that. I think many members of the Muslim community want to have a better relationship with not only the FBI, we want to have a better relationship with our local law enforcement agencies. We want to have a better relationship with our elected officials. We are part of this community. We want to be seen as not "others." We don't want to be seen as the one who's being protected from others. We want to be protected and have it extended to us as part of this community. And so for me, your answer Commissioner Novick is yes, but we have to talk about really what that means to us.

Hales: I think we may have no more questions for you. Thank you very much. Appreciate your presentations. So, thank you all for your patience -- [applause] -- I hope you appreciated this very good discussion. So, we're going to ask Karla to do one detail I forgot, which is to read the ordinance that accompanies the second resolution because we have to read it before we take testimony on it.

Item 148.

Hales: Thank you. I know we have a number of people signed up. We would like to extend some courtesies, because I know there are some parents of young children here in the room and there's also probably some parents of young children who need to get home and put them to bed. So, if there's some folks that have childcare needs that would like to come first, we want to extend that courtesy, and then to anyone who's disabled as well.

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So, if you have special needs, come on forward now before we start the general roll call off the sign-up sheet and we'll show you those courtesies.

Joe Walsh: My name is Joe Walsh, I represent individuals for justice. I wish I could say something brilliant to you right now that would change your mind if you're leaning to rejoining the JTTF. But I can't, I -- the ACLU has just given you a great presentation. There is almost no way that I could build on that.

However, there's a couple of things that I learned today just reading. I didn't know that the JTTF was also working with ICE. I didn't know that. I may be the only activist in the room that doesn't know that. But Boston was brought up -- they brag that they handle 1300 cases between the JTTF and ICE. Now, this community has come out very strongly for immigrants. And I don't know if you know that, but if you did, OK. But I didn't know it. So, I was kind of taken aback by that one. I don't like ICE. I don't like the FBI because you can't trust them, because they work in secret. Our police department here -- as much as we battle and fight and argue -- there is an openness to it. We know Chief O'Dea, we know Chief Reese, we knew the personalities. FBI, shhh, it's a secret. We all laughed when I said that, but it's true. It is a secret.

Think about this -- Senator Feinstein, of the most powerful women in the Senate, one of the richest women in the Senate, could not speak about the intelligence community even though she had a secret clearance. She could not open her mouth, because it violates federal law. She would go to prison. It's not a rule, it's a law. If you violate confidentiality or you violate classified information, you're going to jail. And what we're asking our officers to do is to think out the FBI. What's the chances of that? That's the only input we get from the officers, thinking out the FBI people that they're working with every day. Never going to happen. So that's why we're in the dark, shhh, it's a secret. Thank you.

Hales: Thank you. So, anyone else that would like to come up early, please come on up.

Shantena Leeth [spelling?]: This is my daughter Shy India Alexander, and she's going to read something for us tonight. She's a very good reader, she's a little shy. She has a big voice and she's a big girl.

Hales: OK. Shy, we'd love to hear you.

Leeth: Read from the top to the bottom.

Shy India Alexander: Following the civil war, Congress submitted to the state three amendments as part of its reconstruction program to guarantee equal civil and legal rights to Black citizens. The major provision of the 14th Amendment was to grant citizenship to all persons born or naturalized in the United States, thereby granting citizenship to former slaves. Another equally important provision was the statement that nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws, the right due process of law and equal protection of the law now applied to both the federal or state governments on June 16th, 1866. The House joint resolution proposing the 14th amendment to the constitution was submitted to the states. The 14th Amendment was declared in a certificate of the Secretary of State ratified by the 37 states and became part of the supreme law of the land. Congressman John A. Bingham of Ohio, the primary officer of the first section of the 14th Amendment intended that the amendment also nationalize the federal bill of rights by making it binding upon the state. Jacob Howard of Michigan introducing the amendment specifically stated that the privileges and immunities clause would extend to the state.

The personal rights guaranteed and secured by the first eight amendments. Historians disagree on how widely their views were shared at the time in the Congress or across the country in general. No one in congress explicitly contradicted their view of the

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amendment but only a few members said anything at all about its meaning for this issue. For many years, the Supreme Court ruled that the amendment did not extend the bill of rights to the states. Not only did the 14th Amendment fail to extend the bill of rights to the states, it also failed to protect the rights of black citizens.

One legacy of Reconstruction was the determined struggle of black and white citizens to make the promise of the 14th Amendment a reality. Citizens petitioned and initiated court cases. Congress enacted legislation in the executive branch to enforce measures that would guard all citizen rights. While these citizens did not succeed in empowering the 14th Amendment during the Reconstruction, they effectively articulated arguments and offered dissenting opinions that would be the basis for change in the 20th century.

Hales: Thank you. Thanks very much.

Leeth: What she read was just the 14th Amendment of our rights.

Hales: Yep, very important. Thank you very much.

Leeth: That involved slaves.

Hales: Thank you for reminding us of that history. Thank you. Would you like to speak as well? Tell us your name.

Janess Walker: Janess Walker.

Hales: Thanks for coming tonight, Janess. Anything opportunity to add?

Walker: I don't like police officers because they treat Black people like we are criminals. They ride around our neighborhoods and ask us questions and make us feel unsafe.

Hales: Thank you very much. Thank you all for coming, appreciate you being here.

[applause] Right, it's OK to clap for kids. [applause] Thank you very much. Let's move to the sign-up sheet then, please.

Moore-Love: We have about 28 people left. The first three, please come on up.

Hales: Mr. Partridge, welcome.

Jamie Partridge: Hi, thank you, Commissioners, Mr. Mayor. I'm here representing the Portland Jobs with Justice, which is a coalition of 95 organizations -- unions, community groups, faith-based organizations. Portland Jobs with Justice thinks that the city should not participate in the Joint Terrorism Task Force at all. We think that the legal regime created by the U.S. Patriot Act and the anti-terrorism and effective death penalty act of 1996 is unconstitutional and creates the apparatus for a police state even if it's not yet been fully applied.

These laws potentially treat nonviolent organizations that coordinate or mobilize dissent as terrorist conspiracies. The subject nonviolent groups to surveillance on the basis of secret listing by administrative agencies that cannot be appealed. And they define terrorism in unusual non-common sense ways that could potentially affect legitimate means of social action. For example, strikes if judged to be, quote, "economic coercion with a political motive" and other forms of legitimate and necessary resistance to oppression. If the city chooses to participate, it should continue to do so only on a limited case-by-case basis.

Any participation should be subject to strong public reporting requirements. There should be security clearance for the Police Commissioner as well as the Chief of Police so that the Commissioner can exercise proper oversight of the Police Bureau's activities in the JTTF. The Portland Jobs with Justice objects to the fact that both versions of the draft ordinances under consideration contain no publicly accessible reporting requirements. We are concerned that officers participating in the JTTF could become a rogue entity in a similar way to the former red squads.

FBI practices in JTTFs around the country, including Portland, create serious problems of religious and ethnic and racial profiling. The profiling is often aimed at

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vulnerable immigrant communities. This tends to deepen the Portland Police Bureau's continuing problems with racial profiling. Portland Jobs with Justice urges the city not to spend money and energy on the JTTF participation and instead turn those resources to create racial profiling by the police and create robust police accountability and community oversight. Thank you very much.

Hales: Thank you very much. Good evening.

Michael Meo: My name is Meo, and I am addressing you for the first time as the officially designated liaison of the Oregon Pacific Green Party, which has 8000 members and which typically runs third to the Republicans and Democrats in contested electoral seats where other minor parties participate. In my district, for example, I ran third out of six. We are here tonight to discuss the Green Party's attitude toward the JTTF of Portland's participation. We want to talk about in the Green Party that the FBI was founded as a political police. In the calmer days of 1919, it was the FBI that was there to lead the charge.

The FBI has an entire century of being a secret political police. We can ask Martin Luther King if we want anybody to tell us how the FBI treats political dissenters in the United States. And after the JTTF is founded and acts within the jurisdiction of this city, what do we get? We get a 19-year-old Somali immigrant whose father brought him to the attention of the federal government. We get that guy railroaded into life imprisonment and his family broken into smithereens. That's what we get from the JTTF in this city.

Now, we have that to look forward to, ladies and gentlemen -- or should I say, optimists. I have no intention of going into any great detail here, but I do want to tell you how horrified I am that the Attorney General -- excuse me, the U.S. Attorney tells us that there is going to be some help from the Muslim community after they are horrified that some father who tried to help his adopted country had his son stolen from him and railroaded into prison for life. That is horrible. And it is on a level with that same speaker addressing this group and telling us that the appeal of ISIL is, just kill somebody.

In fact, the Pacific Green Party of Oregon does not want you not to join the JTTF because there's some better way to prevent terrorism. The Green Party wants to point out to you and to everybody listening that we are an imperial power and there is opposition to the imperialism of the United States, and that is what we are doing, we are enforcing in a domestic area as well as in a foreign area, we are enforcing by violence our hegemony. Now, in order to stop that, the Green Party asks that we oppose the politics of fear. We do -- as Mr. Jama spoke -- we welcome all the members of our community and trust them to work in a cooperative manner. We point out to those assembled here there are no terrorist problems in Canada.

Hales: Mr. Meo, thank you. Next, please. [applause]

Jean Yamamoto: Mayor Hales and Commissioners, my name is Jean Yamamoto, and I am a board member of the Portland Japanese Americans Citizens League, the Portland JACL, which is a chapter of the national organization. We are one of the oldest Asian civil rights organization in the United States, and I am testifying on behalf of the Portland JACL in opposition to Portland joining the JTTF.

Over 70 years ago in the midst of wartime hysteria and racism, men, women, and children of Japanese ancestry -- many of whom were American citizens -- were subjected to curfews, searches, restrictions, and finally, incarceration in the name of national security. Our chapter president, Kirk Tambara, was not able to come this evening, but he would like to share his story.

His grandfather, Asakichi Tambara, immigrated from Japan to work on the railroads. Leading up to World War II, he owned a restaurant called Nikou [spelling?] and other businesses in Portland's Japantown and was very involved with the Buddhist church. The

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day after Pearl Harbor was bombed, he was arrested by the FBI, never having committed a crime. He was taken from his family and community for the entirety of the war, and was sent to a detention camp in Santa Fe, New Mexico. A few months later, the rest of the family was sent to the Portland stockyards and then to Minidoka, where they were incarcerated until the end of the war.

After the war ended, the family came back to Portland. They had lost their businesses and had to start all over again, as did many other Japanese Americans. And each year, the Portland JACL hosts a day of remembrance around February 19th, the date the executive order 9066 was signed in 1942 authorizing the forced removal of all Japanese from the west coast. We remember this to honor those who suffered grievously, but also to bear witness to a terrible time when a vulnerable community's constitutional rights were trampled and very few were there to speak up for them.

We are at a crossroads today, where fear of terrorism is creating hysteria and justifying the sacrifice of some of our civil liberties, especially if it affects the others. Seventy years ago, people who looked like me and the Tambara families were the "others." Portland's better than this and must be held accountable to all our residents. The Portland police are here to protect and serve, and not engage in secret surveillance and other tactics that are against our values. It took 40 years of advocacy by the Japanese American community before the U.S. Congress and the President acknowledged and apologized for the unlawful violations of the civil rights of Japanese Americans during World War II. Let's not repeat the sad, regrettable history. We ask that the Portland City Council vote to keep Portland out of the JTTF. Thank you very much.

Hales: Thank you. Next three. Dr. Haynes, I believe you're on first.

LeRoy Haynes, Jr.: Yes. Thank you, sir. I'm the Reverend Dr. LeRoy Haynes, Jr., chairperson of the Albina Ministerial Alliance Coalition for Justice and Police Reform. To the esteemed Mayor Hales and distinguished members of the city council, as chairperson of the Albina Ministerial Alliance Coalition for Justice and Police Reform, I came today concerned about the direction of the city in contemplating rejoining the Joint Terrorism Task Force.

As a civil rights advocate for several decades, I've seen with my own eyes and experienced the abuse of power and authority by federal law enforcement; in particular, the FBI and other state and local entities. When it comes to stopping the civil rights movement and the post-civil rights movement as well as the peace movement in our nation, indisputable evidence has been presented by congressional investigations as well as documents from the Freedom of Information Act, whether it was from the FBI bugging of Dr. Martin Luther King and civil rights workers and character assassination, domestic counterinsurgency by J. Edgar Hoover against citizens exercising their constitutional rights and civil liberties, or the systematic attack on the groups like the Black Panther Party through their COINTEL Program of the FBI.

Our government does not have a good track record when it comes to balancing security and constitutional rights. Let us heed the warnings of our eminent senator from Oregon, Ron Wyden, to not be driven by fear as a nation, to not so easily give up our constitutional rights and civil liberties for the promise of absolute security, but to find a proper and appropriate balance that will not degrade the American constitution nor our state constitution. If the option of your vote today does not include accountability, I would say and the AMA would say vote against joining the Joint Terrorism Task Force.

Hales: Thank you very much. Good evening.

Brandon Mayfield: Good evening. I want to thank the former and current Council members and the former Mayors and Mayor for their courage to withdraw and consider

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participating in the JTTF on what I'll call a trial basis with attempts at full transparency and safeguards.

Since I first came to Portland -- I first started practicing in Lincoln County, when I first came here after the events of September 11th, 2001, I can attest that the local FBI have been routinely questioning Muslims at home and at work; intimidating them to answer questions without counsel; have threatened to put Oregon Muslims on the no-fly list, have put them on the no-fly list if they didn't become informants, as Mr. Fidanque had said; have facilitated torture oversea, of at least one Portland Muslim who's a former and current client of mine; luring at-risk youth into sting operations when such youth had no predisposition towards violence; allow splashy headlines of said sting operations, then immediately and strategically asking to reconsider Portland rejoining the JTTF; keeping illegally-obtained information called derivative materials, and then distributing said information to other agencies here and around the world; raiding members of the Somali community; as Mr. Kayse Jama had pointed out, federal agents have questioned Somali children at school without parents and again without counsel; and the U.S. Attorney's Office has been telling you that the FBI would never gather information about one's religion or keep track of such information because it's against the law, wrong, and unconstitutional.

And as some of you may remember, I was arrested on May 6th, 2004 in connection with the Madrid bombing on the basis of a faulty fingerprint identification, one in which the FBI and U.S. Attorney's Office withheld from Portland Federal Judge Jones that the Spanish police had concluded my fingerprint was not a match as early as April 13th, 2004 - just a couple of weeks before I was arrested. Every justification for that arrest, besides the fingerprint, had to do with me being Muslim or associating with Muslims or representing Muslims.

So put quite simply, I was arrested, surveilled for being Muslim and associations with Muslims; and the FBI, U.S. Attorney's Office, Portland JTTF procured information about Muslims that they otherwise legally could not have.

And it's important -- there's something I want to share with you. Keep in mind that I was arrested on May 6th. On May 5th, 2004, the day before I was arrested, an e-mail was sent by Beth Anne Steele, spokespersons for the Portland FBI, admitting that they did not have probable cause that I had committed a crime and that they would arrest me as a material witness if I was outed by the media.

There's something else I want to share with you that I haven't had an opportunity to share with you before. It comes from a formally classified document that was released to me long after the government and the Portland JTTF's blunder in my case. It's an entry from a physical surveillance log detailing surveillance conducted on March 21st, 2004. And on that log, it shows that 1:03 p.m., the Special Agent in front of my house reports me leaving in my maroon Chevrolet and documents me going to a gas station, going to a Big Five sporting goods store, placing an item in my trunk, then removing said suspicious items at my house with my co-conspirator, who was my son Shane.

So, what was the suspicious and potentially dangerous item being removed from my trunk? A basketball and a basketball hoop. That's not the important part. The important part is that the same Special Agent who was at my house reports me departing from my house at 3:19 p.m., and at 3:40 p.m. the task force Agent -- we're talking about JTTF -- the task force agents report subject, me, standing in front of the Bilal mosque, which is in Beaverton. The FBI admitted that they had no evidence I had committed a crime, and yet the FBI and task force proceeded to collect information about my religious activities and associations. Portland task force members were violating Oregon law which prohibits such activity, which I think addresses some of the questions you were asking for. Is there an instance? Here's an instance.

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Hales: I want you to wrap up soon. This is really important information, but we're running way over time.

Mayfield: So to sum up, to remain in the JTTF will arguably always be unconstitutional, since it's currently used primarily by federal agents to target Muslims and Muslim associations. And when that is no longer fashionable or profitable, they will use it to target the next unsuspecting Japanese, African American, Communist, Green Party, Copwatch, antiwar protester group or some other anti-American labeled associations. And for that reason, I respectfully ask that you consider not being a part of the JTTF, and we can still remain safe and strong. Thank you.

Hales: Thank you. Good evening.

Malcom Chaddock: Good evening. The name's Malcolm Chaddock. I'm a member of Veterans for Peace and individuals for justice and Don't Shoot Portland. And 13 years ago, before I moved to Portland, I was a member of Peace Fresno. It was infiltrated by the Joint Terrorism Task Force of Fresno County, utilizing the services of one of the sheriff's deputies there. And the only way we found out that was happening at all is because he got in a car wreck and died, and they identified him who he really was instead of the name we had known him by for six months.

Thirteen years ago this October will be the first time that I walked into these chambers. I'd been in Portland for about 48 hours and I was testifying to this very issue. Thirteen years later, we're still at the same place we were back then, which was everybody telling you guys that you can't trust these people -- and 13 years later we're here to finally close this out and say, this is it. That's what I'm hopefully here for is to watch this end, this process to finally go to a close.

Today, I sent you all an e-mail that was kind of mixed in with an article -- I hope the color differences made it comprehensible. But in the article, there was an FBI senior agent who was talking about the fact that they have to ratchet up the fear in order to keep the budget flowing. OK, that's your culture that you're dealing with. That's the culture you're dealing with. You're not dealing with people who want to keep us safe. You're dealing with people who want to keep their budgets flowing. I got off the phone just a little while ago with two of my old friends from Peace Fresno. After all that went down, the AG of California issued another letter that said, hey, you guys really got to follow the rules. But nobody much got in any trouble, except for the sheriff who had detailed that guy. He got in some other scandal in between Peace Fresno's -- inappropriate surveillance and some other shenanigans he was up to. His career ended.

The only thing the JTTF ever brought Fresno that I'm aware of was liability. And I think that what they would bring Portland and have brought Portland in the past is just liability. Thank you.

Moore-Love: The next three, please come on up.

Hales: Good evening. Debbie first? OK. Try to do it in two minutes. I know you can do that.

Fritz: Nobody else has, though, so --

Debbie Aiona: Oh thank you -- because I don't think I can think that fast and downsize it by minutes. I'm Debbie Aiona representing the League of Women Voters of Portland. Over its 95-year history, the League has developed a set of fundamental principles on which we act. Two of those principles directly relate to the city's relationship to the JTTF.

The League promotes an open governmental system that is representative, accountable, and responsive, and that protects individual liberties established by the constitution. Furthermore, it promotes political responsibility through informed and active participation in government. The League cannot support rejoining the JTTF. If the city assigns its officers to the Task Force, Portland residents will have no guarantee that the protections offered us by Oregon law will be honored.

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As an organization that promotes political involvement, we value prohibitions on the collection and unlimited retention of files on those engaging in political and other first amendment activities. Without local oversight of our police officers, it is impossible to know if we are benefiting from those protections. The FBI is not responsible for ensuring our officers comply with state law, and asking our officers to monitor their own behavior is impractical and lacks accountability.

By deputizing our police as federal agents, the city will give up the right to scrutinize their day-to-day activities and record-keeping practices. This lack of oversight only invites potential abuse. Furthermore, our officers would be placed in an untenable position. Furthermore, our officers would be placed in an untenable positon; they would be expected to follow Oregon law, yet must work side by side with agents governed by less stringent rules.

The League also advocates for governmental transparency. If Council should decide to adopt the proposal for a more limited role in the JTTF or rejoin, we recommend rigorous oversight and regular public reporting. This should include periodic review of all critical incident and intelligence-related files by the City Attorney and the IPR Director for cases in which local officers participate. These reviews should be summarized in written reports presented to City Council and available to the public.

The League believes that our democracy is strengthened and sustained by active participation in government -- that participation can take many forms from casting a ballot to delivering testimony or joining in a peaceful demonstration. Involvement of that nature is threatened when individuals feel they have to look over their shoulder because they fear they are targets of government surveillance and file keeping. Again, we do not support rejoining the JTTF and any involvement of our officers with the task force should be carefully reviewed and reported to the public. Thank you.

Hales: Thank you. Dan, go ahead.

Dan Handelman: Good evening, Mayor and Commissioners. I'm Dan Handelman with Portland Copwatch. At last year's reading of the weak annual report, Commissioners Fish, Novick, and Fritz indicated they would back the mayor for pulling out of the Joint Terrorism Task Force if he were not given security clearance. Now, it seems the council may be OK with the mayor merely receiving briefings from the FBI.

The issue with the JTTF has always been that our mayor is Police Commissioner, and it's his responsibility to make sure the officers are conducting themselves consistent with the U.S. Constitution, Oregon law, and local policies. If he cannot review the daily work of these officers, we can't hold them accountable.

Having more insight is not the same as having more oversight. Resolution one calls to repeal the existing resolution but retains the requirement for the Chief to have security clearance and allows participation when there's specific knowledge of an immediate threat. This is really the same as the case-by-case basis established in the old resolution. The mayor continues to have at least two briefings a year from the FBI. The resolution doesn't call to remove the officers' security clearance who are already available to work with the FBI, but it does remove the annual reporting requirement.

Resolution two calls for Portland to assign two full-time officers to be part of the JTTF. The mayor will get quarterly or more frequent debriefs from the FBI, and again, there's no reporting requirement.

It's a mistake to assume that the FBI's terrorism task forces are designed to make the community safer when the FBI has created as many or more fake terrorism scenarios than the suspects they are tracking and often entrapping. Their investigations lead to mistrust in the communities so that even if people would be willing to come forward with information about a specific activity, now, they likely are afraid of the consequences.

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You already heard this before, but the prime example is Mohamed Mohamud's father calling the FBI for his help and his 20-something son end up being set up and convicted for a fake plot created and funded by the FBI, and he's now facing 30 years in prison.

Portland needs to keep being the leader on this. When Portland Copwatch first brought the JTTF to Council's attention in 2000, then-Commissioner Hales remarked that the task force's mission sounded like something out of the Nixon era. The next year -- also as you heard before -- under Mark Kroeker, the most militaristic Chief we've seen, the Portland police refused to participate in broad interrogations of our Arab and Muslim communities.

In 2005, Mayor Potter, the former police chief took Portland out of the JTTF because he could not supervise the officers without security clearance. That situation has not changed despite the proposed contract stating -- as Mr. Fidanque read -- appropriate supervisory personnel responsible for the police officers must apply for and receive top-secret security clearance.

There seems to be a trend going on at City Hall: when there's a controversy, don't raise the bridge, lower the river. When we have too few affordable housing units in South Waterfront, the solution is to lower the goal rather than increase the number of units. When the annual reports on the Terrorism Task Force are inadequate, don't demand more information, just get rid of the reports. We've always said that if there's a real threat to public safety that's not manufactured by the FBI, the police obviously should work with the FBI to investigate and prevent harm, but there's no real mechanism to ensure that it'll work together.

Unless there's fundamental reform on the federal level, including an end to restrictions on saying, for instance, how many times they've opened up investigations, there's no way Portland can be an active part of the JTTF.

And from the point of view from our parent group, Peace and Justice Works, if the U.S. were to end its foreign policy that generates militant violence against the U.S. and its allies, we would not even be having this conversation.

Hales: Thank you. JoAnn, welcome.

JoAnn Hardesty: Thank you, Mayor, City Council members. For the record, I'm JoAnn Hardesty, I'm here today in my role as President of the NAACP Portland Chapter to oppose further involvement with the Joint Terrorism Task Force.

As you may know, the mission of the NAACP is to ensure the political, educational, social, and economic equality and rights of all persons and to eliminate racial hatred and discrimination. We expect the city mayor would obtain top secret clearance in order that the office would oversee city employees -- including Portland police officers -- when they act in our community on behalf of federal agencies. This has never happened. We were promised the chief would make annual reports to the city council. We've watched you accept over and over again an empty report from a Police Bureau supposedly under your authority. We have grave concerns that civilian authority cannot exert itself over Portland police's role in the JTTF. We assert the electorate cannot offer consent of the governed when we are kept in the dark as to secret matters.

We are finding our 100-year history of the NAACP Portland Chapter includes FBI infiltration, disinformation, instigators, and other government-sponsored terrorist activities. They have impeded our anti-war post-civil rights efforts. We know too little about JTTF collaboration against Occupy Portland, and currently against the Black Lives Matter efforts. Here and across the country, recent events indicate these practices continue, and like COINTELPRO and the torture of uncharged prisoners, history will prove this also.

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We have entered a surveillance society. Our local police force grows increasingly militarized. We have no reason to believe a partnership with federal agencies who help provide the city with these intrusive resources will give us any protection. Your failure to provide oversight, your complicity and secrecy has us suspecting we're not giving up our rights to be free from warrantless search, that we're inviting secret police into our organizations.

If you do not withdraw Portland from federal collusion, you are asking the NAACP to continue to labor under conditions which have hampered our struggles for so long. We draw your attention to the federal role in fabricating a terrorist plot here in Portland. We believe that as well as falsely targeting Brandon Mayfield as a terrorist are indications that federal agents are surveilling and then targeting our Muslim community. Our analysis is that you are not engaged in protecting our community, you are threatening us.

The JTTF has found a foothold in Portland's racist culture. We ask you to take this target off our backs. Rather than inspiring a culture of fear, how about helping Portlanders adopt a culture of care? Rather than signing off on secrecy, why not stand for values of transparency and accountability? Give up this failed Bush policy. Say no to the JTTF.

[applause]

Hales: Thank you very much.

Hardesty: And if I might, I have 30 seconds more, you asked a question of the Police Chief -- and I'm paraphrasing -- the mayor's question about what is the incentive for Portland Police Bureau to report unconstitutional practices of the JTTF? I have two names for you: James Chasse and Keaton Otis. Portland police officers stood around and watched Portland police officers stomp James Chasse to death. If they can't control people within their own bureau, why would be believe they be able to control FBI agents?

[applause]

The second question -- the Attorney General says we should trust her because she sued the Portland Police Bureau. As City Council knows, the AMA Coalition for Justice and Police Reform -- because we could not get justice at this city council with the Police Commissioner with the Police Chiefs -- went to the federal government in D.C. and asked the civil rights division to come and investigate Portland Police. So, when an official misrepresents who did what and then wants us to just trust her? Thank you.

Fritz: I have a question for the three of you. Mr. Handelman, I really appreciate you bringing my attention the wording in the resolution, which is titled, not enter into a memorandum of understanding. It however does say, be it further resolved, the City of Portland will continue its current practice of not participating in the JTTF investigations -- which our current practice is to kind of. So, I'm wondering if the three of you -- while we hear more testimony -- could work on some amended language for this resolution to make it more clear? I mean, it seems that we should have the Police Chief have some kind of secret clearance so that when something comes up -- otherwise the FBI doesn't get to talk to them ever -- I --

Handelman: Commissioner Fritz, are you suggesting that if something ever happened like happened in Paris or Boston or New York, that the FBI would come to the Chief of Police here, and say, sorry we're not going to involve you in this investigation because you don't have the appropriate clearance? Do you think that's what's going to happen? Because I think that would be really petty and ridiculous. So, I don't think we should keep the secret security clearance.

Fritz: OK.

Handelman: I think it allows him and encourages him in the resolution as it's written to sit in on the FBI task force meetings every month or quarterly or however often they are -- we don't really know -- there's no reason for it.

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Fritz: So, if the three of you would like to look at that resolution and as I continue to hear testimony, pass me a strikeout amended version of it, I would be happy to consider introducing that as a proposed amendment.

Hardesty: Mr. Mayor, Commissioner Fritz, my best recommendation is just to say no to the JTTF.

Fritz: Yes, but we have to have language saying that.

Hardesty: I would be happy to give you just say no. [laughs] I will work on it for you, Commissioner.

Hales: What we tried to with these two recommendations is make each option clear and decisive. Because as Dan recounted, I'm not -- and I think none of us is -- fully satisfied, most of us are not satisfied at all with the current sort of halfway relationship. We tried to set this whole proceeding up with both clarity of wording in each option and clarity of presentation by those who have the two different views. So, I think we're doing that. But --

Fritz: But I'm not convinced --

Hales: We may have not gotten the words yet --

Fritz: And then have the City Attorney take a look at what you're proposing, I would like to get to something on the table that we could again take more testimony on tonight.

Hardesty: Thank you. And I just want to say I appreciate that, but what you heard from the attorney general was that you either are all in or you're out, and so there is no wiggle room with language.

Fritz: Right, but --

Hales: No, no, we're not looking for wiggle room --

Fritz: We currently have the relationship that we have. So, we need to figure out the language which ends that and is very clear: no, we're not participating. That's what I'm asking you.

Hardesty: If I may recommend, I think David Fidanque knows this law much better than us, and with the information he provided for you tonight, I think -- you would get much better information if you talked to the ACLU about what that language should be. I would be very uncomfortable trying to suggest some language because what I heard from the U.S. Attorney is you're either all in or all out, and I believe her on that. Thank you.

Handelman: We'll touch base with each other and get back to you.

Hales: OK, thank you.

David Hess: Good evening, thank you. I'm David Hess. Greg Kafoury couldn't be here tonight, so he asked that I just read a statement on his behalf.

Should the City of Portland continue its relationship with the FBI? This is at its core a symbolic vote. The FBI does what it wants. Should one city say, "no"? In the mid-1960s after the tyrannical purges of the McCarthy era, J. Edgar Hoover felt it was his prerogative to select America's great Black leader. First, he had to take out the formidable and indigenous Black leadership. His efforts to destroy the lives of Martin and Malcolm are well-known. After that, he turned local police units into virtual death squads, targeting Black Panther Party headquarters from coast to coast until the mayor of Seattle disclosed the FBI's role in these attacks.

We all know these headline stories, but let's consider the small stories. In 1970, I was in a graduate school class at the University of Oregon where we sought to discover what had happened to those U of O kids who had gone to the south as civil rights workers in 1964's Mississippi Summer. I found a young woman at the end of the earth teaching at a job corps center in Astoria. She told me that she had had a number of jobs since college, but that each time the FBI would visit her boss and she would be fired.

In 1977, under President Carter, I was able to get my FBI file. The first item was a letter saying that it was nice that two Whitman College students were going to the south to

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register Negroes to vote. I was named. That letter was published in the spring of 1965 in the Walla Walla Union Bulletin. This was not in the age of computers, but the age of scissors.

Beyond the headlines, the daily work of the FBI has gone on and goes on. One commentator suggests that we think of the FBI as a domestic political secret police with its law enforcement functions serving largely as a front. Over time, the political targets have evolved from civil rights workers, Black activists, Vietnam War opponents, anti-nuclear groups, to peace activists and environmental activists. Now, it is the Muslims' turn as their mosques are infiltrated and their children solicited by skilled agents provocateur.

Looking back, how successful was Hoover's plan to supplant the many strong Black leaders? Do you recall who President Obama sent to Ferguson? It was not a modern Martin or Malcolm or Brother Stokely. It was Al Sharpton, the FBI informant. Not to resist is to collaborate. Someone, some city should say no. And I would also like to add that historically, secret police do not make communities safe. You just ask the citizens of Chile, El Salvador, Guatemala, or Germany. We don't need secret police, not even two, because if two are OK, what about five? What about 10? Maybe 20. Two is the beginning, but where is the end? Thank you.

Hales: Thank you, good evening.

Jason Kafoury: I'm Jason Kafoury, and I'm speaking today on behalf of the Oregon Progressive Party. Our party has been at the forefront against this effort for years. We've led demonstrations, we've gone into various City Hall offices with petitions. I'm happy to see that it looks like throughout this debate we're starting to coalesce around it's either all in or all out, because I think that really has to be the answer and I would like to have a clear vote, and I hope over the next two weeks while we await this vote that everybody is on the same page that it's either all in or all out, because I think that's critical for our city.

Next, I asked a couple of years ago when we were having the same debate: what is the benefit to our community of being in? And that was the question that you asked, Mayor, and I think that the burden for the benefit shouldn't be on us, it should be on those that want us to be a part of it. And what I just heard today was, well, we may get some information faster and we may be able to train some people -- and then there's this ephemeral idea that Portland police officers are going to somehow make the FBI better by putting Portland values in there? Come on. Let's be realistic about this. The FBI's going to do what the FBI wants to do. The only question before us is, are we going to be the only city -- only major city -- in America that's going to take a stand? And do you know how many other cities around the country are probably watching what this vote means? A lot of people around the country are watching what this city means and we have a serious responsibility to maintain this position of not joining the Terrorism Task Force.

I think the most critical question is -- that has not been addressed now -- from the time we've been out of the JTTF over the years, what harm happened? What did we as Portlanders not get? What information was missed? And the answer I've never been presented and I don't know if you have any answer to that, but that's something to think about. What did we miss out and lose when we weren't part of the JTTF? We've all heard these examples, we heard from Attorney Mayfield about what happened with his personal experience.

I want to just give you a sense of what the FBI has done for the last 30 years. Let's look at the Washington Post from this summer. For the last three decades, the FBI has been sending into courtrooms people to testify, forensic experts, and there is now an inquiry into 2600 convictions, 45 death row cases about whether the scientific evidence of hair matches that happened at the FBI was completely unscientific and shouldn't have happened. And this is three decades later this inquiry is being done. I mean, these are

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people who are now spending their lives behind bars who were sent to their death because the FBI maintained a system of sending forensic experts in and matching hair samples without any further evidence.

When you come down to what the FBI wants to do, the FBI is going to do what it wants, not what Portland wants. And we need to be the city to take a stand and stay out, and all out. Thank you.

Hales: Thank you. Good evening.

Thomas Nelson: Good evening, I'm Thomas Nelson. I'm an attorney, and I'm representing the National Lawyers Guild Portland Chapter and also, a young man by the name of Yonas Fikre who's been referred -- not by name -- by Mr. Mayfield. I have made a formal filing that I've handed into the clerk, and I'm not going to get into that because I wanted to respond to some of the issues as they've been coming up tonight.

I think you should look around the room and ask yourself, where are the immigrant Muslims? They are the ones who are most directly affected by what you're talking about, and there's very few here -- one of them is my wife. They're not here because they're afraid. They think -- and I would say they probably know -- that if they show up at something like this that is critical of the FBI, they're going to wear a target. They're going to be gone after.

How do I know this? Well, I'm kind of the go-to guy when an FBI agent calls somebody associated with a mosque, or calls them at home, and I get these calls because I've been handling these kinds of cases. Very briefly without telling you the whole story here, Yonas Fikre was interrogated without a lawyer in Sudan, he was told he was on the no-fly list, after that, he was imprisoned and tortured in the UAE for 106 days and because he's on the no-fly list he couldn't go home. Therefore, he goes to Sweden where he is right now. We're trying to bring him home.

My point is, Mr. Fikre was targeted by the FBI. He was not convicted of anything. He was released without charge by the UAE, but he's still in Sweden. And the Muslim community in Portland knows his story. And they know the story of Mohamed Mohamud. They know these things. As I said, get a number of calls from the community, "how do I deal with this?" And I try to tell them, for god's sake, don't talk to the FBI unless you have a lawyer present. And when I get involved to that extent, I call the FBI and say, I understand you want to talk to somebody. I'll be happy to show up, they say that's OK, you don't need to. You don't want to.

Going back to the bigger issue, I heard the chief of police talk tonight about trust in Portland. I was a charter member of something that we used to call the American Muslim public affairs group, something that met with the Portland Police Bureau once a month or so. And that was an exceptionally good group, because we could sit around and we could share sometimes confidential concerns.

Hales: Because of the hour, I want you to wrap up.

Nelson: Right, really quickly. We could share confidential concerns. But in 2011, when the JTTF came forward again we dropped it. I dropped it. I dropped out because I figured I'm going to be a conduit to the FBI and we don't want that. The Muslim community in Portland needs police help. And they need to trust the police, but they will not trust the police if the JTTF is involved. Finally, in this submission, there's a reference to former Police Chief Rosanne Sizer and her involvement in Yonas Fikre's case. I suggest you read it. Thank you.

Hales: We will. Thank you very much.

Maxine Fookson: Hi, thank you. Thank you very much for allowing us to testify. My name is Maxine Fookson and I'm here representing the group Jewish Voice for Peace Portland Chapter. I'm here to speak in favor of the City of Portland not participating at all in the Joint

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Terrorism Task Force, not even on a case-by-case basis. And since it appears at this point that that position is not represented in either of the resolutions being presented, we would recommend that it be stipulated that any mayoral review of Portland's participation in the JTTF on a case-by-case basis be transparent so that the public is informed of the city's role and can be assured that city liberties and Oregon law are being respected.

It's been well documented that in the aftermath of 9/11, the FBI engaged in massive surveillance of Muslim communities across the country with no probable cause other than their religion. We at Jewish Voice for Peace are particularly sensitive to the persecution based on religious beliefs or minority status. Historically, we Jews have been persecuted and discriminated against for these reasons, particularly in Europe, but also here in the United States.

After 9/11 however, a wave of hysteria and suspicion targeted our Muslim brothers and sisters, and instead of anti-Semitism we witnessed Islamophobia, which is aided and abetted by those in power who seek to promote their own agendas. As you've heard tonight, Portland is not at all exempt from this Islamophobia, and that's why we're particularly concerned about the city's participation.

We all heard from Brandon Mayfield about the horrible and flimsy and inaccurate information that was used that led to his arrest. That proved to be a major embarrassment for the FBI.

The systemic intimidation of the Muslim community in Portland is well-known and also not well-known. We all have heard of families, friends of ours within the Muslim community who find the FBI at their door, had to endure questioning about friends and other acquaintances, had their computers confiscated and searched for no probable cause other than their religion and immigrant status. Can you appreciate how intimidating and fear-inducing this is?

We in Portland need to stand against participation in any police surveillance that violates our civil liberties or puts any community under suspicion and fear. We at Jewish Voice for Peace know all too well what can result when governments target a religious minority, and we speak out against that happening here. Thank you.

Hales: Thank you. Welcome.

Martin Slapikas: Mayor Hales, Commissioners. My name is Marty Slapikas, I currently live in Northeast Portland. Referencing a report issued in the year 2000 by the U.S. Commission on National Security for the 21st Century, co-chaired by Senators Rudman and Hart, I submitted more detailed remarks earlier this week stating reasons why the city's involvement should be all in.

The report outlined threats and recommendations to counteract those threats to the U.S. It listed six threat areas, seven strategic functions, four levels of involvement -- federal state local and private involvement. Each level of government involvement must satisfy 42 distinct mission areas, primarily gathering current and accurate information. I listed seven of my concerns in that detail.

They are -- should City Council vote on an all-out policy of the Joint Terrorism Task Force participation? Upon what definition of terrorism will that definition be based? If Portland is no longer to participate in its share of national security, does the city have the resources to protect its citizens from threats listed in the commission's report? Will Portland no longer share its information with the federal government? Four, does the city of Portland have the capacity and financing to perform the requirements of the strategic functions listed in the commission's report under an all-out policy? Number five, if not, what is the role of the city to be in protecting its citizens? Six, if Portland is no longer to participate in a terrorism task force, what strategic role is to be expected of Portland

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residents at the private involvement level? And seven, would an all-out policy create a double standard of crime investigation?

City leaders desire Portland's participation in the global economy. Like it or not, Portland is on a global two-way street. Participating in a global economy should alert city leaders -- and frankly, residents -- to take notice of the obvious threat of global terrorism to our local citizens, institutions and economy. Certainly Portland neighborhoods already experienced the potential coal and oil train disasters either natural or man-made. The city is currently negotiating to locate propane storage tanks on terminal six at the Port of Portland. There's a risk to the citizens of this city when it permits such endeavors.

Like it or not, the city of Portland is and should be involved in the fight against terrorism. The issue is not one of Portland no longer controlling our own intelligent resources, but rather joining and sharing our resources for the benefit of the whole nation. Violence against unarmed civilians, such as when we experienced as a nation in New York City, D.C, Oklahoma, Boston, and the potential of our very own Portland Christmas bomber is very possible once those who wish to do so realize how unprotected, how unprepared Portland and America truly is.

In my view, Portland's continued participation in the Portland Joint Terrorism Task Force is a major concern of each neighborhood association, business, and citizen in the city of Portland and even the state of Oregon. City Council is considering a binding city policy on this issue. It impacts our safety and will have reverberations to our city economy around the nation. In January 20th of 2015 --

Hales: Marty -- try to wrap up.

Slapkias: I've got another quarter of a page. January 20th, 2015 issue of the Portland Tribune, the legislative director of the ACLU is quoted as believing the city should fully withdraw from the JTTF. She states, the FBI has a well-documented history of abusing the rights of law-abiding citizens.

I would suggest there are those who successfully attacked us who continue to threaten us who have already demonstrated a history of not only abusing the rights of law-abiding citizens but also abusing our right to live, and they are doing this on a global basis. No one can enjoy the freedom to worship or the freedom of their property or enjoy freedom of speech or freedom of the press or even a protection of civil liberties unless we first enjoy that freedom, the freedom to live.

What I ask of this Council today is how the city of Portland will use its resources to protect the society that is tolerant of violence by a society of the intolerant, particularly when that violence is delivered by folks who have no consideration as to whether they live or die. Do not put us in a position of no longer participating in the Portland Joint Terrorism Task Force. The city's involvement should be all-in. Thank you.

Hales: Thank you. Good evening.

Bill Michtom: Hi, I'm Bill Michtom. I live downtown. I thought the ACLU covered the facts quite well and I'll be talking a little bit more emotionally. Though still, unlike the U.S. Attorney's testimony, I'm going to be factual.

The U.S. Attorney's testimony was rife with fear mongering and propaganda. She left out national security letters which not only go into people's personal lives but then gag them from even talking about it. She didn't talk about Brandon Mayfield, who fortunately was here to speak for himself. She talked about all the training that they're receiving to do good work, but based on her testimony, that training is mostly in propaganda and fear mongering.

One of the things that I was stunned by was calling the Marathon bombing a success of the Joint Terrorism Task Force. I mean, I thought the idea of this thing was to prevent terrorist acts. The FBI -- speaking of not preventing terrorist acts -- was informed

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before abortion provider George Tiller was assassinated that the very person who did the assassination had vandalized a clinic right there where he lived. And their response was nothing.

Also, earlier people mentioned the idea of the Police Chief considering having two Police Bureau officers working with the JTTF is safer than having one who might disappear into the JTTF culture. And as an earlier person said, two won't disappear?

You know, another thing that the U.S. Attorney said was that the FBI helps lost loners. And then she didn't refer to Mohamed Mohamud as one of those loners they were helping. She didn't refer to Christopher Cornell who was just busted for being set up by the FBI. This is a 20-year-old unemployed, living at home, spending most of his time playing video games in the bedroom and still calling his mother "mommy." A person who considers his cat his best friend. He posted radical things on the internet and then was roped into an FBI-created plot.

I also bring to mind *Brandonburg vs. Ohio*, where that kind of speech is completely protected. That was a case that involved a Ku Klux Klan member calling for radical violent behavior. That was protected. [indistinguishable] was murdered for the same kind of speech.

This is what we want? Stay out of the Joint Terrorism Task Force. And I might say -- not to be too rude, just rude enough -- do not listen to this man who just preceded me. [laughter]

Hales: That was just rude enough. Thank you all. Good evening, welcome.

Teressa Raiford: Hello. For the record, my name is Teressa Raiford, I'm a representative of the city of Portland. I'm a fourth generation Oregonian. I'm also representing Don't Shoot Portland and the Black Lives Matter.

In regards to this, first of all, I would say vote no on JTTF. You don't need it. You're not responsible enough to handle it. First of all, I don't fully trust our local police department. Second of all, I don't believe this city leadership has public safety as a high priority, not as high as the property of appearing to be the best city in America. I also have an issue with the PR for the JTTF and other policing here in my city.

For example, I learned about the JTTF pilot program at a meeting in the Donald E. Long center which included members of Multnomah County, Portland Public Schools, and several other agencies like the Oregon Youth Authority that deal with our youth. In this meeting in the presentation, I was advised that this opportunity would help Oregonians -- the gang task force and the FBI, I guess -- identify and red flag terrorists in our community. The terrorists on the paper that they showed us was basically a head circled around with a line to a school, a line to a neighborhood, a line to a family member, and a line to the society in which they were raised. And they said based on those characteristics around that head that there was a likelihood that that person would turn into a gang member. Shortly after that, I heard Senator Wyden after a gang task force meeting over there on 449 NE Emerson stating that this was a generational problem and that we need to continue the funding into our police force so that we could offset the issues that we had to deal with these terrorists or these gang members in our community.

At that point, I felt like he was a terrorist because he was in my community calling people that look like me ages 15 to 25 years old terrorists, and saying that we needed this money and the support in order to investigate them to keep our communities safe. From the time that the Portland police union -- back in 1983 and in '81 -- decided to pull terrorizing tactics against our citizenship, we have not been safe in this community. If you do this, we're not going to be safe in this community. Those children that told you how they feel about the police -- that's how I feel about the police. We're not going to get along with you if you continue to terrorize us in our community.

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Hales: Thank you. Good evening.

Lightning: Good evening. Some great speakers earlier. I'll try to make my points.

Hales: Just put your name in the record, Lightning.

Lightning: Yes, Sir. My name is Lightning, I represent Lightning Watchdog. Unnecessary secrecy breeds suspicion. That's what the FBI represents, that's their culture. The FBI is going to make decisions to withhold information in favor of pursuing a prosecution investigation rather than empowering local officials to protect public safety. They've denied you security clearance. You're an elected official. They can make that change if they wanted to -- to allow you to have that clearance as an elected official. They will not do that.

We have to understand that we need to like people have stated be in or out and there's no being in this situation. Everything that you're going to sign with the FBI will be a one-sided agreement. They will control everything, all the information. There is no agreement that you can submit and sign to that will not be in favor of the FBI.

Now, you've stated that you want to have some limitations or add some other verbiage into these agreements. I don't think you're going to be able to do anything. And the best thing to do is to stay completely out and understand that they are going to control the information, they're going to control what you do, and is that necessary for the public safety? I don't see why you've ever been in an agreement with JTTF to begin with. It does not make any sense and you have to have some type of control on what you're doing.

If the Portland police want to work for the FBI, just go work for the FBI. We don't need an agreement here. We don't need an agreement. And they can still provide and we can still have collaboration with the FBI, but there is no reason to have people within the FBI signed under these types of agreements. It does not make any sense for the public safety. Thank you.

Hales: Thank you. Good evening.

Sharon Maxwell: Good evening, Mr. Mayor and Commissioners. I'm Sharon Maxwell, I'm a citizen of the United States of America and a citizen of Portland Oregon. In 1980, we were told that there were three gang members from the Crips gang out of Los Angeles that brought crack cocaine into the community. What I've given you is a document that was written by Peter Dale Scott, the North Iran Contra and Doomsday Project, an original Congressional cover-up of continuity of government planning. What I will like to do is read a few of the excerpts but before I do that, I would like to ask that you do not, do not, do not, do not participate in the Joint Terrorism Task Force because it was the Joint Terrorism Task Force that brought crack cocaine into our community and destroyed the African American community that also created the school to prison pipeline.

Hales: Let me ask you to not read from this but just give us your thoughts because we can read this later.

Maxwell: Well, I want the people that are here as part of my testimony.

Hales: OK, take some excerpts then.

Maxwell: Thank you -- that's what I said. Assembled in this documentation, continuity of government planning. Part of this planning on Doomsday project and documents of the U.S. terrorism as a pretext to justify it and the abuse of constitutional government. Part of this was to declare a proxy war against Nicaragua in defiance of Congressional opposition, plans for a massive warrantless detention, create special networks for developing policies at odds with the White House policies, use public generated funds to defeat opponents of the Contra and proxy war in Congress, use publicly generated fund to propagandize the American people, use publicly-generated funds to interfere with the witnesses with Contra terrorism which is also part of the Joint Terrorism Task Force, falsely claim that the witnesses themselves were terrorists, cover up drug trafficking that thwarted Senator Kerry's investigation of this, the practice was uncomfortably close to the U.S. government,

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these funds which were used to bring crack cocaine into the United States of America and into the urban African American communities that destroyed them by creating a counterterrorism network with its own secured system of intelligence, communication channels were created from which bureaucrats with opposing viewpoints could exclude the counterterrorism network even at its own special worldwide anti-terrorism computer network code named flash board, which members could communicate exclusively with each other without collaborators abroad knowing. This was done through midlevel operatives. They were called the cable, the counterterrorism.

Hales: Thank you very much. I want you to stop there, because we're running out of time.

Maxwell: Well, no, I want my full time, thank you.

Hales: You actually have had it.

Maxwell: No, it's 41 seconds.

Hales: It's going up because you're over time.

Maxwell: OK. Anyway, I am filing a Department of Justice complaint that African Americans' first amendment rights, the fifth and the fourteenth amendment rights have been violated, we've been discriminated against, you have killed 1058 people from 1980 to 2013 because of the war on drugs and therefore, we need to make sure that restitution of economic loss and life of our community is restored. As a part of this, Joint Terrorism Task Force that it has done this destruction right here on American soil to American people.

Hales: Thank you.

Raiford: Your informants are still in our city, we need them gone. They're causing way too much gang violence and you need to stop blaming it on us when you guys know you're the ones who hired them.

Hales: Good evening.

Zackaria Mohamad: Hello. My name is Zackaria Mohamad, and I want to thank you Mayor Hales and City Commissioners on letting me testify why Portland should pull out on joining the JTTF.

I want to start off by saying I am a Muslim, I'm Black, I'm African, I'm a Somali, I'm a refugee, and bilingual. To most, this would seem a list of something to not be proud of, but I take full pride in all the identities I hold.

I know what it is to feel profiled. Since 9/11, having the last name Mohamad raises an eyebrow, and still to this day. One story I can share is walking to a bus stop with my mother at 11 years old. We were targeted and called terrorists because she wears a hijab.

We are almost into the sixth day of Black History Month. I want to highlight the names of MLK, Malcolm X, W.E.B. DuBois, Marcus Garvey, Angela Davis, Assata Shakur. What all of these amazing people have in common is that FBI or COINTELPRO has targeted them and marked them terrorists. Mohamed Mohamud is a name that has been said throughout this hearing. He was a resident of Beaverton. His mother, Miriam Barre -- her life is ruined because her son has been sentenced to 30 years in prison. Osman Barre, the father, has lost his son to the prison system.

The police are supposed to protect and serve its community. Let's have them do that. The JTTF profiles and intimidates people. We do not need that.

I am a community organizer for the Center for Intercultural Organizing. Prior to this hearing, I have called many of my Muslim friends to testify against this. But as Kayse said earlier, the FBI is a word that is a taboo in Muslim culture. This is a triggering topic, it's similar to Voldemort -- "he who must not be named" in the Harry Potter book series. My friends are ones I feel are very versed in politics and have interesting conversations with. But getting them to testify was hard because they feel they are better off in being silent and not in the horizon or anger the FBI to be intimidated and be put in a box.

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One thing I want to conclude is I want everyone to remember Tom Potter was the previous Portland Chief and also former Mayor and was against this. Joining the FBI JTTF only complicates accountable law enforcement. Thank you for allowing me to testify.

Hales: Thank you for testifying. Good evening.

Charles Johnson: For the record, my name is Charles Johnson, and all these people, even Marty, are here to testify about peace. And peace is not what we're going to get with further cooperation with the JTTF. It just doesn't work that way. The FBI was not trying to bring peace in the days of Martin Luther King and the FBI is not trying to bring peace now. They've been a tool in a ridiculously corrupt drug war that has hurt this nation more than it's helped this nation.

The only thing that perhaps ever came good out of the Republican Party is Nancy Reagan said three words: Just say no. That is the correct response both to overusing narcotic substances and to the JTTF. It's absolutely insane that you think we need a bunch of memorandums and documents for sworn law enforcement officers to protect us. They should just do it because they're good people. And then when they go overboard and they spy on people, they should be punished. But the FBI never punishes excessive law enforces, so we can't trust them to do the JTTF, either.

Just say no, we'll be just as safe -- actually safer -- than every other city in America. So don't think that we need to take two people out of the Portland police department and make them special JTTF liaisons and come up with nine positions to put body cameras on people so we can have more surveillance. No. Let the citizens train and interact with the police, stay out of the JTTF. That's all that you need to do, write a very short memorandum that says the city of Portland is confident that the FBI sort of wants to protect people and doesn't need some fancy memorandums of understanding to do that, and they will share information that actually relates to real threats without a bunch of stupid paperwork. Thank you.

Hales: Thank you. Good evening, Trudy.

Trudy Cooper: Hello, Commissioners and Mayor. My name is Trudy Cooper. I think it's clear from everything we've heard tonight that there's a basic contradiction between the culture of the JTTF and the FBI and local law enforcement and this city, and I think that people have testified a lot to the secrecy.

There's two other characteristics that we were hearing full bore from the U.S. Attorney and that's duplicity and propaganda. People have mentioned the case of Mohamed Mohamud several times. I would like to point out one other thing. His father not only didn't get what he wanted when he asked for help, he also got the entrapment of his son based on his son's thoughts, not on his son's actions. There was no criminal action that led to that investigation.

Yet, what we heard that U.S. Attorney say this evening was three things: we don't need to make someone a terrorist who is not -- she was talking glowingly of their outreach efforts and their style of investigation. Second thing she said was, we help steer someone off the path in the course of the investigation. The third thing she said was, and mere speech alone does not justify an investigation. It doesn't build trust for a partnership for this kind of propaganda and misrepresentation to be coming to a community where we were there, we saw this. She also represented it as the guy who tried to bomb thousands of people in the Square without mentioning that it was a sting. She also assured us the chain of command in the Portland Police Bureau would be intact, that the two officers would report to be answerable to the lieutenant, the lieutenant to the Chief, the Chief to the Mayor. But we know that due to the top secret clearance that that's the not the case.

The problem all along with the JTTF is that the mayor has no oversight and that the police act independently in relation to the JTTF. What we're asking you today to decide is,

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is this acceptable to continue a situation in which police act independently of the entity that employs them? It's a simple question of "who's the boss?" If we agree that it's the JTTF, then we're agreeing that the FBI is the boss. I want our city to continue to be the boss of itself in relation to these issues of community and safety. Thank you.

Hales: Thank you. Thank you all. Good evening.

Nancy Newell: Good evening. I'm Nancy Newell. I'm here today to say that I am quite popular with the FBI. Everything that that fella that mentioned that sat here previously, I was listed as participatory in and followed by the FBI throughout my life. I'm very proud of my accomplishments, and I've saved a lot of people's lives, created a better quality of life.

What I would like to point out to you is definitely no on the JTTF. I think that's an easy thing for this Council to do. And there is terrorism happening in Portland right now. And it's our own government that is spraying the skies with chem trails and it has been covered up since I did a TV show here in Portland 15 years ago. Now, the government of Italy -- because NATO also sprays -- aerosol spraying from airplanes -- the chemicals that are in it, nanotechnologies, it's horrible. They revealed the whole thing, they've sued NATO, and I think this Council should pay attention to that form of terrorism and clear the skies like certain sections of Hawaii has succeeded in doing. I asked the county to do so, they said it's not their authority to do that. But I think we could do it and I think it would stop this activity because it causes Alzheimer's, it causes cancer, it causes destruction of soils, it's endless. So anyway, I wanted to bring that to your attention.

Hales: Thank you. Good evening.

Judith Boothby: Hi, my name is Judith Boothby. Thank you for this hearing. I think it's very important. I've been to many of these hearings since the start of them. I'm just a citizen. I'm a healthcare provider and I wanted to talk about basic neurology. Any time you have an issue that somebody's afraid of or they are in pain over, you never try to address the issue directly. That just makes the pain brain bigger. And thinking that the FBI is going to solve this problem -- it doesn't even talk to why we even have the problem to begin with. We need to learn to share. You know, if you have people that are disenfranchised -- why would anyone do these acts, unless they had nothing to lose? So, as a culture, if we say oh, gosh, you're scared, let's solve your scared problem by making this very expensive thing -- that will make people dumber. And every person needs to learn to be brave. That's the only thing that will make our culture stronger. Thank you.

Hales: Thank you. Mr. Withey, I think you get the last word.

Michael Withey: I get the last word -- that's pretty unusual. So really, this is a pretty easy one. It's pretty simple. It doesn't seem like many people at all that I've spoken with in the city really feel comfortable about an arrangement with the federal government. We think that you, as our elected Police Commissioner, should have at least the clearance to know exactly what they're up to. And if our elected official, the mayor, who is in charge of our entire police department -- the safety of our city -- is being left out of the loop, none of us are comfortable with that. It's a no and a no on both of these proposals. If you want to redo the proposal and just say, no thanks, I think that's the proposal that you should vote in.

Now, that one statement from whichever of the three that were up here originally -- the pro-JTTF guys -- which I just found pretty preposterous throughout their whole testimonies, I couldn't really know where they picked up or left off what was true or not, but one thing stuck out in my mind. Yes, we are the only major city without a good coalition with a Joint Terrorism Task Force. But we're also the only major city without poison in our water, and it's for a reason. It's because we don't like poison in our water and we don't want poison in our police department. We have enough of that. That's it.

Hales: Thank you. Thanks very much. OK. I think we're going to -- [applause] -- we're going to close the hearing, but I think we're going to stay in session for a moment because

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we've got some ideas about amendments, and I think we want to get those on the table now because we are going to leave the record open for a couple of weeks for people to be able to write in. So, I think the goal here is to further clarify the resolution number 146, which is saying we are not going to participate. So, Commissioner Fritz, I think we do have some language and I think you're right, we do have some language and we don't need to keep the remnant of that one "whereas." Why don't you articulate that. We'll see if there's a second, and maybe we can put that into the draft as of tonight.

Fritz: As the mayor has said, we're leaving the record open, we said that we would do that. We want more public comment. When we come back to vote on the resolutions, we need to be very clear -- we need to have the resolution before us that we want to vote on. If we want to amend it at the next hearing, then we would have to have another hearing.

This has been a wonderful nearly four-hour hearing. We very thoroughly aired the issues during what was almost a work session for the first two hours, and then we've had some terrific testimony. So, in response to this testimony I'm going to propose -- I move the following changes to agenda item 146, which is the city of Portland shall not enter into a memorandum of understanding with the FBI and JTTF.

The current language starts with, be it resolved that it is the policy of the city simultaneously to help prevent and investigate criminal acts of terrorism, protect civil rights and civil liberties under United States and Oregon law, and promote Portland as an open and inclusive community. So, that would stay, and then it would say, and be it further resolved that the city of Portland shall not participate in the Joint Terrorism Task Force. And then we would strike -- [applause] -- this is -- I'm proposing language, and we don't know whether the support on the council for in or out, but this is the proposed new language. We would strike the next four Be it Resolved about the police chief seeking clearance, strike the Be it Resolved about the regular briefings, strike the Be it Resolved that the city will continue its current practice of not participating, because I think what I've just proposed is much clearer, then leave in: be it further resolved the provisions of this resolutions are binding city policy and no element can be changed without an open public hearing and ratification by City Council. And leave in, be it further resolved that resolution number 36859 is here repealed.

Hales: Is there a second for that language?

Novick: Second.

Hales: And further discussion about adopting the amendments?

Fish: I guess my question to the sponsor is just the rationale for eliminating the resolved.

Fritz: Which resolved?

Fish: The ones you've eliminated.

Fritz: Well, we want to be clear that we're not participating. That's what we've heard from public testimony and this is the clearest way to do it. The police chief doesn't need authority from the city council to seek clearance on whether they get secret clearance. I would say that we don't need a Council resolution. I think what this is trying to do -- as Mr. Handelman testified -- is to carve out something like it but without the annual reporting, and that's not --

Hales: That wasn't our intent.

Fritz: The intent is we're not participating. So, we just say we shall not participate in the Joint Terrorism Task Force. We don't need to go into all those other details about the extent to which we're not participating, we're just not participating.

Hales: Right -- no, I think it's really frankly remnant language from the current ordinance that shouldn't have been in this version in the first place. And I want to clarify the point you just made and that is we don't have to pass a resolution for the Police Chief to seek a security clearance. And he has sought a security clearance and he has one, and I think he

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should, because there are going to be times when federal authorities need to give the Police Chief classified information and I wish I could get a security clearance but they told me that I can't. So, I would at least like for him to be able to receive that kind of information when it's proffered by the federal government, and I believe that that's appropriate and that he has the authority already to seek and obtain such a clearance and he's got one. So, I don't think we have to speak to that in this resolution. But fortunately, one of our city attorneys is still here and she can tell us whether this stands to reason.

Ellen Osoinach, City Attorney's Office: Yeah, I think you're correct. The Police Chief in seeking secret level clearance -- you don't need to authorize that. But that first provision also authorizes the chief to participate in the JTTF executive committee. So --

Hales: I think this version of the resolution is stating that we would not be expecting him to participate in that.

Osoinach: Well -- and is the intent to prohibit him from going to those?

Hales: No. But again, I think if we're trying to be -- my personal feeling, we're trying to be clear in this resolution. If we pass this resolution, we're not participating in the Joint Terrorism Task Force. Period. And therefore, there aren't any implementing actions of not participating, right? But the Police Chief is free -- as he does every day -- to be in contact with the Federal Bureau of Investigation -- and he is often, because we're working together all the time. And I'm not saying that the man can't go to a meeting, but we're not instructing him to participate in any way.

Fish: Mayor, you're the original author of the resolution. Is the amendment consistent with your intent in providing the two alternatives to the council?

Hales: Yes.

Fish: OK. There's a first in. Do we have a second to the amendment? I call the vote.

Hales: Is there any further discussion? Let's take a roll call on that amendment, unless Deanna or the city attorney says, "wait."

Roll on proposed amendments.

Fritz: Again, thank you to the community and particularly, Mr. Handelman, whose attention to detail is better than mine. Aye.

Fish: Aye.

Novick: Mr. Handelman, being told that your attention to detail is better than Commissioner Fritz's is the highest compliment I've ever heard in this chamber. Aye.

[laughter]

Hales: True enough. Well, I want to thank the council. We've had a couple of very long hearings this week, very good ones in both cases, and this was a very important one tonight. What we wanted to do -- and I think succeeded in doing -- was really queue this question up for the community and the council very clearly. Should we participate or should we not? We have attempted an approach over the past few years which people did with good hearts and intentions of: try to get a security clearance, Mayor, let's try to make this arrangement work. In my opinion -- and in many people's -- it hasn't. So, what we really wanted to do is call the question. And I think we've gotten really excellent testimony and really well-informed presentations from both points of view tonight. This is what I hoped for in setting up this alternative approach to considering a resolution of the city council. So, thank you all for your engagement in that. We will schedule this for a vote on the 19th.

Moore-Love: And we should probably dispose of 147.

Hales: And we'll send 147 back to my office.

Moore-Love: And pass 146 to second reading -- I'm sorry, 148?

Hales: No, keep the ordinance with the resolution. All three pass to second reading on the 19th.

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Moore-Love: Right. Did you want to give it a time certain? That's an afternoon session that has --

Hales: Afternoon session that was otherwise occupied, but now I think isn't.

Moore-Love: I have the Vanadia appeal.

Hales: That will take 10 minutes. So, 2:15 on that date.

Fish: Karla, thank you.

Fritz: Yes, thank you.

Moore-Love: You're welcome.

Hales: Thank you, Karla. Now, we're adjourned.

At 9:03 p.m., Council adjourned.