



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF JULY, 2015** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5. Mayor Hales left at 12:19 p.m. and Commissioner Fritz presided.

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

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

Item No. 712 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

		Disposition:
COMMUNICATIONS		
703	Request of Charles Johnson to address Council regarding United States vs City of Portland and Portland Police Bureau plus #pembino! (Communication)	PLACED ON FILE
704	Request of Shedrick J. Wilkins to address Council regarding a Yards Manager's judgment (Communication)	PLACED ON FILE
705	Request of David Red Thunder to address Council regarding revised Growth Scenarios Report hearing on June 23 at 5:00 p.m. (Communication)	PLACED ON FILE
706	Request of Donna Cohen to address Council regarding Pembina (Communication)	PLACED ON FILE
707	Request of Diana Pei Wu to address Council regarding Portland Jobs with Justice (Communication)	PLACED ON FILE
TIMES CERTAIN		

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<p>708 TIME CERTAIN: 9:30 AM – Accept report on 2015 Summer Free For All program (Report introduced by Commissioner Fritz) 25 minutes requested</p> <p>Motion to accept the report: Moved by Fish and seconded by Fritz. (Y-5)</p>	<p>ACCEPTED</p>
<p>709 TIME CERTAIN: 10:15 AM – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk and stormwater improvements in the SE 86th Ct and Steele St Local Improvement District (Resolution introduced by Commissioner Novick; C-10051) 20 minutes requested for items 709 and 710</p> <p>Motion to change local improvement district formation Hearing date to August 19, 2015: Moved by Novick and seconded by Fish. (Y-5) (Y-5)</p>	<p>37140 AS AMENDED</p>
<p>710 Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SE 86th Ct and Steele St Local Improvement District project, through the exercise of the City's Eminent Domain Authority (Ordinance introduced by Commissioner Novick)</p>	<p>PASSED TO SECOND READING AUGUST 19, 2015 AT 9:30 AM</p>
<p>711 TIME CERTAIN: 10:45 AM – Presentation to Council regarding Megan McGeorge's Piano! Push! Play! Summer program (Presentation introduced by Commissioner Fish) 15 minutes requested</p>	<p>PLACED ON FILE</p>
<p>712 CONSENT AGENDA – NO DISCUSSION</p> <p>Authorize the City Attorney's Office to take all necessary legal steps, including initiation of legal proceedings to bring a declaratory judgment action under ORS 28.020 and 33.710 and any other causes of action regarding the impact of Charter changes, Fire & Police Disability & Retirement Board Resolutions, state statutes, and other law on Fire & Police Disability & Retirement benefits (Resolution introduced by Mayor Hales and Commissioner Saltzman)</p>	<p>RESCHEDULED TO JULY 8, 2015 AT 9:30 AM</p>
<p>713 Mayor Charlie Hales</p> <p>Appoint Gustavo Cruz and William Myers to the Portland Development Commission Board for terms to expire June 30, 2018 (Report) (Y-5)</p>	<p>CONFIRMED</p>
<p>Office of Management and Finance</p>	

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*714	Pay claim of Peter Bach in the sum of \$16,526 involving Portland Bureau of Transportation (Ordinance) (Y-5)	187232
*715	Pay claim of Diem Chi Huynh in the sum of \$6,441 involving Bureau of Human Resources (Ordinance) (Y-5)	187233
*716	Authorize a contract with Washington Audiology Services, Inc. for Hearing Conservation Program Services for a total not-to-exceed amount of \$350,000 (Ordinance; Contract No. 30004693) (Y-5)	187234
*717	Authorize a Master Intergovernmental Agreement between the Bureau of Technology Services and the Mt. Hood Cable Regulatory Commission to provide for reimbursement of the Bureau of Technology capital costs for approved work performed on the Institutional Network (Ordinance) (Y-5)	187235
718	Authorize exception to the City procurement process to pay Resolutions Northwest for strategic planning services to the Human Rights Commission on May 30, 2015 in the sum of \$1,705 (Ordinance)	PASSED TO SECOND READING JULY 8, 2015 AT 9:30 AM
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
*719	Increase contract with Cogan Owens Cogan, LLC in the amount of \$56,160 and extend the term for additional services in support of the Private For-Hire Innovation Task Force (Ordinance; amend Contract No. 30004332) (Y-5)	187236
720	Authorize a contract with the lowest responsible bidder for the 20s Bikeway Project (Ordinance)	PASSED TO SECOND READING JULY 8, 2015 AT 9:30 AM
Commissioner Amanda Fritz Position No. 1 Bureau of Development Services		
*721	Amend contract with Enviroissues Inc. to complete committee and outreach work related to the implementation of the Citywide Tree Code (Ordinance; amend Contract No. 30004259) (Y-5)	187237
Portland Parks & Recreation		

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***722** Amend contract with Portland Habilitation Center, Inc. for janitorial services at multiple Portland Parks & Recreation locations from the original contract amount of \$729,844 to \$936,317 (Ordinance; amend Contract No. 31000363) (Y-5)

187238

REGULAR AGENDA

Mayor Charlie Hales

Bureau of Police

***723** Authorize an agreement with St. Joseph the Worker, Inc. Corporate Internship program to provide student internships at the Police Bureau for an amount not to exceed \$6,824 (Ordinance) 10 minutes requested (Y-5)

187239

Office of Management and Finance

724 Accept bid of Lovett Inc. for the Rose Quarter Planter Box Project for \$753,073 (Procurement Report - Bid No. 00000011 formerly 117829)

Motion to accept the report: Moved by Fritz and seconded by Fish. (Y-5)

**ACCEPTED
PREPARE
CONTRACT**

725 Adopt the Disposition of City Real Property policy (Resolution) 30 minutes requested

Motion to change the words "will allow for" to "shall create" on the first Whereas of page 2 of the resolution: Moved by Fritz and seconded by Fish. (Y-5)

Motion to add Section III.C.1.e The City Real Property Coordinator shall maintain a subscription notification services to allow for any interested member of the public to sign up to receive notice of all properties posted to the website: Moved by Saltzman and seconded by Fish. (Y-5)

Motion to add the Portland Housing Bureau to Section III.B.3 as a required responder: Moved by Saltzman and seconded by Fritz. (Y-5)

**CONTINUED TO
JULY 8, 2015
AT 9:30 AM
AS AMENDED**

***726** Authorize sewer revenue bonds to refund outstanding sewer revenue bonds (Ordinance)

**RESCHEDULED TO
JULY 8, 2015
AT 9:30 AM**

Portland Development Commission

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727	Adopt the Eighth Amendment to the Amended and Restated Interstate Corridor Urban Renewal Plan to add assistance to a Public Building (Resolution) 10 minutes requested (Y-4; Hales absent)	37141
728	Authorize an Intergovernmental Agreement between the Portland Development Commission and the Portland Bureau of Transportation for SW Bond Avenue 30% Design and Further Design of specific segments of SW Bond Ave as triggered by design of adjacent development in the North Macadam Urban Renewal Area, not to exceed \$500,000 (Second Reading Agenda 659) (Y-4; Hales absent)	187240
Commissioner Dan Saltzman Position No. 3 Portland Housing Bureau		
*729	Amend the subrecipient contract with Proud Ground to add up to \$446,035 in Neighborhood Stabilization Program funds to increase permanently affordable housing options for low-income households (Ordinance; amend Contract No. 32000848) (Y-4; Hales absent)	187241
730	Amend the Tax Increment Financing Set Aside for Affordable Housing policy to extend the deadline for Portland Housing Bureau to conduct a thorough review of the policy from June 30, 2015 to September 30, 2015 (Second Reading Agenda 692; amend Portland Policy Document HOU-1.04) (Y-4; Hales absent)	187242
731	Authorize twenty subrecipient contracts totaling \$16,777,246 for services in support of ending homelessness and providing affordable housing (Second Reading Agenda 693) (Y-4; Hales absent)	187243
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
732	Create a local improvement district to construct street, sidewalk and stormwater improvements from NW Raleigh St to NW Upshur St in the NW 20 th Ave Local Improvement District (Second Reading Agenda 660; C-10049) (Y-4; Hales absent)	187244

At 12:42 p.m., Council recessed.

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WEDNESDAY, 2:00 PM, JULY 1, 2015

**DUE TO LACK OF AN AGENDA
THERE WAS NO 2:00 PM MEETING**

July 2, 2015

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

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

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

		Disposition:
733	TIME CERTAIN: 2:00 PM – Require activation of closed captioning on televisions in public areas (Ordinance introduced by Commissioner Fritz; add Code Section 23.01.075) 1 hour requested	PASSED TO SECOND READING JULY 15, 2015 AT 9:30 AM TIME CERTAIN

At 3:20 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.

July 1, 2015
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.

JULY 1, 2015

9:30 AM

Hales: Welcome to the July 1st meeting of the Portland City Council. Would you please call the roll?

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

Hales: Good morning, everyone. We have folks signed up for Council communications this morning. We'll take those first and then we'll go into our regular agenda. If you're here to speak on a regular agenda item, we have some basic rules of decorum here that I want to make sure that everybody knows. First, we typically give people three minutes to testify, so if you want to testify on a Council calendar item this morning, just let our Council Clerk know, and we'll make sure that you're included. If you do testify, you do need to give us your name, you don't need to give us your address and all of that, unless you're a lobbyist, and then you need to disclose that you're a lobbyist under the City's code.

We would like to maintain the ability for everyone to have their say in this chamber, so disruptions are not tolerated, and people will be warned and asked to leave if they are disruptive. If you want to indicate your support for a fellow citizen's point of view, give them a thumbs up or a wave of the hand, that's fine -- and if you want to disagree with them and indicate that, do the same with some kind of polite hand gesture to the negative, but we ask that we not make -- [laughter] -- but we ask that we not make vocal demonstrations in favor or against our fellow citizens' points of view so that everybody gets a chance to be heard.

Before we get to the Council calendar, it is the turn of the half of the year, and therefore we need to elect a new Council president. I will entertain a motion that we elect Commissioner Fritz as the next president of the Council because this duty rotates. Is there such a motion?

Novick: So moved.

Fish: Second.

Hales: Any discussion? Then a roll call vote on electing Commissioner Fritz as our Council president.

Roll.

Saltzman: Aye.

Novick: Aye.

Fritz: For the next six months, everybody -- including my children -- are to refer to me as "Madam President" so that we all get in the habit of thinking of Madam President.

[laughter]

Fish: Uh-oh, it's already gone to her head. Aye.

Hales: Aye. Congratulations, Commissioner Fritz, and Commissioner Novick will pass the presidency. Alright. Now, we'll move onto communication items starting with 703, please.

Item 703.

Hales: Good morning.

Charles Johnson: Good morning, Madam President and Commissioners. Not for the record, but just because it's polite for the viewers in the audience and on TV, my name is Charles Johnson. I want to start by thanking especially Dan Saltzman, but all the work you

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Commissioners have done trying to get the legislature to come around and improve the minimum wage in Oregon. It's still unclear whether we're going to get the \$13 bill and whether it's going to be rational enough to have the end of preemption because if they're paying \$13 in Medford and Roseburg, god knows we need more than \$15 an hour to afford the rent here in Portland. So, I encourage you to continue to work with the legislative action people to try to get us the option to establish 15 now, here in the city of Portland.

I meant to open with a reminder that Black lives matter. Recently, Warner Pacific College hosted an awesome presentation about the renewal of the civil rights struggle here, and I wish more of you had been able to attend. So, look forward to your continued work on that.

The glare from my bright pink shirt, provided by Basic Rights Oregon -- which looked really fabulous on Commissioner Novick who was walking towards the end of the parade -- was also worn on Friday when the state Attorney General Ellen Rosenbaum came out, along with our senators who can't seem to get it right about the transpacific partnership and what real democracy should look like in the Congress. So, even though I do want to take a moment to express what many voter -- especially organized labor voters -- are feeling: regret and dismay for the positions of Blumenauer and Merkley on protecting fair trade, having real fair trade with our other Pacific Rim countries. I want to at least note that Ron Wyden did speak about stupid surveillance by the NSA and the idiot FISA court action that came out. For some reason, our president thinks it's OK to have a FISA court staffed by people who are like, yeah, bulk data collection! Let's renew that for five months before it is illegal again! So is, Ron Wyden at least clearly called out that idiocy, even if he did give trade authority.

More locally, as was marked on my headlines, we still have the ongoing efforts of the COCL and the COAB to make sure that people with mental health issues or evidencing mental health issues during their encounter with the police get safe, fair treatment from our Portland police officers.

When I was wearing this bright pink shirt, we were joined by the Chief of Police of the Portland Police Bureau and he did mention that at Alberta Last Thursday, we had an incident but it was on the edges, and I hope that the Mayor will still as Police Commissioner will continue to vigorously engage with the citizens so that we can have a reduction of violence and more importantly, a sense from all Portlanders that they are equally respected and protected under the law. Thank you.

Hales: Thanks very much.

Item 704.

Shedrick J. Wilkins: Good morning. The problem that I had with my manager at Yards is kinds of over with, but I do get free water at Yards. Somehow, I don't understand. I don't pay a water bill. I was here May 13th when they had the radon thing. I wasn't here for radon but here for -- someone in my apartment was saying we need to keep the free water going there, which I imagine is from the zoo reservoir. I don't know these things, just that I don't pay a water bill.

Fish: You actually do pay a water bill, but you are in a multifamily low income apartment building, and it's just factored into the rent.

Wilkins: That's what somebody else said.

Fish: There's no separate meter on the unit, which is one of the reasons we've had difficulty figuring out an expansion of the discount program, because our program follows meters, and in buildings like yours, there's a master meter but not individual meters.

Wilkins: OK. Having to do with that -- I signed up to talk on August 5th about the fact that for a long time, for 20 years, I've been involved with the issue about not drinking water from the Columbia River wells.

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In the fall of 1996, my daughter -- a year and a half later, she was born in the fall of the 1996 when we dipped in the Columbia wells. She developed bladder cancer, which could be from radon. I talked to the PSU testing department, and it is radioactive from radon but it's considered not that much. Or it could be [indistinguishable]. The Columbia River jogs this way and goes north, so things could -- there is also is a cancerous material from the Boeing landing gear factory that's up the river I think near Gresham or Troutdale that flows down. So there's three sources. And unfortunately -- I understand something that is radioactive will cause muscle cancer, not tissue cancer of the bladder. Anyway, my daughter is 17 or 18. Another issue that's bad is she's cured, but they gave her radiation therapy at Doernbecher, which after they did it, it didn't do anything. And I would like to take up the issue whether children should be irradiated for cancer, which is very -- there is a science guy that does a radio program, and he has surveyed a lot of scientists who believe that children should not be irradiated, and my daughter's organs have not developed properly because the radiation beam is a wide beam. It spreads out. It's messed up her eggs and a bunch of other stuff.

Whatever happened in the fall of the 1996 has got me on a crusade to question radiation therapy, especially for children. And for adults, I am making no comment about whether you should have a dental x-ray, a mammogram, or anything. It's just that radiation therapy leads to things later on if it's done on a child. It stunts the growth of your organs. And I will take up this topic with OMSI -- see if they will do a forum on that. But I am going to do another talk on August 5th. I'm also writing a historical fiction book about the Truman years when they built Hanford, and about Portland history. And the Historical Society has an excellent exhibit in the basement.

Hales: Thank you.

Fish: Mr. Wilkins, sorry about your daughter's health issues. If you'll stop by my office and make sure that we have your email or mailing address, I'll send you the water quality report. We take very seriously obviously the federal requirement, we test Columbia well water and it is heavily regulated and there is no radon issue, but I want to share with you the data and get your feedback. And currently, we're on 100% Bull Run water but we from time to time we tap the Columbia well water. And I want to assure you it's safe, but I will give you the data and you can make your own judgment.

Wilkins: Well, you weren't Commissioner in 1996, were you?

Fish: No, I'm talking about today.

Wilkins: So that's -- OK. Yeah. Case closed.

Hales: OK, thank you very much.

Item 705.

Hales: Good morning.

David Douglas Red Thunder: Good morning, Commissioners. I'm glad to see you. I am David Douglas Red Thunder, an American Indian, member of the Sisseton Wahpeton Sioux tribe, a resident of Hayden Island and the 825 acres of West Hayden Island's urban natural wildlife habitat.

Thank you for your recent unanimous vote to approve the updated version of the joint City Climate Action Plan with Multnomah County. Who would have thought, Mr. Mayor, that Portland's courageous leadership in adopting the Climate Action Plan in 1993 would be connected with you being one of only 16 mayors worldwide to meet with Pope Francis on this subject? Hopefully, it would lead us into a healthier and safer 21st-century world. But in the face of continued legal threats from the legislation maneuvering by Pembina and the Port, please remain strong across this entire Council.

Extensive research by Northwest Citizen Science Initiative backs up your resolve by proving this massive facility at marine terminal, at terminal six, fed by thousands of miles of

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endangering propane pipelines on snaking wheels throughout our neighborhoods when ignited will destroy everything in a three-mile radius beyond T6. Thank you, everyone, for holding the line on Pembina.

However, it was very disconcerting to realize despite your promises, Portland City Council was nowhere to be found when Senate Bill 412 was passed recently in Salem. The state now allows the Port of Portland to dump toxic contaminant dredge spoils on our beloved West Hayden Island without adequate public review. This despite, serious mitigations required by the Portland Planning and Sustainability Commission two years ago. Two years ago, these dredge spoils already endangered the health of a nearby 500 family Hayden Island manufactured home community, but continued dumping further degrades West Hayden Island's high-value natural wildlife habitat and our public health. I'm sorry to say that you let us down. Where were you then and when will you finally protect us from these continuing dredge spoils threats?

Last, this kind of assault of toxic and contaminated dredge spoils dumping continues in the rivers by the United States Army Corps of Engineers on Sauvie Island. The Corps intends to dump spoils dredged from Swan Island, the pit of death of the Willamette superfund site, into shallows along the shores of our neighboring Sauvie Island. Its toxic contaminants can migrate into Portland by ambient beach dust, slack tides, and unhealthy aquatic life. They will reduce the health and livability of our home.

The issues of Pembina as well as toxic and contaminated dumpings continue to threaten our way of life here, and demand our continued attention. We look forward to the kind of continuing environmental leadership recognized by the White House and the Pope to protect us and sustain us a healthier way of life for all of us well into the future. Thank you.

Hales: Thank you. Thanks very much.

Red Thunder: I got 17 seconds here. I went to the meeting last week about the revised gross scenario program, and Greg Tyson from the Port of Portland was trying to bring up the terminal that you guys voted down. I think that we should look more to downsizing the Port of their 750 employees, especially with all the loss of everything -- the shipping and the loss of jobs. Thank you very much.

Hales: Thank you.

Item 706.

Moore-Love: She has informed us she is not able to make it.

Hales: OK.

Item 707.

Hales: Good morning.

Diana Pei Wu: Good morning. I hope it's OK for Will to sit next to me. Will grew up in North Portland and is an ironworker with the Instafab company. So, we were unable to get Will on the agenda today, so I am speaking in his place.

My name is Diana Pei Wu, I'm the executive director of Portland Jobs with Justice. We have worked with all of you -- Madam President Fritz, Mayor Hales, Commissioner Saltzman, Fish, and Novick -- on the paid sick days ordinance that I think that everyone in this room is really proud that we were able to work together on, and the socially responsible investing, and then way back in the day before my time at with Jobs with Justice, we helped worked with you all to pass the Fair Wage Policy here in the City of Portland -- all of the things that have made lives for working people in this city and working families so much better.

I'm here to talk to you today on behalf of the Instafab Workers Coalition for Justice on hazardous workplace conditions at Instafab company. We have Instanfap workers who are on strike with us -- Shopmens 516; UAUO, which is an AFT local; CWA and NABET

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Local 51; as well as members of the Portland Jobs with Justice workers rights board and the JWW faith labor committee. Will folks raise their hands, please?

Hales: Good morning.

Pei Wu: So, we have really beautiful people in the room who are here all in support of the striking workers who are facing some really harsh conditions in the workplace, and that's the reason they are on strike.

Imagine that it's one of these hot days, you're on a job site, you might be on a building welding iron 50 or 100 feet in the air. There's no water on the job site -- something that's mandated by federal law -- there's no shady place for you to take a break or to eat lunch, there's not a place to lock your tools. And imagine if you are welding -- you are bringing some heavy equipment into the job site each day.

You might be welding, but you know that your company forged the welding training certifications and other safety documents, and you're concerned not only for your own safety and your family's wellbeing, but also for the people walking below you. Many of these sites are in heavily-populated pedestrian areas.

In addition, although federal OSHA law states that employers are supposed to provide safety equipment, you know that you had to pay for your own safety equipment, and that that was also in violation of federal law. On your first day of work, in addition, you remember that your employer threatened you that if you spoke to anyone who was a member of a union, you could be fired or face other disciplinary action.

These are egregious violations of federal, state, and local policy, as well as in violation of the City of Portland's neutrality agreement. Instafab company is working with Andersen development and Andersen Construction that are City of Portland interested sites, including the Block 67 projects at the Burnside Bridgehead and the North Williams mixed use project. [beeping]

Hales: Need you to wrap up, you've used your time.

Pei Wu: Thank you very much. These workers have been on strike since February 27th. Our research shows that the Instafab company has a serious history of OSHA violations. The last investigation in 2012 showed that there were 20 violations, four of them severe. We've approached BOLI and they found Instafab to be out of compliance and have failed to comply within the 30 days. And so, we for all these reasons -- unsafe working conditions, violations of basic health and safety provisions on the job and in the shop, anti-union activity, and bucking the law -- we believe that the City of Portland should not be doing business with the Instafab company directly or indirectly. We ask that the City of Portland explore all avenues to move their business -- our business -- away from Instafab company until the workers' issues are resolved.

As Portlanders, we think that it's ground-breaking when projects support good jobs that are safe so workers who build these buildings -- who literally build the city -- can go home at night to their families. We know that good and safe working conditions are important to Portlanders, and we're asking City Council to take up that cause once again by moving our business to contractors who treat their workers with respect and dignity on the job and who work hard to ensure that their workers and the public is safe. Thank you very much.

Hales: Thank you for coming.

Pei Wu: I have a report in my car. There's seven copies. To whom do I give them?

Hales: Give those to Karla. She'll make sure we get them. Thank you.

Pei Wu: Thank you so much.

Hales: OK, let's move onto the regular agenda. We have a consent calendar with at least one item that we need to hold off. If there is no objection, I want to reschedule item 712 for

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July 8th. Are there any other items to be removed from the consent calendar? If not, then let's take a roll call on the remainder of the consent calendar.

Fish: Mayor, just a question. You are going to reschedule 712. Could we have that on the regular agenda?

Hales: Yes, it will be on the regular agenda when it comes back, thank you.

Roll on consent agenda.

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

Item 708.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor Hales. I'm going to ask my staff to come up and then put fear in their hearts because I'm not going to stick to my script -- [laughter] -- which may put fear in the hearts of the members of the Council because it will be now three minutes longer than the scheduled 25 minutes that my staff very much struggled to meet.

It struck me as I was preparing thinking about Council this morning that this is a program -- the Summer Free for All program is a program with a history, and that our current program this summer certainly builds on a lot of work that's been done in the past and expands on it. We've talked before about the Mayor's funding or the Council's funding of \$2 million to make sure that everybody has access to community centers, particularly young folks. And we appreciate that. But I was reminded of the work that Commissioner Saltzman and I worked on with Commissioner Fish over the course of the recession under Mayor Sam Adams. And so, I wanted to read from a talk that Jeff Milkes -- who's the manager of the program -- gave at the 49th Making Livable Cities conference at the Governor Hotel in May 2012 because I believe that this really speaks to why we do the program and why Portland Parks is so invested in it.

Jeff wrote, "The goal is to leverage our limited resources to provide recreational opportunities for the most people. Given the number of developed parks and neighborhoods around the city, it became an easy decision to put our focus on outdoor events in the parks -- specifically, outdoor concerts, outdoor movies, mobile climbing walls, and summer playground programs.

"Some of these programs are not new to Portland. Outdoor concerts in the park have a rich 40-year history, and the summer playground program has been operating for over 100 years. Others were added more recently. Movies in the Park and the mobile climbing wall program started both in 2007. For years, the activities were offered independently by different work units within the bureau. The individual programs -- each highly successful -- were branded differently and operated without internal coordination, resulting in patchy, sometimes conflicting information that proved confusing to the public.

"It was clear that Portland needed one consolidated approach to these events if the events were to remain free and continue to draw large audiences and equity across the city. In 2009, under Commissioner Fish, the four program elements were brought together organizationally under one umbrella called the Summer Free for All.

"Summer Free for All it operates under the direction of one manager whose goal is to consolidate like functions, share expertise and marketing efforts, and provide a great array of fundraising opportunities while creating an easy and understandable brand. Over 55 concerts, 40 outdoor movies, and 26 staff playground sites drew over 370,000 people in the summer of 2011." We've had record-breaking years ever since, which you are going to hear about.

"Sponsors turned out -- many unsolicited -- that paid for 75% of over one million dollars in production and marketing costs." And again, thanks to Commissioner Fish for his work in encouraging sponsorship throughout the course of the great recession. "While this is a thrill to be in the middle of the huge crowds these events attract, the greatest

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successes have more to do with building a sense of community. Each movie and concert series is made possible thanks to the hard work of a group of volunteer stakeholders, supported by the Parks' production staff, who raise funds, market and help to coordinate each event. The kind of community interaction and buy-in that is inspired by these committees would not be possible if these programs were presented solely by the Portland Parks and Recreation staff." You are going to hear more about that, but I can tell you having attended over 100 Summer Free for All events last year that each one is different and each one helps to build communities, and each one celebrates parks as our space rather than my space.

I will also quote from something that Commissioner Fish wrote in 2010. "Providing opportunities for people to come together for free, fun, high-quality entertainment is one of my top priorities as the Parks Commissioner, and I am pleased this year's festival will be as exciting as you've come to expect." With that, I will turn it over to my Parks staff Director Mike Abbaté.

Mike Abbaté, Director, Portland Parks and Recreation: Thank you, Commissioner. We have no further comments, your honor. [laughter] No. It is so good to be here -- part of our annual celebration of one of the City of Portland's most beloved institutions, Summer Free for All. And Commissioner, obviously I'm joined by Jeff Milkes, who coordinates the Summer Free for All program and is one of our services zone managers, and Shelly Hunter, our development manager.

This morning, I'll tell you more about the details of the growth of the program over the years, our work to make the programming more culturally responsive, and you'll hear from partners who have really made it happen. They've been the ones that have stepped up to help fund these activities.

So, looking back -- 2009, we had 137 free activities at 52 sites. Over the years, you've seen this program grow from 137 in 2009 to 297 in 2014; from 52 sites around the city to 77 sites last year. Specifically, Summer Free for All has also been key in filling the nutritional gap for children during the summertime, when those who need it most lack access to the free and reduced lunch programs. So, our partnerships with the U.S. Department of Agriculture, Partners for Hunger-Free Oregon, National Recreation Parks Association, and all the school districts and our sponsors are key to filling that gap.

But for Summer Free for All more broadly, we've been focusing on the intentional selection of sites where people who need the program the most get it. We've been improving our cultural responsiveness and relevance through our hiring practices, our programming, and our outreach. As you can see from these numbers, we've been responding to neighborhood demand for more events but we're also keenly aware of growing cost pressures. This year, we're focused on strengthening the program infrastructure, the quality, and the equity goals. And we're very grateful -- as the Commissioner mentioned -- for the Council's one-time contribution to this program that will go in part towards closing the lunch gap through the entire summer and allowing us to keep the level of programming comparable to previous years.

This year, we will see more than 282 free activities at 89 sites, and that is a \$1.8 million budget. That budget includes about 22% cash from sponsors and donors, and 23% from City general funds and some fees, and 55% in in-kind donation. And that's where our marketing and partnerships come in. With that, I will turn it over to Jeff Milkes the southeast zone manager and chief wrangler of the Summer Free for All program.

Jeff Milkes, Portland Parks and Recreation: Thank you, Mike and Mr. Mayor, members of Council. It's such a pleasure for me to come and spend some time with you. It takes a lot of partnerships to make the Summer Free for All happen. So, I'd like to take a moment and

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highlight a few of the partners who have been working with us, specifically on culturally-specific programming.

2015 is the third year of implementing new strategies to ensure equitable access -- especially in East Portland, where most of our City's children live. We've expanded our mobile playgrounds program to go where kids are. We've improved our hiring practices to be really much more culturally responsive. Our East Portland Neighborhood Office, who is our partner, has championed marketing to underserved constituencies in their languages. We've taken our main collateral piece and put it into eight different languages this summer.

And of course, one of my absolute favorite groups to work with. We have eight neighborhood associations who have banded together to form what they call the East Portland Rovers. They collaborate on movie program design, delivery, and fundraising because they know that they can't run their programs just on their own. They need each other.

But it's not just in East Portland where we have exciting support citywide. New partnerships with Latino Network, El Ray 93.12 FM promote the Summer Free for All, and especially our Latino festival at Glenhaven Park.

And finally, a special thanks to funding from the City's innovation fund, where we're able to implement customer intercept survey this year. We learn how the marketing is and may not be working, especially for populations who are traditionally underserved. And with that said, I'll turn it over to Shelly Hunter, our Parks development manager extraordinaire, to introduce our guests.

Shelly Hunter, Portland Parks and Recreation: Thank you. We want you to know that the partnerships are really key to the success of what Summer Free for All has become. They translate into success for our park system as well over the long-term. We're building relationships where our partners and the neighborhood residents become involved. This program has created relationships that allow everyone to participate.

You heard about the program's growth over time. There are many people and organizations that contribute to the success of it. They give both time and treasure. And before you on the screen and in the program summaries that we shared with you, there are highlights of who those partners are. We want to call attention to the many organizations that participate, including the 50 organizing committees for movies and concerts, who are responsible for raising well over \$200,000 of the cash needed to present these programs free of charge to the community. We're extremely grateful to have so many amazing people and organizations participating in the program, and we want to extend a hardy thanks to each one of them.

It's my honor to bring forward some invited persons who are going to testify about the program: Richard Bixby from the East Portland Neighborhood Office is coming forward; Nicole Frisch, who is the vice president with Bank of America; Hector Ignacio, who is with El Ray, a new partner of ours; and Tim Miller, who works with Clean Energy Works.

Hales: Good morning.

Tim Miller: Thank you, Mayor and Commissioners, for the chance to talk with you this morning. My name is Tim Miller -- as was mentioned -- I'm the CEO of Clean Energy Works. It's great to be back so soon after last week's opportunity to speak with you in support of Portland's leadership and the Climate Action Plan.

As you know, Clean Energy Works as a brain child of the City, and we're a longstanding partner with the City working together on climate and energy and health and the resilience of our homes. Our sponsorship of Summer Free for All is another way that we're happy to connect with the city and citizens to realize a shared mission creating a healthier and safer Portland.

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Summer Free for All is a perfect vehicle for our mission. It's a unique, fun, engaging outreach opportunity designed to build and transform the community. And as you know, we spend a lot of time in energy works folks inside people's homes helping them create more comfortable, healthier, safer places, more efficient places to live. So, it makes great sense that as the days are getting longer and the nights are warmer, we can join the Parks department and help transform our parks into Portland's living rooms for the 75,000 folks who will attend the Movies in the Park. We'll be giving out drink holders -- I left my drink holder out there, darn it -- that sort of demonstrates and helps to educate folks about the work that we do in homes to insulate their homes. Just like the drink holder, insulating your house is one of the best ways to keep the heat in the winter and to keep it out in the summer. So, we're making that point while we're there. Here's my drink holder, look at that.

Hales: On cue.

Miller: On cue. See? We hope it will make the point and inspire people to work on energy efficiency. We also appreciate the diverse approach the Parks department has taken through volunteerism and collaboration. The Clean Energy Works team is really looking forward to being part of these great events, along with a host of other sponsors invested in continuing a tradition that gives all Portlanders the chance to share an amazing experience that is free. So, thank you for your continued support of this great work.

Hales: Thanks, Tim. Good morning.

Hector Ignacio: Good morning. My name is Hector Ignacio, I'm with 93.1 El Ray, as I like to say, the largest Spanish language radio station in the Northwest. We are very happy to partner with the Portland Parks and Rec, and I thank Shelly for reaching out to us and giving us this opportunity. I know there's a large Hispanic population here in Portland, and it's nice to be able to invite them participate in the activities that the City puts on and not just feel like they can't participate, so I'm glad for that.

On July 12th, we are sponsoring an event at Glenhaven Park showing the Book of Life. If you guys haven't seen it, it's a very cute, fun movie -- but in Spanish with English subtitles. And also, we are inviting our over 150,000 listeners that we have in the Portland metro to come to the event. And I know Shelly has her goals, but I have my goals in my head of how many people are going to show up, and I'll tell her what it is after.

Also, we are doing a \$25,000 media sponsorship, not just promoting the movie on the 12th but also promoting the entire program for the summer over the next two weeks. The promo is currently running now. And yeah, just kind of looking forward to it. I'm excited, our staff is excited, and we look forward to our event on July 12th. Thank you.

Hales: Thank you. Good morning.

Richard Bixby: Mayor and Commissioners, I'm Richard Bixby with East Portland Neighborhood Office. We are happy to collaborate with Parks on this Summer Free for All. I'd like to touch on a bit of what I think. What's happened in East Portland can be a model for community involvement, with a bureau that's willing to listen to the community and community members who step forward to share their expertise.

Our office first became involved when neighborhood associations saw the movie in the park as an opportunity to reach out to their neighbors and get more connection with them. They started working with Parks to organize that. Our office held debrief sessions in the fall for three years running for neighborhood leaders to talk with Parks staff about what went well and what was a struggle, and now as you can see, the neighborhood association has come together and are supporting one another and working closely with Parks to put these events on.

A similar thing happened with the mobile playgrounds program. There's community members who saw the value of that program -- particularly for East Portland, which has a

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lack of developed parks -- and started talking with Parks staff about how that could be expanded. So, community members raised funding for it, they helped select the sites, and they promoted the program to their networks. Portland Parks stepped up to the plate and worked with the community to make these things happen. So, that was great. And East Portland Neighborhood Office provided the meeting support to make this partnership work with translation interpretation and childcare.

The community members brought voices that are needed. They work closely with Parks to talk about how they could reach those communities that have least access to these services and are in most need of them. They pushed for the translational materials, so now the schedules are translated into eight different languages. They also worked with Parks as far as the hiring for the summer youth to staff these programs so that the communities who are served by the programs can also be involved in putting them on. And Parks has listened to the community and responded to their requests, so we really appreciate the partnership and appreciate the funding support that keeps this program going. Thank you.

Hales: Thank you. Good morning.

Nicole Frisch: Good morning, Commissioners and Mayor Hales. Thank you for having all of us here today. My name is Nicole Frisch, I'm the vice president for corporate social responsibility at Bank of America.

Bank of America is proud to once again be the presenting supporter of this year's summer lunches program in the parks. This summer, we expect summer lunches to provide more than 111,000 meals to children across the community -- and that's a pretty daunting number. 57% of our youth in Portland qualify for free and reduced lunch, and without the summer lunches program, the prospect of summer is the prospect of hunger and going without. Together with the Parks department and Partnership for a Hunger-Free Oregon, we're able to provide much needed healthy, nutritious meals for our community's youth. We've all seen the studies that show that children who are hungry are less likely to form friendships, be curious, or to learn, but they're also less likely to retain the learning from the school year throughout the summer when they go hungry during the summer. Bank of America knows that we cannot afford to have our children spend the summer hungry. That's not an option for our kids.

Portland's youth of the future leaders of the community, and it's important that we invest in the health and success of them. Summer lunches is one way that we can do that. So on behalf of the more than 1200 Bank of America employees who live, work, and give back across the Portland metro area and who will be volunteering throughout the summer at summer lunches, thank you for your support of this program and for a Summer Free for All.

Hales: Thank you. Thanks very much.

Hales: Questions for this panel?

Saltzman: I wondered if -- maybe Shelly, could you give us the eight languages? I don't recognize a lot of these.

Hunter: There's actually a marker across the top of them. It should be like a banner in the corner that tells you what language. But there's Burmese, Somali, Nepalese, simplified Chinese, Vietnamese, Spanish, and English. Russian as well.

Saltzman: Russian too? Great.

Hales: Nice work. Thank you very much. We have other invited testimony, Commissioner? Anyone else want to speak on this report?

Moore-Love: No one else signed up.

Hales: If not, then I'd like to hear a motion to accept it.

Fish: So moved.

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Fritz: Second.

Hales: Further discussion? Roll call, please.

Item 708 Roll.

Saltzman: Thank you, Portland Parks and Recreation, and to all of the sponsors that are making a fantastic Summer Free for All. This is really exciting and it looks like it's going to be very inclusive, so good job. Aye.

Novick: I appreciate the fact that Commissioner Fritz did not stick to her script because it seems to me that sticking to a script would be antithetical to the whole concept of Summer Free for All. [laughter] And I apologize if I said this last year, but it's very appropriate that Nicole Frisch is supporting summer lunches, because in the 2004 Kulongoski campaign, she and the rest of the finance team were the primary advocates within the campaign of healthy snacks. Aye.

Fritz: Thank you, colleagues, for your support of this program. Thank you Commissioner Fish, for your leadership in getting it onto the next level for Mayor Hales to continue that funding. I'm particularly grateful to our community partners, but some of my favorite emails that I get over the summer are complaining, "Why don't I have a movie or a concert in my park? That's not fair. Why aren't you doing more?" And so I get to write back, "you're welcome to organize one next year. This is a community partnership, and those community volunteers who step up." I particularly enjoy neighborhoods who partner together, where a more affluent neighborhood partners with a less affluent neighborhood so that they join in the fundraising, The Rovers that they mentioned in East Portland are absolutely amazing, they go to more events than I go to I think over the summer and help each other and have this team of seasoned volunteers. And they gave us feedback.

I think that we all recognize in Portland Parks that we're not yet where we need to be in terms of the equitable distribution of services and provision of services. We appreciate learning from our community partners, particularly, Linda Robinson and Arlene Kimura and everybody at the East Portland Action Plan and the East Neighborhood Office who have been so gracious in helping us understand what it is that we need to do. So, thanks to Commissioner Bixby and Lore Wintergreen and the other leaders in East Portland.

I also want to thank our community partners who took the time to come with us this morning -- in addition to the East Portland Neighborhood Office, Bank of America, El Ray 93.1 FM and Clean Energy Works. Thank you very much for the partnerships as well as the neighborhood volunteers who carry around the buckets on what I call half-time but the intermission of the concerts and such, to gather nickels and dimes that pay for this program.

And I'm going to read a list of the staff and partners who work really hard over the summer, and so they deserve to get their names heard once in a while. Starting with Jeff Milkes, who is amazing, and just the joy that he puts into the program -- the mentoring -- this is one of the programs where we employ youth. Portland Parks and Recreation is the largest employer of youth in our city, and so seeing those young people under Jeff's guidance hauling up the inflatable screen, and working on the set is amazing. Judith [indistinguishable], Lynn [indistinguishable], maylin schisler, alexander galina david chen, Tyler Scott, Mara Cogswell, sarah lance, Jamison Holtz, Kim Calame, Jonathan Smith, Kristina Grandbois, Shelly Hunter, Michelle Rodriguez, Joan Hallquist, Ellen Sweeney, Mark Ross, Jennifer Yocom, Tim Crail and Patti Howard in my office, Mike Abbaté. I could go on and on, as you can gather. It's a great program. Don't only go to the concert or the movie in your neighborhood, go to somebody else's neighborhood -- that's your park, too. Enjoy our summer. Our Council has invested n your community to provide this program. Aye.

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Fish: Commissioner Fritz, I think this is the most popular program the City operates, and it doesn't happen without strong community partners and it doesn't happen without strong leadership at the bureau and it doesn't happen without a champion at City Hall. So, congratulations to you and Mike and Shelly and Jeff. I've said this before at these events -- if I were to pick someone who I think is the model of what a City employee is and can be, it would be Jeff Milkes. And I have seen Jeff go above and beyond all the time, and he has literally been a one-man band from time to time in making this program successful. I think that he's quite actually representative of the quality of the people that we get to work with every day, and so it's a great privilege for all of us today to say thank you to the people who make this program sing and to the sponsors who fund it. I'm proud to be on a Council that believes in building and maintaining strong community partnerships. Aye.

Hales: What a great success. Thank you, Commissioner. Thank you all. It is a great part of Portland, and something that really takes a lot of people working together. I love the partnerships. Commissioner Fritz and I had the opportunity along with Mike yesterday to thank the federal government for pitching in a little help to what we do here, but once again it's through a partnership with nonprofits and others. So, it's really how we operate. It's really an important tradition. It is probably unheralded in the sense of how much leverage we get for a relatively modest investment of the public funds. We get a huge amount of volunteer hours, a huge amount of business and philanthropic support from the private and nonprofit sector. It's one of those cases that where local government isn't really conservative or liberal, it's just trying to do a good job, and this is a really good job. So, I look forward to being out there this summer, as we all do, enjoying this part of being a Portlander. Thank you. Aye. Well done. OK. Let's move onto items 709 and 710.

Item 709.

Item 710.

Hales: Commissioner Novick.

Novick: Colleagues, this will be a great partnership with our governmental partner Portland Public Schools to re-purpose an abandoned school site. We appreciate the PPS board authorizing Sara King to sign the LID petition on behalf of PPS. This will also be a great partnership between PBOT and the Housing Bureau to deliver affordable housing with quality infrastructure to serve the Lents community, which will become increasingly diverse after completion of the private improvements associated with this LID. This project also helps to reduce the backlog of unpaved streets in Lents, which has the sixth highest total as measured by length in center miles in the city among 95 neighborhoods, and will reduce the overall total of 65.5 central line miles of unpaved streets. And I would like to thank again Sara King and Justin Dollard from PPS, Rey Espana from NAYA, and Bob Haley and Marty Maloney and Dave McEldowney from PBOT for the work on this complex LID, as well as Andrew Aebi. And I will now turn it over to Andrew Aebi.

Andrew Aebi, Portland Bureau of Transportation: Good morning, Commissioner Novick and Council members. Andrew Aebi, local improvement district administrator. Joining me today is Marty Maloney from the Portland Bureau of Transportation Right of Way section. I passed out a hard copy of the presentation, and then we also have a minor amendment to offer to you today. And Karla is switching over to the presentation. We'll go ahead and get started here momentarily. Thank you, Karla.

Today's presentation has been translated into Cantonese at the request of a property owner, and we will also be translating this proceeding today remotely as well for the benefit of that property owner.

Here's an overview of the project site. As Commissioner Novick mentioned, it's in the Lents neighborhood it's north of Foster and east of 82nd Avenue. This is a map of the

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LID project. And please don't hesitate to ask me, I have more detailed hard copy maps that I would be happy to pass out upon requests if you need them.

Just to give you an overview of the project here. Steele Street from 85th Avenue to 85th Court will run for two blocks. That is completely new right-of-way that does not currently exist. And by virtue of Steele Street being improved, that will convert SE 85th Avenue and SE 86th Avenue into -- what are now deadened streets into connecting streets. And the 86th Court, which is currently unpaved, will receive street improvements for most of the length with the southern portion of 86th Court going down to Insley. That will actually only be a multi-use path. And as Commissioner Novick mentioned, this will reduce the backlog in Lents and will get rid of 375 feet of unpaved street in Lents.

This is a picture that I took last week driving down SE 86th Court. You can see it's not a very welcoming environment for pedestrians. With the large super blocks in the area, pedestrian connections are especially important. So, we want to obviously provide a much more welcoming environment for people to get around the neighborhood than what you see here today.

This is a picture of the abandoned Foster school site. It is difficult to access for routine every day traffic and also for emergency response. There's been a fair amount of vagrancy and vandalism and other neighborhood livability issues that have been prevalent on this site, so we're hopeful that the combination of redevelopment of the site as well as building a new Steele Street will provide eyes and ears on the street that don't currently exist. All the houses that are north of this site -- they don't open out or front on to this site. They all are side yards or backyards.

This is a rendition of what the future development will look like. The Portland Public Schools early learning academy, the NAYA housing and longhouse. And then, this is another view of what that building might look like with some of the children that might be served by that new development that we're planning to do.

So, just to wrap up this presentation -- it's always wonderful to be able to provide quality infrastructure for neighborhoods -- paved streets, curb, sidewalks -- but it's especially gratifying to do this not only for the long-time Lents residents, but also to do it for the diversity of the members that the community will have. The Native American families that'll be moving in, Chinese families that already live there, etc. So, very pleased to bring this project forward.

If I can kind of walk through the amendments that may be a bit confusing but I've put it all down in a memo to clarify it. So, Garden Villa has some concerns about the LID when I first started talking to them about the LID. I believe we reached agreement late yesterday on addressing their concerns, but it's really the outlines of an agreement. At this point, there's some additional steps that still need to take place. What we're planning to do is a voluntary reallocations of assessments from the Garden Villa property to the Portland Public Schools property.

Keep in mind that if Council approves the resolution today, that does not actually form the LID. So, what we would like to do is to bring back the eminent domain ordinance on August 5th at the same time that we would be bringing back the LID for an actual formation ordinance also on August 5th. So the idea is to bring back the entire package on August 5th.

What's being requested of Council today is to approve an amendment to the resolution changing the LID formation hearing date from July 29th to August 5th. We need a little extra time to bake in this agreement between PPS and Garden Villas, and then we would like to ask you to approve the amended resolution today for the LID and then pass the eminent domain ordinance to a second reading on August 5th. And then, my plan is to bring back an LID formation ordinance on August 5th with an emergency clause attached

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to it so that Portland Public Schools and NAYA have the same day of the performance that we've been discussing for a few months, which is August 5th.

Fritz: Just a point of information -- I'm out of town on August 5th and I'm wondering if the remainder of Council are going to be here.

Linly Rees, Deputy City Attorney: That's what Karla just brought to my attention -- there will only be three Council members on August 5th, so you may need to push it out.

Moore-Love: The 19th is when we have five.

Aebi: OK. Then why don't we just go for the 19th. That's fine, we'll make that work. I appreciate you checking -- ever since they upgraded Outlook, Karla, I can't really check the Council absences calendar. So why don't we change August 5th to the 19th and we'll make that work.

And then I did get one question about why we would be doing an eminent domain ordinance if there's an agreement. Number one, there's a slim chance that the additional steps necessary to affect the agreement might not take place, but more importantly, from time to time we required right-of-way and we found private improvements in the right-of-way. So even if we have the dedication recorded, in those types of instances -- it's easier, for example, to pay a property owner to hire a private plumber, for example, to move their irrigation or whatever might be in the newly dedicated right-of-way. And we can't cut a check to a property owner, however cooperative that property owner might be without having an eminent domain ordinance.

Fish: Andrew, can I just press you on that for a sec?

Aebi: Yeah.

Aebi: Because when you first said it was a companion piece, I wasn't sure whether this was the iron fist in the velvet glove or whether this was just giving you an additional administrative and legal flexibility. So as I understand what you just said, you need this authority in order to do what is effectively a friendly condemnation, if necessary?

Aebi: Yes, it's a friendly condemnation now. I don't know that it would have necessarily started as a friendly condemnation. What I didn't want to do is be in a position of implying to Council that approving the LID was the entirety of the approvals that we needed from Council. The other policy question that Council is being asked to make not only with Garden Villa but the other property owners from whom you may be hearing is that we are proposing to put through a new street and offer new connectivity. So, by bringing that ordinance forward today on eminent domain, we just wanted to get Council's blessing on the new street connection. In the context of understanding the full package.

Fish: And since eminent domain is a very significant exercise of governmental power, at what point in the future -- if we gave you that authority -- would we hear from any members of the public who feel aggrieved by that decision?

Aebi: The eminent domain ordinance in front of you is only for the Garden Villa and Portland Public Schools properties. And those two properties are -- those two property owners, rather, have been aware of the need for this acquisition for quite some time. Part of the reason why we're bringing this eminent domain ordinance in front of you today is that we have a pretty aggressive timeline to build the NAYA development and deal with some of the neighborhood livability issues that we have with the streets not being paved and not having the connectivity. So, we're bringing that ordinance before you a bit earlier than we normally would just given the schedule that we're trying to meet.

Fish: Commissioner Novick, just -- I don't want to go too deep into this, but are we deviating from any of our standard policies on eminent domain if we take this approach?

Novick: No.

Hales: Any further questions?

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Novick: Andrew, the letter from yesterday from Garden Villa is attached to the memo we passed out to Council, right?

Aebi: Yes. And I've also given copies to the property owners as well.

Hales: OK. Sorry, are you finished? I was out of the room.

Aebi: Yeah. The only other thing that I would just add, Commissioner Fish, is there were some negotiations that went on between Portland Public Schools and Garden Villa. It was in effect a property owner attempting to acquire property from another property owner for the purposes of the public right-of-way, and we just felt that it was better at this point to move that process into the public realm and have the City acquiring that right-of-way for the future purposes as opposed to having two neighbors negotiating with each other. So, that was another extenuating factor why we're bringing this ordinance before you today.

Hales: OK. Thank you both. Thanks very much. So, others that want to speak on this? I think that there are.

Moore-Love: Yes, we have four people signed up. The first three, please come on up.

Novick: Actually, Mayor, I'm wondering if I should move the amendment changing --

Hales: Yes. Coming up, we'll do that. So, Commissioner Novick moves the amendments distributed.

Fish: Second.

Hales: Further discussion?

Fritz: The amendment as amended to have August 19th --

Novick: Instead of July 29th. Right.

Hales: Right. OK. Roll call on adopting the amendments.

Roll on amendments.

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

Hales: Thank you. OK Welcome.

Suzanne Piluso: Thank you. Hi, I'm Suzanne Piluso. I'm one of the neighbors on 85th Avenue. I recently moved to that street just in December. And a week after we signed the paperwork, learned our quiet deadened street would be opened up. So, it was pretty devastating, to be honest, and even considered trying to pull out of the sale. And I've called Portland Public Schools and NAYA spoken to a number of people about this project and I've kind of come full circle, so I'm here to voice support for it.

I think that it's a beautiful project. I'm really impressed with NAYA. I know a bit about them and the fact that it's benefiting an underserved community feels really good to me and the right thing to do. Even though it is not ideal for me to lose my quiet dead-end street, I think that Portland is only going to get more dense, and so having projects that are done right and benefiting the most public good is the right thing to do.

My one request here -- I don't know if this is the right time to make this request, but I will keep making this -- I've also made it of PBOT -- is that we put speed bumps in. Even in my very short time in this neighborhood, I've almost been hit on my bike. People zip through those streets. I'm nervous that opening up this connector without speed bumps is going to mean one more place for people to drive too fast over to get to 82nd or Foster. It's a small new right-of-way -- a few speed bumps would really help to slow traffic down. And it's appropriate given that there is a school going in in a high-density apartment complex. So, I think that that's all that I have to say. Thank you.

Hales: Thank you.

Piluso: And one other -- I'm sorry, can I add one more thing? I'm a little concerned from what I'm hearing in the neighborhood about the lack of communication about the project. I'm not sure how much public notice has been happening or how that's happening, but I really have no idea where this project stands. I'd really like to be kept apprised. I would just

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like to encourage NAYA or the neighborhood association or whoever should be -- PBOT -- to please keep us neighbors involved and apprised.

Novick: We will get back to you on the speed bumps. We've been working with the Lents neighborhood association and outreach, but we can always try to improve our outreach, so thank you.

Fritz: Thanks for taking the time to come and tell us the history of your starting to oppose and then favoring.

Piluso: Thanks for the opportunity.

Hales: Thank you. Appreciate that. Good morning.

Gary Bethune: Good morning. My name is Gary Bethune. And good morning, Mayor and Commissioners. I live at the last house on SE 85th -- right adjacent to this property. Negotiations with NAYA, the neighborhood association, and the school district have been going on for a year and a half. And yet, I didn't hear a thing about it until the City got involved. Thankfully, you have an employee as conscientious as Mr. Aebi who got in touch with us by letter, has responded to every question that I've ever asked. Alls I can look for is more involvement with him. If we left it up to these other three people, we would still be disregarded. I'm just hoping that we can go ahead and go with the future things that I can work with Mr. Aebi and get my concerns taken care of. Thank you.

Hales: Thank you, appreciate the compliment. Mr. Aebi brings us a lot of projects and usually a lot of agreement, so this is no exception. Thank you. Good morning, Sara.

Sara King: Good morning. I wanted to go --

Hales: Just put your name in the record.

King: Thank you. Sara King. I'm the director of planning and asset management for Portland Public Schools. Thank you very much, appreciate the opportunity to be here today. I'm going to talk very briefly about the project and the partnership between Portland Public Schools and NAYA and then I will talk about public outreach as well.

As I think that we all know that the project before us, which we were calling "generations" is a partnership between NAYA and Portland Public Schools in the Lents neighborhood on the site of the vacant Foster school. I will say it's vacant not abandoned because we've specifically not leased it out because we know this project is imminent.

The project has two phases. First phase, which is going to break ground this fall, is the intergenerational housing. The second -- which Rey Espana from NAYA will speak more about -- and the regional learning academy and longhouse community center. The early learning academy and longhouse center will be one building. The generations project in general will have a Native American cultural overlay. It's an innovative project which has been recognized and chosen as an Oregon Solutions project last year.

It's innovative because we're forming a real community between the foster families and the seniors in the housing, the Lents neighborhood in general, and the school -- the early learning academy -- as well as wrap-around services that will serve both the folks in the housing as well as the children and families of the early learning academy.

This is one of many early learning academy hubs that Portland Public Schools is developing. We're focusing on early learning with wrap-around services for kids and their families because we know that kids need to come to school ready to learn. That means they need to not be hungry, they need to have security at home. These are the kinds of things that we focus on in our early learning academy besides just getting kids ready for school.

PPS will own and construct the early learning academy and longhouse. The early learning academy will serve ages zero to kindergarten. We will have three classrooms of kindergarten, three classrooms of Head Start, and two classrooms of daycare -- all in a 33,000 square foot building. NAYA will control the longhouse via a long-term lease and will

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program its uses. NAYA and PPS will have shared space in the building such as kitchens, community center, classrooms, outdoor play area, etc. So we're really are trying to have a total community. This is very similar to what we've done at Rosa Parks with the Boys and Girls clubs, so these kinds of both capital and programmatic partnerships are not new to us. We're also looking at doing this at the new Faubion school with Concordia University.

NAYA and PPS will share their financial obligation to construct the building.

This local improvement district serves both the housing -- intergenerational housing -- and the early learning academy. PPS supports this local improvement district and improved streets that it will construct. We've worked out negotiation with Garden Villa, which Andrew talked about. In the interest of time, I won't go into that. I will also that state PPS does not oppose speed bumps if that's something that PBOT should decide to include.

I will briefly talk about the public outreach because I know I will be asked about it. This deal has been I believe talked about and we've been including the Lents Neighborhood Association meetings since 2012. The Lents Neighborhood Association meeting had two seats in our Oregon Solution process, and are signatories to the declaration of commitment as part of the Oregon Solutions project.

I believe that NAYA and Oregon Solutions had done some outreach to neighbors in anticipation of an April 2015 open house. Rey can speak a little bit more about that. We also had a July 15th celebration on the site -- very obvious that something was going on. I do not know whether neighbors were specifically invited to that or not. We had a September 2015 presentation to the Lents Neighborhood Association. And I know that in response to the LID -- the LID is the first formal notice that's come from the City about this project, so we've been in contact with anyone who had voiced concerns to PBOT about the improvement district.

I do want to say that there will be more involvement to come. This summer, we will start to pick up our design work and schematic design. We will be having design open houses summer, fall, and spring coming up. We will have conditional use permit public notice that will be going out to adjacent property owners shortly. We will be developing a good neighbor agreement with the Lents Neighborhood Association. And also, before the housing is constructed, we have asked Guardian Management -- who's developing the intergenerational housing for NAYA -- to provide a construction mitigation plan that talks about how they will communicate construction impacts to adjacent neighborhoods and mitigate construction impacts to adjacent neighbors. Thank you.

Hales: Thank you.

Fish: I have a few questions if I could. Because even though this is an LID issue, this is our chance to get some updates on the projects. So, bear with me for a second.

My recollection is that about four years ago, maybe five years ago, when the City put \$7 million into the public schools in a time of crisis -- out of that came a memorandum of understanding in which the school district made a number of commitments to the City. I've actually in the last six months tried to follow up on a couple of the very specific commitments. And to my chagrin, I've learned that there is potentially a difference of opinion as to the scope of the commitments, and there's been very little of what I would call follow-up in terms of the demonstrating commitment to the agreement. So, let me use this occasion to just ask you -- could the Council get a written report on the status of all the commitments that were made in that MOU? Because they were very specific.

Now, the cornerstone commitment was Commissioner Saltzman's, who was then the champion of this idea of an intergenerational housing and school development on an underutilized site, and that's what we're talking about today, but the City negotiated other terms with PPS. And my concern is that you have new people come and go, you have

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different leadership on the board, and you have a lot of agreements that you enforce. So, let me use this occasion to ask -- if we could get a written report on the status of all the commitments that were made by PPS. That's number one. Number two -- when we hear pushback from a neighborhood about notification and communication, it is often less about the good intentions of the parties because everyone comes at this with the best of intentions. Sometimes, it's a structural issue.

I was just reflecting in this one that you have multiple partners. And I'm not entirely sure who's in the lead. You have NAYA, which is the nonprofit partner. You have the school district, which is essentially the landlord. You have the City of Portland, which is a partner in many respects, including a funder. And there may be others. But even within the City of Portland, you've got the Housing Bureau, you've got PBOT and others. So, it may be in part a function of who is in the lead here and who is primarily responsible for communication in the neighborhood.

What I would urge all of our trusted partners to do is just to communicate on that question and make sure that whoever is in the lead is also working closely with the other governmental entities. Each of us has different protocols about how we communicate with citizens. Each of us have different avenues for communication. Randy Leonard once told me if he gets an email addressed to five members of the Council, he used to ignore it. If it came to him directly, he owned it. I think there always is this challenge of when you have a lot of people who are responsible, there's always the question of who's responsible. So, let's see if we can drill down on that.

Commissioner Saltzman and Commissioner Novick, it's not entirely clear to me -- since we entered into that MOU, what is the City's financial obligation to this project now and in the future? And I think it would be helpful as particularly we plan for the next phases where there are going to be needs for additional dollars that we have some clarity about what has been the commitment to date and what may be the future ask. I would ask that we get an update on that. It doesn't have to be a Council hearing, but just clarity about for each of the bureaus that are working on this extremely important project, what has been the financial commitment to date, and what are the asks in the pipeline to bring this home?

And then finally -- because I do remember one component of the MOU that I cared about, which was intentionally planning for gardens in all major capital construction projects of PPS. Without regard to whether there is money to actually build it out but making sure that there is a location and an opportunity so that if the funding does come together, we don't go back to square one. Is there a garden built into this design? And what's the intended community use of that garden?

King: There is, I believe -- and Rey can speak to this a little bit more -- I believe that there is plans for gardens on the housing site. The site is very constrained. We have not yet talked -- we're still in the design phase for the early learning academy and longhouse. We know there'll be an outdoor plaza and we know there'll be an outdoor play space on that. Whether we have space and where it would be located, we have not come to that place yet.

Fish: So, I want to be clear because otherwise Commissioner Fritz is going to start giving me that look. The agreement did not commit the City to put any money into a garden. What it did is it required the district to identify a location for a garden and then to activate the partners to see whether it could be funded. And since it is the long-term vision of our community to have healthy food at every school site at all the districts, if it isn't planned at the front end, it becomes more difficult later to come in and find a location for obvious reasons. So, it's another reason why I think it would be helpful to have a formal update on what we agreed to in the MOU and what are the existing procedures in place so that this does not get bumped to the bottom of the list. Because it may or may not be feasible but

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they were going through an intentional process of identifying where a garden could be located in the future. So, thank you.

Hales: So, I have a question -- actually, I want to later get Andrew and the team back up -- but this site plan is still fairly conceptual. We'll hear from Rey about that as well. And the LID and the plans for the street are very specific. I guess -- I just want to make sure that it all makes sense. It appears from my looking at the map that SE 85th is almost a street between Raymond and Insley, is that right? Is it a public street? It looks like it's a series of parking lots, but one can drive from Insley or Raymond, or walk on pavement on 85th -- sorry, looking at 85th. And is that a misunderstanding? It's just access the parking lots?

Bethune: 85th dead ends at the schoolyard. 86th dead ends at the schoolyard. 86th Court runs through an alley and then the alley runs between Steele and Insley.

Hales: So, my viewing of the site from Google Earth --

Bethune: The picture you were shown of the trash was trash thrown in that alley out of somebody's cart.

Hales: OK. I'll return to that question with Andrew later. But you're not planning to create a street out of 85th, you're planning to create a street in the other instances. OK. Got it. Other questions?

Fish: Just one other piece of history, if I could, because this is a rare opportunity to have this conversation. Another piece of the MOU -- just by way of background -- was that the City and the district was going to explore an interim use of the Whitaker site. And at the time, that the opportunity was to grow some healthy food on that site, recognizing that the district was unlikely to make any decisions about its disposition over the next five years. The pushback that we heard after we entered into that agreement was that there was some who are worried that we might do something that precluded the district doing something earlier or making some other decisions. I remember at the time thinking that five years from now we're going to come back and nothing is going to have happened and we're going to be regretting that we put obstacles in the way of producing healthy food for the Cully neighborhood based on a set of concerns more hypothetical.

Well five years later, it's still a glorified dog walk. It serves no community purpose. We lost the opportunity to put together the partners to do healthy food there. An opportunity -- I should do a showcase project. I have to tell you, it was enormously frustrating to go through a community process where we couldn't get to yes because of all the hypotheticals. And the net result is it's a big loss for the neighborhood because nothing has happened.

I do not want to see the same thing happen with community gardens. We have a binding written agreement to build a site for gardens in all new construction of the district, and it is something that this Council felt very strongly at the time -- as strongly as we felt about the Lents opportunity for a school. So, I just want to in the strongest possible terms urge the district to revisit that agreement and make sure that we are fulfilling the commitments that we all made at the time that the City put a substantial investment in our schools when they were in need.

Hales: I appreciate that follow-up. Thank you all very much. Others signed up?

Moore-Love: Two more.

Hales: Good morning.

Rey Espana: OK. I think that I am ready. Mayor Hales, Commissioners, it's always a blessing to be with you. Today is no different. I'm here in support of the action that's being requested by Andrew and to offer whatever is historical or current state of the project. I would be happy to answer questions.

I would just say that the action that you're undertaking or considering support for is a critical piece of how the parcel site will actually work. When we started to reach out to

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neighbors, the first thing that came up of concern was traffic. It's been somewhat of a dormant site with dead ends, as has been described. So, there was concern about cars coming into the neighborhood. Traffic flow. I think the early discussions from some of the PBOT's I will say just general planners had a different approach to connectivity requirements and I was disappointed with the early discussions.

I think what we have now, though, is a solution of connectivity. It provides for dispersing traffic throughout the neighborhood and not any one street, and allows us with the capture of that northwest corner of the parcel -- allows bus service to flow on the side of the parcel to allow for drop-offs. So, I think it accomplishes much for the site. It certainly addresses connectivity. An agreement with the adjacent property I guess is eminent to work on that, but I think that it seems to make the project work. It establishes I think another way for us to look at that street on our northern border of the parcel, and I'd like to be more environmental or green things on that, and we are trying to explore that opportunity.

I think that when I talk with Jesse Cornett who is the current Lents Neighborhood Association chair -- they did not have a June or July meeting, so I intend to visit at the next meeting to kind of give an overall update to the project at the next association meeting.

The grounds are utilized by folks that walk their dogs. I understand that they are concerned about when they would be able to see construction actually occurring. We'll be able to project a calendar of those dates. Now, it looks like probably early October, or, you know, end -- beginning of fall is when we're going to break ground on the parcel.

On behalf of NAYA and the work that we've done with Sara and Portland Public Schools and the Oregon Solutions s, I want to thank Mayor Hales, the City, the City staff who have been very cooperative in advancing the project forward. I would be remiss if I didn't acknowledge Commissioner Saltzman's leadership and much respect for the work that you've done on behalf of our community for children throughout the history. I think that this is a project that we intend to make you proud of.

It's a project that is very meaningful to the Native community. It addresses conditions of that community where one in five children are in the foster care system. I think that that's an embarrassing statistic, and the truth. And so we need to work with our state offices to kind of bring the different reality to the children who find themselves as a part of that system.

The type of housing that we're offering allows for that permanent family to be set up and developed very much in the Bridge Meadows concept. Our cultural specificity, our overlay begins to address the overrepresentation of Native children in that system. And so that's one of the primary drivers behind the advocacy and the solution-oriented aspect of the project.

The work we are doing with Portland Public Schools is to have this as a recognized hub where children of color and the indigenous learning can be promoted and be an approach that the district can utilize at other locations throughout the school. So, it's a learning situation. We will then provide services to children not only through the site there but we'll follow them through third grade so they don't get dropped off. It will be a health access sign. We can be establish medical histories for the children, begin to identify those factors that qualified them for IEP programs and do an early assessment to provide whatever is important for them to succeed in public school. So, it affords quite an opportunity for us to provide services, attention not just to housing for our elders and seniors, not just the families that will be on that site -- it allows the surrounding community to be hopefully be prideful with the type of work that will be there in the future.

Hales: Thank you very much. Good morning.

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Diana Fielitz: Good morning, Mayor and Commissioners. My name is Diana Fielitz. I'm here today as a resident and a homeowner on 85th Avenue. I live across the street from Mr. Bethune, who just testified.

To be honest, my position here is that I do not want my dead end street to be a through street. I found out about this project less than a month ago, and it has been apparently been in the works for quite some time. I have been talking with Andrew and been talking a little bit with PPS and found out quite a bit about the project in the last few weeks. I think it's a great project. I would love to see this site developed, I think it's great for the community. I am very disappointed in the level of public involvement that has occurred so far. And I think, Commissioner Fish, you've talked about that. With multi-jurisdictional leadership here, the ball really got dropped. I've lived on this property for 10 years and didn't even receive a letter to say this was happening until PBOT contacted me earlier this month. Now that this project is in the City of Portland's hands, I'm really looking forward to a meaningful opportunity to give input. Some of our issues have been raised. Speed bumps, parking, lighting -- these are all issues that we as people who live right at this site are very concerned about, and I feel that opportunity has really been missed up to this point. As we progress forward, I just ask whole-heartedly that the City actively engage not just the neighborhood association -- because they have not done a good job of getting to us -- but contact the members who are literally living right there. Thank you.

Hales: Thank you.

Fish: Rey, before you go, I have a question. There's a fair amount of impervious surface on this site. We also can always can do a better job with the tree canopy. Is the Bureau of Environmental Services at the table with you and the district looking at stormwater, impervious surfaces, and tree canopy issues in terms of what the City can bring to the table?

Espana: Commissioner, I would say yes. We have hired as part of our engineering team various companies and landscapers to actually plan and design some conceptual use of the street and bring the street canopy, those issues to the planning table, so to speak. So, my answer to you is I believe that they've been engaged. I have not been directly a part of those discussions myself, but I believe that our engineers have been in contact with them.

Fish: So as a bureau, one of the things that we want to do is make sure that the tree canopy as you get further east in the city is addressed at a very high level. That's also one of the goals in our Climate Action Plan. So, just a suggestion -- maybe we should arrange to have Mike Jordan, the new director come out, and get a tour?

Espana: Yes.

Fish: And then let's get upstream and figure out what issues BES touches on this where we might be helpful.

Espana: That's a great suggestion, Commissioner. I do want to comment -- there is a garden planned for the site. We have secured some resources and developed a central plaza -- that's one of the key concepts -- and we have gardens around the plaza and this is interspersed throughout the housing issue, so I think that we will address that in your spirit. The potential for residents there and community folks to have access to and grow their own foods and natural kind of -- so it's very much a part of our fundamental design that we want.

Hales: Other questions? Thank you both. Thank you very much. Anyone else that wants to speak on this item? Any further questions for Andrew?

Fish: I have a procedural question, Mayor.

Hales: Sure.

Fish: Andrew, can you remind us -- in light of some of the concerns that we have heard about neighbors wanting to have a voice -- what are the opportunities people will have

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following today to be fully heard? You are one of the most transparent, collaborative people that we get a chance to work with at City government, so I have great confidence in your ability to navigate this, but what are the opportunities people will have to be heard?

Aebi: Thank you, Commissioner Fish. So, this has been quite the transition to have PBOT come in and take over the outreach related to the street improvements. PBOT has already sent out two notifications. There was the first letter just saying that this project was in the works and there was a second letter informing folks of today's hearing.

One mistake that I made that I will rectify moving forward is I only notified the property owners on the north side of the Steele, the future Steele Street. And I really appreciated Diana reaching out to me. I had a very good conversation with her, and what I told her is that moving forward, we will notify all the property owners on 85th Avenue, 86th Avenue, and 86th Court all the way up to Raymond Court so that everybody is looped into that conversation. Diana, Gary, and I all had good conversations, and they both gave me good ideas on what to do design-wise moving forward, so we'll be following up on those items.

One issue and concern raised was the issue of speeding traffic calming, and I have already reached out to the traffic engineers. I have gotten the blessing to potentially involve speed bumps, so it will be at the discretion of the City traffic engineer. We've already gotten early buy-off on it. We will want to do similar level of outreach with the community because as you can imagine, there will likely not be unanimous consensus to put in speed bumps, so we want to have that conversation with the neighborhood, but we are fully prepared to install speed bumps. I would also point out the map that I passed out - - the LID boundary has been drawn to include 85th Avenue up to Raymond Court and 86th Avenue up to Raymond Court, and that gives us the legal ability to install speed bumps should we decide to.

Last but not least -- the line that you see on 85th Avenue from Steele, that is not a future street connection down to Insley. So, the only street connection down to Insley will be on 86th Court and I just wanted to clarify that because the question came up.

Hales: Thank you.

Fish: Andrew, are there any unique stormwater issues that are raised that come up when you make a change like this -- take a deadened street and connect it?

Aebi: I think that the main thing, Commissioner, is that we have a lot of impervious area. I think that sometimes there's a mistaken notion that because an area is flat, some think the water will infiltrate well. And what I'm looking forward to is putting in curbs and stormwater management facilities to ensure positive drainage and treatment of the stormwater before it's drained.

Not getting too far down into the weeds, but what we're looking to do here is stormwater curb extensions rather than swales just to free up a little more real estate for Portland Public Schools and their development land, which may be more useful for a community garden or some other purpose. So, we're trying to strike that balance of keeping the right-of-way as narrow as possible but also making sure that we have good stormwater drainage and all the other amenities people expect with right-of-way improvements.

Fish: Thank you very much.

Saltzman: Andrew, I just want to make sure I understand -- so 86th Court will be through street to Insley?

Aebi: No, 86th Court will actually be temporarily a dead end to Insley, and I say "temporarily" because as the city continues to grow and develop, I would expect that some point that those properties along Insley may redevelop. And so in that instance, PBOT

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would likely propose a future condition that the street be connected down to Insley, so what you will have is a dead end street south of Steele that will turn into a multiuse path.

Saltzman: Great, thanks.

Hales: Other questions? I think mine are resolved. Thank you. Thank you both. So, time for roll call vote on the resolution. Unless there are further questions from Council, then roll call on that, please.

Item 709 Roll.

Saltzman: Well, I want to thank the Portland Bureau of Transportation and Andrew Aebi for this presentation today and appreciate the neighbors coming, and I especially want to thank Portland Public Schools and NAYA for the outstanding partnership that's developed to make this intergenerational community committed to raising and adopting foster kids, particularly Native American foster kids, which as Rey Espana said is so much a need for families to raise these kids -- and to have early learning academy, that's just an outstanding opportunity to make sure, as says Sara King said, that young children arrive at school ready to learn. This is really going to help boost their futures. This is a great project and I'm really pleased to vote aye.

Novick: Thank you very much, Andrew, for taking us through this. Thanks Sara, thanks Rey, thanks to all of the neighbors for coming in and for your understanding and for reminding us that -- and thanks Commissioner Fish for reminding us that we really need to do as good a job as we can on public involvement and notification. And when we have numerous parties involved, we need to figure out what do we collectively need to do and who is responsible for what, and that's something that we very much take to heart. Aye.

Fritz: This is another good example of how the commission form of government works really well. Thank you, Commissioner Saltzman, for your leadership and your overall vision; Commissioner Novick for delivering on the details of how to get this streets done; and Commissioner Fish for your attention to the detail of what happened when we did the \$7 million donation. Thanks to community partners, especially NAYA and Portland Public Schools. I'm very pleased to see that Garden Villa is as of yesterday hopefully be made whole and is content with what's going on. Thank you very much for neighbors who came in today and I think you'll find that working with Andrew will be a much better experience. Thank you very much, Andrew for your work. Aye.

Fish: All I'll add is that there's a bunch of things happening in Lents and greater Lents that we should celebrate. Mayor Hales, who's in charge of PDC, essentially said, "let's dispose of that land that's been sitting vacant" and so there is a lot of activity happening and some really promising development in downtown Lents.

This particular partnership, if it's half as successful as its sister as its cousin in North Portland will be a great credit to our community and reflects Commissioner Saltzman's deep passion for children and this notion of intergenerational housing. I was at the opening of the Urban Grange on Friday, just up the street. And I said in any other part of the city, this would be something that is triumphant, but the fact that we're opening an urban grange in the middle of a part of the city that's experiencing extreme hunger makes it even more important and special. And another partnership, public and private, brought that about.

Commissioner Fritz is leading an effort to expand Leach Botanical Garden and help them reach their master plan. That is the most significant developed park in East Portland. There are new businesses coming to Lents. There is a fantastic transportation system that has opened -- light rail. There's a mercado that is getting national attention. When you ask the question, "how do we build community in Portland?" the answer is, "go look at Lents. Look at what we're doing." I'm just proud that we're a city that has figured out how to

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engage these partnerships at a very high level to do important things for people, and that's what it is all about. Pleased to vote aye.

Hales: Great work all around. Thank you. Aye. And then the ordinance will come back next week for -- next week for second reading.

Moore-Love: No, August 19th.

Hales: Sorry, that's right. We already talked about that. August 19th for second reading. OK, thank you all very much. Let's move on to 711.

Item 711.

Hales: Commissioner Fish.

Fish: Megan, would you come forward please? I have a brief introduction. I'm pleased to welcome our special guest, Megan McGeorge to Council today. Colleagues, she is the founder of Piano, Push, Play. I met Megan a few months ago and was incredibly impressed by her vision to make music more accessible to folks in our community. With the help of local sponsors, Megan is giving old pianos a new life and placing them in public spaces for all to play. In fact, we're pleased to host a piano right here in City Hall for the next few weeks, and we'll find out which of the members of this Council actually play the piano. It's in the atrium downstairs next to the lunch tables, and you can't miss it. It's designed by North Agency and it's a creative ode to Forest Park. With that, I'm pleased to turn it over to Megan to tell us more.

Megan McGeorge: Hello, Mayor Hales and Commissioners. Thank you for having me this morning. I always like to start with the story of why we're called Piano, Push, Play, which is about our origins. It started four years ago when I saw a cellist play on the street corner of 13th and West Burnside, and I said to myself, "man, I wish I could do that as a pianist." And I thought about it for a couple of months and I realized there is a piano store down the street. I started making friends and seeing if they would let me rent a piano to bring to the street corner and give a concert. To my surprise, they said, "we'll mount the piano for you on a dolly, and whenever you want, you can wheel it up the street."

So, four summers ago, me and my friends would grab the piano every Thursday, go up to 13th and Burnside and play for people and wheel it back down. And after the success of that summer, I started talking to Portland Piano Company even more about doing work with pianos, because I had discovered through becoming their friend that they had all these pianos in the basement sitting around and not being used. And of course, I heard lots of stories with people in their homes that just didn't play anymore. So, I decided to take it upon myself to create a public piano installation like a few I had heard around the world. So instead of waiting for one to come here, I said, "you know what? I know about all of these pianos and I feel like I can do it."

The first summer, we had five pianos outside around town. We had one at the Portland Art Museum and Pioneer Courthouse Square. One at the original location. And I enlisted the help of friends and housemates and various artists that I knew to paint "please play me on it" and it was a success as well. Here we are three years later, and now we have 11 pianos out around the town. We are partnered with the Portland Art Museum to create this collaboration of all of these different pianos and every year, it just keeps growing and growing.

We've collaborated with a million different amazing design companies and artists around town to bring these works of art back to life. So, I'll go on. This would be me at the art museum. Yes, I'm the founder. All of the amazing photos that we have through the slide show and through our website is from this amazing person that I met just because I saw him photographing our piano three years ago, and now he's a huge part of our project.

This is a photo from year one. This is the original person that used to help me push the piano up to the street corner. Every year, we develop more and more friends and

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supporters, especially people that want more of an opportunity to play for people. When I was talking to Portland Piano Company about giving the concert, I knew as a pianist myself that I spent so many hours in a room without a window practicing this music, and I never get to share it with anybody. And I know I can't be alone in that. So, a really amazing thing that I feel honored to do is to advocate for other musicians through this project. The not only just pianists, but instrumentalists and singers and bands and jazz groups. Because his instrument is such a center point for so many different kinds of music and ensembles that for me to be able to help them bring a piano to a park so that they can just walk up and give a concert -- they can consider that a gift. So, it's definitely mutual.

This is our second year at 13th and Burnside. We've had amazing support across the world. The reason I chose to put this photo in there is shortly after we had a piano at 13th and Burnside last year, I got an email from somebody in Japan who was coming to our city to do an article about eco-conscious living and sustainability and cool projects in Portland and he was staying at Al's Den, Soto Koto." So, we're published in Japan, which I think is pretty cool.

Another amazing thing that I think happens when we put this instrument outside is the amount of people that don't have access to music at all regularly. Not only are we giving these concerts with people that I know are pianists, but the amazing thing is you put a piano outside and you discover that so many more people are musical and can play a song and create music than you would think, and this instrument definitely helps with that.

A really important collaboration is our work with the art museum. We've had a piano there every year for the last two years. This is our third year. And something that Rob Bearden, the director of operations there told me was that him and the art museum spend thousands of dollars every year to create the kind of interactions that our piano makes happen in their courtyard. That people from the park and people from the Elliott interact and learn something about each other. And that they never would do that unless one of them was playing. Many times it's people from the park, and that really surprises people from the Elliott and the surrounding buildings. I think it's really amazing to see -- to help people see others in a different light, once they understand they're human beings too and that they have amazing things inside them.

This is another amazing photo from a year where we had a piano at the Rose Festival Foundation piano. Benji told me that after he took these people's photos, he started to talk to them and they said, "we came by last night and we didn't have sheet music and we wanted to sing these songs together, so we came back a second night." I guess they were doing a whole group sing-along at night on the waterfront and they really loved this piano.

This is a shot from Pioneer Courthouse Square. One of the things that I do alongside just giving the piano out there and letting it be open for anybody to play is we also do organize concerts at each piano. For instance, every Friday at 7:00 at the art museum, I'll organize a short hour of music of every kind of genre and just friends that I know from Portland State or from Classical Revolution PDX or from a band, and they'll play. It's very casual. And after the hour is up, we open it to up whoever is in the audience to come up and take a turn. So, we do also include programming into these pianos. And last Friday, we had a big kickoff at the art museum and we brought all 11 pianos to the courtyard and we had over 300 people show up for this amazing concert where we had not only a band play, but we had a singer-song writer play, we had classical solo pieces, and we had our first commission piece played for five pianos by a young graduate of Portland State's composition program. That was very exciting.

This is another thing that we have done and we have used as our fundraiser. So, as the years have gone by and we start to have all of these regular players that play in our

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concerts, a year ago I thought we should record them. And whenever we do these concerts, we will sell our "please play me" albums because I think it's important to realize that -- as a music student, you're in music school, and a lot of the times the only real goal of success or thing that's thrown at you as being really, really successful is going to Carnegie Hall or going to -- being a soloist performer. The fact is there's a million different ways between taking piano lessons and being at Carnegie Hall to have music in your life and to perform for people and share music and to play. And so, every single person that's on this album -- I don't know if they're ever going to make it to Carnegie Hall, but they're all amazing and they're all beautiful players and they're your piano teacher and they write music and they play in millions of different kinds of ensembles and stuff. I think they're just as valid as the your very famous solo pianist where it is only one in a million, think, that's really important. I had them all come in and record their two favorite songs, original compositions or whatever they wanted. So, that was something that we did.

This is our press from Japan. This is a set-up shot of our concert last Friday. There was another row of seats in the front as well. But we have two rows of five pianos and our stage and it was amazing. It was great.

This is a local artist that we collaborate with, Sara Jackson-Holman. This is an adorable child who had ice cream all over his face. And this amazing piano that was designed by Lucid, which is a really great graphics design firm.

Something that I haven't talked about at all. We -- a year ago, when I started developing a website for us, which is pianopushplay.org, Al Zimmerman, who is the head of curriculum at the Portland Code School has been helping me with it for the last year. I told him, you know what would be really helpful, since we have multiple pianos and whenever I'm in the situation of meeting somebody over a piano and they love it and they want to play more and I tell them go play here, here, and here, and I can see in their face that they're forgetting it almost as soon as I'm telling them where it is. I told Al, I think we need a piano map app. So, he teaches at Portland's Code School, and of course they have an app development class. And nine months ago, he had two developers create for their senior project our Piano, Push, Play map app. One happens to work at Urban Airship, so she incorporated their latest technology. So basically, when you have the app downloaded and you're within 50 feet of a piano, your phone will talk to you and say, "hello, I'm Bach. Come play me and share me with your friends. And, you know, take my video, and also go find my other friends Mozart and Beethoven. They're here, here, and here." That's a very exciting thing that we're doing. The app will be out on Friday.

We're almost wrapping up, guys. So, art for the city. The exciting thing about this year is we're doing -- we have such exponential growth. Instead of five, we're doing 11. Instead of just being downtown the past three years, we're going to the eastside, we're going to the parks of Portland. I have to say thank you to Commissioner Fritz for that. We just delivered 10 pianos yesterday. We delivered a piano to the summit of Mt. Tabor, to Cathedral Park, to Peninsula Park, to Salmon Springs fountain, to the Vera Katz Statue, the art museum, Lownsdale Square -- if you don't want to play our piano indoors at City Hall, you can just walk across the street. And the design companies that work for us this year were ADX and Lucid, North, Struck, Doug Fir -- all amazing people, and they did this all because we asked them to and they spent thousands of dollars and hundreds of hours - - most of them. And we just have incredible supports and sponsors and they keep growing every year, and especially all of you guys are definitely included in that, Commissioner Fish, and I wish our friend Eric was here. This is Rob Bearden, who is the director of operations. This is talking to the crowd last Friday, thanking them for their support and telling them that they need to go play these pianos once they're out in the wild. So, thank you.

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Fish: So, colleagues, now you know why we felt so moved by this that we wanted to give Megan a chance to tell each of you about it. Eric Lindauer is sort of the champion. You know from all of the dealings with Eric -- when he grabs hold of something, he's tenacious. So, he's a great champion for this concept.

There just seems to be something so Portland about this. Rescuing pianos that are languishing in warehouses. One of the things Megan told me when the pianos are placed in public places, they're never vandalized. There's never a problem with people complaining about noise. It turns out when people see a piano, they're inspired and sit down and play it, and other people come and join them and so it actually creates community and they have not had any negative consequences. They're pop-up concerts. They're free. And you saw at the art museum that they had a great turnout, so of course there had to be a food truck. Our friends at ADX are happening them and now an app.

Long term, Piano, Push, Play is going to need to do fundraising from the public and private sectors, and that's the next phase of their growth is having some anchor sponsors. There are ways in which each of us, if we're so moved, can help. Commissioner Fritz, of course, has been extremely receptive to the idea of having pianos in parks where people can play. This August at the Jade night market, we'll have a piano at the Water Bureau tent so people that want to sit down and play the piano there will have that chance. It's not a big investment, but it turns out it has a huge positive impact on place and community.

So, I hope everyone who hears this presentation and thinks that it is a good idea explores ways in which we can help nurture this idea. This is such a uniquely Portland thing. And because of Megan's passion for this, it's going to succeed. And the odds have been very stacked against her from the beginning. And I just, you know, as the Arts Commissioner, I'm very proud that we have people willing to put it on the line like this and do something neat that frankly I never heard of and frankly I doubt that many cities around the country that have someone who is entrepreneurial and as creative as she is saying, "let's put pianos throughout the city so that people can enjoy music." And so I thank you.

McGeorge: Oh, you're welcome.

Hales: Thank you. You remind me of another civic entrepreneur -- because we have lots of private sector entrepreneurs, but we have civic entrepreneurs and people that take on something for the common good, and that's what you've done. A guy named Mark Lakeman who 20 years ago said, "we should start painting intersections." So, he took the idea of bringing people together around the visual arts in public spaces, and you're doing the same thing with music in a very creative way. I just really appreciate that impulse that you said let's make this happen for the community. That is a very Portland thing. Appreciate you, Commissioner Fish, getting this on the schedule today. We have definitely been enjoying the sound of the piano here in our atrium, which turns out to have pretty good acoustics.

McGeorge: Oh, yes. Amazing.

Hales: The building resonates nicely when somebody is playing down there.

Fritz: What's interesting is you can hear the piano when you can't hear some of the other demonstrations and other voices in my office, which is on the 5th Avenue side. The piano comes through. I want to say thank you for the way that you have worked with our staff, in parks particularly Megan Dirks and Cary Coker who have helped coordinate the 11 parks and let everybody know that the pianos at Holladay Park and Salmon Creek Springs will be there all summer long, and the other nine sites intermittently. You'll have to watch for pianos appearing and disappearing. I particularly appreciate the inclusion of Cathedral Park and Peninsula in North Portland and Montavilla in East Portland. As you said, getting out to other parts of the city and downtown will be even more remarkable. Thank you for your work.

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Novick: Commissioner Fritz, I want to be sure that you have taken steps to ensure that the Parks Bureau doesn't play the Francois Truffaut film, Shoot the Piano Player in any park that the piano may be appearing.

Fritz: We will be sure to do that, Commissioner.

Hales: Thank you so much.

McGeorge: Thank you.

Fish: And feel free to send a follow-up email with the PowerPoint and we'll make sure it gets circulated to all the offices.

Hales: And we will all download the app on Friday. Thank you.

McGeorge: Thank you.

Fish: Thank you, Jenny Kalez, for organizing this presentation.

Hales: That's great. Thank you, Commissioner. That's great. Let's move on to the next regular items, which I believe are 723.

Item 723.

Hales: I think Assistant Chief Henderson was going to be here to present this, but she doesn't appear to be. So, it is what it appears to be and a one year renewable contract for those paid internships from De la Salle students at PPB. So, if any Council members have any questions about this? If not, does anyone want to speak on the item? Roll call vote.

Item 723 Roll.

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

Item 724.

Hales: Susan Harnett is here. Why don't you give us a quick summary of what this is about?

Susan Hartnett, Office of Management and Finance: Good morning, Mayor and Commissioners. Susan Hartnett, spectator facilities and development manager. I was expecting the procurement officer to be here as well, and I'm not necessarily prepared to speak to that side of it. She did ask me to join her this morning to talk a little bit about the project as a whole and give you a little bit of additional information about why the final cost on this project is considerably higher than the estimate that we had provided earlier.

So, a little bit of background. You may recall that since 2003, the City has had the obligation for capital replacement work in the Rose Quarter plaza per the agreements with Portland Arena Management. We became aware of the need to do some work on the waterproof lining system in the planter boxes, which are actually above portions of the structure that are below grade. That was something that we became aware of in March of 2014, and part of the reason that we became aware of it is the fact that there is water, the presence of water intruding into some portions of the building. So clearly, the waterproof lining is failing and needs to be addressed.

I also want to point out there's really kind of critical windows of opportunity in which this kind of work can be done. It really is dry weather work, and it's also important that we try and time it when there are fewer people in the plaza area. You know, when we have thousands of people coming and going, it may not be the best time to have heavy equipment and stuff out in the plaza.

Some of the reasons why our estimate ended up -- or the bid ended up different from the original estimate that I thought you might want to be aware of. Significant portion of that due to a changing of scope that we made after the initial estimate was done. And that's probably an oversight on our part in terms of not having updated it before we brought that information to the Council. We had been working on the assumption that we would reuse the existing soils within the planter boxes, and it became apparent for a variety of reasons that that was not a particularly good choice, but it is the cost that was reflected in the original estimate. So, acquiring new soils and removing the soils and disposing of the

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existing soils adds a significant portion to the difference between the original \$466,000 estimate and the current \$750 plus bid.

A couple of other contributing factors on that. We did make a decision to add some lighting along the Veterans Memorial Coliseum. Currently, there's no lighting around that area and it's pretty dark along that side of the plaza. If you've ever left the Moda Center and walked towards the garages, the plaza is a pretty dark space. And while the planter boxes are empty, that would be the time to add the necessary electrical and support mechanisms for that lighting, and we think it will definitely improve the visibility in that plaza area. So, we added that to the scope.

We also found out some clarifications about weight restrictions. Again, this area is above structure, and it limits the type of equipment that can be used to move things in and out, and that added to the cost for the contractor since they're working with smaller equipment and can't necessarily bring in big backhoes and stuff like that.

And then a couple of other things that are sort of on the periphery. This is very specialized work. These waterproof lining systems inside a planter box above structure is kind of unusual, and the size of the contract itself is a little bit an odd fit. It's a little too small for a big company and a little too big for a small company, so I think that led to some of the drivers in not only the estimate, but the fact that we only did get one bid on this.

Those were a couple of things that I wanted to add in. Now that Christine is here, I will turn it over to her to talk about the procurement side of it.

Christine Moody, Chief Procurement Officer, Office of Management and Finance:

Christine Moody, procurement services. Only thing I wanted to add to what Susan was saying is that MWESB participation on this is at 16.6%. And they are self-performing all the rest of the work. There's only one subcontract, and the subcontract is with a women-owned business for \$124,855.

Fish: Only question that I had is probably a rhetorical question, but the Memorial Coliseum is a historic structure and it's listed. So, are there any issues raised by putting in lights and the kind of lights on the plaza that we have to be worried about?

Hartnett: No. The landscaped areas are exempt from the historic design review. That's actually something that took us a little bit of time to get to the part where we were ready to bring the bid document forward to procurement.

Fish: OK, so it's exempt. So I guess the follow-up question would be, since there is a small army of preservationists, architects, designers, historians who care deeply about this building and its history. Have we engaged the community in any of the design work we're doing to make sure it's faithful to the original vision?

Hartnett: We have not. I mean, I'd be happy to do that. We are not changing the landscape pattern, which actually is not original. I mean, that's part of the reason why the landscaped areas are exempt is because they were not part of the original listing for the National Register. It's probably a good idea for us to sit down with a few of them and share what we're doing. I think issues around things like lighting efficiency and consistency with other lighting fixtures within the plaza were the decision drivers for us, but I would be happy to sit down with Brian and Stewart and have a chat with them.

Fish: I'm reminded that when we did some similar things with the Halprin sequence over by Keller, there was intense interest in the community that it be faithful to the overall vision. I think you're going to get that phone call anyway. I think just to reassure people that nothing that we're doing does violence to the overall integrity of that historic site.

Hartnett: Yeah, happy to do that. It's a good suggestion.

Hales: OK. Thank you both. Any other questions? Thanks a lot. Anyone want to speak on this item? If not, then a roll call -- motion to accept the report.

Fritz: So moved.

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Fish: Second.

Hales: Roll call vote on that, please.

Item 724 Roll.

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

Item 725.

Hales: We have a presentation coming forward. Mr. Enge, Ms. Ames, welcome.

Bryant Enge, Director, Internal Business Services, Bureau of Revenue and Finance: Good morning, Mayor Hales. Good morning, Commissioners. I'm Bryant Enge with Internal Business Services. With me is Betsy Ames, OMF senior policy analyst. We are here today to present for your consideration the disposition of City real property policy.

This policy has been developed in collaboration with the Portland Property Management Committee. The committee consists of various property-owning bureaus, including OMF Facilities, Parks, Water, BES, PBOT, and Housing, along with -- we have had some legal support by the City Attorney's Office. We've also had additional assistance as we move forward with this particular policy from the accounting division, from policy, from the Bureau of Technology Services, Enterprise business solutions, and the Office of Neighborhood Involvement. The committee was convened several years ago with the intent to maximize the effective use of assets owned and leased by this City through better coordination and collaboration.

Through this effort, the committee has developed a comprehensive inventory of land holdings. I would say over the last year and a half, committee has been working on the disposition of City real property. We have leveraged work some good work that has already been performed through BES and Water. We also leveraged work conducted in 2010 -- I think it was the Southeast and Northeast neighborhood -- specifically around this particular matter.

The proposed policy in front of you addresses concerns about the need for a more consistent and transparent process for how the City identifies and disposes of real property. The policy is -- I want to be clear -- is an administrative process and not a decision-making process. Decision-making still remains with the bureau that owns the property and City Council.

The objectives of this policy before you today are to ensure citywide consistency in the excess and surplus real property identification, notification, and disposition process. It identifies a standard process of soliciting public input and feedback on real property identified by the bureau as excess to the bureau's need before authorizing the bureau to dispose of the property and provide opportunity for City Council to consider alternative uses for excess real property.

Because of the community interest of the property disposition decisions and interest in this policy, we worked directly with the Office of Neighborhood involvement to gather community input on the draft policy and received quite a bit of input from the community. And as a result of that, we've changed a number of the original provisions to provide more time, clarify certain aspects, and respond to various notification suggestions. With that, I'd like to turn it over to Betsy and she'll describe the policy in detail. Thank you.

Hales: OK. Thank you.

Betsy Ames, Office of Management and Finance: Hi. Betsy Ames with the Office of Management and Finance. The resolution before you today establishes a citywide disposition of City real property policy. This policy will apply to all real property owned by the City of Portland being considered for disposition.

We have categorized the properties into three different groups. Category one properties are typically the smaller, less valuable properties and/or properties that have certain restrictions or due to their unique nature have significant limitations on how they

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can be disposed of. These properties are subject to an internal review process with the other bureaus and a public hearing for the City Council to consider declaring the property surplus and authorizing its disposition.

Category two properties are those real properties that may be disposed of for public purposes, such as affordable housing under City's urban renewal authority. These are never actually declared surplus because they are going to be used for a public purpose, however, we wanted to have them subject to this policy as well to allow other bureaus and offices the opportunity to identify any existing or required deed restrictions, property interest, easements, or other conditions. Properties managed by the Housing Bureau fall into this category, and PDC has also indicated that they are willing to include similar process steps in their policies for disposition for properties under their control. The requirements will help ensure that City bureau needs are identified prior to PHB or PDC disposal properties through their established notice of funding availability and/or request for proposal processes.

Category three properties are all other real properties and main focus of this policy and of community interest. There are four main process steps that will be followed. The first, 3A in the policy, is the identification process for excess real property. This is an internal determination by the property managing bureau that property is excess to their needs based on their established access management, capital planning, and level of service needs. The determination as excess must be approved by the director of the bureau and the Commissioner-in-Charge before it moves through the next step in the process.

3B describes the internal notification process and allows other City bureaus to express interest in the property and/or identify deed restrictions, property easements, or restrictions that need to be recorded on the property if disposed. If another bureau is interested, the two bureaus need to negotiate terms and bring an ordinance to Council to approve the asset transfer and financial transaction.

If there is no interest from other bureaus, we move to the 3C external notification process. This step includes posting extensive information on the City's website, written notification to neighborhood and business associations and surrounding property owners, signage at the site, and notice to other government agencies. The public comment period set at a minimum of 45 days, bureaus and Commissioners-in-Charge can choose to have a longer period if they wish. At the end of the public comment period, the bureau and Commissioner-in-Charge will make the decision on whether to proceed to step 3D, declaration and disposition process for surplus real property. The bureau would then prepare an ordinance for Council consideration. Four votes on Council are needed to declare the property surplus. The ordinance may also direct the bureau on how to dispose of the property and any conditions that need to be applied to the disposition.

Upon disposition, bureau will then work with accounting and finance staff to ensure accurate financial reporting of the asset and the financial transaction with the real property coordinator to update our property data base and, with City Risk, update insurance inventories.

As Brian mentioned, we did change a number of provisions in the draft policy based on community feedback. There were some suggestions that we did not incorporate into the policy which I wanted to explain. First, for the internal review process, community members requested that the policy require bureaus to offer properties to other bureaus at book value or historic value. Accounting rules require the transfers of capital assets within the City be recorded in our financial reports at the book value, the historic value that was there when acquired. This is distinct, however, from the financial transaction that takes place between bureaus, and distinct from the negotiation of how much one bureau will pay

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another bureau for the asset. Accounting rules do not require bureaus to dispose of a property at a particular price point either internally or externally. The policy calls for originating bureau and interested bureau to negotiate terms and conditions as a business decision. It does not direct particular terms, as that will depend on the bureaus involved, the funds involved, as well as particular site conditions and characteristics. It is possible, for example, that a property was acquired using grant funds that have certain restrictions on them or ratepayer dollars or other sources. So, bureaus will need to look to the charter, to state law, to grant restrictions, etc. to make a determination there.

Community members also suggested establishing priorities within the policies for the sale of properties to community nonprofits and/or for uses that would have greater community benefits. Since each property is unique, we did not include specific language to prioritize certain uses for all properties, reserving that decision to the City Council based on site-specific public input for each property that is brought forward for consideration.

I understand there might be an amendment proposed, and we can discuss that when that's done.

Public input also includes various suggestions for either maximizing the sales price or offering the property at a discounted rate for certain purposes, and requirements for how the property would be sold. The policy is silent on this as well in order to allow for Council discretion based on the site, based on any restriction placed on the property, based on the source of funds, and importantly, based on the feedback received during the public comment period for each property that has been posted. Again, it's a business decision that the bureau, Commissioner-in-Charge, and ultimately the Council should make on all the information available. If you have any questions, I can answer them now or later.

Hales: Questions?

Fish: Mayor, I have a couple of questions designed to just clarify a few things and then we have some amendments. First of all, I want to compliment you, Betsy, and your team for pulling together this proposal. While it's true that it builds on some of the early work that the utilities have done, I think it greatly improves that work, creates some standards across the City, and I think puts the focus where it belongs, which is the Council to make final decisions. And because there's such confusion in this area, allow me to take a moment to make sure we're all operating under the same set of assumptions. First of all, the resolution that you are bringing before us today would set a floor and not a ceiling, is that correct?

Ames: That's correct.

Fish: Second, you draw a distinction in your policy between excess and surplus property. I'm really glad you did that, because what that does is makes clear to the public that only the Council can declare public property surplus. I want to say that again. Only the Council can declare a property surplus, and it requires a four-fifth vote. What you've done by distinguishing between excess and surplus is you've allowed the public to have early notification of a determination that property may be excess, meaning it is no longer necessary for its original purpose or for whatever reason, the City has decided it doesn't need it any longer. But the determination of surplus status and opportunity to sell that property rests exclusively with the Council. You have also built in the maximum amount of discretion for the Council to craft whatever conditions the Council deems appropriate for that disposition at a public hearing. So, it will be subject to people weighing in and advising us. And I think you have cured something that we weren't able to really get right,

And I think as an example, Mayor, the original database we put online listed the properties as surplus. So, people looked at that and said -- I think jumped to the conclusion that the City was moving forward with a process, and I think distinguishing surplus and excess is important.

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I'm also pleased, Betsy, that you've deferred providing too much guidance at this point on the question of whether properties are transferred at book value or fair market value. This is again an intensely complicated area that is informed by the charter, bond covenants, accounting rules, conditions of grants and other loans, and on and on. And it turns out that there is no clear line. And so, what you've built in is again the maximum opportunity for the Council to grapple with those issues as it decides what the appropriate consideration for the property is.

And I'll just use two examples, Mayor, because again, people feel passionate about this, but I often think that it is important that we focus on the facts. City has acquired property in the past for no consideration. Our utilities, for example, took over property in East County when they consolidated with other utilities where it came to the City at no cost. I would distinguish that category from, let's say, during Commissioner Saltzman's tenure at the helm of the Bureau of Environmental Service, City purchased land along the river to assist in doing the Big Pipe. That property was purchased with ratepayer dollars at some great expense, and if the City no longer has a need for that property which they initially determined with terminal one, ultimately that may go on the market and go to the highest bidder. Why? Because the best way to determine what its fair market price is to have the marketplace decide that. But that property wasn't acquired for nothing, as some other properties were. There is no one size fits all rule to figure out what is the appropriate consideration and so I'm pleased that you recognized that complexity and left it to the Council on a case-by-case basis to decide what the appropriate terms are and conditions to set on the disposition.

We have gotten some testimony from folks asking some questions. I just want to ask you a couple of questions off the testimony. Do you believe that your proposal gives neighborhood coalitions and neighborhood associations meaningful and adequate time to comment about the disposition?

Ames: We think it does, and we think the 45 days also will allow them the opportunity to say, "We would like more time." And that's something that the bureaus and the Commissioners could give them as well.

Fish: So that's an important point. Again, this is the floor. In the event there is significant interest at a community level, there's nothing that prevents the City from extending the clock to provide more time for people to weigh in. In fact, we are encouraging people to do that because the idea here is greater transparency along the way. You have in the proposal, Betsy, a requirement that at the early stage when it's offered to other City bureaus, there is a follow-up, almost a reminder to bureaus, "hey, we haven't heard from you and we're serious and you're going to lose your chance to bid on it." You don't have a similar provision with community groups, neighborhood associations. Was that intentional?

Ames: I think we felt it was appropriate to require some of our own bureaus to respond. That there are four bureaus in particular that we thought should be responding in writing so that the Council knows in fact that Parks Bureau, Bureau of Environmental Services, Water and PBOT have done their due diligence, have looked at the property, and have responded in writing to the originating bureau so that the originating bureau has been able to say, "yes, they did consider this."

Fritz: Commissioner, if I could weigh in there. That is in response to a request from me. We are all so -- I'll speak for myself -- I am so buried in emails that I would not want somebody to take my lack of response as a lack of interest. So for the bureaus that are likely to be able to or interested in proposed excess surplus, I feel that they should be required to respond in writing. And if it doesn't work to send a reminder email if I'm buried and I haven't read the first one. And then that would require the bureau selling to actually

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walk across the room, pick up the phone, do some other method other than sending another email.

Fish: Well, Commissioner Fritz --

Saltzman: Shouldn't the Housing Bureau be included in that list of affirmatively responding?

Ames: We could do that as well.

Fritz: That's a good idea.

Fish: Yeah, I think with bureaus the requirement should be there must be a response, and the response can be either no interest or interest. But that's the best check, the best test that someone has actually gotten the notification and acted on it is something substantive coming back and saying no or yes. We don't have that with the neighborhood association, and I just want to make sure that we have some fail-safe mechanism to make sure that they in fact got notice. Whether they have enough time to act on it is something they can raise in asking for the clock to be extended, whether they have an interest or not, that's provided for, but I want to make sure there isn't an instance where some person who is overwhelmed with emails at the neighborhood level doesn't respond and it's not because they didn't have an interest in raising an issue.

Fritz: Particularly since we currently don't have a good mechanism to update our neighborhood contact lists. I would certainly support that -- that the offering bureau should get an affirmative -- get a response of some kind from the neighborhood association and put that in the record.

Fish: I think by legislative history, what we're saying is that the notification provisions to the neighborhood needs to be more than just sending an email, that someone should track it and if there's no response might deem that to be a flag --

Ames: A follow-up.

Fish: Yeah. And "hey, did you get this notice?" Because, as we've said, we are as a City open to extending the clock so that the timing isn't the issue. It is just making sure there is actual notice.

I'll hold on the Housing until Dan offers his amendment.

I guess for now, that addresses the primary points, but again, I just want to compliment you on the way you have done this, the consultation process. This response to neighborhood and community concerns, this addresses issues raised by the Auditor, and I think this also is a big step forward in terms of our collective commitment to transparency and accountability and how we do things here. And I think in the main, you really got this right. Thank you.

Fritz: If I might just piggy-back on Commissioner Fish's questions regarding the neighborhood contact, I'm persuaded by the Living Cully request to change in the whereas on the -- the first whereas on the second side, instead of saying "will allow for a subscription service," I think it should say, "shall create a subscription service" because that's more affirmative that we are going to do it rather than there could be one but might not be.

Ames: That's in the resolution --

Fritz: In the resolution --

Saltzman: Actually, Commissioner Fritz, I was intending to offer an amendment to put that in the rule-making. Sometimes resolutions get lost, but rules seem to last forever.

Ames: Mm-hmm.

Fritz: It wouldn't hurt to have it in both, would it?

Saltzman: No, it wouldn't hurt.

Fritz: That's my amendment -- to change "will allow for" to "shall create a".

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Hales: OK, I have that amendment. We will have some others amendment proposals. Why don't they queue them up?

Fritz: Do I have a second for that?

Fish: Second.

Fritz: Thank you.

Saltzman: I have just two amendments that I'd like to offer for Council's consideration, and I want to echo Commissioner Fish in my appreciation for OMF developing this comprehensive policy. I think it is something it's something -- I know many times we're always asking among ourselves, "don't we have surplus property to do something x, y, or z?" This will help us get our house better in order but also I think the public as well, and that's really in the spirit of the amendments I'm offering. The first amendment, as I discussed with Commissioner Fritz, puts into the rules that OMF will maintain a subscription service to allow any interested person to sign up for notification. So, it goes beyond just neighborhood associations or business districts because we have groups like Living Cully, lots of Friends of organizations or we may just have neighbors down the street keeping their eye on an undeveloped piece of property that they might be interested in as a pocket park or something like that.

Fish: I second that, Mayor.

Hales: OK.

Saltzman: My second amendment is to really establish a prioritization scheme. This comes from when I served on the County Commission. We disposed of surplus property or tax foreclosed properties, and we created -- we already had a priority for affordable housing development. We also created what we called the green screen. So, we'd look at the attributes of the properties for pocket parks, community gardens, and everything. So, this amendment would go in the rules also and just say whenever practical, bureaus shall consider disposition of surplus real property for affordable housing, community development, or open space. And I think these are all areas of keen interest to all of us on the Council and high priorities, particularly affordable housing, and we want to make sure that if we have good properties that are suitable for affordable housing development that our nonprofit community development corporations are aware of this as well as the Housing Bureau and other interested parties. Same for community development and open space purposes. That's my second amendment.

Fritz: Question on that.

Fish: Question on that.

Hales: Sure.

Fish: After you.

Fritz: You've suggested that it goes in section 3D1, but that's about the Council hearing to declare it surplus. I'm wondering -- do you want it considered then or do you want it after the Council has declared the property surplus that then the bureau considers the disposition for affordable, community development, or open space.

Saltzman: That's probably a better location.

Fritz: In four.

Saltzman: Yeah.

Fish: So, I'm sorry, where are you proposing to place it?

Hales: In D4, right?

Fish: Which would kick in when?

Fritz: After the Council has declared it surplus.

Fish: So, let me address that for a second. Because I whole heartedly support the spirit of this, but I want to understand, Betsy, how this would work. There are properties which the

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Council will declare surplus which will then go to a broker and will go into an auction, like terminal one, and will go to the highest bidder. How would this policy apply to that?

Ames: Well, I think I was the one that suggested putting it earlier so that when a bureau does bring an ordinance to Council that they would say we have considered these uses and we think you should apply a condition and in your ordinance to dispose of it in this way.

Fish: And you see, I think that's the key point here. Once the Council declares it surplus and puts whatever conditions it chooses at that point with a four-fifth vote, we don't see it again. And in some instances, it just goes out in the market for sale. Like terminal one. If the intent is to encourage bureaus to consider public uses of the space in some priority way, I think that's best -- that best kicks in at the determination of excess and then going through the internal review process and then having the bureau report to Council at the surplus hearing as to whether they have been successful and whether there are other options. We have carte blanche at the surplus stage to put whatever conditions we want. So respectfully, I think this works better if it is upstream.

Saltzman: I think that's a good point, and I guess I -- with all respect to Commissioner Fritz would -- like to keep it as an amendment to 3D1. I think it as the excess determination level that it's important that these other uses have the opportunity to be considered.

Hales: Let me make sure I understand the mechanics of that. At that phase, it's been through the excess analysis. It is now proposed as surplus and coming to Council.

Ames: And you've received public comment from the community, who might at that stage be saying, "we really think you should offer this first to affordable housing developers in the neighborhood or to" --

Fritz: It's not the bureau, it's the Council.

Hales: I'm not sure that the word "bureau" is right.

Fish: I'm not sure surplus is right either, because if's upstream it's actually excess property. It only becomes surplus if the Council by a four-fifths vote declares it to be such. I think what you mean "disposition of excess real property shall be" and that puts it upstream, and that becomes part of our discussion when we take up the surplus vote. I'm not trying to put words in your mouth, Dan.

Saltzman: Is that your understanding, Betsy -- putting it sufficiently upstream, we should use the word excess other than surplus?

Ames: Yes.

Saltzman: I will accept that as a friendly amendment.

Fritz: The issue Commissioner Fish raised, though, of terminal one where actually there's a public purpose of keeping that in industrial use.

Hales: So it's not practical.

Fritz: Practical but --

Hales: Not practical because it's not zoned for anything other than industrial use.

Saltzman: It says "whenever practical".

Fish: Whenever practical and the Council gets to interpret it its policy when they take up the surplus. I mean, anyone on Council can raise a question about conditions. It may or may not want a condition that says that the purchaser won't change the zoning. Someone else may want a condition that says it remains in the industrial inventory. We would have the right to put those conditions. This doesn't preclude us from having this discussion at the surplus hearing, but I think Dan's intent is to encourage the bureaus to consider these kind of community uses as they dispose of excess property.

Hales: So, let's continue this discussion because I think it's very helpful to refine then. I think there may be agreement -- unless the sponsor of the amendment doesn't like it -- to have the Council be the decider there, not the bureau. That we are talking about excess

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instead of surplus where it actually gets placed in the structure of the four phases -- I guess I want to hear back from Bryant and Betsy about.

I have another suggestion, which is the uses you suggested that we corporately and now the Council consider are affordable housing community development or open space, I would recommend that it be Parks and Recreation and open space. Because there could be a situation in which -- if you think back to the Washington Monroe site or other sites like that -- it could be considered Parks and Recreation use but would not be maintained as open space. It might be a community center. So, I guess open space seems to me to defuse a term for what I think we're talking about there, which is the Parks Bureau may have a community parks, recreation, or open space use for that site. It may be a natural area and best left as open space. It may be a parking lot and best developed as a state park. Those are two notions that occur to me, and I'm not sure that open space is the right term.

Saltzman: I think that's a great point. I guess I would like to keep -- I believe we want the bureau to consider the disposition of the excess. So, when it gets to us and it needs a four-fifths vote, we know that the bureau involved has already looked at these potential uses, or at least heard from interest groups on these potential uses. So, I think we want to keep it the bureau shall consider disposition, but I'm more than happy to amend open space to include parks, recreation, and open space.

Fish: Betsy, then that wouldn't be 3D, right?

Hales: That would have to be upstream further.

Fish: That would be 3 A or B or C. Where would that fit if Dan wanted this to apply to the initial determination of excess?

Ames: Well, the initial determination of excess is within the bureau solely based on their own needs. So, the next step is the internal notification process that includes Housing and Parks as part of that, and would allow for that discussion for internal --

Fish: That's the upstream he's referring to. That's Roman numeral III B.

Ames: That's Roman numeral III B and will include housing as one of the bureaus that must respond to that. I think there's also an opportunity at the 3D stage and I would suggest maybe changing it to "whenever practical, bureau and Commissioner-in-Charge shall consider proposing disposition" to say that you could dispose of it to an outside group for affordable housing, community development and open space, parks, recreational uses. And so, having it be "proposing disposition" makes it clear that the Commissioner-in-Charge and the bureau are proposing that to the Council for the ordinance to declare it surplus and allow it to be acquired by an outside group who could use it for that purpose.

Fish: So, two points of clarification. When we use the term "affordable housing," Dan, what do you as the sponsor mean by that?

Saltzman: I would generally say anywhere from zero to 80% of median family income, but I guess I would rather be sufficiently vague on that to encourage as much creative thought about how to use a surplus property or an excess property as possible.

Fish: Our current policies give a presence to zero to 60. If we kept it open, I would hope, though, that we're still guided by existing Council policies about focusing on where the need is. And the second issue I think we need to put on the record, Betsy, is when we say "whenever practical," there's a whole body of City property which may not neatly fit into that policy, and that's property that the utilities are disposing of. We can preview that down the road, but the utilities are bound by different charter provisions, different covenants and bonds, different legal requirements. So, when Dan says "whenever practical," the chances are that frequently, the utilities will not be in the category of practical for reasons that are explained to Council when we have our hearing. I just want to preview that because there

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is a difference between property that is being currently managed by the utilities and property managed by the other general fund bureaus.

Saltzman: Yeah, I understand. I recognize that.

Hales: So, let's maybe -- can you settle the question sitting here right now of where this ought to be inserted, assuming that Council wants to adopt the language that we've been talking about?

Saltzman: I could -- if you want to set this over a week, I'll be happy to work and make sure I have a better-crafted amendment.

Hales: What I would prefer to do also -- because I am going to need to leave the Council chambers about half an hour starting at 20 minutes after -- I would like to take public testimony and then let us get back to our deliberations and Council may still want to take a break this afternoon.

Ames: And we could always come back next week.

Saltzman: Yeah, I'd commit to -- I would like to get the first amendment adopted, but I would commit to work better on the second amendment.

Hales: OK, so there was a second on the first amendment and there was a second to Commissioner Fritz's proposed amendment. So, let's take up the adoption of those two amendments and then take public testimony. Does that sound right? Commissioner Fritz's amendment was to change the words "will allow for" to "shall create" on the first whereas on page two of the resolution. There was a second to that. Roll call to accept that amendment.

Roll on amendment.

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

Hales: And the other amendment I think we're ready to accept now and put into the draft is Commissioner Saltzman's first amendment at the end of section C1E, "City real property coordinator shall maintain a subscription notification service to allow for any interested member of the public to sign up to receive notice of all properties posted to the website." I believe there was a second to that. Any further discussion? Let's take a vote on accepting that amendment.

Roll on amendment.

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

Ames: And I heard one additional request, which was to add the Portland Housing Bureau to 3B3 as a required responder.

Saltzman: I would make that motion.

Fritz: Second.

Hales: Roll call.

Roll on amendment.

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

Fritz: And to require affirmative contact with neighborhood associations.

Hales: Why don't you bring us language back on that one. We know that we want to address that and also the verbiage and effect of what Commissioner Saltzman had proposed as a second amendment.

Fish: Just the spirit of it -- without beating a dead horse -- we don't want a nonresponse to be deemed substantive in the same way we are not going to allow a nonresponse of a bureau in the earlier stage to be substantive. We want to actually confirm that someone is passing.

Hales: OK. So let's start taking public testimony. Again folks, you will have to excuse me in 10 minutes, but our newly-elected Council President will continue the process after I leave. Who do we have signed up on this item?

Moore-Love: We have seven people signed up. The first three, please come on up.

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Hales: Good afternoon. Welcome. Lightning, you're on first.

Lightning: Good afternoon, my name is Lightning, I represent Lightning Watchdog X. Again, I like the public input. Absolutely necessary. I like the four votes on the Council. Again, I have an issue on the -- determining the value the property when it is declared surplus. I want to make sure that we obtain the current fair market value based upon a current updated appraisal that a bank will look at and also utilize the information. I have a real concern on issues on properties going under contract, such as we had one that -- an appraisal is done, the value went up to a \$1.9 million difference between a property that didn't have the appraisal done and one that did afterwards. It's imperative when we set these values that we set these values in a reasonable market range that we set a value too low very few buyers will ever come in and pay a higher price. We defeat what we're doing. We will get a lot of people very upset by this process. Again, determining that value before the offer to come in at a reasonable market price based upon an appraisal in my opinion is imperative, especially on any property in the city over \$1 million.

Now, again, pertaining to the term book value, I have a real problem with this term. As stated, a property is donated at very little price, that is the book value. If that property is bought from the City at \$5 million, that is the book value. But if we take the second example at \$5 million, and another bureau wants to buy it, they have to use public funds. We just use public funds twice to buy one property. Improper. We need to look at this very close. Because if you buy that from another bureau, public funds bought it originally, public funds buys it the second time. We need to be very careful on using public funds to buy a property twice. I'm absolutely against that. We need to look at this very close.

The condition of the assets in this City we need to look at very close again to have an understanding what the overall value is. We need to have an inventory that we can glance at it and go down addresses, square footage of the land, when it was bought, how much it was bought for. In Seattle, they do that. If you pull up the Seattle site, you can see exactly what the address is. See exactly the size of the land we're talking. Very important to have this inventory accessible.

Another thing I want to make sure on the nonprofits, we make sure that we watch this very close and I want every loan paid back that a nonprofit tries to utilize through the City, and I want to have an understanding where these values are on this land even if you donate it to them. I want appraisal done to understand the value upon donation. Thank you.

Hales: Thank you. Good afternoon, welcome.

Helen Ost: My name is Helen Ost. Boy, you know, my head is spinning. You guys had some really good comments to make. I was particularly impressed by Commissioner Saltzman and I didn't really follow the first amendment that you wanted to have in all of that. But what I want to talk about -- and you know, you have something that I already presented to you and some of it I'm going to change because of the discussion that you've already had here. And the first thing I want to do is make sure that you understand that I agree with almost everything that is said about after a property is declared surplus. I really appreciate Commissioner Fish for making that very clear that there really is a difference between excess property -- which the bureau is making a decision on -- and the surplus property -- which is only the Council does it.

Fish: Actually, Helen, the only reason I said anything coherent on that subject is because I listen to your earlier critique of the way we presented the information on our website and the light went on in my head.

Ost: OK. So, one of the things then that bothers me with saying that is when you come to the whereas on the top of the second page, it says, "whereas the website established --

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serves as a model” and I’m concerned that the model is not really -- I’m very concerned about that.

Let me go ahead and go back to some of where this came -- some of my reasons for coming up with the things that I’d like you to consider. When one of the gardeners told me that Johns community garden was on the surplus property list -- or excess, whatever you want to say -- I thought he was mistaken. I didn’t think it was possible. I said, “well, I’ll look into it.” But I didn’t expect to see anything. Because it’s been there for 40 years. That’s one of the first of the 50 gardens. And I couldn’t believe -- I mean, when -- as a gardener, when you make out your check, you make out your check to the City of Portland. You know, it’s very clearly to me part of the City.

So, what I’m concerned about is -- and I agree that you need to have a clear and consistent policy to define and identify surplus property, and also need to have where you know where the property is being used by another bureau. In this case -- all property is owned by the City and the bureaus are just being the trustees for managing that property. And they’re listed on the ledgers of each bureau and accounting terms. And I agree that they need a good thing. You need to know if the parcel is sitting idle. You also need to know if one bureau is being leased that property to another bureau to know what’s happening with it. And is it really excess -- surplus, whatever you want to call it -- if it’s being leased and used by another bureau? I’m very concerned about that. That to me just does not make sense, and I don’t think it makes sense to my gardeners in the garden.

Fish: Mayor, just to put a fine point on this. The excess versus surplus distinction I think flows out of some comments that Ms. Ost has made and we agree with. The due diligence that we’re all required to do to see if there is an existing agreement, like a lease agreement, comes out of concerns that she has raised, and this policy is going to encourage I think a deeper level of due diligence.

The only other thing that I will observe -- because I take a back seat to no one in this room, even the founder of the community garden program in my own passion for community gardens, and under my watch we have doubled the number of gardens in the city -- is that there are some complex legal issues about what we can and can’t do with property that is either dollars or land that’s been assigned to the Water Bureau. We could spend all day going through the list of legal issues and I could review with you all of the lawsuits of which we’re defended in, but I think -- I am just going to ask you to take my word on the proposition that the utilities have to be treated differently than everyone else. It doesn’t mean we can’t get to the right outcome, but we are different because the charter says we’re different. Because we’re not allowed to comingle ratepayer dollars with general fund dollars.

And you may recall over the last three or four years, the community had something to say about that when Water Bureau dollars were used for a non-ratepayer purpose. You may remember a water district fight, a lawsuit and other kerfuffles over properties that the bureau invested in. So without drawing much attention to that, I’m with you on this idea that we should think about a community purpose. But please understand that the charter and bond covenants also have a loud voice in this. And at the end of the day, if we have a process that ensures that we have an adult conversation before anything is disposed of, I have a feeling we’re going to get it right, but we’re going to do it within the confines of what the law tells us we have to do. So, I just offer that.

Hales: Thank you very much. Thank you. And Leslie -- again, my apologies, I have to leave and turn the gavel over to Commissioner Fritz. But I will review yours and any other testimony that we get during this time that I’m away. Obviously we’re not going to act on this this week. And also, Ms. Ost, if you have other suggestions that you want us to have as we develop further amendments to this proposal, make sure that we get them. You can

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send them to us by email even after the hearing today. My apologies for having to leave early.

Ost: I would really like to make one other thing --

Fritz: If you could please send us in writing --

Ost: What?

Fritz: If you could please send it to us in writing because your time is up, but we will be reviewing more testimony and having another hearing next week because we have may have amendments.

Ost: OK. So there will be another hearing next week?

Fritz: Most likely, yes.

Ost: And I will be able to speak then?

Fritz: I would suggest you send in your testimony in writing because depending on whether there's amendments is whether there will be a hearing or not.

Ost: OK.

Fritz: Thank you. Ms. Kosbau?

Leslie Pohl-Kosbau: Thank you very much, Commissioners. I really appreciate you letting me come and speak to you today. I have sent you email letter from the Friends of Portland Community Gardens who I represent today, and I have given you copies here. So I will just go ahead and read that just because I'm speaking on behalf of this group that authorized me to do that concerning the City of Portland real property disposition.

The Friends of Portland Community Gardens, a nonprofit group established in 1985, requests that the City of Portland managing our public property have neighborhood benefit in mind in making any decisions about these properties. We support -- this is the Friends of Portland Community Garden -- support the continued use of the Johns garden at North Edison and Johns -- which is currently Water Bureau and Bureau of Environmental Services property -- as a community garden.

The other gardens located on property owned by the City of Portland, regardless of assigned bureau, should also continue as community gardens at their current sites for use by the neighborhoods. And many of them are very long-standing. There's a long-standing agreement between Parks and Recreation, Water Bureau, and Bureau of Environmental Services in collaboration -- some leases -- in collaboration to support the community gardens program. To sell the properties out from under the program is disingenuous -- aside from what Commissioner Fish has said about the covenants and so forth and the restrictions, I understand. But it is also, as the first speaker said, a double taxation of the people of Portland.

Fish: How is it double taxation?

Pohl-Kosbau: Because if the property was purchased originally by one bureau and then purchased by another bureau, it's being purchased twice.

Fish: The City acquired that property with no consideration.

Pohl-Kosbau: I'm not sure that that's true of all properties.

Fish: No, but the one you're highlighting. There's no taxpayer money in that property.

Pohl-Kosbau: Alright, but other properties that may have occurred. I'm talking about multiple properties. The Friends of Portland Community Gardens recommend that the long-standing agreements continue between the bureaus for use of the lands as community gardens and open space. This could be accomplished by reassigning parcels to the Parks Bureau of other bureaus if the other bureaus do not want to continue to manage them. In point of fact, the properties have been managed by Parks all of these years, relieving the Water Bureau and BES from having to maintain them -- and that was a benefit to Water Bureau and BES. Portland Community Gardens, a program of Portland Parks and Recreation, manages successful and admired gardens -- as you know -- in

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every neighborhood in the city. It is a valued part of our infrastructure, of our sustainable life here. Please preserve this asset, community gardens.

Fish: Leslie, Johns garden at North Edison is now off the table.

Pohl-Kosbau: Great.

Fish: And we'll have plenty of time to discuss that before we put it back on the table.

Pohl-Kosbau: Thank you. I won't be able to be here next week to testify, but I will see if we can get another community gardens friends member here. **Fish:** Thank you for your advocacy.

Pohl-Kosbau: Thank you so much. Appreciate it. .

Fritz: Good afternoon. Please go ahead.

John Dutt, Office of Neighborhood Involvement: My name is John Dutt, I'm with the City's Office of Neighborhood Involvement. We wanted to testify today to thank and acknowledge the property management committee for inviting the Office of Neighborhood Involvement to work with the committee to design and implement an outreach process to engage community members on the development of this policy, as well as to stress the importance of community engagement when it comes to processes such as this with the disposition of City-owned properties.

Formal notification by City bureaus has been a very important part of Portland's neighborhood and community involvement system since the 1970s. The key to effective and meaningful notification is making sure that interested people and organizations get notice of pending decisions with enough lead time and information to respond and potentially affect the outcome. A few months back, Bryant, Betsy, and property management committee reached out to us in order to assist with the community outreach process on the project. We have been very appreciative of the opportunity and their openness in working with us. They have been great to work with and did accept the majority of our advice on this project. I also need to acknowledge that the bulk of this work was conducted by another of our ONI staff, Paul Leistner, who has more expertise than I do in this field.

We were able to work with the committee to develop messaging to give community members information needed to understand the issue, why it was relevant to them, and how their voices could be heard. This information was available on our website and broadcast to hundreds of individuals and organizations from our community outreach database, as well as on social media sites such as next door. We also developed a community online survey that was made available which generated nearly 200 responses. Paul, Bryant, Betsy, and other committee staff attended meetings with the citywide Public Involvement Advisory Council, the neighborhood coalition directors and chairs, and the citywide land use committee and received a lot of valuable feedback from them.

All of this information was used by the committee to modify the draft policy as it was developed, and we were also able to conduct follow-up outreach to share the community input that was received, information about how the draft policy had changed, and information about today's Council hearing. This has been we think a good exercise and example of how the City can conduct a good outreach process, and I wanted to note that the City Public Involvement Advisory Council that ONI staffs and that comprised of community members and City community outreach staff has begun a broad review in study of the City's formal notification policies, tools, and practices, and will be coming to City Council with recommendations for improving that system in the near future.

Fritz: Thank you.

Cameron Herrington: Good morning. My name is Cameron Herrington and I work with the Living Cully Coalition. We're very happy to see the first amendment proposed by Commissioner Saltzman was adopted. We think it is very important that these notifications

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regularly go not just to the neighborhood associations and coalitions, but also to any community member or organization like ours that is interested in what's happening in the surplus property. Thank you for that and for your support.

We're also very supportive of the second amendment -- which sounds like it'll come back next week -- related to explicitly stating that there's a priority use of surplus land for affordable housing and other community development purposes -- which Parks and Recreation are definitely community development purposes, so I think that's good, inclusive language that you have settled on.

As you know, we have an affordable housing crisis on our hands in Portland. We have ongoing displacement of communities of color and low income people from a number of neighborhoods, and the threat of mass displacement still from further neighborhoods in the coming years, including Cully. And so we really have a responsibility to use every possible opportunity we have to prioritize affordable housing and equity, and this policy is an excellent place to do that because it is such an easy one to do. It's low-hanging fruit. These are resources that the City already owns and controls. To us, it's a no brainer. This should be the priority used for these public resources for public benefit. And we need to think of affordable housing as part of our public infrastructure of what makes a complete, resilient, equitable city.

We also know that land is key -- having an available inventory of land is key to our efforts to expanding access to affordable housing, and that's why the City has begun in recent months to incorporate land banking as an explicit strategy. It's a key part of the North and Northeast housing strategy that the Housing Bureau is currently implementing. Within the next month, City Council should receive from the Planning and Sustainability Commission its new version of Portland's Comprehensive Plan which will include language stating that the City needs to proactively pursue land banking as an anti-displacement strategy. So, if we're going to take those steps to say that we should proactively acquire land to set it aside for affordable housing, we need to do the same thing with the land we already have under our control.

I thank you again for your consideration and support of the amendment next week, and I'll also drop off several pages of signatures from Cully neighborhood residents who are also calling on you to make that same priority around affordable housing.

Fish: Can I just say, I totally support your call for land banking. Currently, we don't have anywhere near the resources to engage meaningfully in land banking. I'd like to know afterwards where in the North/Northeast strategy you think there's money for land banking and how that's actually being implemented. I'd be interested in your view on that. Commissioner Saltzman, I think also supports land banking, but we don't have a fund right now that is currently set up that either has the adequate resources or set up to do that. So, there may be a missing piece of this, and Habitat -- thanks to John Gray -- acquired lots of land during the recession, and that was the perfect example of land banking. Home ownership out in outer East, meeting all of our criteria. Right now, we don't have the discretionary dollars to do the land banking. I'd love to hear more about where you think we can find that money.

Herrington: Well, if we don't have the dollars, we have the land is the point right now. So, let's hang on to the land if we already have it. There actually was a \$3 million item in the North/Northeast strategy which you all approved specifically for land banking.

Fritz: Thank you.

John Miller: I'm John Miller, I'm Executive Director of Oregon Opportunity Network. I also serve on the Fair Housing Advisory Committee for the City, and I'm a Northeast Portland resident. Oregon ON has 17 members who own and operate affordable housing here in in the city, and also create home ownership opportunity for folks. I'm here to express strong

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support for Commissioner Saltzman's amendment regarding prioritizing affordable housing for surplus properties.

I echo Cameron's comments. I think it's very low-hanging fruit, it's already in the City's holdings. It's so hard right now to find land to develop affordable housing in the city, particularly in high opportunity areas. This gives us an opportunity to site affordable housing outside of TIF districts and in other areas outside the city. So, I think it's just a great opportunity we wouldn't want to miss.

I wanted to talk about a couple of examples where this has worked really well. In my former job, I worked for an organization called Host Development. Host was the developer of homes for first-time homeownership here in Portland. Back in about the year 2001, Host acquired land -- it was surplus property from Parks and from the school district and in St. Johns neighborhood. There, we were able to build 100 homes for first-time home-buyers right in the heart of St. Johns. Before we did that, this was a vacant site of lots of drug use, prostitution, gang violence was present on these 10 acres in North Portland. We shifted that through this process into a real community asset that still really anchors the north end of St. Johns today.

I also wanted to add that as part of that development, we also included I think it's the city's largest community garden at Pier Park called Pier Park Community Garden. So it was really a win-win. We got a community garden, we have 100 new homeowners that are stable families who otherwise didn't have a chance to own in the city. That's one example.

Commissioner Saltzman described the County's program that they currently have for foreclosed properties. Many organizations in the city have used that over the years with great success -- Rose CSC, Hacienda CDC, Host, and others. So we have proven track records that this works. I think that, as Cameron said, when we have land in our hand, it's very hard to let it go -- especially to the highest bidder -- when we have such pressing need for affordable housing in the city. Based on that, I definitely encourage you to accept Commissioner Saltzman's amendment.

Fritz: Thank you. Any more signed up? And if anyone else wants to come testify, please do that now.

Thomas Karwaki: Good afternoon. Tom Karwaki, vice chair of University Park Neighborhood Association and chair of the land use committee. Speaking on behalf of the University Park Neighborhood Association, we signed on to a letter that was also sent to you from Barbara Quinn with respect to the Carey Boulevard property, and specifically to the resolution and the rules.

Notice of 45 days is insufficient for most neighborhood associations and many community groups. Some of them have to have advance notice, and I would suggest a 60-day rather than 45-day.

Also, providing the notice in several languages. That's also on the signs and to the notices to the neighbors and adjacent property owners. Be inclusive. Not everyone speaks English as their first language, and this is an important aspect.

Fourth, the issue of the Water Bureau's website was a very good one. The explanation, pictures of the parcels, that whole description of where it is in the process -- that should be the model. That should be what is required by you as Council of the finance department. The same similar approach -- why was it being surplused or excessed? Where was it in the process? A description and so forth. That would be very, very helpful to everyone there and I think it should be held over until next week for additional comments.

ONI did not do a very good job reaching out to the communities and to the neighborhoods. There were some things at the very last minute, and so many neighborhoods didn't get less than a week's notice of this particular rule change, and it's a

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fairly significant one. I think taking enough time to go through things deliberately. This is an important step, this is an important process, and you should have all the involvement you can get from the community. And then when you actually excess and surplus properties to give as much notice as possible. Thank you.

Fritz: Thank you to everybody who testified and to staff. We will be continuing this for a week. Commissioner Saltzman will be bringing back final language on the amendment, so there will be testimony next week. And hopefully, Commissioner, if we can get that language finalized by Friday we can then ask the Office of Neighborhood Involvement to send it out to the notification list to give more opportunity for testimony.

Saltzman: Sounds good. We'll do that.

Fritz: Great, thank you. We'll continue this until next week. Thank you, everybody. So, I'm going to do the next item and then we're going to have a time check here. The next item has been asked to be rescheduled because Jonas Biery had to leave. Could you please read the title for 726?

Item 726.

Fritz: Without objection, this will be carried over until next week. So, colleagues, we have two very short items and four votes, which I guess will take about 10 minutes. Should we press on or -- yes, press on? All four of us are needed because one of the items is an emergency ordinance. OK, thank you --

Fish: Commissioner -- Madam President? In my view, 726 falls short of the kinds of disclosure we want to see when these things hit our -- this document. So, we're going to try to make sure that we have uniform standards of putting things on our agenda so they describe what's before us. I think you'll be somewhat surprised by what's actually going to come before us on that, and the title isn't very helpful.

Fritz: In fact, we may have a substitute next week rather than carrying it over.

Fish: I'd hope so.

Fritz: Thank you much.

Item 727.

Fritz: On behalf the Mayor, welcome.

Tony Barnes, Portland Development Commission: Good afternoon, Commissioners. I'm Tony Barnes, PDC budget officer. I'm here to present the eighth amendment to the Interstate Urban Renewal Area.

This is specifically related to the 15-16 budget decision to exchange funds for urban renewal areas for the Charles Jordan Community Center roof in order to free up general fund resources for the community development and inclusive entrepreneurship funds that PDC is putting forward. This is required by ORS 457 urban renewal law to specifically identify the public facility that's receiving funds. So, that's the purpose of this amendment.

Fritz: Thank you. Questions?

Fish: Just one comment, and this really goes to PDC. And I'm going to start becoming a stickler on this. It says, "to add assistance to a public building." And unless someone is clairvoyant, they have no idea what we're referring to. So, if we're going to put things on the agenda -- we have a guide post on this Council and we've said it over and over again - - we need to be specific. So, this should read "to include the Charles Jordan Community Center within the confines of an Urban Renewal District" so the public has adequate notice of what we're taking up. There are a lot of public buildings that could be in play, and I think we have to have titles that actually describe what's before us.

Fritz: Good point. Thank you. Does anyone want to testify on this item? Seeing none, then roll call, please.

Item 727 Roll.

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

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Item 728.

Fritz: This is a second reading. Vote, please.

Item 728 Roll.

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

Item 729.

Fritz: Commissioner Saltzman.

Saltzman: I think this is second reading, isn't it?

Moore-Love: No, this is --

Saltzman: It's not -- OK. In that case, I'll recognize the Assistant Director of Housing Bureau, Javier Mena. I apologize.

Javier Mena, Portland Housing Bureau: Good afternoon. Javier Mena, Assistant Director of the Housing Bureau. What you have in front of you is a request or amend a contract with Proud Ground. The \$400,000 are resources that we received from transactions selling properties, so it is an important component to add this amended contract right now so the money is available as soon as this is approved so that Proud Grounds is able to utilize resources and can use them throughout the summer. If we cannot get this approval, we'll have to bring it in the fall and then will not be able to use the resources in the summer.

Fritz: Questions? Thank you. Does anybody want to testify on this? This is an emergency ordinance, please call the roll.

Item 729 Roll.

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

Item 730.

Item 730 Roll.

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

Item 731.

Fritz: Second reading and vote.

Item 731 Roll.

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

Item 732.

Fritz: Second reading and vote.

Item 732 Roll.

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

Fritz: Thank you for very expeditiously getting through that, everybody. We don't have an agenda this afternoon, so we're adjourned -- is it adjourned or recessed?

Moore-Love: Recessed, because we're coming back Thursday.

Fritz: Recessed until Thursday at 2:00.

At 12:42 p.m., Council recessed.

July 2, 2015
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.

JULY 2, 2015

2:00 PM

Hales: Good afternoon, everyone, and welcome to the July 2nd meeting of the Portland City Council. Would you please call the roll?

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

Hales: Welcome, everyone. We have a single item on the Council calendar this afternoon. I'll ask our Council Clerk to read that item.

Item 733.

Hales: Commissioner Fritz.

Fritz: Thank you, Mayor Hales. As your member of the Portland City Council, I strive to prioritize policies that ensure a more equitable community for all Portlanders. There are many times when we as a Council miss important opportunities to create a more inclusive Portland, and we rely on community members to make us aware of opportunities and policy changes that are needed to ensure access for all members of our Portland community. This legislation is an example of how the community input has informed and changed and will change City policy to better serve hearing-impaired Portlanders.

Closed captioning being turned on in restaurants and other public places will improve access for those with hearing disabilities so that everyone is able to fully participate and experience the full benefit of television programming offered to the public. It will require television receivers located in any part of a facility open to the general public to have closed captioning activated at all times when the facility is open and the television receiver is in use.

I'm very happy to be able to bring this to Council. And today, we're going to hear from Jim House, Carol Studenmund, and David Viers -- if you could please come forward. And while you do so, I'm going to introduce the community stalwarts who have pushed for this legislation.

Jim House is a native Portlander who recently moved back to Portland after living in Washington, D.C. for many years working as an advocate for people in the hearing-disabled community at the national level. He was communications director of the Communications of the Deaf, Incorporated before returning to Portland. Jim knew that San Francisco had passed an ordinance with a similar intent to this one, and suggested we work on making it happen in Portland. Thank you for that.

Carol Studenmund has owned LNS Captioning for 21 years. She's involved in the community, serving as the chair of the Mount Hood Cable Regulatory Commission and on the board of Portland Community Media, and she's also involved in the National Court Reporters Association and the Oregon Court Reporters Association.

David Viers has been an advocate for people with hearing loss for over 30 years in Oregon and Washington. He served for many years as the president of the Portland chapter of the Hearing Loss Association of America and is now involved with Oregon Communications Access Project. David helped get live captions at the Moda Center for Blazer games so all fans can know what the public address announcer is saying -- and that includes all of us who perhaps can't tell over the loud yelling at the Moda Center, so that's

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an example of how this policy is going to benefit all Portlanders. Thank you so much for being here. Please give us your presentation.

Carol Studenmund: Good afternoon, Mayor Hales and Commissioners. I'm Carol Studenmund. Jim House is delayed. My last e-mail -- he was at the Hollywood station MAX stop, so I know he's en route and I'm wondering if MAX is running a little slow because of the weather. But he's on his way. But we'll get started. I'll just jump in with what I was going to say.

As Commissioner Fritz mentioned, I'm Carol Studenmund, one of the owners of LNS Captioning based here in downtown Portland. We caption over 250 hours of live captioning every week with a team of captioners located across the country.

I've worked in the captioning field for over 20 years. Through that time, I've met many people with hearing disabilities, including the three gentlemen with whom I've been working on this project. Jim House is a person who's deaf, David Viers is a person who has severe hearing loss and uses two cochlear implants, and Commissioner Steven Brown -- who is not able to -- oh, there's Jim -- who's not able to be with us today is deaf.

Captioning is a technology that brings everyone in the hearing disabled world together, regardless of each person's individual means of communication. We're excited about the expanding access this project will bring to people throughout the hearing disabled community.

People with hearing disabilities are not the only people who benefit from captions. Many studies show captioned TV helps people learn to read and learn English as a second language. Back before TVs were built with caption capabilities built in -- which was required 22 years ago yesterday, which is pretty cool -- you had to buy a special captioning box in order to see caption TV. The manufacturers of the captioning boxes kept statistics on the buyers of those boxes, and the statistics show that 40% of the people who went out of their way to get access to captioned TV reported they were learning English as a second language.

Along those lines, Multnomah County Sheriff Dan Staton turned on the captions on the TVs in the County jail in order to provide a literacy tool to the folks spending time under his care. And he just somehow did that on his own, I've been told by the folks at the County.

Our goal in bringing this ordinance before you is to make this process of turning the captions on simple. We ask the City to require captions to be turned on and left on. One of the reasons this request is needed is that it's not always easy to turn on the captions, even when the business proprietor wants to turn them on. Some cable boxes' caption menus are hard to navigate -- even for me, someone who works in this technology. We know some businesses don't have the time or the knowledge how to turn on the captions, especially if the request for captions is made during a busy rush time.

I'm going to show you some basic information about how to get the captions turned on. At this time, Portland has two cable providers, Comcast and CenturyLink. I've seen a demonstration of CenturyLink's TV product, and turning on the captions looks like an easy task. When I went online for documentation, I had to go to the chat function to get information, but then they were able to give me answers, and it's as easy as pressing menu on the remote, select settings, select television, click OK, scroll down to closed captioning, turn the captions on, and then standard def versus high-def choices, and you're done.

Regarding Comcast's interface, I went on Comcast's website to find as much as information as I could. I found four different links with information about captioning. And we all know Comcast offers lots and lots of services, and so it's a little daunting to climb through all their information to find out how to turn that on. So, imagine you're in a busy

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bar, the Timbers are on, they want the captions -- are you really going to do this? No. You're not going to try to figure out how to turn on your captions. Some of the older boxes are the ones that are hard to navigate, the newer ones are easier. But as a validation of how clunky Comcast's boxes have been throughout the years, in January of 2011, the Federal Communications Commission fined Comcast \$500,000 because of that clunkiness, which was so frustrating to so many people. Since that time, new boxes have come on the market that are easier to navigate. There's a lot of information on these links, and it's just a lot to dig through to try to turn on the captions.

For satellite providers, Direct TV and Dish Network, it's pretty easy and Mr. Viers uses -- is it Dish Network? Dish Network. And it's as easy as turning on the menus, select closed captions, select on, adjust the size of the font and the color -- which is kind of cool - - and then you're done.

As far as outreach on this project, we have reached out to KOIN TV. They did a story three weeks ago that was really well received and actually has been shared around the country and we've heard from several hard of hearing and deaf groups that want to follow in Portland's path once we're done. We plan to set up a website with this information about how to turn on captioning to try to help folks. We contacted the Portland Business Alliance and Venture Portland -- haven't heard back from them -- and we understand the Oregon Restaurant and Lodging Association has some concerns to share, and we appreciate having that conversation to air this out and make sure this works well for everyone. And the vice president of Comcast's government relations for Portland has said he will reach his business partners to help them get the captions turned on, and we've got good support.

Fish: Can I just follow up on something you said? You said -- who has reached out to Venture Portland, Portland Business, and the Oregon Restaurant and Lodging Association?

Studenmund: We have.

Fish: And when you say "we"?

Studenmund: Me.

Fish: So, the City is contemplating a change to the code. Commissioner Fritz, what outreach has the City done to engage our stakeholders to get either positive or negative feedback on this?

Fritz: Tim Crail in my office has been working very closely with Carol and with the Commission on Disabilities on this.

Fish: OK. I'm the liaison to Venture Portland, and it's not been on our agenda to discuss. So, who have you spoken to there?

Studenmund: I can't remember off the top of my head. I called their office and they gave me the name of the right person to speak to -- Megan? I honestly can't remember.

Fish: And have you given them a presentation?

Studenmund: They never got back to me.

Fish: OK. And how about at the Portland Business Alliance? Who have you spoken to there?

Studenmund: I can't remember the name, but it was the government relations lobbyist person. I called them up to ask who's the person. She responded to my e-mail and said thanks and we'll look at this and that's as far as it went.

Fish: OK. Thank you.

Studenmund: And Jim House has joined us. So, Jim, you're next.

Jim House: Good afternoon. I'm very happy to be here. And I took a lot longer to get here than I had expected, but I just am glad for the opportunity to speak. Can we follow -- are we all good here? We're good? OK.

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On behalf of Portlanders turn on the captioning now group, as well as other supporters and allies, thank you for this opportunity to introduce this bill. And to honorary members, Commissioner Fritz and Hales and Fish, we look forward to your support.

This new ordinance to allow closed captioning to be displayed on TVs in public areas will help greatly with Portland's invitation to serve as a model on a level of access that is unprecedented for businesses and more specifically, to educate those who are watching TV who may not be at home, like us here.

It's a grassroots effort led by many concerned citizens and Portlanders who love to watch captioned television that helps their understanding of important information in noisy areas, and entertainment on TV when the sound is turned off and/or muted, and also increase the understanding for people to learn English, for example, and children who are learning reading skills as they watch their favorite TV shows. It'll also allow access to information that we recognize as a basic civil right, especially in television, information news, entertainment, education, and so forth.

I'm sure that many of you are aware that whatever's on TV is almost impossible in a noisy bar to hear. And because of this, many places have turned on the captions on their TV sets voluntarily. In those places, I know I don't have to ask a staff worker to turn on the captions only to find that he or she may not know how to turn on the CC button or the TV remote might be locked away. Therefore, requiring captions to be activated on all television sets in public areas and all the time that would be spent on staff training would ensure that everyone has full and equal access to information any time, even if they're away from home, enjoying all the good food and the brews of their choice, whether it be coffee, tea, or beer that Portlandia has to offer.

Televisions are widely used in facilities that are open to the public, such as hospital waiting rooms, bars, restaurants, health clubs, bus stations, appliance stores, and the airport. Those are some of the locations where the general public can gain access to television broadcasts. All televisions in use now have the capability to display captions. Televisions in these locations enable anyone to obtain the latest news reports during an emergency, or watch their local sports teams in action, or simply pass the time while waiting for an appointment or a service to be completed.

One in five Americans have hearing disabilities, and that large of a population of Portlanders should never be excluded from accessing crucial information. Additionally, captions help everyone else overcome the excessive background noise that often interferes with hearing audio. While the Federal Communications Commission, the FCC, requires television programming to be captioned, Portland can take a step further by having these captions on anywhere and everywhere for everyone to see -- even if we're not at home.

The City of San Francisco passed a similar ordinance in 2008 with public support. The state of Maryland followed with a statewide law. It's time now to bring that effort to Portland. Now.

In closing, passing this ordinance is one simple way that the city of roses can further the accessibility goals of the Americans with Disability Act that was enacted 25 years ago this month. Today, we ask that City Council take this important step and pass this ordinance. It's easy to do, and it's a win-win situation for all of us. Thank you.

Hales: Thank you.

David Viers: Guess I'm up. Good afternoon. My name is David Viers. For well more than 30 years, I have had a severe hearing loss and wore hearing aids. Today, I am completely deaf without the use of my bilateral cochlear implants.

For a moment, I would like you to imagine you had a hearing loss and are in an establishment -- perhaps a restaurant or sports bar -- where there are televisions. A place

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like Red Robin comes to mind, a place that I visit quite often. Suddenly, whatever's being shown on TV is replaced by a news commentator. All you as a person with hearing loss know is that some kind of news is being broadcast, and suddenly people around you are reacting in a stressful way. It could be the announcement of something benign, or it could be something as calamitous as a tornado or a terrorist attack just down the street from your location. You have no way of knowing because you can't understand what is being said on the television. You cannot even effectively ask another patron because of your hearing loss and the noise in that kind of an environment. However, if the captions were turned on, you would be in a position of having the same information as everyone else.

Please recognize that you and/or a friend or loved one could be facing exactly the same -- this exact same situation if not today, then in the future. The incidence of hearing loss is a condition that tends to increase substantially with age. The ordinance before you will benefit numerous people, maybe even you at some point.

Another point. While this ordinance would benefit many people, it is not meant to be onerous or punitive towards businesses. In fact, compliance with this ordinance would be cost-free to businesses.

Finally, I would like to address the issue of possible complaints by clientele or patrons of businesses displaying captions on televisions. First of all, this is unlikely to be a problem. I say this based upon the fact that there are a number of businesses that are already voluntarily displaying captions in their establishments. If customer complaints were common, these businesses would not be doing this. I have been asked what a business owner might say if a complaint were to be made. My response is they could respond in the same way as you would if a person were to complain about the number of handicapped parking spaces in the parking lot of their establishment. The business is simply complying with the law.

My last point on this issue is that this ordinance is in keeping with the spirit of the Americans with Disabilities Act. The ADA is celebrating its 25th anniversary this year, so virtually all citizens are well aware of that accommodations are made to persons with disabilities. By the way, the concept of this ordinance has already been endorsed by such organizations as the Portland Commission on Disability, the Office for Community Technology, Oregon Communication Access Project, the Oregon Association of the Deaf, the Portland chapter of the national Hearing Loss Association of America and the Oregon state association of that same organization.

Thank you for their attention to this matter. I'd like to just mention I have some journals. These are actually prepared by the Oregon State Association of Hearing Loss Association of America. I will give them to this young lady over here for each of you. If you know somebody with a hearing loss, you can pass it out or you can keep it for yourself down the road. Thank you.

Hales: Thanks very much.

Studenmund: Do you have any questions right now?

Hales: Other questions for Carol or our resource team here?

Fish: Yeah, I just -- potentially, what's the universe of businesses that are affect by this? If you take bars, restaurants, hospitals, bus stations, stores, et al., what do you estimate is the number of businesses who might be impacted?

Studenmund: I don't know. It depends on if they have a television, so it's hard to say you know. Like, how many places in the County have a public place and have a TV or don't? So, that's hard to pin down.

Fish: And I notice in the materials we have that the -- let me just find it. The Portland Commission on Disability at its regular meeting in December took this issue up and voted in favor of it.

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Studenmund: That's correct.

Fish: And what kind of outreach did PCOD do for that hearing in terms of potential stakeholders who are impacted -- inviting them to be present?

Studenmund: I don't know. Jim, David, were you there at that meeting?

House: I sent out an action notification to several different groups for today and previously. The Portland Commission on Disability also forwarded that information, so we've had a lot of really good support for our case and we've had a lot of backers all along since we began doing presentations since December.

Fish: OK. Thank you.

Hales: Any other questions?

Viers: I would like just to add one thing. Jim mentioned backers. People throughout the country have actually been hearing about this ordinance that we're trying to get passed here. And the National Hearing Loss Association of America's convention was just held at the end of June and they brought that information there, and it created a lot of excitement amongst the people there. So, we've been getting some contacts already about people wanting to know what's happening, wanting to know what steps to go through, etc., because they're interested in doing the same thing in their locations. Kansas City is one that comes to mind right offhand. So, it would be nice I think if Portland could be a leader in this particular area.

Fish: Let me just follow up on that. I think this is a splendid idea and I support it. I have to wear two hats. One is that when we're about to create a mandate that applies as widely as this, we have basic rules that we give people a chance to weigh in. And sometimes what we learn when we have those kinds of hearings is that there's a way to actually strengthen the legislation, or sometimes we learn about unintended consequences. So, I wholeheartedly support this ordinance, but we have to make sure that in addition to people that understand the issue and support it, where we are imposing a mandate that we have heard from people that are going to have to comply with the law, because sometimes they tell us things that help us get it even better. And right now, my concern is that this has been almost a closed conversation, and I don't know that there are enough people out there who have been engaged in the conversation who have had a chance to come and tell us a) what they think about it and b) how they can strengthen it.

I'm not interested in hearing people say we shouldn't do it. But I am interested in making sure if -- I mean, a question I asked earlier was how many people are impacted by this? This Council spends months doing hearings and outreach on things that have a fraction of the impact that this will have in terms of a mandate because we want to make sure we get it right. I'm the Venture Portland coordinator, and Venture Portland has not been engaged in this process. I would like to have them here, I would like to have them weighing in on this and telling us does it work, what are the circumstances that it might not, does the enforcement mechanism that we're contemplating here effective, is the fine big enough or too big? I don't know. But that's the gist of it.

I'm persuaded this is the thing to do. I want to make sure that I'm hearing from enough people who perhaps aren't familiar with this to help us make sure we can get it right. And I assume that a lot of good people have worked on this and that this is their best effort. But again, I just want to make sure that we're not just affirming something that's a good idea. I want to make sure it's a workable idea.

Viers: You want to do your due diligence, in other words.

Fish: I support the idea. I support the concept. So I don't have to search my soul, my heart to agree with you that we should remove barriers in our community for people across the board so they can have the same rights that I have in every public setting. But I'm just flagging the question about whether there's been a sufficient amount of outreach,

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particularly where we're about to create a law that applies to a lot of people -- many of whom may not know we're having this conversation. So, that's just a concern that I have.

Fritz: Just as a point of information, Commissioner, after the Commission on Disability held their hearing and took their position, they did a press release which was broadly distributed. I did a TV interview maybe three weeks ago. I have had almost no input from anybody about this. And I know that people have seen it, because I've seen various comments and we've now got the Oregon Restaurants and Lodging Association. When you're talking about impacts, what kind of impacts are you concerned about for unintended consequences?

Fish: Commissioner Fritz, I don't run a bar, I don't run a hospital. This has an exception, for example, for people where it's administratively not feasible. I don't know what that applies to if they're incapable of displaying closed captioning. Technologically, I don't know what that means. That's in the statute, I can't define it. There's a proposal that the City Attorney's Office and our existing code people enforce it, I don't know whether that's the right thing or not. I'm not quarreling with the concept. But it's somewhat unprecedented for us to say that because we've done a press realities and a TV interview and haven't heard anything, we assume that the community has been engaged and we've gotten their feedback.

Fritz: Well, I've had --

Fish: I haven't had any feedback on this, but I suspect a lot of people don't know we're having this discussion.

Fritz: We've had a time certain on the agenda for several months on this and we published it as normal. We have a number of folks who are very diligently watching our Council commission, we have as I say a time certain --

Fish: We also have an impact statement, Commissioner Fritz, and you are the most scrupulous person I know on impact, and it has not a single reference to the City doing any outreach on this specifically. So just -- and again, I play referee on these things. I'm not advocating for someone that might have a point of view, but we invite people to come and offer us a perspective.

Viers: I'd like to mention that the state of Maryland has something similar to this but it's not as strong because it basically relies upon a customer or patron of a business to request that the captioning be turned on. And what they've found is the problem is the staff doesn't know where the remote is or doesn't know how to physically turn on the captions, and so the business winds up being in noncompliance with some requests because the staff is not trained. And of course, in this -- bars and restaurants and things like this -- you have a high turnover of people and so there's a constant problem with retraining new staff and that type of thing. What this ordinance does is it basically says let's turn the captions on to begin with, and then the business doesn't have to worry about it. Once it's turned on, it's hands-off. It's just on.

Fish: And I'll give you a real world example. And yes, I think my hearing is actually as I age becoming more challenged, but I work out at the gym in the morning where they have TVs and the sound is turned off. And so about half of them have the closed captioning, and that means I can actually watch those shows and follow what's going on because I'm not a lip reader. So, I'm all for it. I'm all for it. I just want to make sure that when we're about to create a citywide mandate that applies to a lot of people, I want to make sure that we've given everybody a chance to weigh in. Because once we regulate, we mean it. And once we adopt something, it's law. And I just -- I don't have a lot in front of me which says we've done much in the way of outreach. And maybe we have, but that's one of our jobs is to make sure people know what we're about to legislate.

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House: I just wanted to add something as well. From a business perspective, if we have captioning on all the time, then it reduces the amount of training required for the staff to teach them how to set it up, how to turn it on, how to use the remote, etc. It will also entice customers to stay there longer because they'll be enticed to stay and watch TV and maybe they'll order more brews and so I think the impact on a business is going to be minimal.

Fritz: Commissioner, we have taken the unprecedented in my recollection in six and a half years -- we've scheduled a time certain for the vote because we wanted to have a time that our sign language interpreters could come and be here. So, if it turns out there's a storm of protest before next week, we could certainly continue the hearing and hear from some more individuals next week.

Hales: Well, I want to weigh in. This has been a helpful discussion and I appreciate further comment from our experts here, but I want to share a little of Commissioner Fish's concern just to make sure that we have communicated what we're doing. Commissioner Fritz, no one on this Council should ever deserve the label of being sneaky and if there was such a ranking, you are the least sneaky among the five of us, so the last person I would expect to do something without public engagement would be you. But I think part of the problem here might also be the calendar, and maybe why we haven't necessarily either heard affirmation or opposition to this proposal is that it was on the Council calendar in a very general way and I don't think -- we like to believe everyone pays careful attention to what we do in this chamber. As you may remember, we had a very boisterous argument in this chamber earlier this week which if the news media had been paying attention, they would have covered just because it was kind of a knockdown, drag-out fight with our City Auditor. And the tree fell in the forest, as the expression goes, and apparently, no one heard because no one in the news media covered that confrontation between a couple of members of the Council -- me included -- and our Auditor. I'm being a little playful here, but the point is that two hours before the beginning of a three-day weekend in the middle of summer when people pay the least attention to what we do here, and therefore a little verification that people know what we're doing is appropriate.

I'm also in the same camp as you and Commissioner Fish on the policy here. I think it's good public policy. I can't imagine that there will be an argument against this that would persuade me that we shouldn't do it. But it would behoove us I think to make sure that the people who have to follow this law know about it and at least one of them has come back and said, "well, we have a few issues." OK, I appreciate hearing that. Again, it doesn't persuade me that we shouldn't do it, but I think the various business and public entities that will have to follow these rules ought to know that they're happening. I'm concerned -- not through any lack of effort on your part or the disabilities commission's part -- but just because of the time of year that people might not be breathlessly following what the Portland City Council is doing. So again, I'm being a little playful about our own importance in the world. Sometimes, we think it's very high.

Studenmund: I wanted to add to that. The executive director of the restaurant lodging association fell into that category of not quite following the calendar exactly. He thought this was next week, and I did let him know it was today and his reason -- which I'm sure he'll confirm -- is that the matters in Salem are taking precedence.

Hales: Right, it's the last three days of the legislative session.

Studenmund: Exactly.

Hales: So that's another calendar problem.

Fish: Can I just add something, Charlie? We had a celebration of the 25th anniversary of the Americans with Disabilities Act this week at Council. And Commissioner Fritz and the Mayor and I had the honor of speaking and celebrating 25 years of progress and acknowledging we have more to do. When officials in our position raise questions of just

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making sure that we have enough sunshine and transparency in what we're doing and yet have our value system, please don't mistake it for a questioning of the merits of the proposal or the value of doing it. I share Commissioner Fritz's sentiment that this is something that has been -- you've done us -- this is great that you've brought this to our attention. There are lots of needs out there that actually it turns out they're in plain daylight, they are in front of us and we don't see it. The whole country has had a new view in the last week about having the Confederate flag in public places. It's been there a long time but all of a sudden, the country has shifted.

Getting back to this issue, it may be that one way to cure this just to make sure that no voice is excluded is -- since this is the first reading of an ordinance -- is just to add an extra week in the return date and give people a chance to submit anything in writing. And if no one submits and no one raises an issue, it means we have an enviable position of a community embracing this and hopefully, that will mean limited enforcement. But if we do get a few people who say there's something we haven't thought through, well, then humility teaches us that we consider that and see whether there's a way to improve it. That's all we're saying.

Viers: I think that's an excellent idea to postpone the vote. The fact that you're postponing the vote anyway for a week gives you some time to do it. An extra week -- I applaud that.

Hales: OK. Thank you very much. Thanks for this. It's been a helpful discussion. Are there other folks that want to testify on this? Please.

Moore-Love: We have four people signed up. The first three, please come on up.

Hales: Good afternoon.

Steve McCoid: Hello. For the record, my name is Steve McCoid. I'm the president and CEO of the Oregon Restaurant and Lodging Association. I'm here on behalf of our Portland members -- pretty much the bar, tavern, sports bar segment of the industry. We have some restaurants that have TVs, but pretty generally where the impact for our membership would be would bar those sports bars and the neighborhood bar kinds of folks.

I want say, first of all, we're sensitive to the issues involved here. We're not adamantly opposed and saying, "no, don't do it." There's some issues that I'd like to point out that I think can be considered and maybe make this a little more user-friendly for some of my affected members and so I'd like to go through that.

I just again an apology, as Carol said -- and Carol was kind enough to call me and I have called her back and we've had several discussions and I think they've been, you know, fine. We haven't been argumentative or butting of heads here. It's trying to reach a consensus on something that works for everybody, and hopefully it's a compromise and everybody goes away happy.

I would say in talking to the business owners -- and again, I didn't have time to poll the whole membership here, but I talked to eight to 10 business owners probably operating 30 establishments around the city. Their biggest concern real frankly was what you're doing doesn't meet their business model. Now, I'm not saying don't do it, but they're saying they have concerns with the model that really basically is one that -- whether it's a sports bar, a neighborhood bar with TVs -- TVs are usually not on because it's still a bar, they're there to have people come together, sit and talk, enjoy each other's company. And when you have four or five competing TVs with all the different program on, the cacophony of noise makes it impossible to have those conversations, so their policy is the sound off. If people ask them to turn the sound on, the policy is the sound stays off and they don't turn the sound on. So, that's their model. Their concern with having to turn the captioning on every TV because when the captioning is on the TVs and folks are watching some sporting activities, they get requests to turn it back off.

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I would say that as I asked this question, I did discover there's sort of two models out there in the industry. The older model is one where they all have basically Comcast and either Dish or Direct coming in to get the sports programming that they want. In the older models, though, it's just a variety of television sets up and running hooked to that system to get just like at our house but they've got the ability then to turn the captioning on and off on every one of those TVs individually. So, that's the one segment.

The second segment, which is the one Carol ran into and which people have run into is these newer, bigger establishments -- Buffalo Wild Wings, other places -- they're getting in centrally-managed system where it's almost like there's monitors up there, and there's a central place controlling them. And right now, for some reason they're not programmed to be able to turn the captioning on and off by individual monitors, so it's all on or all off.

Hales: But under this ordinance, it would be all on, so.

McCoid: It would be all on. My point is for those other folks -- you know, we talked about ADA and in ADA if somebody comes in with a disability, they've got to make a reasonable attempt for an accommodation to correct it. If you've got the ability to turn captioning on, if somebody requests it, that's what should happen. Now, does it happen? Clearly, the testimony says it doesn't. And so real frankly, are we wild about having another ordinance that has some bite in it to force them to do so? Well, if they're not doing what they're supposed to be doing anyway and it takes a City ordinance -- complaint-driven, apparently, from what I see here -- to get them to comply with the law and train their people properly and turn that on when the request is made, then so be it. We're not here to defend folks that aren't doing what they're supposed to be doing in the first place.

We are there to represent people that have the ability to do it or telling me that they have the ability to do it. So, that's where we're really at. So I would say that a reasonable amendment in our mind would be for those folks who can do this individually by individual TV -- at least in the short term -- if they get the request, and they've got folks at a table and the request is made at the TV they're viewing, "please turn the captioning on," they're required to do it. And if it's a segment of the room, they've got to turn the two or three on in that segment. But they don't have to turn it on and keep it on on an ongoing basis full-time the business is open when people aren't asking it, there is no demand for it, and frankly, their testimony or their feedback to me is their customers generally don't want the captioning on as a general rule. They ask for it to be turned off and they don't wanna have the ability -- they're in the business to satisfy their customers. And if they've got customers in there saying, "please turn captioning off on the TVs I'm watching, I don't want it" --

Hales: Tell me more about that because this is useful feedback, I think. When people ask for the captioning to be turned off, why are they asking for it to be turned off?

McCoid: Again --

Hales: Typically -- I understand --

McCoid: Typically, what I was told by the owners was typically folks watching sports action and it's on the bar and it's covering up part of the screen and they're missing the action. And if you're a sports guy like I am, on ESPN a lot of the runners on the bottom -- they're showing all the different scores and things that are going on are on the bottom of the screen, and it tends to get covered up. That's the explanation I was given.

Hales: OK.

Fish: Mr. McCoid, the other argument, though, is let's take Overlook restaurant, which is my son's favorite restaurant. Were it not for closed captioning, we wouldn't be able to follow anything that's going on on the screen, and it's both news shows and sports shows. So, we're in the camp of liking the captions because it allows us to follow the narrative because they don't turn the volume in. And my own personal view is I don't see it as a

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great inconvenience that I can't read all the endless streams of data on the bottom of the screen -- I'm not sure I can see that anyway from my seating, but. How many different businesses do you -- the Oregon Restaurant and Lodging Association, how many businesses do you represent?

McCoid: Statewide, we're 3000 members.

Fish: How about in Portland?

McCoid: In Portland, we've got about -- it's going to be hard for me to say off the top of my head, but we've got probably about a 1000 members -- probably operating more businesses than that. To the point you asked, by the way, there's about 3200 restaurants in Multnomah County. So, you can get to the point -- you're probably in the 2500 restaurants in the City, I would think.

Hales: Not all of them have televisions --

McCoid: Not all of them have televisions. That's restaurants. When you get to bars, there's 7000 licensed bars in the state, probably a third of them are probably in Portland or in the metro. So, you're talking -- it's not insubstantial. It's probably a couple thousand businesses.

Fish: How many of your clients or your members have told you that they can't comply with this because they don't have the technology to comply with this?

McCoid: No one has. I mean, the technology is there. The way it's written -- they can all do it. I'm just saying for those businesses -- you know, you're asking them to do something 24/7 or as long as they're open, you know -- from opening to closing. And if there's no demand or there's no folks in there asking for the captioning and we've got people not asking -- asking them to turn it off -- to handcuff them so they can't meet their customers' wishes just isn't in the best interests of any business. They're there to satisfy their customer.

Now, what I'm basically saying in this testimony probably not too clearly or well -- I would like in the time we're off, meet again with Carol and her constituent, and see if we can meet some common ground. And again, for those folks where it's individual TVs and they can turn them off and on, I have no problem saying, "you have to turn them on or you have to have a segment of them turned on to be able for folks to be able to access it the way they want." But to have them all on when they're not all being used for that issue for my members -- and frankly, for myself -- I wonder why it's an all or nothing program when we can get something in the middle that accommodates everybody.

Fish: That's an issue we're going to have to grapple with. Let me -- according to the materials that we have in the testimony, this has been implemented at least in two other places -- the city of San Francisco and the state of Maryland. Do you have any information you can share with us based on sister restaurant associations in terms of how those have operated?

McCoid: No, I don't. I can find out for you, though. I can get that information.

Hales: It would be useful.

Fish: I think it would be useful to us because we may be talking about theoretical concerns that after some experience with the law turns out that the general public adjusts and doesn't find it such a significant impact. And since we've got a comparable city and a state that's done this, we'd be interested in what your feedback is.

McCoid: Sure. I know folks in those places so I can certainly reach out.

Hales: That would be helpful.

McCoid: -- ask the question and we'll see what we get back. Associations everywhere, as you well know.

Fritz: In terms of some TVs being on -- the captions being on -- and some not, are you advocating for a segregation in the restaurants?

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McCoid: No, I'm just saying if somebody is hearing impaired, sits at a table, that TV is in front of them and they want to watch it -- they should be able to say, "turn the captioning on the TV that I want it utilized."

Fritz: In most establishments that I frequent to watch sports, it's not a case of you have your own TV at a particular place, it's a communal one. So are you saying that the majority don't want it on, then the person --

McCoid: No, I'm saying if a person that's hearing impaired comes in, sits down at a table - - whether it's a bunch of friends or by themselves -- and four tables are watching TV, and they say they would like the captioning turned on, they have to turn it on.

Fritz: Why should they have to ask?

McCoid: To me, that's an ADA thing.

Fritz: Why should they have to ask?

McCoid: I guess my answer to that question is go the other way. Why should the rest of the people who maybe don't want -- or I've been told don't want -- the captioning on have to have the captioning on if there's nobody that's hearing impaired watching the TVs?

Fritz: What about emergency situations where -- as was mentioned -- where there's an alert that comes on? There's not going to be time to turn on the captioning at that point.

McCoid: That's -- you know, I have no answer for that other than that's far and few between. And to have something on full hours of operation, everyone in the room on an ongoing basis on the off-chance that there is an emergency impacting the folks in that establishment does not seem to be a real viable reason for me to put this in effect. I think there's other reasons that are viable, but I don't think that's one of them.

Hales: Thank you. Who would like to go next?

Philip J. Wolfe: Hello, my name is Philip J. Wolfe. Hello, Commissioners Fritz, Fish, and Hales. Thank you for giving me the opportunity to come and testify about my perspective on this potential ordinance.

First of all, let me give you a little bit about my background. I serve on the PCOD, the Portland Commission on Disability and also I review the oversight committee for the vocational rehab, and also I work with public safety under PSD -- the public safety, PCOD's commission, I'm the commission chair there. I'm also a member of the COAB, the use of enforcement. Anyway, anyway, there's a lot of different labels that I carry, but I just would like to say I serve several communities, and I'm also a representative for the Northwest Alliance for the Deaf. I'm also a member of the Oregon Association of the Deaf. The bottom line is I have quite a wide outreach and I'm here to let you know about some people who know about this bill and what they feel about it. There's other bills that we have concerns about as well -- a lot of things are going on right now -- but I'm here to represent the community for this one.

I believe when I was seven or eight years old, I was the first deaf person to be in the state of New York to advocate for captioning. I was a member of the Lions Club and they took my picture and put it in the paper for that and I had made that happen on my own -- even though I didn't know how to, I just did it anyway. I was so excited, I was a kid, I was like a kid with a new toy and I wanted things to work and I saw this technology and I thought, "well, how does it work and how can people know about this?" And I just got it done and enabled it and got the captions on.

Now, it was at that point when I was seven that I did not have any English acquisition at that point at all -- at age seven. From a baby until that age, I barely picked up a thing. I couldn't read. But now with captioning that I have at home, I'm completely addicted and I watch it all the time, and it's not just to understand what they're talking about, but it forces me to read. And that's when I started to pick up my English skills, when

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I was really, really fortunate enough. And I say, thank you, I'm blessed to be able to have learned that, to be able to read and write English now.

So now, today in Portland -- I've been here for five years and I love Portland, it's a very unique Portland with cultural diversity second to none, and I have a few experiences that may illustrate my passion for this kind of access. I just want to remind the commission that to not have captioning on on TVs and public places is a violation of ADA. It blocks access. For example, I went to the DMV to get a new license when I moved here from Washington. And there was a TV there that had audio -- information about safety and about traffic rules and seatbelt laws and so forth, but there was no captions on it. There was no access that I could get to that safety information that was crucial, meaning I was marginalized under those who could hear it.

If there's a refusal to put captions on -- "I wouldn't want them turned on just because they might lose customers" -- there are actual reasons for having that access. And that would support the idea of hearing privilege being privy to that. The same thing goes with a term called audism -- a-u-d-i-s-m -- audism. When I asked for captions to be turned on, sometimes, "I don't know how." And so if they don't know how, I can actually say, watch me, I'll show you on the remote, first, you do this, second you do this, and I point it out and then the captions come on. I can supply that training. It's simple. It's easy. So I say, let me test you. Here's the remote and show me what you do first. OK, good. Now which channel. And they follow the instructions and they said, "oh, that's it?" I say, "yeah, that's it." So I get thanks, and it's relatively simple.

A month later, I came back into the DMV to check and see about the captions. And they were still on from that time. So, I really appreciated the employee who turned those on. I also go to the D'Arte Cafe, it's in the central -- the Lloyd Center district, there's one place called the D'Arte Café, it's my favorite coffee place. And there's two large-screen TVs there -- even bigger. Two of them. And I had requested that the captions be turned on there and I got the "well, I don't know, I don't know," and I said well this is a place of business and it was packed with customers and I asked if I could take the remote and they said, "sure," so once again, I taught them how to operate it to turn on the captions, gave it back and they said, "oh, OK," so I said well now, you can do that to your other TV and they tried it, got it to work. And it wasn't difficult. And I say that's right, that wasn't difficult and thank you very much. So, I had asked, "is the sound on?" and they said, "no, it's muted." So I'm thinking, OK, how do they get information from the TV if there's no sound on? The captions had to have been on to allow that access for everyone, regardless of if they had a hearing impairment or could hear or not.

I've been doing that for a long time -- asking people to turn captions on and people generally accept that request. One day, I went to a hotel and there was a conference there and we were eating breakfast in a group and there was a large room full of people and there's a big TV with no captions, so I asked the front desk if it was possible to put the captions on, please, and they said, "no, well we -- we don't want to upset customers and I got some resistance" so I wrote down on a piece of paper I'm on the Portland Commission on Disability and it's important to have equal access, can I show you how to put the captions on? And I'm a customer and I think I can show you. They said sure so we did it and we got the captions on and I said thank you and there was no complaints. And it's still on there. I've checked just to make sure. I've rolled up my sleeves and monitored it closely.

To wrap up my testimony, the OEHR -- Office of Equity and Human Rights -- the building -- it's the commonwealth building -- has a TV in the lobby and guess what? No captions. So, equal access is all about equal access, not without captions. So, I made a reminder and asked for the captions to be turned on and they intend to turn them off when

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I leave, which is not my point but my point is we want to pass this ordinance to educate people about equal access and all that that entails. We're not asking for all 50 states to pass this ordinance -- like equal marriage, gay rights marriage -- at all. We're just asking for Portland to be a model for others that have the issues that we do and know that we have it and we have the "it" so pass this ordinance, please. Do you have any questions for me?

Fish: I have a couple if I could. And first of all, the last time I heard someone with as many leadership positions as you, sir, was when Steve Weiss appears before us. I think there are two Steve Weisses now of people who are going above and beyond in terms of community service. Has there been any prior effort to address this issue with the state legislature?

Wolfe: Yes, there has been. PCOD did a presentation and we came and did a presentation about this before. We did some follow-up, but it wasn't a lot of action until now. We've had the opportunity to come in and really be a part of this. Did that answer your question?

Fish: Sure, but there's been no -- has any bill been drafted at the state level and introduced or debated, or is this the first time legislation has been drafted and debated in Oregon?

Wolfe: This is the first at a city level, there's been nothing at the state level.

Fish: OK.

Wolfe: It's been a challenge, but for the City to have -- there's more potential to get it done at the city level.

Fish: City is often the one to act first and leverages statewide changes in the law. One of the examples that you gave us had to do with going to another governmental office, and that got my attention not just because I've also had bad experiences at the DMV, but because I don't know whether the way this is drafted it covers county and state and federal government offices that are here or whether we have the right to so regulate. So, your thoughts on that, sir?

Wolfe: Well, first of all, OAD did an official assessment in 2015 and found that we have 186,000 deaf people in the state of Oregon. And so they are excluding that population -- 186,000 people -- in the state. And not to mention, for people who want to learn English from captions -- there are also second language users that are acquiring English skills from the captioning that would benefit from this. So, I think that it's appropriate for the City to pass the bill, and then encourage others to do the same. I don't think we'll see a huge impact and they'll realize that. We'll have -- it will be a huge impact for the deaf community. It will be a much larger impact improving their accessibility and then others will want to follow, because it will make them look good, it will really improve the reputation they have.

Fish: So, one of the things that I'm going to follow up on and ask the City Attorney is whether the definition of public accommodation and the statute that's cited gives us the authority to regulate public spaces that are leased, owned or operated by other governmental bodies. And I don't know the answer and I don't know whether there's legal complication, but it's a question I'm going to ask because you make I think a very excellent point that it isn't just restaurants and bars and hospitals and other places, it could be wherever you're doing business. And that could be the DMV, which is a state entity. It could be a federal office where you're going to get benefits and there's information on a screen. So, I'll pose that question to the City Attorney to find out a) what's the scope of this in terms of public accommodations and b) do we have the authority to in effect regulate another governmental entity? And I appreciate you raising that particular example, sir.

Hales: Great.

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Wolfe: I also wanted to add that at the social security office, it's the same thing, they have TVs there that aren't captioned and those typically talk about how to apply for new social security IDs -- and I'm lucky because I can read lips, but the point is there's no captions there for others, and a lot of people receive benefits from the Social Security Administration and I can only imagine how much information they miss because it's not captioned. And that's just one of many examples. I travel around and a lot of times, I'll bring it to their attention. It's not my job but it's part of who I am wanting to improve and encourage people to change.

Fritz: Just need to note that it must be exhausting to have to ask for accommodations all the time. Thank you for doing that.

Wolfe: Thank you. It's an education opportunity, and it's OK.

Hales: Thank you very much.

Barbara Robertson: Hi, my name is Barbara Robertson. I'm a member of the Oregon Association for the Deaf and lifelong hard of hearing.

Looking at me, hearing me speak, you probably couldn't pick out that I'm hard of hearing. I might be your coworker, I might be your friend, I might be an acquaintance -- someone you just wouldn't know has this particular disability. As so many of us are aging - - look at the baby boomers alone, they're catching up to me and my hearing loss. And increasingly, they're going to be in need of those captions.

Previous historical models of disability have put the onus very much on the individual. It's the individual who needs to persevere to ask to overcome whatever. The Americans with Disabilities Act was an effort to at least move toward an era of universal access. We haven't gotten there. We're nowhere near there. We're still stuck in old models where the individual needs to make a special request because it's a "special accommodation." It's over here, it's different. I'm not that different. Most of us here are not that different, ultimately. We're diverse, but ultimately we shouldn't -- none of us should be treated as needing a special thing over here that we have to jump through a hoop for.

And I would disagree. It isn't OK, it's tiring. One definition I've heard recently of what privilege is is the stuff we don't have to think about. Being followed in a store or being pulled over constantly -- or in our case, having to ask for the captioning to be turned on so we can understand what's going on. That puts the onus squarely on the individual. And I think there hasn't been enough progress in technology to really address this need, as we heard here today.

I think that universalizing -- making it an everyday experience to have the captions on -- will shine a big spotlight on the shortcomings. We understand there's going to be issues to work through. There are bound to be issues to work through in implementing this and making it something that can be implemented gracefully by our area businesses. By having it as a matter of course to have captions on, the industry itself will need to be in better compliance and it'll make it an easier experience for all consumers whether at home or in a public place to have this access instead of treating it as a special privilege or a special thing we do for those people.

We're in an era where we should be treating this as part of the broader future direction of universal access, and I encourage Portland to be a model for this. Thank you.

Fish: Mayor, before we lose this distinguished panel, our crack legal team has actually got us an answer. I want to follow up on a comment that was made. So, the particular legislation in front of us defines public accommodation very broadly. And of particular interest to me is it defines it in one section as any place that is open to the public and owned or maintained by a public body, regardless of whether the place is commercial in nature. So, we'll make sure that the public body piece is read broadly.

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By the way, a place of accommodation under the statute that we're referencing in the law does not include the following -- this is interesting -- it does not include a department of corrections institution. So, it doesn't include a prison. It doesn't include a state hospital, a youth corrections facility, a local corrections facility -- and then because we are talking about public accommodations, it doesn't include any institution, club, or place of accommodation that is private -- so, a place that restricts access just to members as opposed to the members of our public. But it looks to me like it defines public body broadly -- and we'll go down one more level to make sure that we're not somehow preempted for regulating state and federal -- but it seems to me if you're going to wait two hours at DMV and not be able to get the information off a monitor, that's a serious deficiency. So, thank you, sir.

Hales: OK. Thank you all very much. Thank you.

Moore-Love: The last person who signed up is Anne McLaughlin.

Hales: Good afternoon.

Anne McLaughlin: Hi. I'm Anne McLaughlin. I'm the President of the Portland Chapter of the Hearing Loss Association of America. I won't repeat all of the supportive comments and explanations that have been given by other people who have testified. I think they've done a very good job. I will say that I think this is a way to give full and equal access to all people.

In terms of the burden that it puts on the affected businesses and public places -- as I understand it, the enforcement is designed to be complaint-driven and to encourage compliance, it's not a way of raising revenue through fines. So, I think that the ultimate burden on those businesses and entities will be something that they won't find hard to deal with any more than those of us who've figured out how to turn on our own captions on our TV sets have -- for the most part. And in a way, this is rather like curb cuts, which were not seen as useful or acceptable to many people before they were installed but which are now considered a regular part of our daily life.

I would like to echo Barbara Robertson's comment just now -- that the prevalence of putting the burden onto the person with a disability to ourselves in order to receive an accommodation that makes us -- if we're forceful enough and want to bring attention to ourselves and our disability, then we get to become equal, and that's really not a fair burden, I think. And I'd be glad to answer any questions you might have.

Hales: Thank you, Anne. Thank you very much. Questions? Thank you so much. I think we may have received testimony from everyone who wants to speak. It sounds like there's an interest on the Council, Commissioner Fritz, in at least giving people a chance to give further feedback. I know you've got a second reading scheduled for next week.

Fish: We also don't have a full complement next week on Council, so I would just -- if Commissioner Fritz does not object, I would suggest we put it over for two weeks for a vote.

Fritz: We need a time certain, so could you tell us when is an appropriate time certain?

Moore-Love: In two weeks, that morning has the Mt. Tabor on it and the afternoon has public for-hire for two hours and that Thursday, Commissioner Fritz and you are gone, Mayor.

Hales: Mm-hmm.

Moore-Love: If we go three weeks out -- if that wouldn't be too far -- the July 22nd --

Hales: Everyone but me.

Fish: Karla, are we allowed to put it up first prior to private for-hire?

Fritz: What are we doing on private for-hire?

Fish: It's the follow-up report on Uber.

Moore-Love: The Mayor is gone that afternoon, the 15th.

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Hales: I leave that afternoon. I'm here in the morning, gone in the afternoon.

Fritz: Is Mt. Tabor the only thing we have in the morning?

Moore-Love: Yes, but they're estimating --

Hales: What's the afternoon scheduled for -- what time?

Moore-Love: It's the 9:30.

Fish: That means 10:00 -- what if we bumped this to 9:30 and moved Mt. Tabor to 10:00?

Moore-Love: We would have to list them both at 9:30. We could do that because we've announced that date.

Fish: Let's take it up first.

Hales: I suspect that we will hear from a few people but we will not hear from a large number, and therefore it won't take a great deal of time.

Fish: And so what are our preference is if we're doing this is if there's additional issues or concerns 00 restaurant association is here, and perhaps the gentleman will furnish us with some information about how it's working in San Francisco or in the state of Maryland. I'll reach out to Venture Portland and make sure that if there's any unique concerns by small operators that they want us to be aware of that they submit that in writing. It's not our intent, Mayor, to have a follow-up hearing but to consider whatever additional information we have and then take this to a vote. Is that correct?

Hales: Yes, that's my intention. That sound OK, Commissioners Fritz?

Fritz: Unless there are amendments -- just to be clear -- unless there are any amendments, there will be just a vote in two weeks. Of course, you're welcome to be here and we will have sign language interpretation at that time. However, we would be expecting to vote in two weeks' time.

Fish: Commissioner Fritz, just as you have a passion for addressing term limits on City boards and commissions, I have a passion in getting to a point where amendments are filed in advance of the hearing for the benefit of the public and so that we have a chance to hear them. May we agree, Mayor, in this instance -- not to set a policy, but in this instance -- that any amendments that are filed be filed by the Friday before the hearing so the public has an opportunity to know of them and we have a chance to adjust at them?

Fritz: Yes, since we were supposed to vote next week anyway, I would suggest that amendment requests should come in by Thursday so I can file them with the second reading.

Fish: And that essentially means that there will be no amendments entertained by the Mayor the day of the return date, and if there are amendments -- whether they address technical issues or broader issues -- they would be disclosed to you well in advance of the hearing, and if there are no amendments as Commissioner Fritz noted it means there will be little drama when we come back for the vote.

Hales: And actually, a little off-topic for those that are here except the three of us -- Commissioner Fritz and I spoke about this earlier. I share your passion about getting amendments in advance and we're going to proceed with a change in the Council procedures so that ordinances are filed earlier than they have been up until now --

Fritz: We don't have agreement on that yet, sir. [laughs]

Hales: We hope we have agreement on that and therefore that no one will be surprised.

Fish: Mayor, without belaboring it, I would settle -- I mean, I've been in the desert on this for so long.

Hales: Oh, you're getting company.

Fish: I think it would be progress if as a matter of professional courtesy, amendments were filed the day before a hearing.

Hales: We can do better than that.

Fish: I've been in the desert for long enough that the day before sounds good to me.

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Hales: We can exceed your expectations.

Fish: Any day that you add is extra credit, sir, and they will be taken into consideration at Christmastime.

Hales: [laughs] Duly noted.

Fritz: Any amendments -- if you could send them to Tim Crail in my office that would be helpful. Of course, any member of the Council is also welcome to propose amendments, but get them to us by next Thursday which is the 9th. Preferably by noon, so I can get them filed with the Council Clerk.

Hales: OK.

Fritz: And we'll be voting on --

Hales: The morning of the 15th.

Moore-Love: Yes, morning of the 15th at 9:30 but this will be listed on next week's agenda because we have to lock down the agenda for the next week. We'll note it's being continued to --

Fritz: Don't come next week, unless you're interested in something else.

Fish: It goes without saying, we appreciate the time people took to be with us today.

Hales: Thank you all very much. We are adjourned for this week. Thank you very much.

At 3:20 p.m., Council adjourned.