



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22<sup>ND</sup> DAY OF JULY, 2015** AT 9:30 A.M.

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

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

On a Y-4 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>780</b>	Request of Barry Sutton to address Council regarding area of land for the homeless (Communication)	<b>PLACED ON FILE</b>
<b>781</b>	Request of Kristin Rose to address Council regarding people sleeping on sidewalks and parks (Communication)	<b>PLACED ON FILE</b>
<b>782</b>	Request of Schon T. Tell to address Council regarding a cancer and diabetic trailer park (Communication)	<b>PLACED ON FILE</b>
<b>783</b>	Request of Julian Pineda to address Council regarding a Quiet Zone designation for intersections of NE 138, NE 148 and Sandy Blvd (Communication)	<b>PLACED ON FILE</b>
<b>784</b>	Request of Floyd R. Fox to address Council regarding City land use laws (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>785</b>	<b>TIME CERTAIN: 9:30 AM</b> – Proclaim July 26, 2015 to be Oliver P. Lent Day in Portland (Proclamation introduced by Mayor Hales and Commissioner Saltzman) 15 minutes requested	<b>PLACED ON FILE</b>
<b>786</b>	<b>TIME CERTAIN: 10:00 AM</b> – Proclaim August 1, 2015 to be a day of recognition for Portland Opera’s 50 <sup>th</sup> Anniversary in Portland (Proclamation introduced by Mayor Hales and Commissioner Fish) 15 minutes requested	<b>PLACED ON FILE</b>

<p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>Mayor Charlie Hales</b></p> <p><b>Bureau of Police</b></p>		
<p><b>*787</b></p>	<p>Revise ordinance for an agreement with St. Joseph the Worker, Inc. Corporate Internship Program to correct not to exceed amount from \$6,824 to \$27,295 (Ordinance; amend Ordinance No. 187239) (Y-4)</p>	<p><b>187262</b></p>
<p><b>Office of Management and Finance</b></p>		
<p><b>788</b></p>	<p>Accept bid of Kodiak Pacific Construction for the N Killingsworth St: From N Commercial St to NE MLK Blvd Including N Kerby Ave from N Emerson St to N Killingsworth St Project for \$1,489,484 (Procurement Report - Bid No. 00000012 formerly 117843) (Y-4)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>*789</b></p>	<p>Pay claim of Madenna Ibrahim in the sum of \$10,000 involving Portland Parks and Recreation (Ordinance) (Y-4)</p>	<p><b>187263</b></p>
<p><b>*790</b></p>	<p>Authorize a contract with Carleton Hart Architecture, P.C. for architecture/engineer services for Portland Communications Center Seismic Upgrade, Roof Replacement and Envelope Repair project for a total not-to-exceed amount of \$224,891 (Ordinance; Contract No. 30004690) (Y-4)</p>	<p><b>187264</b></p>
<p><b>Commissioner Steve Novick</b></p> <p><b>Position No. 4</b></p> <p><b>Bureau of Transportation</b></p>		
<p><b>*791</b></p>	<p>Authorize an Intergovernmental Agreement with Multnomah County to pay the City up to \$3.6 million for design and construction services on the Sellwood Bridge Project (Ordinance) (Y-4)</p>	<p><b>187265</b></p>
<p><b>Commissioner Nick Fish</b></p> <p><b>Position No. 2</b></p> <p><b>Bureau of Environmental Services</b></p>		
<p><b>792</b></p>	<p>Authorize the Bureau of Environmental Services to execute a settlement agreement with Bruce Ankarberg as part of the Luther Road Habitat Restoration Project No. E06947 for \$27,989 (Second Reading Agenda 774) (Y-4)</p>	<p><b>187266</b></p>

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**Water Bureau**

**793** Authorize Intergovernmental Agreement with the U.S. Department of Agriculture, Natural Resources Conservation Service for an amount not to exceed \$105,000 for snow and precipitation monitoring (Second Reading Agenda 775)  
(Y-4)

**187267**

**REGULAR AGENDA**

**Mayor Charlie Hales**

**City Attorney**

**\*794** Authorize legal services agreement with Hawkins Delafield & Wood LLP for bond counsel services (Ordinance) 15 minutes requested  
(Y-4)

**187268**

**Commissioner Steve Novick**

**Position No. 4**

**Bureau of Transportation**

**795** Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements north of NE Prescott Ct in the NE 136th Ave Phase II Local Improvement District (Hearing; Ordinance; C-10050)

**CONTINUED TO  
SEPTEMBER 9, 2015  
AT 10:00 AM  
TIME CERTAIN**

At 10:46 a.m., Council adjourned.

**MARY HULL CABALLERO**  
Auditor of the City of Portland



By **Karla Moore-Love**  
Clerk of the Council

**WEDNESDAY, 2:00 PM, JULY 22, 2015**

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

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

July 22, 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 22, 2015 9:30 AM**

**Fritz:** Good morning, everybody. Welcome to the Wednesday, July 22nd meeting of the Portland City Council. The Mayor is in the Vatican meeting with the Pope on climate change and human trafficking, which is pretty wonderful that he's representing our city. So, I will be presiding. First, we have a welcome. In fact, we have two welcomes.

Commissioner Fish, would you like it to be yours first?

**Fish:** Thank you very much, Madam President. As the current Commissioner-in-Charge of the Bureau of the Environmental Services, I'm very pleased today to acknowledge our four interns, who are part of a pilot program that we put in place to help us do a better job of identifying and recruiting talent in our community. Our first what we call cohort is made up of four very special people. I'm going to ask the four of you to stand. I will read their names. Apologies in advance if I mispronounce. Andrew Antoniadis, Roosevelt High School graduate who is heading to Portland State University; Juleza Alvarez, who's at Rosemary Anderson High School and she's a rising senior; Carlos Ramos, who is an incoming junior at Roosevelt High School; and Mark Nguyen, who is at David Douglas High School and an incoming junior. They expressed interest in the things that we do at the Bureau of Environmental Services. We're honored to have them as summer interns -- paid interns, Commissioner Fritz -- and we're hoping that as they think about their futures, they think about careers with the City of Portland. Can we give them a round of applause? [applause]

**Fritz:** Thank you, welcome. And second, we have another group visiting with us today, the Office of Management and Finance job shadow day student participants. They are 16 graduate students joining us from the Oregon Fellows summer program at PSU's Hatfield School of Government. They're joining us to observe how the City Council really works. Good luck with that. As part of their summer program, these students are taking part in the job shadow day, which has been a partnership with PSU since 2007. Today, they are matched up with City professionals in a variety of disciplines to learn more about jobs in public service with the City and in the Office of Management and Finance.

These students are from all over the country, and they come to Oregon to participate in this PSU program and complete either a ten-week or an eight-month job placement with public agencies throughout the Portland area. This year's students are focusing their studies in the area of financial management, sustainability, project and grant management, social and environmental policy analysis, economics, budgeting, quantitative research methods, and urban planning. So, the Oregon Fellows, would you please rise? Welcome, and we hope that you enjoy your stay and thank you to the Office of Management and Finance for continuing to help with this event. Would you all please welcome our graduate students? [applause] Thank you. With that, would you please call the roll?

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

**Fritz:** Good morning. We have a relatively short agenda so I don't think that we will have difficulty with sticking to the time limits on public testimony. We ask that if you agree with something, that you do a thumbs up or a jazz hands, if you disagree, thumbs down or

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something like that, but please refrain from audible noises, such as booing, cheering, clapping, etc. unless you are given permission. Thank you. Please read number 780.

**Item 780.**

**Fritz:** Is Mr. Sutton here? Yes, great. Welcome. Please give us your name and you have three minutes.

**Barry Sutton:** Barry Sutton. I want to engage in a discussion with most everyone here. There are three city blocks, empty city blocks in side of the Washington High School. I believe that they could be made into an encampment. Other cities have done this. Then again -- also, it has been done. It has been done in the city of Portland. And that's it. It's history. It's over with. But you see, the other place was in Northwest Portland, the first or second Dignity Village that was formed. But, the only thing is -- well, father [indistinguishable] helped with \$40,000 for the outhouses, the water, all the other things for several months, I think. Anyway, the only thing is is that it was owned by the department of transportation here at the City of Portland, the City of Portland would own in area. Now, we all like to think about jobs and stuff like that and maybe people getting to work and stuff like that. I kind of doubt that very much. So anyway, about jobs -- like, janitors. If they have a job to do -- you know, they can't sweep their dirt under the rug. You'll understand. They have to pick it up and take care of it, toss it away. If they do, they aren't going to be employed any longer, but I just -- excuse me for speaking this way if it's too harsh -- but politicians -- if they don't do something, they're just not elected the second time or there is a lot of criticism from the newspapers or public.

But you see, there was a 10-year plan for the homeless, 10 years without a place to stay or anything. That's nearly up. And the homeless people, the many homeless people around Portland live on sidewalks and under bridges and stuff like that. And the City -- who would give them a place to stay, to live? I would think the City, would be the one to provide for these people. Now, these people live in on the sidewalks, on various sidewalks underneath -- underneath, Commissioner Novick -- underneath various bridges and stuff like that. And I've been walking along and noticing that those places are vacant. They aren't occupied any more. And apparently, the police are just moving them wherever. This is unconscionable.

I want to engage in conversation with you about this. Commissioner Fritz, you gave me a letter of the various ways that -- could we discuss that, that I could refute even some of those ways?

**Fritz:** You're certainly welcome to make an appointment to come and see me in my office. Thank you very much for your testimony.

**Sutton:** But nothing here?

**Fritz:** No, communications is for citizens to tell us whatever you want to say, it's not a conversation time.

**Sutton:** OK.

**Fritz:** Your time is up, Mr. Sutton, but you are welcome to stop by my office and make an appointment.

**Sutton:** This is a matter of doing one's job, or sweeping dirt under the rug. Do you understand? Will you tell Mayor Hales, too?

**Fritz:** Thank you.

**Sutton:** Thank you very much. Take care now. Bye-bye.

**Item 871.**

**Fritz:** Good morning.

**Kristin Rose:** I live in Southeast Portland, and what brought me here to talk to you this morning, is also related to our homeless crisis. I have come to tell you about a series of experiences that I have had over the past year that really are troubling experiences.

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In the past year, I have had two experiences where I have encountered homeless people on the street that are nearly dead. And I'm not exaggerating to you when I say that. I gave CPR to one of them, and it was right next to the Director Park. It was on my lunch hour. I've had two experiences in Portland in the past year where I've encountered people that are shooting heroin on the sidewalk in daylight. One of the times that that happened, I had some visitors in town and I was taking them on a tour of the waterfront. I've also had one experience in the last year where I literally saw someone trying to kill someone else with their bare hands. It was actually my four-and-a-half-year-old daughter, who is the one who noticed it. She was on the back of my bike and we were biking down Naito Parkway. She pointed to a woman who had her hands around someone's neck and was violently trying to strangle her.

I'm one of a number of people in Portland that thinks that we have crossed the line from having a homeless problem to a homeless crisis, and I am asking you to act like it's a crisis. I see a tremendous amount of work that's happening in the city, and I appreciate that work. But I don't see the urgency that a crisis would really deserve. To me, the difference between addressing an issue and combating a long-term problem is like righting a ship going into troubled waters. But addressing a crisis is like going in when the ship has hit the iceberg and it's starting to sink. I'm here to tell you today that my impression when I look around Portland -- I'm in Old Town, I'm on the waterfront, I'm in the southeast under the underpasses and the bridges -- I see scenes that to me feel like almost post-apocalyptic. They're like scenes you might expect in a third world country. I'm asking you to start addressing this, like the crisis that it feels like to me and to a lot of our neighbors.

When you're in the midst of a crisis, you don't have time to make a 10-year plan. You have to act immediately. When you're in the midst of a crisis, it's pointless to talk about the fact that it was not in the budget because you just have to act and you have to find a way to do it. And when you're in the midst of a crisis, you certainly aren't listening to the developers who are saying, "you know what, we see the ship is sinking, we see people drowning, but we're not allowing you to pull them to shore in this neighborhood because this does not fit with our investments."

**Fritz:** Thank you for your testimony.

**Item 782.**

**Moore-Love:** He informed us he will not be coming.

**Fritz:** Thank you.

**Item 783.**

**Fritz:** Good morning. Welcome.

**Julien Pineda:** Good morning. My name is Julien Pineda. I'm on the noise committee for the Wilkes community association. I will read just a brief statement that I have requesting the Mayor and the City Commissioners for a quiet zone designation. I have copies of that, which I will leave with the Council Clerk.

This a brief statement is a request for a quiet zone designation for the railroad crossings located at NE Sandy Boulevard and NE 138th and 148th. Currently, the train noise at these crossings unnecessarily disturbs many of the residents in the Wilkes and Argay neighborhoods. The train noise at this intersection is much too loud and impacts thousands of individuals near the crossings and perhaps as far as one mile away. The noise from the trains in either direction at these crossings begins as early as 3:30 a.m. and continues well past 11:00 p.m. It is very difficult to get sleep when the horns are being sounded very loudly at these intersections.

It is understood from the Federal Railroad Administration guidelines that the quiet zone regulations don't eliminate the use of locomotive bells at the crossings, but help in the reduction of train noise. It is noted that the communities wishing to establish quiet

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zones must go through the City officials who follow through with a needed approval to get the process going to establish a quiet zone.

The reason for this request? It is well documented that unnecessarily externally-based loud noise, which impacts sleeping and a restful environment, leads to poor health and leads to insomnia which causes poor performance on the job and other serious health problems. Many living near these intersections are working adults and children going to school, and the never-ending loud train horns are causing much concern.

The train horns are very uneven and very loud. It seems that it's up to the train conductors to step up and ramp up the noise level without too much regard to those living nearby. Although they are addressing safety, many times, it's up to the individual to I guess to press on the horn as much as possible.

In order to create a quiet zone, the City of Portland must take the lead in permitting the establishment of the quiet zone at these intersections, NE Sandy and NE 138th, and NE 148th. The City of Portland has to send a notice to the railroad officials and the FRA on the request to establish a quiet zone. For the noise committee, Wilkes community association, sincerely, Julien Pineda. And thank you so much.

**Fish:** Before you leave, I want to ask the president of the Council a question. I remember as Parks Commissioner once, a quiet zone came up because it was a track that intersected park we had a voice. I remember we had a voice in that. But I don't know offhand how the City -- who in the City is charged with administering this. Is this ONI or somewhere else?

**Fritz:** I was going to turn to my colleague on the right to see whether it's transportation or the noise --

**Fish:** I want to make sure that we have the right place for you to go.

**Novick:** And I think PBOT normally discusses this with ODOT and the feds.

**Fritz:** So that's Commissioner Novick. You could stop by his office --

**Novick:** Please do.

**Pineda:** Thank you very much.

**Fritz:** And we all learned something this morning -- at least I did. Thank you, please read 784.

#### **Item 784.**

**Fritz:** Mr. Fox? If he comes in later, we can go back to that. Let's go to the consent agenda. Does anyone want to pull anything off the consent agenda? Nobody. So, please call the roll.

#### **Roll on consent agenda.**

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

**Fritz:** A couple of great contracts in here with excellent minority, women, emerging small business procurement services, so well done. Aye.

#### **Item 785.**

**Fritz:** Commissioner Saltzman.

**Saltzman:** Thank you, Madam President. We have a proclamation in honor of the Lent Founder's Day, which is coming up -- and Oliver P. Lent, who is one of the founders. We have the neighborhood chair, Jesse Cornett. Do you want to come up and I will -- or anyone else, if you want to come up? I will read the proclamation, and then we'll turn it over to the neighborhood for a few minutes.

Whereas, Oliver P. Lent purchased a 190-acre farmstead just outside of the Portland city limits that later became the site of the present day Lents community; and whereas, Mr. Lent was very involved and contributed much to his church and community, including service as justice of the peace, road supervisor, and as master of the grange; and whereas, Mr. Lent was also a leader in business, even operating a saw mill on

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Johnson Creek near SE 92nd Avenue that gave employment to many early settlers; and whereas, Mr. Lent also had deep feelings for education, and donated land opposite his home as a site for one of the first Lents schools, a one-room log cabin where he was the school director and later was clerk of the school board; and whereas, the official town of Lent, Oregon was registered at 1892 and voted to be annexed by the City of Portland later; whereas, Lents remains one of Portland's largest and most diverse neighborhoods and continues to celebrate its diversity and founders by hosting an annual founder's day parade and street fair on the final Sunday of the month of July; now, therefore, I, Charlie Hales, Mayor of the City of Portland, the city of roses, do hereby proclaim that Sunday, July 26th, 2015 is Oliver P. Lent Day in Portland and encourage all residents to learn more about this neighborhood's rich history at the founder's day parade and Lents street fair. I will turn it over to the neighborhood chair, Jesse Cornett.

**Jesse Cornett:** Thank you very much. For the record, Jesse Cornett, chair of the Lents neighborhood association. Thank you very much for taking up this issue. I will introduce Rebecca Stavenjord, who has been active in the neighborhood association for a long time, most recently starting what was a simple little play group that's bringing life into the neighborhood on a lot of weekends this summer. So, it's exciting to see.

Lents neighborhood -- the City spent a bundle of money trying to revitalize it. The energy for what could happen there is palpable in the neighborhood right now. Events like these, recognition like this are really helping a lot of enthusiasm so the City can achieve some of its goals. Last year at street fair, we had about 6000 folks show up. We're hoping to exceed that this Year. If folks cannot make it this Sunday, we have a farmers market in the town center every Sunday from 10:00 to 3:00. Show up on any sunny Sunday in the summer, and what you can see is the promise that the Lents neighborhood has.

Genuine excitement in the neighborhood right now. Things that may seem inconsequential for other neighborhoods, such as a brew pub opening within a month, are a big deal for us and we're very excited about that and the City's partnership.

I think Oliver P. Lent would be proud of this City Council. I think he'd be excited for the reason that the Mayor is absent today and what the neighborhood of Lents has become, both preserving the things close like Leach Garden and Zenger farm, the farmers market, and much more. Kind of disappointed with our timing we could not get any of his descendants here today, but they were excited the City is doing this as well. So, Sunday the founder's day parade and I hope to see some of you there. I will turn it over to Rebecca.

**Rebecca Stavenjord:** Good morning. Thank you. My name is Rebecca Stavenjord. I'm the east county community liaison for Multnomah County and also a proud resident of Lents for over 10 years. So, I just wanted to take a couple of moments today to speak about the spirit of the community.

Oliver P. Lent was a quintessential pioneer. He ventured west from Ohio in 1892, and it wasn't enough for him to settle within the city, he had to start his own. So, he and his son, George, started the town of Lents. And ever since then, Lents has been attracting people who like to do things kind of their own way. It's sometimes a bit harder, but it's always worthwhile and we're proud of that work.

Today, Lents is still a community of pioneers. Some come from Ohio, like Mr. Lent, and others come from places like Hanoi, Kiev, Puebla, and many other cities and countries from around the world.

The pioneer spirit of Oliver P. Lent lives on today in many of the projects that Jesse mentioned. Also, at the Green Lents Tool Library, which is staffed by volunteers from the community; the Malden Court Community Orchard, which is in progress in southwest Lents; the Jiffy Mart on 82nd Avenue, which is, which has rallied amazing support from

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local neighbors; our weekly international farmers market, which is truly an amazing place to be on Sunday. It's about families coming together to start things like the Lil Lentils Playgroup that Jesse mentioned; paint intersections in our neighborhood, two of which are sparkling this summer with fresh paint; and as we speak this morning, there is a group of neighbors with the Lents active watch that are clearing brush and removing debris from one of the alleyways at SE 84th and Foster and they're turning it into a positive community space with a 24-hour national night out scheduled for August 8th. It's this attitude that I think is the best in Portland, and for this reason, it's so nice to see that the City Council today is congratulating and recognizing the legacy of Oliver P. Lent. Thank you.

**Saltzman:** Thanks very much.

**Fritz:** I have two questions. So first of all, it's Lents because it was the Lents -- more than one Lent? Is that why?

**Stavenjord:** The town of Lents was named after Mr. Lent and the whole family.

**Fritz:** The whole family, though.

**Stavenjord:** Mm-hmm.

**Fritz:** And secondly, what was Mrs. Lent called?

**Stavenjord:** A good question.

**Fish:** A trick question. [laughter]

**\*\*\*\*:** Mrs. Lent?

**Stavenjord:** Madam President.

**Fritz:** Nice one.

**Cornett:** Wow, that's a very interesting, good question that one of us should know the answer to -- definitely me -- but I don't.

**Fritz:** Next year, hopefully, we'll have an Oliver and Mrs. Lent day, because I bet that she had a fair amount to do with surviving the trail and birthing George and such.

**Cornett:** I didn't expect any hardballs during this.

**Fritz:** I actually was just confident that you would know the answer because you know the answer to all my questions.

**Fish:** Talking about hardballs -- which is baseball starting up?

**Cornett:** Next spring.

**Fish:** That will be a short season, AAA?

**Cornett:** It is. Even the director of the league refers to it as small ball. These are kids that play college baseball and they want to continue to build their skills. As baseball fans know, they are wooden bats, they have short seasons, and these are the kids that want to continue to play in the majors some day. So, as soon as the college season is over, they go out and do this for no money all around the west coast, so it should be a lot of fun. So, the Portland Pickles -- we're excited to have them.

**Saltzman:** Portland Pickles?

**Cornett:** Portland Pickles. And for those that are not aware -- which I actually was not -- it is a baseball term.

**Saltzman:** Pickles is a baseball term?

**Cornett:** Yes, when you are stuck in between bases, you're in a pickle. [laughter]

**Saltzman:** OK.

**Cornett:** So, it's clever. I know the baseball fan here is given me an eye.

**Novick:** You just added to my baseball college. I never heard that is being caught in a rundown is referred to as being caught in a pickle.

**Saltzman:** Great. Thank you very much and thank you for your leadership. We have a proclamation here if you would like, we can do a Council picture.

**Cornett:** Absolutely. I'd like to invite Amanda Gerace, who's coordinating the street fair as well, and her son to join us for the picture.

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**Saltzman:** Yeah, that would be great. [photo taken] [applause]

**Fish:** Commissioner Fritz, can we suspended the rules and take the 10:00 three minutes early?

**Fritz:** I think since it's a proclamation -- am I getting the evil eye from the City Attorney? We're good? OK. So, let's move to the 10:00 time certain.

**Item 786.**

**Fritz:** Commissioner Fish.

**Fish:** Thank you, Madam President. Before I begin, I would like to welcome our honored guest, Portland Opera's General Director, Christopher Mattaliano. If you're going to lead an opera country, you need a name like Christopher Mattaliano.

2015 is a special year for the arts here in Portland. From Portlandia's 30th birthday to the 35th anniversary of the Percent for Arts program, but the Portland Opera has them all beat. This year, they are celebrating their 50th anniversary. I think we all remember the incredible performance of Carmen's aria right here in February. And now, they're closing their season with a bang with a street fair on August 1st followed by a live outdoor simulcast of their Elixir of Love performance in the Newmark. And before we introduce our guest, I'm pleased to read the following proclamation that the Mayor has issued to celebrate this important milestone.

Whereas, the Portland Opera launched in Portland in 1964 with a production of Die Fledermaus at the Madison High School -- you'll correct me if I screwed that up -- whereas, the opera grew to become a first-class company, hosting important premieres as well as contemporary and classic works; and whereas, in 1994, Portland Opera became the first American company to present a subscription series of nationally touring Broadway shows; and whereas, the opera established its new home at the Hampton Opera Center in the Portland's Central Eastside in 2003; and whereas, the Portland Opera is dedicated to expanding access to the arts in our community, including the Portland Opera to-go program, which brings one-hour versions of classic operas to schools and community groups statewide; whereas, General Manager Christopher Mattaliano, Music Director George Manahan, Portland Opera board of directors, staff, and performing artists, are poised to launch opera in Portland into the next 50 years; now, therefore, I, Charlie Hales, Mayor of the City of Portland, Oregon, the city of roses, do hereby proclaim August 1st, 2015 to be a day of recognition for Portland Opera's 50th anniversary in Portland and encourage all residents to observe this day. Chris, welcome. Congratulations.

**Christopher Mattaliano:** Thank you. Thank you all for honoring Portland Opera today. We're very grateful to receive this recognition. I want to introduce two of our senior directors, our director of artistic operations Clare Burovac, and our director of marketing and communications Mark Tiarks. They're with me today.

Portland is a city justly famous for the growth of beautiful things, and opera, for some of us, is among the most beautiful of all things possible. Early support for the Portland Opera came from the bureau of Parks and Recreation when we first performed in the Rose Garden in 1964. We had a special champion then in Dortheaensch, the 35-year director of recreation for the City. We bring internationally-recognized singers to Portland each season that work with our local orchestra and chorus. We live and die by the quality of what we put on our stage, and we're justly proud of the work that we do artistically. But I just wanted to mention a few things today that Commissioner Fish touched on -- sources of pride for us as a company, and I think for our community.

We're the second company in the United States to introduce surtitles in 1982. Most people that are afraid of opera are afraid because they don't speak German, Italian, or English -- or Spanish or Russian. And that was always a barrier in people feeling access to opera, but we introduced titles in 1982 where we have a screen above the stage. So,

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Carmen being sung in French -- the average person can be dropped at the opera and know what they are singing by the translation above the stage. And my predecessor, Robert Bailey, introduced that in 1982. We were the second company to do that. That has been instrumental in bringing opera much more as an accessible art form to the general public.

Interestingly enough, in a recent national survey, the Portland Opera has the youngest opera demographics in the United States. So, we have a lot of young people that are turned on to opera.

We serve over 300,000 people in the region each year, and over 50,000 of them are served at greatly reduced costs. Perhaps the thing I'm most proud of with our company is our outreach and education program. We have the most extensive outreach in education program in the western United States. It's called POGO, Portland Opera to Go. That program is a one-hour opera in English with professional singers, sets, and costumes that tours every corner of Oregon, and last year we went to northern California and southern Washington. We present a one-hour opera in English, we work very closely with the teachers in various schools throughout the state, and we reach over 22,000 students a year. For some of those kids, it's their only exposure to live music and theater, so it's something that I'm particularly proud of because it was how I was introduced to opera growing up in a rural town in New Jersey by a company coming into my elementary school.

This year in particular, we're very proud because we presented for the first time a bilingual opera production, a one-hour production of the Barber of Seville sung in both Spanish and English. That was something that we were proud of.

As far as community access, we introduced rush tickets in 2003, and that means any remaining tickets go on sale for \$10 to students, senior citizens, and military personnel. So, we often see a line outside the theater with young kids wanting to buy \$10 tickets to the opera. For those of us with kids, it's a way for children to be introduced to opera at a very reasonable cost. We bring in over 1200 students to each dress rehearsal for free or reduced costs. We do a number of lectures and performances throughout the community at libraries and community centers. And as Commissioner Fish mentioned, we now have an annual street fair where we have -- this year, we're doing it in the alley between the Newmark Theater and the Schnitz. We'll put up a screen and have a stage, we'll have performances for children throughout the day -- a lot of family activities. And then at night, we'll be presenting a free similar cast of the Elixir of Love again with surtitles so someone can sit in the alley with a beer and see their first opera and know what's coming on. Very PDX.

From an economic standpoint, we employ over 500 professionals each season. We invest back into the local community statewide over \$9 million each year. We own our own home, we own the Hampton Opera Center, which is south of OMSI. We're excited that the new transit center is opening up next door with us. And we just finished 16 out of 17 years with an operating surplus, which is sort of unheard of in the arts community nationwide. So, we take great pride in having fiscal health and artistic health because you can't have without the other.

While we're celebrating our 50th anniversary milestone, we don't want to rest on our laurels. A great city needs a great theater, and Portland has yet to build a great theater. In the years ahead, our goal is to see a new theater built -- one that is architecturally unique, forward-looking, and visually compelling. We envision a theater that is so well integrated into the neighborhood that local residents feel welcomed by it, they feel ownership of it. And we envision a theater that is a great source of pride for generations to come, and becomes part of Portland's iconic landscape, such as the Oslo Opera House in Norway or the Sydney Opera House.

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This new opera house would be a new home for the Portland Opera, but it could serve as a venue for the Oregon Symphony, the Oregon Ballet Theater, and the Oregon Children's Theater. It might be used for some of our touring productions that don't perform at the Keller.

We envision it being very active year-round and bringing thousands of people into the neighborhood on a regular basis. Speaking of the Oslo Opera House in Norway, it's one of many examples where a struggling and depressed urban neighborhood was turned around by building a theater that eventually brought new life, business activity, and housing into that neighborhood. A new theater could be part of your legacy, as your service to the city, and I hope that it will be one day.

Thank you all for honoring Portland opera today and allowing me a few minutes to share with you this dream of a new theater that we have for the city and the community. With your continued support, we'll continue to create great theater and music here in Portland for the next 50 years, and hopefully, in a beautiful new theater. Thanks again. Here's to the next 50 years. Thank you so much.

**Fish:** Chris, congratulations. A couple of questions and a comment. First of all -- and we are joined today by Eloise Damrosch, the distinguished director of the Regional Arts and Culture Council. I want to acknowledge that thanks to the generosity of Portland taxpayers, the arts tax is now funding organizations like yours. After fully funding arts education programs, the additional funds, go to organizations like Portland Opera. We're very proud of that, that we are able to collectively provide some operating support for an organization that has such an impact on our community.

**Mattaliano:** Thank you for mentioning that. We're truly grateful.

**Fish:** Would you briefly remind us that -- you're going to a different schedule in terms of the performance. Would you remind us for those of us that want to get tickets?

**Mattaliano:** Sure. We're finishing our season of -- we're currently in a run of performances at the Newmark. We perform at the Keller and Newmark. And as I mentioned, August 1st is the street fair and free public performance. You're all invited. Bring your kids to this one. And then we close our season and we are now transitioning to a new summer festival. Starting in May of 2016, we'll be performing four or five operas between the months of May, June, July, and early August. So, it's a big change for us. We'll be out of the market as far as performances at the theaters for the next nine months, and we'll reopen again in May of 2016. This will be the start of a new era for Portland Opera where we transition to becoming a summer festival.

**Fish:** And for those of us spoiled by things like Chamber Music Northwest and all of the other opportunities in the summer and concerts in the parks that Commissioner Fritz leads and on and on, this will be another wonderful summer tradition.

**Mattaliano:** Yes. We hope to make a bigger imprint. And you know, it's occurred to us that the city is so beautiful during this summer, and there's Very little happening in terms of the classical music outside of the Chamber Music Northwest and the occasional concert in the park. So we want very much to be identified with the summer months here in Portland.

**Fish:** The other thing that I wanted to mention, Chris, is we were thrilled when we did the pop-up opera here in these chambers. It was -- I think Eloise would agree -- one of the highlights of the annual arts presentation that we have ever had. You had opera singers in civilian clothes all throughout the chambers, and they just stood and started singing. It just captivated us. And I thought that it reminded me of another experience, which was when we hosted the Major League Soccer all-star game. As people were going from Director Park to the stadium and walking down a street, there was a pop-up opera. And the place -- hundreds of people stopped to listen to arias. And I guess we just -- it reminds us how fortunate we are in Portland to have all of these world-class arts organizations that I think

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sometimes that we take for granted. Maybe a 50th anniversary reminds us that a lot of hard work went into this 50, and then what can we collectively do to make the next 50 even brighter? So, congratulations to you on your leadership.

**Mattaliano:** Thank you, sir.

**Fish:** Can we get a picture with the Council?

\*\*\*\*\*: Sure. And can I invite my two senior directors, Clare and Mark? Come on up. [photo taken]

**Fritz:** And now for something completely different. Could we get to the regular agenda, number 794?

**Item 794.**

**Fritz:** Good morning.

**Ben Walters, Chief Deputy City Attorney:** Good morning, Madam President and Commissioners, I am Ben Walters with the City Attorney's Office. I'm here instead of Linda Law, who actually took the lead for our office on this project and helped with writing the procurement documents and selection of the winning candidate. She unfortunately had a scheduling conflict, so you'll have to settle for me instead this morning.

The City Attorney's Office and the Office of Management and Finance, debt management division are here today with an ordinance seeking authority to enter into a new bond counsel legal services agreement. The proposed contract is for a five-year term with a not-to-exceed amount of \$1.5 million.

The City Attorney's Office issued a request for qualifications to law firms with municipal financing specialty in May 2015. In addition to having legal knowledge and expertise in municipal financing and tax-related subjects, the RFQ also asks for information about the responding firms' affirmative action, diversity, and equity efforts. Three law firms responded to the RFQ. Hawkins Delafield and Wood LLP was assessed to be the most qualified among those responding firms.

Hawkins is ready and willing to enter into the bond counsel legal services agreement. Hawkins is the City's current bond counsel under a contract for bond counsel services which expires on August 30th, 2015. This would mean that there would not need to be a transition of pending projects to a new law firm, even though we were prepared to do transition files and projects if a different law firm had been selected. Jonas Biery, the City's debt manager, will continue with the presentation.

**Jonas Biery, Debt Manager, Office of Management and Finance:** Thanks, Ben. For the record, Jonas Biery, City's debt manager.

Bond counsel is a specialized legal service that helps us to navigate the statutory authority, federal tax code, federal securities regulations, and other complexities related to capital projects and the City's capital borrowing programs. We could not safely complete these borrowings without this advice and we could not issue tax-exempt bonds at all without the legal opinion that the bond counsel provides.

We heard a minute ago about the passion, artistry, and hard work that the Portland Opera brings -- the Hawkins people brings those same qualities to their endeavors. They have a solid history of providing excellent service to the City, and they're very familiar with the City's borrowing programs and financial perspective.

The work under this contract is billed hourly as it is performed and where it's only performed upon request of the City. The contract is managed jointly by the debt manager -- myself -- and the City Attorney's Office. On an annual basis, total bond counsel fees are in the range of \$250,000 to \$300,000, so the proposed contract maximum of 1.5 million should be adequate for the five-year term of the contract.

Approximately two-thirds of bond counsel fees are paid for from funds that are received when we do a transaction, when we do a borrowing. Fees that are not attributable

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to a financing are typically paid for via inner agency agreements with the bureaus for which the service performed, and those fees, those expected costs are embedded in the bureau budgets. The debt management office closely tracks the work that's performed and we allocate costs to the appropriate cost center and to the appropriate bureau or transaction.

The bond counsel contract expires at the end of August, so we look forward to executing this contract and continuing the efficient and responsible management of the City's debt programs and would be happy to answer any questions.

**Fish:** While it's not a requirement of the RFQ, we should also note that this is a local law firm. It's located right here in downtown Portland.

**Biery:** That's correct.

**Fritz:** Do you know offhand what the response of the company was on the affirmative action, diversity, equity commitment?

**Walters:** I do not know the specifics of it. I do know from the interactions with the firm previously that they have a sub-group within the firm that does the bond financing work. The majority of the attorneys within that sub-group are women and minorities. In fact, one of the lead attorneys in the representation work that they provide is a partner and she is very active in the bar's equity and diversity programs.

**Fritz:** Thank you. Great, thank you very much. Does anyone want to testify on this?

**Moore-Love:** We have Mr. Charles Johnson.

**Charles Johnson:** Good morning, Commissioners, Madam President. For the record, my name is Charles Johnson. I don't have any particular qualms against how it shook out for these three RFQs, but I do want to encourage everyone in the audience and our fellow citizens listening at home to think about the fact that the City engages a City Attorney's Office with the staff of approximately 40 lawyers who, because they have JDs after their name, are probably paid about what the five -- or four, currently -- of you are paid. So, we understand that there are built into this system special requirements that say that certain legal specialists have to work on bond projects. When Amanda Fritz works hard and helps us to vote in tens of millions of park bond, because of the way the system works, there also has to be an outside counsel specializing in bonds. That they could receive this money from the City and not come and sit here with the people and talk about how their law firm is working to have more minority members and to promote women and minority members into partnership is unfortunate. I'm sure they would tell us that they are working so hard on that money that they're making off of us in the bond process that they can. But I would encourage you, as Commissioners with your 100,000 year salaries to encourage the attorneys, who are making more, to be more engaging when, with the public even on things like this so that we can have a more vigorous discussion about the diversity and minority success in the city. Thank you.

**Fritz:** Please give us your name for the record.

**David Davis:** OK. My name is David Davis. I'm actually trying to talk to you guys about the arctic icebreaker shell expedition --

**Fritz:** You need to testify about this item.

**Davis:** It's a lot more important than this item, it's actually the whole stake of the planet is at risk, so --

**Fritz:** You need to testify on this item.

**Davis:** You might want to stand with the citizens of Portland against the Shell arctic --

**Fritz:** Thank you very much.

\*\*\*\*\*: I just wanna say we don't have 15 turns to turn this ship around in climate change --

**Fritz:** If you want to testify --

\*\*\*\*\*: Everyone is involved --

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**Fritz:** If you want to testify, please sit down and give your name. Thank you. It's an emergency ordinance, please call the roll.

**Item 794 Roll.**

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

**Fritz:** Thank you for your work. Aye.

**Item 795.**

**Fritz:** Commissioner Novick.

**Novick:** Colleagues, the Council adopted Resolution 37129 in June 10th, 2015 declaring our intent to initiate LID proceedings and establishing the name of the LID here. If this LID goes forward, it will eliminate the last unpaved street in Argay. Argay would then join Woodland Park and Russel as the third neighborhood in East Portland with no unpaved streets and the sixteenth neighborhood citywide. I will turn it over to Andrew Aebi.

**Andrew Aebi, Portland Bureau of Transportation:** Thank you, Commissioner Novick. Andrew Aebi, local improvement district administrator. A couple things -- I just passed out exhibit H to the ordinance. I wrote the ordinance before I went on vacation and I noticed that it wasn't stapled to your ordinance hard copy, so I'm just passing that out. The City Attorney is advised we don't need an amendment since it's referenced in the ordinance. And then as you may recall from our hearing in June, we didn't have any property owners appear. I asked Karla if we could rerun the presentation from June 10th -- do you have that available, Karla? Meanwhile, while Karla is working on that, I will go ahead and get started and give you a little bit of background on this LID.

The conversations with the property owners on the south end of the block of NE 136th have been ongoing for quite a few years. We had our first property owner meeting on March 31st, 2010. That was followed -- thank you, Karla -- that was followed with a petition mailing on April 30th, 2010. We had a Council hearing on July 20, 2010 and the outcome of that Council hearing was to amend the phase one LID to improve only the north end of the block. We came back for the LID formation hearing on August 25th, 2010. We had another property owner meeting October 20th, 2011. Another one on January 23rd, 2013. And you may recall that on April 30th, 2014, we had a final assessment hearing for phase one. One of the property owners at the north end of the block -- and I will go through my presentation here in a minute -- felt that there was an inequity that he was paying for his portion of the street to be improved and that the street would have been used by -- among other things -- heavy trucks by the property owners on the south end of the block.

At that time, Council directed me to be a Council-initiated LID, which we brought on June 10th and we are here to consider the formation ordinance. We did not receive -- oh, one other meeting that we had was on April 3rd, 2015. We had a property owner meeting to which all property owners were invited, and none of the property owners appeared at that April 3rd meeting.

The ordinance before you today would form the phase two LID to complete the remainder of 136th Avenue. The remonstrance deadline was a week ago. I did speak with -- or exchange communication with three property owners. We did not receive any remonstrances by the deadline of last Wednesday at 5:00 p.m.

So, just to move into the presentation here -- just to kind of refresh your memory on this. On this map here is the properties that would be included in the phase two LID. They are shaded in green. The properties that participated in the phase one LID are shaded in orange and in pink. You can see that solid black line on NE 136th Avenue. That's where we did the street improvements of the property to the south are currently using.

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Here's a picture of the first LID that we did in Argay in recent times about 10 years ago. That's what the street looked like before we constructed it, and that's what it looked like prior to completion of the construction.

One thing that I want to emphasize to Council is that when we petitioned the phase one LID that was going to include the properties on the south end of the block, we had an estimated assessment rate of \$7.22 per square foot. The ordinance before you would have an estimated assessment of \$6.48 per square foot. That is a 10.2% reduction over approximately five years. So, really, what I want to emphasize is that we are sensitive to the financial expense of improving the street, and so in bringing this proposal forward to you, we tried to keep costs to a minimum. That 10% reduction I might add is only a nominal term. So, if you were to adjust that for inflation with the big upticks we've seen in construction inflation, that's a significant reduction from what we proposed five years ago. We're hoping that now that the times are a bit better that this is a more appropriate time to bring forward the project to complete the rest of the NE 136th Avenue.

And finally, I wanted to point out to Council that I learn a lot from talking to the property owners. One of the property owners who contacted me after the resolution of intent hearings who did not appear mentioned to me that he did not have sanitary sewer service. So, one of the adjustments that we made in the LID was to include sanitary sewer extensions, laterals up to the right-of-way line for the majority of the properties in the LID that don't have sanitary sewer service. So, if Council approves this project, then it's what we call a complete street. Where we're going in there and excavating the street, we can take advantage of that opportunity to complete our sanitary sewer service to the property lines.

Council retains the full discretion to form the LID because again, remonstrances are 0% and under the City Charter, Council has the full discretion to approve this LID. We have property owners here to testify, and I'm happy to answer any questions you might have.

**Fritz:** Did you actually make contact with all of the property owners? You sent them notices and invited them to the meeting, but did you hear back from all of them?

**Aebi:** Yeah, several of the property owners and I talked on the phone -- we communicated by phone. I might also add, Commissioner Fritz, we did a posting notice on the site and we also did a publication notice, as well. So, in addition to all of the notifications for the meetings that we have had since 2010, any time that we form an LID, we also have notification -- the mail, the posting, and the publication.

**Fritz:** Right, and how many of the property owners did you hear back from?

**Aebi:** I heard from three of them. There's two property owners on the east side -- let me pull out my ordinance here and I can give you a rough proportion here. In terms of the unique property owners, not properties, we have one, two, three, four, five, six -- so I heard from three out of the six. I might add that I didn't have phone numbers for the property owners, so it really is incumbent upon people when they get that notice in the mail. I always provide my phone number and email, so that's really my best way to get a hold of the people short of camping on their doorstep.

**Fritz:** OK, thank you. So we have some folks who want to testify?

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

**Fritz:** Good morning. Please give us your name for the record and you have three minutes.

**Bruce Rickey:** Good morning. Bruce Ricky. I live on NE 136th off this, and I oppose this so-called improvement. I'm not interested in it. It's half the value of my property. I'll never be able to just make up that cost of \$77,803 for 100 feet. That's pretty expensive for a sidewalk. And yeah, I never talked to this other guy ever. I've been living there for 20 years

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-- like previous guy. So, anyway, I got this notice because of my neighbor, not because of anybody else. And anyway, it's just too hard to ship for me to pay \$77,000 for a little bit of sidewalk. That's what I have to say. Thank you.

**Fritz:** And the sanitary sewer connection -- is that of any interest to you?

**Rickey:** Not really. I have the sewer and it's been working just fine for all of these years.

**Fritz:** Thank you for your testimony. Sir?

**Kyle Snuggerud:** I'm Kyle Snuggerud, I own the property at NE 136th. We were not notified. Previously, the one that happened years ago, we were notified. Andrew knows exactly how to get a hold of me. He has before. I got notified by the signs on the street. That's when I was first notified, so I went up and down the street and notified everybody because if I wasn't notified, I would think that nobody else was correctly. So, we did that, but we are opposing it. We did last time. As he stated, the property value is not there -- it's not there. It's not going to bring the property value up that much. Oscar, the person that's on the opposite side of the street, I know he's out of the state for the last month and a half. So, trying to notify him -- probably wasn't there. I know he opposed it what's time. And also, the lady, Barbara at 4417, she's bedridden. I have her signature. She is also opposing it. She is on a fixed income and would go into bankruptcy and become homeless if she was faced with the LID. It's just the cost that they are imposing is too much for what the property is worth. Thanks.

**Matt Kayser:** My name is Matt Kayser, I work for Kyle at the business located there. A couple of things come to mind. When we saw the sign, that's when we kicked into action about how to address the LID and the impact, the financial impact it would have on the company and personally on Kyle, who owns the property. One of the things that we discovered through the process is that 50% of the ownership, the diversified ownership affected by the LID has to approve it. And as -- I think, he's your staffer -- Mr. Aebi, specified that there was no one opposed to it. Well, a couple of things about that.

Number one, as you pointed out, Commissioner Fritz -- President Fritz, sorry -- is the fact that he got zero response or practically no response, and in particular, no remonstrance from anyone. Had we known -- and we looked through this -- we looked on the City website, we looked through the ordinances, I found information on the resolution, the City Council resolution that discussed this. And had we known that there was a deadline for remonstrance, we would have been proactive about that. Our assumption was that today was the deadline for remonstrance, and so that's why we're here. Not only are we here, but the people that are actually physically present represent 45% of the property owners affected by the LID.

Kyle mentioned that Oscar -- we met with one of the tenants on the property that's affected that's owned by Mr. Hess. We're informed by that tenant -- of course, it's hearsay -- that Mr. Hess has been out of town since mid-May and is expected to return here sometime shortly. If you take the 45% of the people that are here testifying against the LID today and add that to Mr. Hess's percentage of ownership, that would represent 75% of -- approximately 75% of the property owners that are affected by the LID that are opposed to it.

So, my suggestion would be that this process be revisited again so that the property owners that are affected by it can actually register their interest or disinterest or remonstrate against it or approve it. Clearly, it appears that that's not been the case in spite of the fact that Mr. Aebi has attempted to contact all the property owners, not everyone has been contacted, and not everybody that has an interest in it has had a chance to remonstrate against it if they so choose. Thank you.

**Fritz:** Thank you. Any questions for the panel?

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**Novick:** Mr. Snuggerud, I thought that five years ago you actually indicated an interest in paving the street?

**Snuggerud:** Nope. The property value wasn't there. It's still not there. No, me and Oscar both opposed it.

**Fritz:** Thank you for your testimony.

**Moore-Love:** The last two I show are David Davis and Craig Coleman.

**Fritz:** Mr. Davis left. Mr. Coleman?

**Craig Coleman:** Thank you for letting me speak. My name is Craig Coleman, I am here representing trevor reed and kevin mcadams, the actual owners of the company -- or owners of the home. Much like the gentleman that just spoke said, we do not have the property value in this property. We just purchased it in late December -- they just purchased it in late 2014. And the assessment is way more than the -- I mean, it's way over 50% of the value of the property. And I can't actually speak to whether kevin or trevor received notice, but I do know that they were extremely distraught about the possibility of this assessment and we are very much against it.

**Fritz:** Thank you.

**Fish:** Madam President, can I offer a suggestion? And I believe that this has come up once before when you and I were on the Council. I believe it's within our authority to extend the deadline for a remonstrance up to and including today, which I would move. And then I would ask the question, based on the remonstrances that we have received today, what would Andrew's recommendation be for moving forth?

**Fritz:** Mr. Aebi?

**Aebi:** Andrew Aebi, local improvement district administrator. Commissioner Fish, before I answer your question, I think that it might be helpful for me to clarify a couple of things. First of all, it's important to note that these are non-conforming residential properties in an industrial zone. So, the current usage of these properties is not what the long-term buildout is of the property.

The second thing is is there was some testimony about the notice. Two of the gentlemen that spoke -- their legal mailing addresses of record are post office boxes, and that's where we sent the notice. Now, I don't know how often they go and check their post office boxes. Secondly, the 60% threshold that was referenced, that is a 60% remonstrance threshold. So, that would be what would defeat the Council's ability to form the LID. Also, I spoke with Barbara [indistinguishable] last week. We had a good telephone conversation. One thing that I try very hard to do as the LID administrator is not represent what the property owner's views are. My take away from the conversation was very different, that if she wasn't necessarily opposed to the conversation. We had a thoughtful discussion about -- she had wanted the street paved for many years, she didn't -- I left her a message that, you know, she didn't have sanitary sewer service. So, I came away with a very different impression about her thoughts on the projects. If anything, I took it to be more that she was neutral on the project.

Also, Kyle called me while I was on vacation and within an hour of returning from vacation, I called his administrative assistant and left her a message asking him to give me a call. I also followed it up with an email to Kyle, got no response from Kyle on that. So, really what I'm trying to communicate to you is that I worked really hard to be responsive to the property owners.

My recommendation would not be to extend the remonstrance deadline because the notification process has been going on for five years. I think, however, what we could do is extend the second reading and there might be some time to allow some additional testimony on the record. My sense is after five years of deliberations with the neighborhood, I think that we've arrived at the point that Council get to make a policy

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decision whether you want to move forward or not move forward. So, I don't know that extending the remonstrance deadline adds any clarity to that process.

**Fish:** If we were to set this over, say, a month, what would that allow -- first of all, I want to say on the record, my own personal view is that you do a superb job representing the City in these matters. You go above and beyond on notice, communicating, and often -- typically they come to us without much controversy. That's a testament to the way that you approach them and I think that you do a phenomenal job. And the rare occasion that there is some disagreement, we sometimes go the extra mile. You're calling out here that there's a policy decision. So, in order for us to have additional information to make this judgment both on the policy question and to satisfy ourselves on the question of notice, would you recommend that we set this over, say, a month so you can have conversations with the neighbors and with Council and then we can take it up again?

**Aebi:** I think that setting the -- continuing the first reading a month would be more advisable than extending the remonstrance deadline. Yes. And then I can bring that information back and then Council could make a decision on when it wants to do. I do really want to emphasize -- I just want to remind you again, though -- and one other thing that I should clarify, the very first phone call that I got on NE 136th Avenue was from a Snug's Pro-Wash of which Kyle is the owner. So, they contacted me. They had a real problem with the street being unpaved -- and I understand that they elected not to sign the petition and I respect that decision, but I want to make it very clear that the initial request to improve the portion of NE 136th Avenue that's now improved, came from Pro-Wash.

**Fish:** Well, Steve, I think that this is not -- this kind of a hearing is not the best place to thrash out some of these questions. If we were to extend -- if we were set it over, the first reading, for a period of time, then Andrew could give us additional information and then come back, and we'd have the same options when we came back as to whether to extend the clock or to take action. I would recommend that we consider up to a month extension, if that's acceptable to the Commissioner.

**Novick:** I'm not sure what additional information we'll get, but I have no objection to that. Andrew, I do have one question. In the notices that you sent, did they clarify that the deadline to submit a remonstrance was 5:00 p.m. on July 15th, 2015?

**Aebi:** Absolutely.

**Fish:** I guess the other thing that would be helpful to know -- because we from time to time have people come before us who make a hardship claim. I just would like to know in the briefing that I will have with you subsequent just what the range of options are for folks that do have a hardship claim.

**Aebi:** Yes, um --

**Fish:** I know that we have loan programs and other kinds of things, but I think it'd be worthwhile going over that.

**Aebi:** May I make a respectful request of Commissioner Fritz as President of the Council? We have some other LIDs in the pipeline right now, and I don't want to have two LIDs in front of you on the same day. Would it be possible for us to continue this to a second reading next week and then maybe just delay -- OK.

**Fritz:** And the reason is there's a lot on the agenda next week, and I think that it would --

**Fish:** I won't be here next week.

**Fritz:** Commissioner Fish won't be here. I think there's no merit -- there's no point in having a public hearing if it doesn't matter that the public shows up. And I think it's compelling to me that there are some significant concerns. I'd like to echo Commissioner Fish's acknowledgment of all of your good work. I know it's been extended on this particular project, but I'd like to ask your indulgence in meeting with the property owners and seeing if you could come to an agreement. Because it's unusual for us to implement a

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local improvement district that would be costing property owners half the value of the property without their agreement.

**Aebi:** On that note -- Commissioner Fritz, thank you -- I might suggest that we come back on September 9th. I'm just trying to think of the whole vacation scheduling. I know some of you are taking well-deserved vacations over the summer.

**Fish:** Thank you for that, by the way.

**Aebi:** May I suggest that we continue this to September 9th?

**Fish:** Does that work, Karla?

**Moore-Love:** Yes, I show everybody in on the morning of the 9th.

**Saltzman:** If I could just ask --

**Fritz:** Is there a time certain available?

**Moore-Love:** Yeah, it would be 10:00 a.m. time certain.

**Fritz:** And then there will be further opportunity to testify at that time.

**Saltzman:** I wanted to know, what -- to extend, the remonstrance period, you mentioned the notification requirement. How many -- how wide is a notification requirement in this situation where there's, like, seven property owners?

**Aebi:** Well, it's the same notification requirement applies whether we have one property owner or 100 property owners. So, we send out mail notices three weeks in advance and we send out posting and publication notices. There is some --

**Saltzman:** You send it to the effected properties or beyond that?

**Aebi:** Beyond that, there's no additional notification requirement, but the requirements are pretty extensive.

**Saltzman:** I mean, I guess I'm fine setting it over a month but it doesn't strike me as -- you know, we've heard from it looks like 45% of the property owners, sounds like there might be 60% -- I guess I would support extending the remonstrance period.

**Fish:** I think, Commissioner, the advantage of setting this over is that if, based on additional information from Andrew, we still have the opportunity to do that at that time. And it gives him a chance in the interim to see whether there's some accommodation. It serves the status quo, that's why I support it. It doesn't require us to call that question.

**Aebi:** Commissioner Saltzman, really the policy question is if you extend the remonstrance period -- and just assume for the sake of argument that there's 60% remonstrances -- then it would simply defeat Council's prerogative to form the LID. The complicating factor is we have some sanitary sewer improvements, which under the City Charter, Council has the full prerogative to form the LID anyway. So, I'm not sure that extending the remonstrance deadline adds anything. I think if anything, it sort of muddies the water. What I'm prepared to do is reach out to the property owners to the extent that I'm able to contract them and come back to you on September 9th with a full report. As I said last year when we had a very vocal property owner who felt very aggrieved that he was paying for his half of the street and the people to the south were not building their street or contributing financially, I'm more than happy to just come back to you and file a report both sides of it, and all of you can make a collective decision on what you want to do. I just don't think that extending the remonstrance deadline really adds any clarity and adds than expense to the City that I'd rather not incur, especially if the final judgment is we're not going to form the LID.

**Novick:** Colleagues, I'm concerned that if we extend the remonstrance deadline here, I don't see any particular circumstances here which would suggest that that should mean that we wind up extending the remonstrance deadline at all times and eliminate the concept of the deadline.

**Fish:** I think we do it here to those deadlines generally. Andrew, does -- does our code require actual notice? So we had some folks who testified that they did not get a letter or don't recall getting a letter but they saw a sign. You use multiple ways of communicating

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with the public. Is our ultimate obligation to ensure that there was notice from whatever means?

**Aebi:** We have what we call a belt and suspenders approach. So, code contemplates three methods of notification, but code also says that we can get by with one means of notification -- obviously, I never skate by with the minimum. What's very interesting, is I had a meeting with the Oregon City attorneys at their conference in May and we were discussing the LIDs. In fact -- not to get into the weeds of this -- but Portland's notification requirements are significantly more extensive than other cities in Oregon. So, I just think it's important to note that.

**Fritz:** I think at the end of the day, actual notice is what's important. We just went through this with surplus property about ways of using a combination of printed notices, signs at the site, and other things.

**Aebi:** And by the way, I think it's good that the posting notice worked because sometimes property owners don't go to their P.O. boxes all their frequently, they don't open their mail. I take this as a positive that we provided the posting notice and that was a way to make sure that the people knew what was transpiring.

**Fritz:** Right. And then neighbors talked to neighbors -- did the City Attorney have a comment for us?

**Linly Rees, Deputy City Attorney:** We can talk about it at some other point, but there is code language talking about how we have the three methods. Each of the methods provides the same information. So for example, the posting notice also includes information about remonstrance deadlines, what's required to do that. We also have a provision that doesn't require actual notice, it actually provides that mistakes, errors, omissions, or failures with respect to any of those methods doesn't take away Council's jurisdiction.

**Fritz:** Thank you. I'm very grateful for your work for your work on this, very grateful for the folks who showed up. If you could meet with Mr. Aebi and make sure that he has the phone numbers that he needs. My thought is that the remonstrance deadline is somewhat moot because this is going to be the Council's choice about whether to form the LID or not, so each of us can take into consideration the concerns we've heard from individual property owners without addressing the issue of the remonstrance deadline.

**Aebi:** Very well put, Commissioner Fritz. And I will schedule a property owner meeting. I may actually do something which I don't normally do, I may just tape the notices on the doors as well.

**Fritz:** With the smaller number of residents, that would be possible. Thank you. So, we're going to continue this matter to September 9th time certain at 10:00 a.m., which means that it won't start before 10:00 -- it might start after, but yeah, if you're here at 10:00, it will be fine. Thank you very much. With no further business, we are adjourned.

At 10:46 a.m., Council adjourned.