



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **2ND DAY OF SEPTEMBER, 2015** AT 9:30 A.M.

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

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

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

		Disposition:
COMMUNICATIONS		
903	Request of Rodney Wall to address Council regarding homeless issues (Communication)	PLACED ON FILE
904	Request of Tricia Reed to address Council regarding homeless issues (Communication)	PLACED ON FILE
905	Request of Reco Jones to address Council regarding homeless issues (Communication)	PLACED ON FILE
906	Request of Theodore Gilder to address Council regarding houseless issues (Communication)	PLACED ON FILE
907	Request of Fredric Alan Maxwell to address Council regarding The Salvation Navy, his 501(c)3 (Communication)	PLACED ON FILE
TIMES CERTAIN		
*908	TIME CERTAIN: 9:45 AM – Authorize an Intergovernmental Agreement with METRO and accept a grant in the amount of \$650,000 for Boones Ferry Fish, Wildlife and Trail Passage Partnership Project (Ordinance introduced by Commissioner Fish) 30 minutes requested (Y-4)	187321

September 2, 2015

<p>909 TIME CERTAIN: 10:15 AM – Appoint Osvaldo Gonzalez and Brenda L. Meltebeke and reappoint Phillip T. Hillaire and Verlea G. Briggs to the Board of Directors of the Regional Arts and Culture Council for terms to expire June 30, 2017 (Report introduced by Mayor Hales) 15 minutes requested (Y-4)</p>	<p>CONFIRMED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Charlie Hales Bureau of Police</p> <p>*910 Accept and appropriate an additional award in the amount of \$8,000 from the Oregon Department of Transportation for the FY2015 Multnomah County DUII Intensive Supervision Program for sworn personnel overtime (Ordinance) (Y-4)</p>	
<p>Office of Management and Finance</p> <p>911 Amend franchise granted to NewPath Networks, LLC to build and operate telecommunications services within City streets (Ordinance; amend Ordinance No. 180376)</p>	<p>PASSED TO SECOND READING SEPTEMBER 9, 2015 AT 9:30 AM</p>
<p>Commissioner Nick Fish Position No. 2 Water Bureau</p> <p>912 Accept contract with Emery & Sons Construction, Inc. for the construction of the Forest Park Low Tank Project as complete, release retainage and authorize final payment (Report; Contract No. 30002790) (Y-4)</p>	
<p>REGULAR AGENDA</p> <p>Mayor Charlie Hales City Attorney</p>	

September 2, 2015

913	Authorize the City Attorney to intervene on behalf of the City of Portland in Oregon Public Utility Commission Docket UM 1734 (Previous Agenda 883; Resolution) Motion to strike "severely limit" and replace with "significantly impact" in the third whereas clause and accept changes to the Impact Statement outlined in the City Attorney memo dated 9-1-15: Moved by Fish and seconded by Fritz. (Y-4) (Y-4)	37151 AS AMENDED
Office of Management and Finance		
914	Accept bid of Emery & Sons Construction Group for the Hollywood-Grant Park Sewer Rehabilitation Project for \$10,995,653 (Procurement Report – Bid No. 00000050) Motion to accept the report: Moved by Fish and seconded by Novick. (Y-4)	ACCEPTED PREPARE CONTRACT
915	Amend contract with Moore Iacofano Goltsman, Inc. to increase contract amount by \$29,215 to provide additional consultant services to include the Portland's Centers for the Arts facilities in the City's ADA Title II Transition Plan (Second Reading Agenda 895) (Y-4)	187322
Commissioner Steve Novick Position No. 4 Bureau of Transportation		
916	Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the Burgard/Lombard @ North Time Oil Road Intersection project, through the exercise of the City's Eminent Domain Authority (Ordinance)	PASSED TO SECOND READING SEPTEMBER 9, 2015 AT 9:30 AM
917	Vacate a portion of N Terminal Rd east of N Lombard St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10096) Motion to accept replacement Exhibits 1 and 2: Moved by Novick and seconded by Fish	PASSED TO SECOND READING AS AMENDED SEPTEMBER 9, 2015 AT 9:30 AM

At 11:13 a.m., Council adjourned.

MARY HULL CABALLERO
Auditor of the City of Portland



By Susan Parsons
Acting Clerk of the Council

September 2, 2015

WEDNESDAY, 2:00 PM, SEPTEMBER 2, 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.

September 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.

SEPTEMBER 2, 2015 9:30 AM

Hales: Welcome to the meeting of the Portland City Council, would you please call the roll?

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

Hales: Good morning, everyone. Before we begin with the formal Council calendar, we have a moment for some community recognition. We do proclamations here in Council. Normally we put those on the regular calendar, but this was late-breaking development where we got to welcome some heroes back to Portland on Sunday and I wanted to make sure that they have a chance to see their City Council and hear from all of us.

You guys may know that this is Council full of sports fans. Commissioner Novick is a major baseball fan, Commissioner Fritz is a football fan, I'm a basketball fan, and Commissioner Fish is a major soccer fan. But right now, we're major little league fans, so that's why we are here today. So, let me read this proclamation and we'll maybe bring folks up to the team to say a few words to us.

Whereas, the Wilshire-Riverside Little League baseball team set off to compete in the little league world series on August 20th for a chance to compete for the championship title; and whereas, the Wilshire-Riverside Little League baseball team is the first Portland team in 57 years to compete in the little league world series; and whereas, the Wilshire-Riverside Little League baseball team are now the 2015 northwest regional champions; and whereas, number one Jackson Farr, number five Spencer Scott, number seven Kaden Segel, number nine Barrett Bevacqua, number 12 Kyle Oslund, number 18 Dylan MacLean, number 22 Huck Stuhr, number 27 Sam Stuhr, number 29 Cooper Shaw, and number 34 Nolan Miga are very devoted members of the Wilshire-Riverside team; and whereas, this Portland team has proudly represented our city in the little league world series; now, therefore, I, Charlie Hales, Mayor of the City of Portland, Oregon, the city of roses, do hereby proclaim September 2nd, 2015 to be Portland Little League Day in Portland and encourage all residents to congratulate the Wilshire-Riverside team for their stunning success. Let's hear it for these guys, well done. [applause] We're all proud of you. Anybody want to come up and say anything? How intimidating is that? Maybe one of your coaches or leaders might want to come up and talk about this for you, but we would love to have a couple of you up and tell us a bit about what this experience was like for you.

*****: No. [laughter]

*****: We're not running for office.

Hales: Not yet.

*****: Should I have a seat?

*****: Please.

*****: I wanted to say first of all, thank you very much for having us. It's just such a treat for us to come and see you guys here. Super proud of these boys and what they have accomplished this year -- and over the last you know, four or five years -- where they have really dedicated themselves to each other and playing baseball the right way. Put in a ton of work over the last four years, and that hard work has paid off with a northwest championship title. So, we're super proud of them.

September 2, 2015

We're also really proud of our community and our city. You know, we have had a tremendous amount of support. A little league team can't do this on their own, and our immediate Wilshire-Riverside community has really created a platform for these kids to kind of jump off of. We have a ton of really dedicated volunteers not only on our board, but also volunteers that do umpiring, that do concessions, that coach, that do field prep and maintenance. All those people make it possible for us to be able to and this experience with these kids. And then outside of the Wilshire-Riverside Little League community the greater Portland metro area, we just have a ton of support both financially, but also, just sort of emotionally with the well wishes. We definitely felt the love on our travels from Portland coming out. You know, it just made all the difference in the world to us. So, super proud of the kids and also really proud of our community.

Hales: That's great. Thank you very much. Let's take a picture with the parents and the coaches and the team.

****: Can we put our hats on for you?

Hales: Of course. [photograph taken] Thank you all very much. [applause] Thanks, everybody. It was a lot of fun.

We are going to move into our regular calendar. We have communications items up front in which the citizens get to sign up for three minutes on the Council calendar to speak about the subject of their choosing. We'll take those first. Then we have our consent calendar and items on both the time certain and the regular calendar. I don't see any requests to pull anything from the consent calendar, which is quite short today. None? OK.

Again, welcome, everyone, if you are here to speak on a Council calendar item, we allow three minutes and given the light agenda today, that shouldn't be difficult. If you are here to speak on the Council calendar item, you need only give your name, unless you are a registered lobbyist, in which you need to let us know that at the front end, but you don't need to give us your address. If you are here to speak on an item, let our Clerk know that you want to do that. We always maintain the rules of decorum here, so if you agree with your citizen and want to indicate that, feel free to give him a thumbs up or a wave of the hand. If you disagree, a polite hand gesture to the contrary is OK, but we don't make vocal demonstrations here because we want everyone to have their say. Let's please take 903.

Item 903.

Hales: Is Mr. Wall here? Yes, good morning. Come on up. Good morning. Just swing that microphone over a little closer to you there. There we go.

Rodney Wall: [inaudible] -- with R2D2. We'll be moving soon --

Hales: I'm sorry to interrupt, but just pull that microphone close. The whole box moves, so you can slide that whole box closer to you. There you go. Either one is fine, just get close to it please.

Wall: Although we'll be moving soon, there will be still homeless people looking for a safe place, a warm place to lay down and rest or a hot meal. We do our job -- [indistinguishable] -- or maybe pair of pants after it rains. We move where these people are going to look for the same services we gave out to them on a daily basis. Maybe it's your backyard. We all need to solve this homeless problem instead of pushing all of this into the next date.

[inaudible]

Hales: Thank you.

Item 904.

Hales: Ms. Reed, are you here? We'll give her another opportunity.

Item 905.

Hales: Good morning, come on up.

Reco Jones: Good morning. How are you doing? I'm on my way out to Vermont soon, but I was here about a year and a half ago, if you remember, very well, that --

September 2, 2015

[indistinguishable] -- I think the only person that's really stepped up here is Ms. Fritz. I think you guys need to find another career somewhere else because you're really not doing it. I'm sorry. Look, I'm a native Oregonian and we expect better than this.

The last two years, the homeless percentage has gone up 30%. And I think in two years, it's going to be 60 if we don't do something now. I'm seriously really -- would think about putting more Right 2 Dreams in the city. About a year and a half ago, I took a trip to Seattle I saw tent city and they are doing very well. I think we need more of that because if we don't, we're not going to have enough housing for anybody. One, there's not work for anybody. As we all know, things are rough for everybody. But I think Mr. Hales, you need to step it up a little harder because you have control to do better than this. And you are a smart man and I know that you can do it. This needs to be addressed quickly. Before we know it, it will be 40 years down the line and 75% homelessness. What are we going to do then? Really think about this.

I'm going to Vermont -- probably where our next president is going to be from -- and I am telling you that I am out the door. I'm a native Oregonian, but I am not proud of what's going on here. I am ashamed. I have seen the city grow and now, it's dying. Old Chinatown is dead, it's dying. Rent is so high, Chinese people can't even afford the rent. So, what are we going to do to make it better? We need to find a way. We need to put more work in and more training for welding or, you know, some type of work career -- truck driving. You know what I mean? I'm sorry, but you know, it's going to get worse before it gets better. You guys need to step up. Amanda has been an amazing for R2D2, she's been working really hard for us. I know I'm leaving, but I want to say thank you. You guys gotta step up. If you don't, we're going to drown, and then what are we going to do then? That's all I have got to say. Thank you.

Hales: Thank you. Thanks very much.

Item 906.

Hales: Good morning. Come on up.

Theodore Gilder: Good morning, Council. As you know, my name Theodore Gilder. And my perspective and perception of the homeless situation goes like this. I don't want to just talk about the fact that we have a growing homeless population not just here, but nationwide. I'm going to talk about what I see is the problem with the homeless and where this homeless population is growing, coming from. I wrote down this real quickly, and I'm a little nervous, but I am going to get it out as smoothly as possible in under two minutes.

I understand that gentrification is a direct action of the population. Why do I say this? If those of us that are the least amount of money -- lower class and middle class, included -- lose their houses and rent places where they rent, they become openly susceptible to the poisons in the air, in the water and food that the corporations have paid upper level politicians big money to allow. So, the de-population process can begin. They figure those with the real money are smart enough to live underground until the death of billions take place, creating a job and housing market for those that do survive. We are pawns willingly and unwillingly. The deception comes in the form of an alien agenda that doesn't happen.

As I see it, it begins with a greater hierarchy taking what they are going to take, collecting people, plants and animals, seeds, to create the next world which may or may not be here. These truths are made evident in the fact that a former slum lord in New Jersey -- where I come from, New Jersey -- is now running for president. And in the time of him being where he was, he's taken the people he displaced to build his casinos. And now, this man is running for president of the United States. I'm noticing the different states I've been to that there has been a lack of strong education. Instead of educating the children, you are dumbing them down. If these kids, children of tomorrow, are going to be future

September 2, 2015

homeowners. They are not able to do the jobs. They are not going to have the job and if they do not have the job they won't have any place to sleep or a home which they can call their own, therefore adding to the homeless population, which doesn't help the fact that R2D2 and places like them are trying to take the homeless people off the street and try to reintroduce them into having housing and being what we call citizens, honorable citizens where they are not being harassed by people, places and things. With that being said, that's what I came here to speak on.

Hales: Thank you very much.

Item 907.

Hales: Good morning.

Frederick Alan Maxwell: Good morning, Mayor Hales. My name is Fredrick Alan Maxwell. Most people call me Fred.

Hales: Fred, welcome. Just pull that microphone done. Thank you.

Maxwell: Thank you. I was last here to talk about asking the USS Zumwalt to head up the Rose Festival and talk about the zero homeless vets act, but since Mayor Hales mentioned me by name -- and my cat not by name -- in January's State of the City address, I thought that you'd be interested in how that -- oh, as successfully housed, formal homeless vet, I thought you would be interested in how that success keeps going. But first, Mayor Hales, her majesty albus the first has sent a message through me that she forgives you for not mentioning her by her proper name and title.

Hales: [laughs] Thank you, duly chastised.

Maxwell: But if you do it again, you're not going to be re-elected. [laughter]

Since I last talked to my father, my estranged -- excuse me, since I last talked to the Council, my estranged father died. We had only seen each other three times in the last 30 years, none of which went well. My eulogy is titled, "my fat, fascist, Philistine father." So, I was stunned to find out that my fat, fascist, Philistine father had left me a generous inheritance.

Given our acrimony, I was having trouble accepting dad's money. Integrity and common sense demanded finding a common ground, some way to take our truly sad song and make it better. Well, dad was a decorated, non-combat World War II Navy vet. I'm a decorated non-combat Vietnam Navy vet. And the Navy likes to think it takes care of its own -- and it generally does.

So, in that spirit, I have set up and funded the Salvation Navy, a non-religious, nonprofit dedicated to helping house primarily homeless U.S. Navy vets and their family and keep them housed. The IRS has given us 501(c)3 status. You can find us at the salvationnavy.org. And the Salvation Navy is simply paying for Portland's strong safety net, which helped and held me above water when forces were pulling me below. Transition Projects, Doreen's Place, Northwest Pilot Project, sally kirkland and the brilliant HUD VASH voucher program deserve all the help that they can get.

In the past eight months the Salvation Navy has paid for classes, about three new laptops, four air-conditioners for asthmatics, and simply handed out thousands of no strings attached bucks to some desperately poor folks, sewing seeds of stability amid instability. You are known for what you give. You are known for what you give. And honestly, I'm having so much fun giving away what I consider someone else's money. I was wondering if any of you were thinking of not running for re-election.

All this is a way to explain that, after three years of stability, I'm looking for a house or a condo to buy. Again, thanks for your help. And one more thing, this really does have a close to Hollywood ending -- I live in Kearns. Thank you.

September 2, 2015

Hales: Fred, thank you. Good to hear from you and I'm glad to see you are helping vets. We've got some vets still outside that we're all working together to get inside, so appreciate you turning towards that cause again.

Maxwell: Sally Kirkland will do it.

Hales: Thank you very much. Ok. Let's move on, please, to our consent calendar. Again, I don't think that there are any items to withdraw, so we'll take a roll call vote on the consent calendar.

Roll on consent agenda.

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

Item 908.

Hales: Commissioner Fish.

Fish: Thank you, I would like to invite Jane Bacchieri forward; Don Baack from SW Trails PDX; John Mullen, parks manager for the Tryon Creek state natural area; Metro Councilor Carlotta Collette -- and it's a great tradition in this body to mangle her name every time we introduce her. [laughter] And as my colleagues know, we're also joined by Lake Oswego City Councilor Jeff Goodman, who actually was born and raised in Southwest Portland. He's not in the program but Jeff, would you stand so we can acknowledge you?

Hales: Thank you. [applause]

Fish: My friend Sam Chase once drew out on a napkin the sort of hierarchy of local government. He put Metro at the top, followed by the County and the City. I suspect if he were here, he would pencil in Lake Oswego, and then the City of Portland. Welcome. A few opening remarks.

Mayor, we put this on the agenda because normally, something like this could be on the consent agenda and it would go unremarked. And because this is such a spectacular success and a successful set of partnerships, we wanted to put it on time certain and highlight the accomplishment and thank our partners for what they have done. The grant we are considering will help fund a project that makes it possible for the City to meet regulatory requirements, increase the public safety, and provide a link to an important community trail.

The Boones Ferry fish wildlife and trail passage project has multiple benefits because of important partnerships with the community and other agencies. Today, we get a chance to thank our partners for all their great work and to learn a bit more about the project. I'm going to turn it over to Jane, the watershed services manager for Environmental Services. Welcome.

Jane Bacchieri, Bureau of Environmental Services: Thank you. Good morning, my name is Jane Bacchieri. I'm the watershed services group manager for the Bureau of Environmental Services. Mayor Hales and members of the City commission, before you today is an ordinance to accept a grant in the amount of \$650,000 from Metro for the Boones Ferry fish, wildlife, and trail passage partnership project. We're excited to present this project with several of our project partners today and highlight the benefits of working in partnership with the community groups and other governmental agencies to build a project that best meets the multiple goals.

Presenting with me today are Metro Councilor -- I'm not going to mess it up -- Carlotta Collette; Don Baack from SW Trails PDX; and John Mullen, the manager of the Tryon Creek state natural area. Together, the four of us hope to tell the story of how citizen participation and government responsiveness can build a stronger, lasting project. And as Commissioner Fish mentioned, John Goodman, City Councilor from the City of Lake Oswego, is also here today to support the partnership.

This project is a culmination of years of planning and community involvement in stormwater management, stream restoration, and pedestrian and wildlife advocacy. BES

September 2, 2015

has been planning to replace the culvert for Tryon Creek at Boones Ferry Road for over a decade. To that end, we secured funding and did predesign for two alternatives. One was a larger open bottom culvert and the other was a bridge. BES' recommendation was to pursue the culvert option because that meant our objectives for fish passage and conveyance. However, the community and agency partners asked to look for other options that would enable us to build the bridge because it provided additional community value to the pedestrian and wildlife passage. So, this ordinance and presentation will highlight the power of including multiple voices in project planning and government responsiveness, which is resulting in a regional project that benefits many.

A few facts about Tryon Creek. The Tryon Creek watershed is home to ESA-listed salmonoid species, including steelhead trout, Chinook salmon, and Coho salmon. It also provides habitat for other fish such as pacific lamprey and western lamprey and also for wildlife, including black-tailed deer and North American beaver.

Just a little overview. The Tryon Creek is one of the five watershed management areas in the city of Portland. The yellow line on this map shows the boundaries for the watershed. Its headwaters are near Multnomah Village and it flows into the Willamette River at Lake Oswego. Development in the headwaters and natural resource protection for the Tryon Creek state natural area are very important planning considerations when we consider projects in this area.

BES' watershed health strategy includes stormwater controls in the upper watershed, and the blue dots on this map show where we've done some projects to address stormwater in the watershed near Multnomah Village and also I-5. And in-stream restoration in the lower watershed and the red dots on the map show where we've done some riparian projects through the state park. The Boones Ferry culvert is in the white box, it's sort of right in the middle of the watershed.

This slide shows a couple of examples of water quality and stormwater flow control projects that BES has done in the more developed upper Tryon Creek watershed. These projects have also been done with partners. So on the left, you've got the Markham rain garden, and our project partners for this included the Markham neighbors and SOLV. On the right is the Barbur Boulevard TriMet park and ride project that we completed with ODOT and TriMet as partners.

These are a few projects in the lower part of the watershed. We've partnered on projects that include projects in the Tryon Creek state natural area to restore the stream functions by protecting sanitary sewer infrastructure, adding habitat for salmon, protecting stream banks, and daylighting creek sediments that have been piped.

A few details about this project. The 140-foot-long culvert for Tryon Creek at Boones Ferry Road was identified by BES and community partners as undersized and a nature fish passage barrier in the 2005 Fanno and Tryon Creek watershed plan. The culvert is a fish passage barrier due to the jump height for fish to enter the culvert. The culvert was further analyzed for the BES 2008 capital improvement predesign report, and the report noted the culvert could feasibly be replaced by a larger, open-bottom culvert with a natural stream bed or by a bridge.

At that time in 2008, the community -- and notably SW Trails -- expressed interest in using the project to also bring a pedestrian trail under the Boones Ferry Road at the site to complete the missing portion of the Hillsdale to Lake Oswego regional trail identified by Metro. And at that point, an alternative safe solution for pedestrian crossings at the busy Boones Ferry Road area had eluded PBOT and also trail advocates.

So, some of the project objectives. This slide shows a couple of the problems that we have gotten in this area. At the upper end of the culvert, there's a trash rack, a concrete trash rack, and that impedes the conveyance at high flows. The trash rack is also a fish

September 2, 2015

passage barrier because it includes a difficult jump up for fish. And wildlife are also deterred from crossing underneath Boones Ferry Road through the culvert.

In 2013, BES secured capital funding to work on designs for conveyance and capacity issues and to provide fish passage in this area. And the project included designing for a trail under the passage, if feasible. An advisory committee of interested parties and partners was established in late 2013.

We have had an advisory committee for this project, and it's made up of working partners. So, we have several agency partners which include Oregon Parks and Recreation department, and they are the property owner of the area upstream of the culvert and they are the lead for the trail project that will bring pedestrians to the culvert in such a way as to safely cross underneath Boones Ferry Road. The U.S. Fish and Wildlife Service has been a project partner since 2008 to study fish passage in the Tryon Creek system and will continue to do this work. Portland Parks and Recreation manages Marshall Park natural area upstream of the project site, and this park is where the Hillsdale to Lake Oswego trail crosses. The Portland Bureau of Transportation manages Boones Ferry Road and they work on community and pedestrian connectivity and will support structural engineering oversight for the project. And the Oregon Department of Fish and Wildlife are a technical resource for the group through representation on the committee.

West Multnomah Soil and Water Conservation District supports work in the area by partnering with BES and Oregon Parks and Recreation department on re-veg on private properties adjacent to the natural area and Metro will be buying the project buy-up, as we call it, from a culvert to a bridge through the nature in the neighborhood's capitol grant that is in the ordinance today that you'll be approving.

Community groups involved in our project include the Tryon Creek Watershed Council and they work watershed-wide with residents in restoration activities, and Commissioner Fritz was a founding member of this group. SW Trails PDX, who you will be hearing from, provides long-term planning and vision for trails, as well as boots on the ground to get those trails developed. The Friends of Tryon Creek Park provide ongoing stewardship for trail maintenance and habitat enhancement, and the Arnold Creek Neighborhood Association provides input to the advisory group and will be involved in the project. And also, there's additional property owners that live adjacent to this project that will provide input.

Here's a little chart that shows you the two alternatives that we looked at in our predesign. One was 120-foot-long open bottom culvert and the other was a 45-foot-wide bridge option. I'm not sure how well you can see the numbers. The bridge option is a more expensive option. It's approximately \$800,000 more than a culvert would be. And as I mentioned earlier, BES' recommendation was the open bottom culvert because this met our objectives for fish passage and conveyance. But the project advisory committee and the community advised applying for the Metro grant so that we could get the additional benefits provided by the bridge. And if you look at the chart, the enhanced fish passage pedestrian wildlife connectivity and riparian zone and wetland values scored higher when we were looking at the two alternatives.

This slide is just a couple of examples of bridges with under-crossings that provide more room and light for riparian plantings and space for pedestrians and wildlife to move. And the example on the left actually shows -- I'm not sure how well you can see this -- but it's a trail that goes along the side of that crossing.

This is an overview of some of the nearest -- it's confusing -- of some of the nearby properties and the connectivity considerations for the project. The area in the yellow circle is the approximate position of the culvert under the Boones Ferry Road. And starting in the upper left going to the lower right, we have Marshall Park, which is Portland Parks and

September 2, 2015

Recreation property, and the current section of the regional trail, which is in orange, that goes through that. And Metro purchased property, which is currently managed by Oregon State Parks, and there's a portion of the state park showing the new section of trail. So, there is a proposed new trail that would provide connectivity and this culvert is key to that.

The undersized culvert that we currently have is in the right-of-way of these private property that are just below the culvert. And Oregon state park's north creek trail, which is in the red, in the lower right hand portion of the map is currently -- it's very -- the connectivity there is extremely difficult. Basically, pedestrians have to run across Boones Ferry Road to get to that portion of the trail. So, this bridge would provide very needed and very critical connectivity to both the established trails and the planned new trail in this area.

There is also regional context to this bridge project, and the project ties in nicely with the potential uses for the Willamette shoreline trail. That's the green line on this map. The blue trail line is -- the culvert is, you can see, next to the blue trail line -- Councilor Goodman of Lake Oswego has been cited by the Oregonian as a leader from the effort to develop the Willamette shoreline trail as a bike ped route while retaining the ability to have a streetcar at some future date. So, we're looking at a much broader context, we're looking at regional connectivity and within the city.

Fish: Somehow, "cited by the Oregon" doesn't seem like a compliment -- [laughter] -- the citation was dismissed but acknowledgment was noted. [laughter]

Bacchieri: So, I just wanted to provide background for the project. I would like to introduce Metro Councilor Carlotta Collette to provide some perspective from Metro.

Carlotta Collette: Great, thank you. Thank you, Mayor and Commissioners, for allowing us to come in and present this to you. The only thing better than getting money is giving it away to worthy projects, so I'm very pleased to be here today to be able to move this project from a culvert project to a bridge project.

I've been on the Metro Council for about eight years now, and I think that it was only a matter of weeks after I had come on the Council that Don brought me up to the neighborhood and said, "this is part of your district," which I actually did not know until he got me out there. And he brought me down that hillside and up to that culvert and showed me what needed to happen there. I really have to recognize Don and his neighbors and the people at BES and in the City of Portland and all around the region who picked it up and kept it in front of everybody to make sure that this is an important project that gets done.

When we look at our capital grants, they are limited dollars. In fact, we probably have one more year left of them. Thanks to the voters in 2006 who granted us the dollars to buy land. They also granted us the dollars to award capital grants for permanent methods of helping people and animals get around in our region. So, this project is part of that. It's a pretty big grant in that kind of -- in that program. We don't do a lot of grants over half a million dollars, so this is a significant award.

When we look at why we would give these awards out, we have a number of criteria. Probably number one is the science. Is this important for fish and wildlife? Is this an important habitat project? And this has that all over. This is a great habitat project. But then we also look at, is this the most creative way to solve this problem? Is this -- have we really looked at the most efficient use of our dollars? And with people like Don and others and the state -- I mean, we had an amazing partnership working on this. And as Jane said, BES had solved the habitat, the fish, the connectivity problem, but not the people problem. So, this one rose up to that level as well. This is really -- this is a creative solution to not just a habitat problem but also to a connectivity in the community problem.

The other thing that we look at is what kind of partnerships are we creating through these programs, through this grant money? Because we are not going to have an infinite

September 2, 2015

amount of grant money, we want to make sure the partnerships exist that have heroes like Don who will carry on and will keep looking at ways to improve the habitat, improve connectivity, create better trails. So, the partnerships are really critical -- and this one, again, it just ranks so high with having the City, the state, the neighborhood, the region -- I mean, you have everybody at the table working together to solve this problem in the smartest way that we possibly could come up with.

So, from our perspective, this is a great investment. This is a great project. We have local heroes who will make sure that it's done and done right. We have the City behind it. We have the state behind it. I'm just very, very proud to be able to say that Metro is behind it as well. We are here to make this project the totally class A project that it can be. So, thank you very much.

Bacchieri: Thank you. And now, I would like to introduce Don Baack, who's the chair of SW Trails PDX.

Don Baack: Thank you. Mayor Hales, Commissioners. First, I want to acknowledge Jennifer Devlin's work on this. She has done a huge amount of work over the years to make this happen and held my hand and the hands of many others of us to get this reasonable stuff put together to present to you. Southwest -- I will go on here now.

SW Trails is a citizen-led community service 501(c)3 group of volunteers -- working volunteers, I want to say -- which appropriates walking and biking in Southwest Portland. We lead monthly walks. You can join us any time the second Saturday of the month, 9:00 at Wilson -- organizing volunteer work parties -- the next one is tomorrow in Dickson Park -- develop new walking and biking opportunities for working with the City, County, Metro, and the state planners.

Southwest Portland has a long history -- SW Trails PDX, that's the official name -- has a long history of fostering the development of a network of trails in Southwest Portland. This trail, which is number six, which is the Hillsdale Lake Oswego regional pedestrian trail and by the way, that's only half of the trail. The whole trail starts at 18th and Jefferson and goes all the way to Lake Oswego, a total of 12 miles. This trail will pass under the bridge which was conceived in the late 1990s when the City Council adopted the Southwest Urban Trails Plan. In 2002, Metro included the same alignment in the regional trails plan in the Hillsdale Lake Oswego regional trails plan. That's the Hillsdale to Lake Oswego part, not the part that goes downtown.

SW Trails has been the primary project champion to include a pedestrian under-crossing at SW Boones Ferry since December 2007. At that time, after review of the City's culvert replacement predesign, SW Trails contacted Metro about possible partnerships and wrote a letter to the City to move the project forward on the BES capital improvement list. We also contacted the press for several favorable articles about the need.

SW Trails has served on the Boones Ferry Culvert Replacement Advisory Committee convened in 2013 -- 2013, which recommended -- it seems like it was probably 2013, that's as long as it felt like if getting it done. Since the adoption of Southwest Urban Trails Plan, SW Trails has sought and received funding from the Bureau of Transportation for and constructed several miles of southwest urban trails network, many connections that would otherwise not be built. In addition, SW Trails has designed and funded -- partly with a BES grant -- to build a major stream crossing, which you saw on one of those slides of Stephens Creek. The original concept for this crossing was \$900,000 -- 1999 dollars, that is -- it would be a lot more today -- a bridge we believed would not be built in our lifetimes. We developed an economical alternative to build ourselves.

We've also improved the Hillsdale Lake Oswego trail that are on unbuilt streets right-of-ways. Hundreds of man hours have been invested in improving the important transportation infrastructure to provide safer, easily walked pedestrian routes to get people

September 2, 2015

off our streets that have no sidewalks. In this way, the 40 miles of the Southwest urban trail network and this new bridge contributes to Southwest Portland's part of the Vision Zero effort. I want to repeat that because it's really important. Our Southwest urban trails network contributes significantly to the Vision Zero effort by getting people off the streets that don't have sidewalks. So, it gives them an alternative way to go to pleasant places to walk on a low volume streets and on these connection and is trails we built.

Our volunteer-built improvements are a start, but more expensive improvements are needed as the use of the trails increases. SW Trails PDX board fully supported the effort to make the Boones Ferry Crossing at Tryon Creek a bridge rather than a much-longer culvert. It gets us out of the storm sewer, in effect, and also supports the Boones Ferry fish wildlife and trail passage partnership proposed to leverage BES funds for stream conveyance and fish passage with Metro funds for enhanced fish, wildlife, and pedestrian passage. With a bridge, we can design a much better trail entrance and exit from this, so we can have a higher elevation and we can get onto the street easier. This will result in having a trail closer to the street and make it easier for walkers of all the abilities to make this connection.

SW Trails has developed fruitful partnerships which resulted in many new connections to the urban trails network. The Lake Oswego passed an ordinance supporting this many years ago. We've worked with Washington County in terms of our connections to the west and worked with Metro to put all this together into a comprehensive system. We will continue to engage agency and community partners to help fund, develop, and maintain trails and encourage safe, non-motorized transportation, which is our unique contribution to watershed health.

When the Boones Ferry Bridge over Tryon Creek and the associated trail Oregon Parks is constructing are completed, this will be the premiere long-distance walking route in Southwest Portland. About five miles of trails through wooded parks or on little-used streets. It will also provide a much-needed safe pedestrian connection to activity centers for many residents in the southern part of Southwest Portland. If you live along Boones Ferry or Arnold or Stevenson, it's really difficult to walk north. You end up having to drive because it's not safe for you or your children. Once we have this route, we'll have an urban trail all the way to Hillsdale and downtown if people want to choose to do that. It will get people to the places they want to walk. Thank you.

Bacchieri: Thank you. Finally, I would like to introduce John Mullen, the park manager for Tryon Creek state natural area.

John Mullen: Thank you, Jane. And thank you, Mayor and Commissioners, for your time. You know, Oregon State Parks has had a long history of working with the City of Portland, as you may know, and BES, and other Tryon Creek groups. In part, we've been working with BES because there's a sanitary sewer line that runs the length of the park as well as some branches to that line that runs into the park, and Lake Oswego, also, has a sanitary sewer line that feeds into the sewer line trunk line, runs down to the municipal treatment plant down at the mouth of Tryon Creek and the river.

The wonderful thing in my experience here working with BES is when they come in to move the creek over because of threatening the trunk line, they look around and say, "What else can we do here?" And that, from my perspective as a natural resource manager as well as the recreational manager, is a big plus. So, I thank you for in that. I thank BES for that service.

We look at this Boones Ferry project as an area of regional significance due to its contribution landscape level connectedness and stream ecosystem unification. In addition, it will be a vital link in that active transportation recreational trail users, as mentioned.

September 2, 2015

First off, a little bit about Tryon Creek. I take if you all -- I know many of you have been to Tryon Creek. If you ever are up for it and want to take a tour with the manager, by all means, get a hold of me. We do have a couple of things you may not have seen and that are some national historic cabins that we received not too long ago that are from 1910, 1912. They're log houses. The parks family -- actually, it was a teacher in Multnomah Village -- so some interesting stories between Arnold parks. You might be interested, and if you'd like, get a hold of me and we can go out there. They aren't on public established routes yet, so you would be able to come with me.

As you know, Tryon Creek has a whole system of trails, including eight miles of hiking trails, about four miles of horse trails, three miles of paved bicycle trail, eight bridges, and a nature center shelter for events, and of course, every day the park is full of people recreating, both passive recreation as well as going to nature walks on Saturdays. School is just starting and our calendar is booked up with our Friends group as far as public and private schools touring the park and doing tours that are connected to the environmental standards -- I mean, educational standards for the state of Oregon. We also just finished up our nature day camp for the summer. So, it's a busy place and a lot of people using it, about 500,000 people a year nowadays -- at least coming through the front entrance, not to mention all the trail entrances from the neighborhoods.

State Parks' partnership with this project is based on our ability to build financial and social support for park development and operations and a long history of community trust to protect natural resources and providing top-notch visitor experiences. To that end, State Parks will take the lead on completing this gap in Hillsdale to Lake Oswego regional trail. We mentioned this trail a number of times. Interesting to me when I got here five years ago was the number of places this trail has been cited, not to mention our 2013 Tryon Creek comprehensive plan, but the year 2000 City of Portland with urban trail plan, 2014 Metro regional trails plan, 2008 connecting green blue ribbon committee for trail selection Hillsdale to Lake Oswego trail, City of Lake Oswego pathways and trails master plan, and the Portland Parks and Recreation trails strategy. I'm like, wow, this is like a gem of a piece of trail! And it's understandable when you look at the region-wide maps. There's this little piece a half a mile that's not connected. And not connected for a good reason, because you take your life in your hands when you run across that Boones Ferry.

The project, as has been mentioned, has multiple partnerships and is well documented in our Tryon Creek comprehensive plan. And of course, the State Parks provided advisory committee representation and input in BES' planning process, which identified and refined the project through the 2005 Fanno and Tryon Creek watershed management plan, the 2008 predesigned and the 2013 culvert replacement design. In 2008, our then-director Tim Woods wrote a letter to BES supportive of including an underpass in the project design reviews for regional trail connection. Also formally recommended to BES in 2014 selection of the bridge alternative to provide significantly higher standards of riparian quality and diversity, enhanced fish passage, and greater wildlife connectivity and safer trail passage.

BES talks about how they recommended the culvert. My take on it is yes, they did because of financial constraints, and that's perfectly understandable. But when we were on the advisory council and the consulting group gave us the analysis and so many of the numbers were so much higher in all the qualifications of fish passage, pedestrian passage, habitat incensement, it was unanimous -- if I remember right, on that committee -- that the bridge made sense. It's a legacy issue as well.

The project therefore will recover lost ecological function by providing the greatest openness ratio and shortest underpassage for maximum riparian vegetation and better fish and wildlife passage. Continuous, unobstructed stream systems are critical to maintaining

September 2, 2015

healthy, viable ecosystems. Stream continuity is also essential to the survival of individuals and subpopulations of wildlife species and use stream and riparian habitat. This is especially vital within linear undeveloped greenways and in otherwise urban setting.

Being the manager there, I often get called by neighbors -- so, we talked about fish, but we're often in a cleanup duty going up -- it's a little nasty, but beavers don't crossroads very well. And there's quite a population in that Tryon Creek these days. And so, they don't go through that culvert and you can imagine what happens when they try to get across Boones ferry.

As shown here, State Parks is spearheading design, permits, construction, capitalization, and new trail assets including three foot bridges and boardwalks within Tryon Creek. The nice thing is we've had community support as well. I had a local homeowner in that community near Maplecrest come forward with a donation to purchase one of the bridges for about \$5000 or \$6000, which will go on a piece of property that's Portland Parks and Rec property. Additionally, the project builds on many other restoration efforts both up and down the stream completed by current partners and others identified in BES' 2005 Fanno Tryon watershed management plan. For example, downstream, private and public property owners have completed multi-years in-stream restoration and invasive plant removal projects with support of the National Marine Fisheries, West Multnomah and Soil Conservation District, Tryon Creek Watershed Council, private landowners, SOLV, OPRD the City of Portland. Currently, partners are beginning revegetation work on private Metro purchased and OPRD land upstream from the project.

This passage partnership will include design and construction elements to protect the resources from adverse human use and impact. OPRD will protect wetlands. We're actually realigning a demand trail -- what people have been using because there's no official trail there, -- that is in mapped wetlands. We're going to pull that from the stream and put it upslope. Additionally, the project will include barriers and interpretation as appropriate to educate various groups and protect the resources.

So, finally, State Parks is an active, enthusiastic partner in this Boones Ferry fish wildlife and trail passage partnership proposal, and we are very excited to get this work started. Thank you.

Bacchieri: In closing, Metro has awarded us a grant for the bridge option with the underpass to maximize fish, wildlife, and pedestrian passage. So, we're really thrilled about that. The total estimated project cost at this point are the BES for \$2.5 million. The community and Oregon Parks and Recreation Department are providing 30,000, and Metro is providing \$650,000. We expect to do the design and resume the project this fall and hope to do construction in 2017. And so, the final parting shot -- which I realize is a little bit blurry -- but this is a remote camera that caught these deer underneath a bridge overpass, so you can see how we will have increased connectivity with our bridge eventually. I would like to thank all the project partners and thank Metro and happy to take questions.

Hales: Thank you very much. Questions for this is a great panel? Thank you all. Thank you very much. Is there anyone else that would like to speak on this item?

Steven Entwistle: Good morning, Council and Mayor. My name is Steven Entwistle, I'm the founder of the healing man sanctuary and I'm also a whistleblower for the less fortunate in this city. I was born and raised here, I lived here -- in October, it will be 56 years. That being said, Mr. Don Baack, I'm really impressed with his dedication to trails, saving trails, savoring old trails, trails have been around since, well, a millennium, I guess - - since the land that we took from the Natives. There's also good book that explains a lot of this history, it's called the building of the community and it was written in 1976. That would be a good read for those that want to know a little more about the history of the area. Mr.

September 2, 2015

Don Baack, he loaded up my emails quite a bit over the years -- [laughter] -- which is great, I loved it. I was always looking forward to maybe gathering up a bunch of people, volunteers to go out and actually help do something. There's this project tomorrow at the Dickinson road. I'm thinking about helping to do a bit.

But any time you save trails, you're saving habitat. I think that that's one thing that we really need to do here in this area. We are losing a lot of habitat. And we also have a lot of able-bodied folks not being utilized. And it would be nice to see some kind of organization -- some outreach, even -- for folks that would like to get involved doing this so they can have a more of an appreciation of nature. And like you say, get off the streets. Get out on the dirt, it's a lot healthier, it's not good to be on concrete all day. Anyway, I just want to say that this is a good thing. I hope that you get more volunteers out there. Let's save the environment. Let's save more of our areas. Thank you.

Hales: Thank you. Thanks very much. Any other questions before we take a vote on this? It's an emergency ordinance. We'll take a vote today.

Item 908 Roll.

Novick: Aye.

Fritz: It's been 20 years since we founded the Tryon Creek Watershed Council, and it's really splendid to see the results of that collaboration. Indeed, the entities who are represented today were a crucial part of that happening for the last 20 years. The Bureau of Environmental Services, Portland Parks and Recreation, and Bureau of Planning were also involved as co-founders with me and Sonya Kazen and Liz Callison -- and I'll note for my Council colleagues, with the assistance of Donna Silverberg doing some crucial mediation because it's not easy forming a watershed council where the City and state agencies are full partners and full voting members. It was pretty revolutionary at the time, and it's really great to see that the results of this collaboration.

I want to also honor Amin Wahab, who was a watershed manager, and also Terri Preeg Riggsby, who took over for me as the chair of the watershed council. She's also the chair of the West Multnomah Water Conservation District. It's just there's so many partners, so Commissioner Fish, thank you for putting together this great presentation illustrating a wonderful example of citizens and the government agencies working together to get things done with the assistance of the 2006 bond measure. So, thanks to the taxpayers of the metro region for passing that as a follow-up from the 1995 bond measure. It's good to know that we've almost spent all the money because it's good to get it into the watersheds. We'll have to start gearing up for 2025 campaign to replace it. Until then, we're gonna need to continue to find innovative ways to do and to do things better.

Thanks also to Don Baack and the SW Trails group and the Southwest Neighborhoods, Inc. who have been wonderful partners. It used to be that deep Southwest Portland didn't get much attention in terms of either pedestrian connectivity or watershed management and preservation, so it's good to see this project coming forward thanks to all of the efforts of everybody. Thank you, Jane Bacchieri, for your leadership and also Jennifer. I should just name everybody in the room, because it seems like everybody is very supportive. Thank you very much. Aye.

Fish: Well, as I indicated earlier, we frequently put these kinds of ordinances on the consent agenda. What we lose is the chance to celebrate what we do best in our community as we come together across jurisdictional lines and work together. I thought this was a conspicuous example of great partnerships.

Let me start by thanking Jane and the watershed services group for their outstanding work. The Mayor and I recently took a policymakers' ride and when we stopped at Crystal Springs, another member of our team, Caitlin, gave a fantastic address. Mike Houck rather dramatically announced and almost got us to sort of repeat after him

September 2, 2015

that the scope of the Bureau of Environmental Services' mission includes sewer, stormwater, and watershed services. We're very proud of that. There are five watersheds which we have some level of responsibility for. We're very proud to be making progress in this watershed.

I want to thank all the partners who came here today. I was a little nervous, colleagues, when all of the praise started piling up with Don Baack. We're gonna all catch hell for that. But Don doesn't rest on his laurels, he's summoned me to a meeting, a hike this Friday -- I think that this Friday or next Friday -- on the next project in his sights. When Don has something in his sights, wild horses will not stop him from getting to the finish line. So, I look forward to learning more about the next opportunity.

Commissioner Fritz said it so well -- at a time of constrained resources, we can't do our work without strong partnerships. And people talk about and celebrate partnerships and it has almost become a cliché, but the reality is we can't be successful without linking arms and working together. I thought this was a conspicuous example of great partnerships. Carlotta, thank you for your leadership at Metro and we're grateful for the grant. Thank you, John Mullen, for being here and for your kind offer. I suspect you'll get some people taking you up on it. Thanks to Don Baack; thanks to Jeff Goodman, who was here -- you honor us with your presence.

What's not to like? A watershed, a project which enhances fish and wildlife, a great set of partners, a cost-effective solution to a long-term problem, and a conspicuous public benefit. I think that's why we all are drawn to public service because on days like today, we get to celebrate when it all comes together and works, so thank you all for your service. Today, I'm proud to cast my vote as aye.

Hales: This has been a great presentation and great comments from my colleagues here about the substance of this. Maybe I'll take just a moment and talk about the politics of it. Our citizens, I think, have an expectation that this is the kind of thing that should happen, but often when I'm giving presentations or speeches to the citizen groups -- or often particularly to people who are either new to politics or new to Portland -- I have to remind them that there are nine local governments on the spot in which they're sitting or standing. And that shocks people, maybe appalls some, but it is what it is because that's how we're set up. And both by public policy and public expectation, people expect us to work together. They don't really care that much about the fact that there are all those local governments, they expect us as public officials to work together. And this is a great example of that. In fact, the public policy side of that expects us to work together as well because we have a regional government, we have a regional land use plan, a regional transportation plan, and the public and policy expects that extends not just to figuring out where the next road widening project is -- hopefully not too many of those -- but also how natural systems across boundaries should work and how the park and recreation and open space system in the region should work for the public benefit and for the preservation of those natural systems. So, this is what people hope to see, but frankly, the partnership between Metro and the City of Portland, the City of Lake Oswego is one of the best. And the Tryon Creek effort shows that over the years.

And again, there are great benefits to our citizens from doing this the right way and great benefits in seeing the improvement of these natural systems that will come because of the projects like this as well as effective management of stormwater and a transportation system that includes our trails. So, let me make this real from a recent example. Commissioner Fish mentioned Crystal Springs creek. The restoration of that natural system has meant not just the return of salmon to that creek, but the fact that there are now beaver dams in the Reed College campus and they recently spotted a river otter there. So yes, Commissioner Fritz should be appalled that as a ducks fan we are

September 2, 2015

accommodating more beavers in the City of Portland. But they're here. In fact, as a parent who used to take my kids when they were little to Tryon creek Park to have them maybe have one of their first experiences of nature, the fact that nature is with good management returning more and more to these places that were once abused but are now being restored -- this is a great benefit. There are a lot of parents with kids out there are saying, "Look at that!" And that will be the great joy of the project for all of you who worked so hard to make it happen. Well done. Aye. Thank you.

Fish: Mayor Hales, I want to acknowledge that we are -- we've asked parents to use caution in bringing children to Crystal Springs because the salmon are spawning.
[laughter]

Hales: OK. Family event. [laughs] Thank you very much. Let's move on, please, to 909.
Item 909.

Hales: Commissioner Fish.

Fish: Thank you, Mayor. I will invite Eloise Damrosch to come forward with our two nominees. I have some brief remarks and Eloise, when I kick it to you, would you remind us of all the milestones that we're celebrating this year? I sometimes get the numbers confused. I'd like to welcome our honored guest, Eloise Damrosch, Regional Arts and Culture Council Executive Director, and two candidates for RACC board membership, Osvaldo Gonzales and Brenda Meltebeke. Osvaldo and Brenda would be joining a very strong and diverse board and I know their leadership and passion for the arts will serve us well. And Mayor and colleagues, we're also pleased that Phillip Hillarie and Verlea Briggs are continuing their service through 2017. Eloise, welcome, and if you could introduce our nominees.

Eloise Damrosch: Thank you, Commissioner Fish. Mayor, Commissioners. I am thrilled to be here today and introduce these two wonderful individuals who are joining our board with your blessing. This has been an interesting year because we had six board members who've been incredibly engaged reach the end of their six-term service, and so we went to work with our leadership development committee to find some truly exceptional people to replace these six. So, we're eager to get started with our new team. I know that I can speak for the board and staff in welcoming Brenda and Ozzie, or Osvaldo -- he goes by both.

I'll go alphabetically so I will start with Ozzie. Ozzie is trained in architecture and in environmental science. He's a star at CH2M Hill and works across the whole construction and design field putting his environmental expertise to work. I kind of think of him as the environmental conscience of the design teams he works with, so he has a particular niche and passion for those elements of his work.

What his professional resume might not say but we will absolutely praise him to the skies for this -- he's a wonderful actor and he starred in the last Milagro Theater production this past spring. We actually had Ozzie night at RACC and a whole bunch of us went to cheer him on and he was fabulous. The play got fabulous reviews. So, we're very happy to have Ozzie join us.

Brenda is a partner and chair of the firm of Ater Wynne, which is not only one of Portland's leading law firms but also very important to us is that they had a fabulous art collection that they've amassed over 30 years and has over 125 pieces of artwork in it. So, when you go and talk to your lawyer, you get to have an arts experience as well. Brenda won one of the 25 Work It awards that are given by the Portland Business Journal last year for her civic and business volunteerism and leadership, and she also won the entrepreneur of the year award last year in 2014 by the entrepreneurial council. And I'll let her talk about her active arts experiences as well, which are terrific.

September 2, 2015

We love getting a blend of the business and professional side of our board members, as well as of course the thread passion for the arts that runs through the entire board. With that, I will let each one of them say a few words about themselves and their hopefully future service with RACC. Who would like to go first? Brenda?

Brenda Meltebeke: Good morning. I'm Brenda Meltebeke. Commissioner Fish and Mr. Mayor Hales and Commissioner Fritz and Commissioner Novick, I appreciate the opportunity to serve the City of Portland in this way and I'm really looking forward to joining the RACC board officially. As Eloise said, I have a history and my firm has a long history of supporting the arts. I've been on several other arts boards in the city. Most recently, I was on the board of Literary Arts for I think seven years, the last couple years as board chair, and I really -- I just very strongly believe that a vibrant arts community and ecosystem is really important to make a city grow and make a city blossom. It contributes economically in so many ways, not the least of which is tourism, but I just think it's important for people to have the exposure to that.

What I'm really excited about with the RACC board is the fact that its mission -- one of many things that it stands for and does -- is to celebrate and support and benefit arts organizations, individual artists, and arts education. You get such a nice blend. Instead of being on the board of a particular organization that is focused on just a dance program or some sort of musical program, being on the board of RACC, you get to serve the entire arts community of the metro area, so I really appreciate that. Thank you very much.

Oswaldo Gonzalez: Good morning, Commissioner Novick, Commissioner Fritz, Commissioner Fish, and good morning, Mayor Hales. With interest to cross environmental science, architecture, and the arts, it's not uncommon for me to get asked, what is the connecting thread across all of that for me? For me, it came down to the same rationale why Portland is a great place to be in practicing any one of those things. And it's really a perspective that looks at our urban environment as a habitat, as you were just discussing with Tryon Creek, and having a place where a species can thrive helps to bring life back to that place. I've approached cities in that way. To me, the city of Portland is a great opportunity to take the creative energy that's in this city, the wonderful things that the city has done in its planning and infrastructure in the architecture of the city, and put it together to create a meaningful habitat for humans to co-exist, to thrive, and to create global citizens that can help export the wonderful value of Portland around the world.

To me, the opportunity to join RACC as a board member and to be at that interface where arts and community meet became a tremendous opportunity to really take the next step in my professional career to tie all of my interests together into one effort. It's with a great honor that I was willing to accept the invitation to be a candidate and it's with great humility that I engage in this opportunity to really bring the diversity of the community to the foray in Portland and create an environment that's welcoming for the artists and for art lovers all around.

Fish: You both honor us in your willingness to step up and serve on RACC. This is a special year for RACC. Eloise, before we go further, could you just remind us of the key milestones that we're celebrating?

Damrosch: Happily. This is a big anniversary year for public art in Portland. The Percent for Art program that the City of Portland and Multnomah County passed 35 years ago is alive and well and bringing new art all around. I hope you'll get out and see some of the new murals painted in the last week by artists from all over the world who are not even getting paid to do this, this is something that they commit to. The Visual Chronicle, the art collection about Portland, is 30 years old today -- or this year. And Portlandia turns 30 in October. And you'll be invited to her birthday party on the 8th, which will be celebrated across the street in the Standard plaza.

September 2, 2015

Fish: Everything else is embargoed about that.

Damrosch: Yes. [laughs] And then we'll be having an exhibition here in the City hall in November. So, you'll be surrounded by all of our public art work then.

Hales: Questions? Well, thank you both. I don't know if there is anyone else that wants to speak. I suspect not. Anyone else want to speak on this? Then I think that it's time for the Council to take action on these nominations.

Item 909 Roll.

Novick: I'm old enough to remember the slogan, "don't trust anybody over 30," but I hope people in Portlandia's case, people will make an exception. Aye.

Fritz: Thank you very much for your service, really appreciate it. Aye.

Fish: As I was reading your backgrounds and contemplating how far we've come, I think you are both examples of what's happened with the rise in profile in arts and culture and also the success that RACC has had. It's a great honor for us to welcome two people who are so accomplished and who obviously live very busy lives willing to serve the City in an important area, so thank you for that. I have the honor of serving currently as the Council liaison to the arts. And I operate generally on a basic philosophy as follows. There are a number of things that make Portland distinctive and special. And I think that as leaders, what we ought to be doing is investing in the things that are distinctive about Portland and resisting the temptation to have Portland become like every other city our size.

So, what are some of those things that are distinctive? Well, we have an economy built around small businesses. That's distinctive, that clearly distinguishes us from our sister city to the north. We're a city that has put sustainability both into practice and has built an economy around sustainable industries. That's a cornerstone. We're a city that's brought nature into the city and operates on the assumption what's good for osprey is good for us, and when fish and wildlife are healthy, we're healthy. Finally, we're a city that has increasingly developed a reputation as being a center for excellence in art and culture. And in my own view as a city leader, we ought to take those areas where we're distinctive and we ought to double down with our investments. Take the areas we can become best in class and make them ours.

You are coming at a time when we are celebrating important milestones, but we also face continuing challenges about access to the arts, about convincing our regional partners to invest as robustly as Portland does in the Regional and Arts and Culture Council, in continuing to help the mission-driven nonprofit organizations survive the economic storm and for long-term, become stable and prosperous and on and on -- to build equity into all that we do. The list is long, and we rely on accomplished and dedicated people to help us do this work. We're thrilled to welcome both of you. So, thank you for your willingness to serve. Today, it's our great honor to approve your appointments. Aye.

Hales: Well, I'm really glad you both are willing to do this important piece of citizen volunteerism. The challenge is pretty significant, I think, in terms of the changes afoot in Portland. We are becoming a bigger, more diverse city. And I think that the questions of connecting people to the arts and popularizing the arts with lots of new audiences is really important. There are a big community events and they are wonderful, like Art in the Pearl this weekend, and tomorrow night, we have this partnership between Parks and Recreation and our local music scene because we have the Concert in the Park out in Waterfront Park. Those big events are one way, but there are lots of ways to connect to schools and kids and again all the different communities of Portland. So, I think that that's both a challenge and a problem and an opportunity all wrapped up together. There are lots of folks that we have the chance to connect to the arts with your work and your creativity and both public and private support. So, your ability to help on all those fronts is really important. We have great leadership and staff at RACC. We have a Council that supports

September 2, 2015

this agenda. We have a business community, I think, that's ready to do more, if they're asked in the right way, so we can all do that as well. We all look forward to doing that with you. Thank you for serving. Aye. Thank you. OK, you're official. Let's move on, please, to the regular agenda.

Item 913.

Hales: We have an amended version of this resolution, so I'll get Ben to describe that in a moment. This a resolution that allows us to participate in a public utility commission proceeding that addresses how much utilities pay for electricity from mid-sized solar and wind projects. So, that's the purpose of the resolution is to allow us to weigh in on those issues at the PUC. Mr. Walters?

Ben Walters, Chief Deputy City Attorney: Good morning. Ben Walters with the Portland City Attorney's Office. This item was on last week's consent agenda. It was pulled off and held over for a week for an opportunity to meet with representatives of PacifiCorp and discuss with them the resolution and the impact statement. Following that meeting, City staff developed some amendment, which are before you. I believe they have been distributed to your offices and I think that they may have been handed out to you as well. And if you have any questions regarding the amendments, I'm available to answer any questions.

Hales: OK. Questions before we take a motion to accept the amendments and we'll take testimony?

Fritz: It seems like the amendments weaken the language in the resolution.

Walters: I don't know that they affect the position that we're going to be taking in the proceeding itself. They address some concerns that PacifiCorp had raised, so staff was willing to recognize PacifiCorp's concerns.

Fritz: So you can return to previous or other language in the proceeding?

Walter: It will not affect the positions that the City will be taking in the intervention.

Fritz: Isn't it somewhat unusual when you are intervening in opposition to something to then listen to the opposition and amend the position ahead of time?

Walters: It's unusual, but this is a political process.

Fritz: Right, thank you. The resolution we're going to be approving -- if the Council votes to -- is simply to allow you to participate and protect the citizens' interests?

Walter: Yes. By City Code, the City Attorney's Office requires authorization from the Council before initiating any participation in a legal proceeding, and this is to get the Council's approval as the client to allow the City Attorney's Office to go forward.

Fritz: Thank you.

Hales: Would you like to hear from -- I know there's representatives from PacifiCorp here, would you like to hear from them before we take action on the amendments?

Fish: I'm prepared to adopt the amendments. Can I just comment on something in the previous colloquy? I actually appreciate that staff had the discussion with PacifiCorp. I'm reminded, Mayor, that not too long ago there was an issue that we were involved with where the City chose to take a position at the FCC. And it turned out we did not, in my view, adequately confer with a local company that we were going to be adverse to in that proceeding. It's one thing for us to assert the prerogative to take a position before an administrative body and take a position that we think is well founded. I think that it's also good practice to confer with local businesses where we might be adverse. I think it's just common courtesy. And if through that exchange there are some modifications like the ones that we had before us, I think that we should always be receptive to that. It does not, as counsel has noted, change in any way the position that we'll be taking before the administrative body. So for that reason, I move the amendments.

Hales: Is there a second?

September 2, 2015

Fritz: Second.

Hales: Further discussion on accepting the amendments? Roll call, please.

Roll on amendments.

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

Hales: Thank you, Ben. See if anyone wants to testify on this item? I know PacifiCorp is here but they may want to watch rather than speak. OK, come on up, please.

Lightning: Good morning. My name is Lightning, I represent Lightning Watchdog x. I'm the one that pulled this item last week. One of the concerns I have is that I want to make sure that when we're talking about the solar industry, I don't want to have too many restraints put on them. I want to watch this very close on the process, again making sure that the City attorneys are involved. As you know, we have the climate change plan that has been developed. I want to make sure that we can meet some of those numbers. That's one of the reasons why I pulled this is I want to make sure that, in the solar industry, they have the ability to expand at the rate that they want to, the City has the ability to have them participate in projects within the City to meet our goals on the climate change plan. That's why I pulled this item. I will look forward to the outcome of this. Thank you.

Hales: Thank you. Anyone else? Let's take a roll call, please, on the resolution as amended.

Item 913 Roll as amended.

Novick: Aye.

Fritz: Thank you, Commissioner Fish, for that helpful reframing and further explaining. Thanks to Ben Walters and also PacifiCorp and your willingness to talk with us on this. We all are seeing the impacts of climate disruption as each season goes by and we need to figure out how we're going to reach the goals in the climate action plan sooner rather than later. I'm very glad the City Attorney is going to be participating before the utility commission. Aye.

Fish: Aye.

Hales: I want to reiterate and support the statement Commissioner Fish made. There are lots of situations in which we're going to take a position in either in a legislative effort at Congress or the state legislature or on some regulatory proceeding where we have a formal relationship with somebody, whether it's one of our regulated cable providers that we regulate, whether it's a regulated public utility like PGE or the gas company or PacifiCorp, or even our labor unions where we have a long-term contractual relationship and we might take a different position from them. It's important that we confer but maintain our prerogatives to take the policy of the City of Portland forward. And the policy of the City of Portland is that we have a Climate Action Plan and we're serious about it and expect our partners to be going in the same direction. That's where I hope and believe that we'll end up after this or that regulatory proceeding, but it's very important that we do confer and then again maintain our independent authority to do what we should do, and I think that's where we are here.

The Climate Action Plan isn't just a piece of paper or a series of pieces of paper -- recycled paper, of course -- but it's a serious effort by this City that's been going on more than 20 years and that internationally is now joined by more people. And I think that that's a very positive sign and the more we have utilities working with us, the faster we can get to our goals. We're just celebrating today the success of one of our local innovators, Lucid Energy, that has now generated I believe 1.1 megawatts of power by installing equipment in our City's waterlines to generate electricity. So, we have to have the private sector with us, as we make this progress and I expect that that's exactly where we'll end up here. Thank you. Aye.

Item 914.

September 2, 2015

Hales: Ms. Moody, good morning.

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

Good morning, Mayor and Commissioners. Christine Moody, procurement services. You have before you a procurement report recommending a contract award to Emery and Sons construction. The engineers' estimate on this project was 9.5 million. On July 7th, 2015, six bids were received and Emery and Sons is the low bidder at \$10,995,653. The Bureau of Environmental Services has reviewed the bid items and accepts the proposed pricing at 15% over the engineer's estimate. In their bid analysis, BES identified mobilization, erosion control, video inspection services, cured-in-place pipe liner, six-inch PVC pipe, and 48-inch manholes as contributing factors to the increased cost. The City identified seven divisions of work for potential minority, women, and emerging small business subcontracting opportunities. The MWESB participation on this project is 31.45% with work being performed in concrete cutting, hauling, and traffic control. I will turn this back over to Council if you have any questions, and there's a representative from BES here as well.

Fish: I just want to make a comment, Christine. In the impact statement that you gave us, there's a full two pages documenting the reasons why the bids came in above the original estimate.

Moody: That's correct.

Fish: And some of the examples given have to do with market conditions and some have to do with soil conditions and other things. I'm pleased that you include this because one of the questions that we often ask is why the bids are either above or below. And when we have this explanation and detail, I think it's very reassuring, and it also in this case gives us confidence that even though BES initially had a high confidence in their estimate, there are some things beyond their control and some of them have to do with market costs for various components of this project. I appreciate the transparency on that piece of your presentation.

Moody: Thank you, Commissioner.

Fritz: I echo that. I just have some questions on the good faith effort report. which I appreciate. Number seven under the good faith effort analysis talks about the bids received from certified firms that were not used and it gives the bid amount. Would I be correct in assuming that the reason they were not used is because there were other bids that were lower?

Moody: That's generally the case, Commissioner.

Fritz: And is --

Moody: This is a low-bid situation, so generally contractors because they are competing are taking the lowest sub-bids. Even though we require them to do the good faith efforts, if a bid comes in lower and is not a certified firm, most oftentimes they're taking that.

Fritz: That's probably something that our commission might want to take a look at that, because although the total number of subcontractor dollars is 31%, which is great, it's mostly for women-owned businesses rather than minority-owned businesses. It would be interesting to look at or have the commission look at how might there be a situation where the City would want to support the minority businesses by encouraging the prime contractor to take those bids even if it results in the cost being a little higher. I have no suggestions for how to do that, but I think it's an important issue that if we're going to -- ongoing -- encourage these small businesses to grow and take more work for us, we may need to find some way of stimulating to start off with. Thank you for your work on that.

Hales: Thank you. Other questions for Christine? Thank you very much. Anyone else want to speak on this? Come on up.

Lightning: My name is Lightning, and I represent Lightning Watchdog X. A couple of concerns that I had on the overall bid is that you stated that you had problems on the video

September 2, 2015

inspections and you had lack of market capacity for this service. I'm really concerned about that. Obviously -- my understanding -- you would be talking having videos going inside some of the pipelines and possibly on the outside also. I'm really surprised that you would have any market capacity problems on the new technology that we have out there and the people that I think would be able to do this. So, to have a higher bid for that reason -- I question that.

Another issue I had on here is that -- let's get to the 48-inch manholes where you originally came in -- BES came in around \$4000 each. Now, if you're coming in with a price at \$4000, and then someone else comes in and they bid at \$5800 each -- now, if you're able to establish that price at \$4000, say with the supplier, my question to you is that as the City of Portland when you're talking to that supplier, are they giving you a lower price because obviously you're the City of Portland? You have a tremendous amount of projects out there that you can put together and maybe recommend them or make sure that the supplies are bought through them so then when a contractor comes in, they go, "well, you're just a smaller contractor. We think your price is going to be about \$5800." So, I have concerns with this.

And then it says we did not anticipate that to happen, and then you have prices on certain pipes and various things that from when you went in there -- the City of Portland talked to the suppliers, the prices were quite a bit lower, and then when the contractor comes in with the bid, it's quite a bit higher. We just didn't anticipate that. So, I'm seeing something wrong here because I would like to make sure that when the City of Portland talks to a supplier and says we're going to have some bids possibly coming in and we would probably like to use you because you quoted us a price of \$4000, maybe these suppliers understand up front, quote a price of \$4000 to City and comes back with a price quite a bit higher -- that might affect you getting any more business in the future. They are throwing out prices to try to come in at a certain range on a bid and the suppliers need to come in within a reasonable range on that also, probably to continue to do business with the City of Portland. Thank you.

Hales: Thank you. Good point. OK. Somebody ready to make a motion to accept the report?

Fish: So moved.

Novick: Second.

Hales: Further discussion? Roll call on accepting the procurement report.

Item 914 Roll.

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

Fish: I appreciate as always Lightning's thoughtful comments and we'll certainly consider them as we move forward. Mayor, when we were last before the Council on this item, we mentioned that thanks to our good friends at Venture Portland, we had had an open house at a coffee bar in the Grant Park Hollywood neighborhood to go over the last-minute details. I have received my first newsletter alerting me and everyone else in the area to the project's schedule and giving me the contact information of the person that on a daily basis that I can reach out to if there are any problems, and so this is about to become live.

I just want to particularly acknowledge the work that the bureau has done to do community outreach. This will be disruptive both to residents and businesses, but with extensive outreach, we have come up with a plan -- the bureau has come up with a plan that attempts to mitigate that and do it in a thoughtful way. And as luck would have it, I live in the middle of this project, so I will probably be watching closely and will have some interest. [laughs] Thank you, Christine, for your excellent work as always. Aye.

Hales: I know City bureaus hate it when one of us lives in the middle of the project, but we look forward to your sidewalk supervision, Commissioner Fish. Aye.

September 2, 2015

Fish: If I could note, Mayor -- first, my family abandons me and one of the bureaus decides to dig up the neighborhood, this has not been a great summer for me.

Item 915.

Hales: Roll call, please.

Item 915 Roll.

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

Item 916.

Hales: Commissioner Novick.

Novick: Mr. Maloney?

Marty Maloney, Portland Bureau of Transportation: Good morning, Mayor, Commissioners. My name is Marty Maloney with PBOT Right of Way. This agenda item is to authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary to construct the North Burgard at North Time Oil Road intersection project through the exercise of the City's eminent domain authority. The intersection project will improve sight distance, mainline system performance, reduce travel delays, and improve ingress and egress to the northwest container service property. I'd also like to add that we have spoken to the affected property owner, and they understand the need for the improvement due to the heavy freight use on Burgard. At this time, I'd be happy to answer any questions Council might have.

Hales: Questions? Sounds good, thank you very much. Anyone want to speak on this item? If not, this passes to second reading next week.

Item 917.

Hales: Commissioner Novick, I believe there's an amendment here, is that right?

Novick: There is indeed.

Hales: OK. Here, I've got it.

Novick: Due to oversight in preparing exhibits one and two, we're asking to amend those exhibits to comply with current development standards and condition B2 of the proposed ordinance provides an exhibit to reduce the street vacation are on the westside by about four feet to ensure there's enough space to build a 12-foot public sidewalk.

Hales: Commissioner Novick moves those amendments.

Fish: Second.

Hales: We'll vote to accept the amendments and conduct the hearing. Let's take a roll call first though, on accepting the amendments. Steve moves. We're accepting the amendments.

Roll on amendments.

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

Hales: Good morning.

Karl Arruda, Portland Bureau of Transportation: Good morning. Karl Arruda with PBOT Right of Way. This ordinance is to vacate a portion of N Terminal Road east of N Lombard Street. This was initiated in 2014 by Marks Investment properties. Marks Investments owns the property just to the south of this part of N Terminal. It's a mostly gravel right-of-way in an industrial-zoned area and currently it's mainly used to access Marks Investments property. Vacating it would provide them better options for redevelopment.

The usual comments were solicited from City bureaus. other agencies, including the Port, utilities, and neighborhood associations, and there were no substantive objections that we received. BES did ask for a sewer easement over a stormwater pipe that goes through N Terminal, and PBOT street signals asked for an easement for some traffic signal loop detectors that are in the ground in N Terminal and so we'll be reserving an easement for those also. And that's mainly because after the vacation, if it goes forward, it's expected that N Terminal will be reconfigured probably into a driveway most likely, and street signals

September 2, 2015

wanted to preserve the loop detectors for exiting and entering the driveway. If there are any other questions, I'd be happy to take them.

Hales: Thank you for the explanation. Questions? OK. Thank you very much.

Arruda: And thanks for doing the amendment so efficiently.

Hales: Anyone want to speak on this item? If not, it will be calendared for second reading next week, and we're adjourned.

At 11:13 a.m., Council adjourned.