



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF NOVEMBER, 2016** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lory Kraut, Senior Deputy City Attorney; and Jason King and Jim Wood, Sergeants at Arms.

Item Nos. 1234, 1236, 1237 and 1242 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 9:46 am and reconvened at 9:51 am.  
The meeting recessed at 9:57 am and reconvened at 9:57am.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>1227</b>	Request of Shedrick J. Wilkins to address Council regarding election, a candidate, and Measure 97 (Communication)	<b>PLACED ON FILE</b>
<b>1228</b>	Request of Ree Kaarhus to address Council regarding report on the state of houseless situation from service provision point of view (Communication)	<b>PLACED ON FILE</b>
<b>1229</b>	Request of David Kif Davis to address Council regarding the war on copwatchers and activists by the police and the City (Communication)	<b>PLACED ON FILE</b>
<b>1230</b>	Request of Mike O'Callaghan to address Council regarding continuing theft by the City (Communication)	<b>PLACED ON FILE</b>
<b>1231</b>	Request of Mary Eng to address Council regarding Yom Kippur Stampede (Communication)	<b>PLACED ON FILE</b>

November 9, 2016

<b>TIMES CERTAIN</b>		
<b>1232</b>	<p><b>TIME CERTAIN: 9:45 AM</b> – Accept the Quarterly Technology Oversight Committee Report from the Chief Administrative Officer (Report introduced by Mayor Hales) 30 minutes requested</p> <p><b>Motion to accept report:</b> Moved by Fish and seconded by Fritz. (Y-5)</p>	<b>ACCEPTED</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Charlie Hales</b>		
<b>Bureau of Police</b>		
<b>1233</b>	<p>Amend an Intergovernmental Agreement with Multnomah County for the Sex Buyers Accountability and Diversion Program (Ordinance; amend Contract No. 30002122)</p>	<b>PASSED TO SECOND READING NOVEMBER 16, 2016 AT 9:30 AM</b>
<b>Office of Management and Finance</b>		
<b>1234</b>	<p>Accept the Portland Oregon Sign 2016 Annual Program Review (Report)</p> <p><b>Motion to accept report:</b> Moved by Fish and seconded by Fritz. (Y-5)</p>	<b>ACCEPTED</b>
<b>*1235</b>	<p>Pay claim of Frank and Zayda McKowen in the sum of \$8,665 involving the Bureau of Environmental Services (Ordinance) (Y-5)</p>	<b>188072</b>
<b>*1236</b>	<p>Authorize the purchase of Cisco optical equipment to upgrade existing data network equipment to support communication between different City locations in an amount not to exceed \$911,000 (Ordinance) (Y-5)</p>	<b>188074</b>
<b>*1237</b>	<p>Authorize purchase of 24 vehicles and equipment for use by the Portland Bureau of Transportation at \$1,500,000 (Ordinance) (Y-5)</p>	<b>188075</b>
<b>1238</b>	<p>Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 169230)</p>	<b>PASSED TO SECOND READING NOVEMBER 16, 2016 AT 9:30 AM</b>
<b>1239</b>	<p>Extend term of a franchise granted to Electric Lightwave, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)</p>	<b>PASSED TO SECOND READING NOVEMBER 16, 2016 AT 9:30 AM</b>
<b>1240</b>	<p>Extend term of a franchise granted to McLeodUSA Telecommunications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175061)</p>	<b>PASSED TO SECOND READING NOVEMBER 16, 2016 AT 9:30 AM</b>

November 9, 2016

<b>1241</b>	Extend term of a franchise granted to XO Communications Services, LLC to build and operate telecommunications facilities within City streets (Ordinance; amend Ordinance No. 175062)	<b>PASSED TO SECOND READING NOVEMBER 16, 2016 AT 9:30 AM</b>
<b>Commissioner Amanda Fritz</b> <b>Portland Parks &amp; Recreation</b>		
<b>*1242</b>	Authorize price agreements with Centennial School District for the Afterschool At-Risk Meal and Snack Program (Ordinance) (Y-5)	<b>188076</b>
<b>Commissioner Nick Fish</b> <b>Bureau of Environmental Services</b>		
<b>1243</b>	Authorize an Intergovernmental Agreement with Home Forward to allow the Percent for Green Program to fund the construction of a green street facility as part of Home Forward's construction project at St. Francis Apartments at SE 11 <sup>th</sup> Ave., SE 12 <sup>th</sup> Ave., SE Stark St. in the amount of \$113,936 (Ordinance)	<b>PASSED TO SECOND READING NOVEMBER 16, 2016 AT 9:30 AM</b>
<b>Commissioner Dan Saltzman</b> <b>Portland Housing Bureau</b>		
<b>1244</b>	Approve amended application under the Multiple-Unit Limited Tax Exemption Program for 17th and Pettygrove located at 1331 NW 17th Ave (Second Reading Agenda 1217) (Y-5)	<b>188073</b>
<b>REGULAR AGENDA</b>		
<b>1245</b>	Proclaim Veterans Day, November 11th, 2016 to be a day to express our gratitude for our veterans and citizens serving in the United States Military in Portland (Proclamation introduced by Mayor Hales and Commissioner Fish) 10 minutes requested	<b>PLACED ON FILE</b>
<b>Mayor Charlie Hales</b> <b>Bureau of Planning &amp; Sustainability</b>		
<b>1246</b>	Amend Title 33, Planning and Zoning to reduce regulatory restrictions and processes for short-term housing and mass shelters (Second Reading 1223; amend Title 33) (Y-5)	<b>188077</b> AS AMENDED
<b>Bureau of Police</b>		
<b>*1247</b>	Accept and appropriate a grant in the amount of \$136,536 from the State of Oregon, Oregon Military Department, Office of Emergency Management for the FY 2016 State Homeland Security Grant Program Phase Five to fund joint state bomb teams equipment and training (Ordinance) (Y-5)	<b>188078</b>

November 9, 2016

<b>Office of Management and Finance</b>		
<b>1248</b>	Accept bid of Moore Excavation, Inc. for the Humboldt Sewer Rehabilitation for \$4,177,461 (Procurement Report - Bid No. 00000393) <b>Motion to accept report:</b> Moved by Fish and seconded by Saltzman. (Y-5)	<b>ACCEPTED PREPARE CONTRACT</b>
<b>1249</b>	Accept Guaranteed Maximum Price of \$7,590,279 from Balfour Beatty Construction LLC dba Howard S. Wright for the construction of the Pioneer Courthouse Square Renovation Project (Procurement Report - RFP No. 0000198) 15 minutes requested <b>Motion to accept report:</b> Moved by Fish and seconded by Saltzman. (Y-5)	<b>ACCEPTED PREPARE CONTRACT</b>
<b>*1250</b>	Pay claim of Jennifer Castro in the sum of \$13,000 involving the Police Bureau (Ordinance) (Y-5)	<b>188079</b>
<b>*1251</b>	Pay claim of Sophia Holmes in the sum of \$10,000 involving the Police Bureau (Ordinance) (Y-5)	<b>188080</b>
<b>1252</b>	Authorize an agreement with Oregon Sports Authority for national and international sports marketing activities and event recruiting services and provide for payment (Second Reading Agenda 1211) (Y-5)	<b>188081</b>
<b>Commissioner Steve Novick</b> <b>Bureau of Transportation</b>		
<b>*1253</b>	Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the Foster Road – SE Powell Boulevard to SE 91 <sup>st</sup> Avenue project, through the exercise of the City's Eminent Domain Authority (Ordinance) (Y-5)	<b>188082</b>
<b>1254</b>	Make administrative changes to Motor Vehicle Fuel Tax Code for more efficient implementation of the Street Repair and Traffic Safety Program (Ordinance; amend Code Chapter 17.105) 20 minutes requested	<b>PASSED TO SECOND READING NOVEMBER 16, 2016 AT 9:30 AM</b>
<b>Commissioner Nick Fish</b> <b>Water Bureau</b>		
<b>1255</b>	Authorize a contract with the lowest responsible bidder and provide payment for the construction of the SW Vista Avenue Water Main Improvement Project at an estimated cost of \$533,000 (Second Reading Agenda 1220) (Y-5)	<b>188083</b>
<b>Commissioner Dan Saltzman</b> <b>Portland Housing Bureau</b>		

November 9, 2016

<p><b>*1256</b> Approve financing not to exceed \$13,262,131 using Lents Town Center tax increment urban renewal funds for the Oliver Station Apartments at 5932 SE 92<sup>nd</sup> Ave and 9138 SE Foster Rd to develop 126 units of affordable rental housing within a mixed use and mixed income development (Ordinance) 20 minutes requested (Y-5)</p>	<p><b>188084</b></p>
<p><b>City Auditor Mary Hull Caballero</b></p> <p><b>*1257</b> Authorize a three-year contract with Michael Gennaco dba OIR Group for the review of closed officer-involved shooting and in-custody death administrative investigations for a total not-to-exceed amount of \$140,000 (Ordinance; Contract No. 30005510) 15 minutes requested (Y-5)</p>	<p><b>188085</b></p>

At 12:08 p.m., Council recessed.

November 9, 2016

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **9TH DAY OF NOVEMBER, 2016** AT 2:00 P.M.

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

Commissioner Fish left at 4:30 p.m.

**Motion to waive the two-week notice for November 16th 6:00 p.m. hearing:**  
Moved by Hales and seconded by Fritz. (Y-4; Fish absent)

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

<p><b>1258</b>      <b>TIME CERTAIN: 2:00 PM</b> – Accept the Residential Infill Project: Concept Report to Council as general conceptual parameters for subsequent zoning code and zoning map amendments (Resolution introduced by Mayor Hales) 2 hours requested</p>	<p><b>Disposition:</b> <b>CONTINUED TO NOVEMBER 16, 2016 AT 2:00 PM AND 6:00 PM TIMES CERTAIN</b></p>
--	---

At 5:02 p.m., Council recessed.

November 10, 2016

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF NOVEMBER, 2016** AT 2:00 P.M.

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

Commissioner Novick left at 3:45 p.m. and returned at 4:50 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Lauren King, Deputy City Attorney and Jim Wood and Jason King, Sergeants at Arms.

<b>1259</b> <b>TIME CERTAIN: 2:00 PM</b> – Restrict bulk fossil fuel terminals (Ordinance introduced by Mayor Hales; amend Title 33, Planning and Zoning) 3 hours requested	<b>Disposition</b>  <b>CONTINUED TO NOVEMBER 16, 2016 AT 9:30 AM</b>
---	--

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

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



By Karla Moore-Love  
Clerk of the Council

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

**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.**

**NOVEMBER 9, 2016 9:30AM**

**Hales:** Good morning, welcome to the November 9<sup>th</sup> meeting Portland city council, please call the roll.

**Novick:** Here

**Fritz:** I'm here, I'd just like to take a moment of personal privilege to say that I think all of us were very shocked at what happened last night on the national level on down and certainly for women and people of color and immigrants. It's a very scary world this morning so I just want to state again the city's values that which are looking after everybody and bringing people together and whenever we have disagreements which we certainly do have a lot of disagreements between us we still hold the common value of we're going to try to make things works so I just wanted to say that cause I'm quite shocked and disappointed.

**Fish:** Here **Saltzman:** Here

**Hales:** Good morning, everyone, I am here, let's take a moment or two please to reflect and prepare for the work. First my thoughts, this is a bad day for our country. A sad day in which values that we believe in have been repudiated by a majority of the electors elected in the united states of America, and I am sad about that. I am happy about some of the things that have happened in our state. I am happy that a qualified woman was elected as our governor. And that we made outdoor school available to every child in Oregon. I am proud of the fact that Portland voters passed the biggest bond measure in the history of the city for the purpose of housing our fellow citizens. I appreciate the fact that our voters have followed your leadership, commissioner Fritz, in making sure that marijuana is legal and pays its way. Commissioner Novick my condolences on the loss of this election for you. I know that you are someone who is motivated by public service and I know that you will find other ways to serve. It's been a pleasure for me and a privilege to serve on this council with you. You have done great work for our community. I know that Ms. Eudaly shares a lot of your values and I trust that good government will continue here in Portland, but I will miss working with you, and I will miss working with you all because I am moving onto another chapter myself. The most important thing that we can all say is that this is a time when we, as Portlanders, ought to come together as Portlanders and reach out to each other, to our immigrants and refugees who have moved here because they believed this was a good place, and it is, and a safe place, and it must be, and to say to them literally, please go up to someone on the street today that you don't know and say, you are my brother and you are my sister. This is a good place, and we are here together, in democracy because I think that there are a lot of people that fear that that is not true. Go up to a young person, and some of my staff have kids, and they have been trying to explain this election to them and say this is a place where people can work together, and make good things happen, and that's true in Portland. And that's true in Oregon, and that's true in the west coast, and I hope that it will be true in our country. I think that we all need to do reassurance, of our fellow citizens, particularly the young people and people of color. And women, and this is a good place and that we respect each other here. I think that, to me is, part of the way forward. I certainly won't claim personally to have this all figured out.



November 9, 2016

That's what's in my heart, and I know others may want to express their own feelings and thoughts before we get started with the rest of the calendar as you have, commissioner Fritz, thank you. Others. Others have something to add? With that, with that, we'll open communications --

**Joe Walsh:** Let me respond to what you said.

**Hales:** Of course I will do that, hang on a minute, joe.

**Walsh:** Mr. Walsh, not joe.

**Hales:** Let me just ask this morning that we might try to be civil with one another.

**Walsh:** I am being civil, but if you are going to lecture us, we have a right to respond.

**Hales:** I am not lecturing.

**Walsh:** Yes, you are.

**Hales:** Wilkin, would you like to say something, go ahead.

**Shedrick Wilkins:** I am the first to talk.

**Hales:** Go ahead.

**Item 1227.**

**Wilkins:** I think Donald trump made some good points about how the stock markets will bubble. I think that we should stop going in debt to china, in which he wants to have in tariffs. I agree with him on that, I think the stock market is supposed to crash like it did in 2008. The stock market goes up and down, and my feeling, though, is we need to have social programs in Oregon. We need to have like a free community college, and we need to have food stamps, I will go ape if I lose my food stamps no one should starve in this state and I believe that everybody should have the right to basic healthcare, you know, because preventative healthcare is very important. I am having a discussion with senator Merkley about super medicine. Can you -- should you be able to -- there are limits to what medicine can do and basic healthcare is not super medicine. But I am going to talk to pcc's president at 1:00 about professor Jill Biden's proposal to have free community colleges in the united states. I got from merkley that the gpa for the community college program would be 2.5, last week I talked to -- I talked about how lew Frederick's one time said it in the legislature, the only thing they can agree with is with the republicans, is community colleges. People just shouldn't eat; they should retrain for another job if they are unemployed. Housing is weird. And that's kind of like -- but I am just saying, also there is a thing called the eight and eight rule which after the world war ii, the democrats would serve eight years. The republicans eight years, and back and forth. Hillary Clinton, if she had won would be the first democrat to be elected since 1940, or the republicans, since 1988. So I kind of expected this. But I want to go on, measure 97 failed. I talked to people, mayor-elect wheeler said it would not pass and he's the treasurer, so he talked to his rich friends in Salem so he knew what was going on. So that does not mean that he was against 97. He probably voted yes, and so did I. So that's all that I have to say and I am going on with life. Let's make sure that president trump doesn't hurt this state.

**Hales:** 1228.

**Item 1228.**

**Hales:** Come on up, please.

**Ree Kaarhus:** Good morning. I am ree, boots on the ground pdx. I am going to call this communication the true state of the houseless address. If I go 30 seconds over or if these words seem a little hard, I would beg the counselor's indulgence are and I believe that I earned this place. We have been involved in many projects, concerning the houseless. Everything from cartlandia to Springwater sweeps and I am going to give the city a d instead of an f because we were able to change the paradigm that -- the way sweeps happened. They are not brutal, horrible things any more. They are brutal and horrible but not like they were. There has been a few gains, a lot of broken promises and a lot of

November 9, 2016

distrust now on the part of us advocates towards the people sitting in those chairs. This is a real thing. It's about that season when nurse Trisha and I from pdx outreach nursing start scraping frozen people off sidewalks. Here we are a year later, no housing, no land, very few shelter spaces so what exactly have we done in the last year? I have to believe in my heart that every one of you ran for these positions because you wanted to make a difference. You wanted to help. What have we done to help? What difference have we made, none. I want to point out that constituents are not just housed people. Sure they have the money. But something shifts between running for office and sitting in the chair. I understand you got to raise money for your parties and stuff, and you have got to court these people. At the end of the day, housed people are going to be mad. They are just going to be mad. Nobody ever died of mad and nobody ever got frostbite from mad. Nobody ever got terribly seriously ill from mad. Ok. If that were the case, all of Portland would have woke up dead this morning. That's not a thing. We owe an obligation to the houseless community. Now towards that end the entire teeth and guts have been taken out of the houseless initiative team. To my knowledge there is one person left, one, god bless that man, ben morrow. All the teeth are taken out and the guts are taken out of it. It's very hard to access you guys, I have tried to create appointments with Mr. Fish. And cannot get returned phone calls, and in the coming months I am expecting that I am going to get appointments with you so we can start discussing the common ground and how this is going to work. I am furious over t1, it's not about the site, but it's the way that it went about, and it does not matter if you liked Ibrahim mubarak for running it, he was the most qualified. This is not Facebook. You don't have to like it. We need you to do your jobs. That is to serve the disenfranchise, our sick, ill, houseless, not the housed. I am a homeowner and I can represent myself and I do it all the time. You guys see me before. I am here to speak for the voiceless, and the houseless. This is a moral issue. I would beg the council to please get to work.

**Hales:** Thank you very much.

**Item 1229.**

**David Kif Davis:** So first off I want to address, you know, everyone is all butt hurt about trump becoming president. And you are talking about the refugee crisis and all of this stuff. Well what about all the economic refugees that we got in our own community, all the homeless people, and all this, like do you care about them? No, you don't that much so don't go acting like you really care that much. And also I would like to point out that Hitlery Clinton would not have been any better than Donald trump probably. She was the head of the state's department and killed off like lots of women and children and created the refugee crisis. So when everyone asks like Hillary Clinton, who I call hitlery Clinton, you know, is like a total slime bucket, don't cry too bad because your slime bucket lost because you know, they were both slime buckets, and this is what America deserves, ok. Really. In reality because we have maggots feasting on society and everyone keeps voting for them and we keep looking to the government to fix our problems, and when all you do is war on civil rights and you don't protect the civil rights, I've been arrested in this council chambers so many times, that I am losing count at this point. I just want to -- I just won a case for getting arrested here and legally -- illegally arrested, one of my many arrests, November 25, 2015, which, you know, I won that case last week. And now I have a crc meeting tomorrow about pain compliance techniques being used on me by the police when I was not resisting. And now one of my witnesses is excluded, Charles Johnson can't even attend the meeting. So you guys, and then you know, I got arrested, I was one of the six people arrested at the protest of the million mass march on November 5, just happened. The police falsified charges that I was up on the freeway. I wasn't. I might have been but I got displaced from the group, helping some people. So, you know, and then I got picked

November 9, 2016

up downtown is, right out front of, right -- right outside of right 2 dream. They were saying come over here and take our pictures, and they said that for five minutes, and then I finally walk over there, and then linda sin who was on the end of the pepper spraying right at the door of city hall when everyone -- when the cops pushed everyone out on the Columbus day, like that was pretty fitting, too, you know. The police, you can't even push through a union contract in this city without launching a doj investigation.

**Hales:** Thanks. Next, please. Your time is up. We're going to the next person. Mr. Davis you are done. Thank you. You are done. Mr. Davis your time has elapsed. We are recessed. Mr. Davis you are excluded.

**At 9:46 a.m. council recessed.**

**At 9:51 a.m. council reconvened.**

**Hales:** Let's resume our work and take item no. 1230.

**Item 1230.**

**Hales:** Come on up, please.

**Mike O'Callaghan:** Thank you. Sweep the children off the cardboard bed. Mom's little baby love, cardboard bed. I had to bring you up, on an update with my ninth circuit appeal, moved since I had all these things happen to me, since the 1st, so I wrote this off, so that they could see what kind of unlawful activity you had perpetrated on me. And you, too, Amanda. You are the head of parks, and on September 1, they removed my first tent. I made 22 contacts, and six agencies, and no recovery. On September 9, or September 8, the second tent and the contents was removed, still no recovery. On September 9, the third tent, and the contents were removed, and no discovery. And on September 13, the police entered my tent, and left their card. On September 14, you guys stuck up the posts, and talking about illegal camping and trespassing ors61245. On October 16 there was a full theft of most of my things, not all my things, but a bunch of my things out. On October 24, there was another full theft again, this time tire tracks showing where they came, and I am in a secure area where authorities can unlock the gate. And I don't want to go into details here, but also here I had these two right here that were given to me. This one, seven days ago, this one yesterday. They might be out stealing my property as we speak. But at first I would like to give a moment of silence to mark Seaton. Who died on Springwater trail when you started the sweeps. Ok. You know, this is absurd that you are doing this. This is not going to be any fine on you at all. It would not be a fine on all the people in the city of Portland. Ok. And an update, my attorneys are very interested in the fact that your attorneys refused to answer both of my appeals. Also the ninth circuit granted without petition oral arguments. Thank you.

**Item 1231.**

**Mary Eng:** Hi, city council, I am Mary eng and I want to offer you some healthy snacks. I have got energizing gluten dairy-free mocha snacks with coffee and cocoa and maca encrusted maple cashews and apple crisps. If you are hungry, it is great, these are addictive so I am warning you, and you know when I was researching the Yom Kipper stampede I was looking up human stampedes on Wikipedia. It turns out that there was a very tragic Yom kipper stampede. One of the Jewish members had to leave her services to come check on the victims of your egregious police brutality. Pepper spraying, concussions, whiplash injuries, a backwards down steps, bottleneck, stampede involving amputees, disabled people, disabled women veterans with post-traumatic stress disorder and brain injury. Children. Infants. Pepper sprayed in the face. Micah knocked unconscious. The fellow you harassed Mr. Hales, with police. To punish him for caring about black lives. So Ms. Laura veron viscara vanderlyn had her phone stolen the week before, and her attorneys working on getting your infinite bureaucracies to release her iPhone. She's a grandmother. She has grandchildren, she has children who are very

November 9, 2016

worried about why you have stolen her iPhone. Could it be, perhaps, because she live streams? And in fact, sometimes access brutality, she does not identify as a cop watcher. She records what is there, and she is a Mexicana Latina feminista. With she has a French name, her father's Spanish name, and vanderlyn, very lovely husband, from Dutch Indonesia. Her children are beautiful. They would like you to give her back her iPhone and not pepper spray her friends in the face or knock Micah Rhodes unconscious and stampede and trample him so that she thinks a murder is happening on Yom kippur and the department of justice lets you know that your neo nazi on the police force endangers the lives of each and every officer. This is a matter of national security importance, and I am so glad that the doj --

**Hales:** Thank you. Thanks very much, you are done. Miss eng, you are finished. I would like you to be done so we can move onto someone else. Thank you. Are you finished? Miss eng -- recessed and you are excluded.

**At 9:57 a.m. council recessed.**

**At 9:57 a.m. council reconvened.**

**Hales:** we are going to take the consent calendar and we have had things pulled. 1234 has been pulled to regular. 1236, 1237, and 1242, right.

**Fritz:** Could you say those again?

**Hales:** 1234. 36, 37, and 42.

**Fritz:** Thank you.

**Hales:** Any other requests? Mr. Walsh, I know you requested 1242 so we will give you a chance to speak then. Let's take the balance of the consent calendar minus those items that we will carry over later into the agenda.

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

**Hales:** Aye. [gavel pounded] ok item 1232.

**Moore-Love:** Are we going to do the proclamation first?

**Hales:** Proclamation first? Is everybody here? Sorry. We are going to take 1246 and then 1232 --

**Moore-Love:** 1245.

**Hales:** 1245, sorry.

**Item 1245.**

**Hales:** I appreciate the opportunity to do this, and thank you commissioner Fish, you and others may have some comments to make, and then we have a guest to invite forward. Proclamation says this. Whereas, the first Veterans Day proclamation was signed on November nth, 1954, by

President Dwight D. Eisenhower, to pay homage to all of our veterans, who have contributed to the preservation of this great nation; and

Whereas, the brave men and women of our Army, Navy, Air Force, Marine Corps, and Coast Guard exemplify selflessness and steadfast commitment while risking their lives to ensure our freedom; and

Whereas, wounded and suffering military members and veterans who return home honor us with their dignity, courage, and valor; and

Whereas, veterans deserve the utmost respect and support, which they have earned, while defending our homeland; and

Whereas, we admire and stand beside the families and loved ones of those who have served and currently serve, and the immense burdens they bear; and

Whereas, we are continually grateful for the freedoms we enjoy in Portland and across the United States, thanks to the service and sacrifices of the men and women in our military;

Now Therefor, I, Charlie Hales, Mayor of the City of Portland, Oregon, the "City of Roses," do hereby proclaim Veterans Day, November 11th, 2016 to be

November 9, 2016

**A day to express our gratitude for our veterans and citizens serving in the United States military** in Portland, and encourage all residents to observe this day [applause] let's invite you forward to speak, and I know again others on the council may want to reflect on this, as well but thank you for being here today. Matthew Calhoun, welcome.

**Matthew Calhoun:** Thank you very much, I appreciate it. Good morning, mayor hailes and commissioners. I am Matthew Calhoun, and I am an army veteran, and --

**Fritz:** I think you need to speak into the microphone for the captions to hear you.

**Calhoun:** I've been employed by the city now for about ten months and ten days just over two months ago I was voted in as the chairperson for the veteran's empowerment team. That's what brings me in today. I would like to briefly tell you about this team. Shortly after beginning employment with the city I sought out the veterans' empowerment team and found that it had been somewhat quiet for the previous several months. With a small corps of veterans from parks, we rekindled the group, and that group got to work quickly and redefined our mission and our vision. We identified the efforts that would be important to us both individually and as a group. Our vision and mission agreed on and voted in as our guiding principle states beginning with the vision, the veteran's empowerment team will support and mentor the employees of the city of Portland who have affiliation with military service. And we will internally have advocate for veteran causes with the city of Portland. The mission states that the veteran's empowerment team leverages our shared experiences, promotes cross bureau camaraderie and builds and maintains a network dedicated to the advocacy and the success of our veteran community to achieve the vision. I am proud of this team and our efforts and thus far and very happy to be here today representing the veteran's empowerment team. As you read the proclamation into the record we feel by this proclamation the recognition of the veterans that came before us and the service that we perform idea is so very much appreciated. We feel as important to have this proclamation because it meets with our mission and our vision to expand on this, I would like to provide a few more details of how we are working towards meeting the goals that support our vision and our mission. The empowerment team is currently 66 members strong. We are veteran, we are veterans employed by the city. We represent each of the services and this includes family members of veterans. We have a small but growing network of resources that while they are veteran resources at large we have established a direct connection with several, through an exchange of information and verbal acknowledgments of mutual support. We intend to make good on the goals we set before us by partnering with h.r. To provide insight into veteran issues and our military culture. We will coach and mentor each other both within the mentorship program and informally to ensure that we as veterans bring the up most capacity to our work groups, departments, and the city as a whole. We have so much experience and ability to offer and we appreciate working for the city. We have begun to organize ourselves to focus and research so that we can number one contribute to the development and refinement of policies that affect veterans, number two be contacted by veterans, by veteran job-seekers, both internally and externally for resume assistance. Number three advocate for tangible support by the departments, bureau directors, and city leadership to allow veterans to attend the full hour of our meetings and number four building our city web page to be a robust resource of information for veterans, that veterans need to be, to efficiently find what they need. We meet monthly and continually identify new ways to become better as we strive to achieve our goals. On a personal note, I feel lucky to have found a place with the city. I spent 15 months' job hunting after retiring from 28 years of military service. I felt like I had is a great depth of experience and abilities to offer but the job offers did not materialize as I thought that they would. While applying for several positions within the city,

November 9, 2016

I was contacted by the diversity, outreach and employment resources, the doer's office. And they changed that. But during that window of assistance I felt that there was an opening for additional hands-on assistance from which a veteran would more deeply benefit. I believe that the veterans empowerment team is that resource, so commissioners, mayor Hales, we are your resource. We are the city's resource. Thank you for your time this morning, and thank you for your support now and in the future.

**Hales:** Thank you, and Matthew served, as some of you know, in the army in both Afghanistan and in Iraq, and I believe he is still in the Oregon national guard. Retired from the Oregon guard. But you know I am really pleased to hear that our outreach effort reached you. Congratulations to the parks bureau to finding you and bringing you into the family of the city workforce because that's exactly what we would hope for in that kind of an outreach effort, and I appreciate the fact that you and other veterans are getting together, staying organized, and I know you are going to be walking in the veteran's day parade with commissioner Fish. And appreciate the fact that we, as a community, and as a city family also are participants in that recognition. Thank you very much for being here today.

**Fish:** I want to add one thing while Mr. Calhoun is here. First every year, the mayor issues a proclamation on veteran's day, and it's a proud moment, so thank you. This is your last veteran's day proclamation, and Mr. Calhoun, it's an honored to have you here before us. The parade, the mayor alluded to is the Hollywood veteran's day Parade, which happens on Friday. I hope that everyone comes out and it is a great parade and the ceremony that follows is hosted by our favorite host of an event like that, which is tony starlight who does a great job honoring and recognizing veterans, so a pleasure to be part of that. And mayor if I could, I just want to make a comment, you and I teamed up on this proclamation, but it was Asena Lawrence on my team who did a lot of the work with your team. Asena Lawrence identifies as Islam so today she has reason to wonder about whether her country is as welcoming as it could be to people of different faiths and origins. So I want to publicly thank Asena for her service to our city and to tell her that we are very proud of the work that you do, and that we will you also support you in the work you do for us. Thank you. [applause]

**Walsh:** I want to say something.

**Hales:** No, joe, we don't do that on --

**Walsh:** I have been nine years in --

**Hales:** Mr. Walsh. No. We are going to move on and do 1232.

**Item 1232.**

**Hales:** Come on up, please.

**Jen Clodius, Office of Management and Finance:** Good morning mayor and commissioner, I am Jen Clodius, senior manage analyst for the office of management and finance. And staff for the technology oversight committee. With me are Jeff Baer, the director of the bureau of technology services and Paul scarlet, the director of the bureau of Development services, as you know, it is made up by representatives that you have selected. And unfortunately none of them could be with us today so you are stuck with the city employees only.

**Hales:** You will do.

**Clodius:** Your members are, for mayor Hales, dr. Wilfred pifold and ken newbauer for commissioner Fish, Diana Garcia for commissioner Fritz, and josh Mitchell for commissioner novick, and mike lynch for commissioner Saltzman. We are here to present the technology oversight committee's quarterly report for July through September 2016 so this actually only takes us up to two months ago. So there is a gap. This quarterly toc followed one project due to an odd set of timing but that is the itap project. We are going to

November 9, 2016

show you this dashboard which contains information from the project management staff, the quality assurance contractors, and from the toc. And Jeff and Paul are going to explain what is and what is -- what was.

**Hales:** Ok. Please.

**Jeff Baer, Director, Bureau of Technology Services:** Good morning mayor Hales, and members of the city council, Jeff Baer for the bureau of technology services. I want to talk a bit about the work that's been done from the previous report that you see in front of you, and instead of focusing in on what the project had been doing, I would like to talk in a few minutes about what we've been doing the last couple of months in terms of going forward. Today we have -- we just completed an external assessment that we had by a local consulting firm that did a project assessment of itap and working with the director scarlett on this, working together as a co-sponsor approach. We have received the final assessment and we are working right now on putting forward a go forward strategy on doing what we are calling a discovery phase of working to, over the next four or five or six months we're not sure yet, but what work we need to do in terms of what are we going to do for this project going forward. So I don't know if you want to talk about that?

**Paul Scarlett, Director, Bureau of Development Services:** I appreciate it. We made a determination a couple of months ago given in the report which shows red in time, and budget and so forth, the scope of the project, the complexity. Just to reiterate, we are very focused on completing this project. And in doing so, we evaluate where things are at, and some challenges decided we're going to take a step back and really do an in-depth analysis assessment. So we have conducted a technical assessment, and is a governance assessment, and we have gotten some really good recommendations which Jeff alluded to, and plan on implementing and going forward with several of those recommendations. But at this point we felt it was not feasible, not in the best interest of the city to continue the itap project as is with -- we did sever ties with the previous vendors, and trying to figure out who do we partner with and what do we do and how do we do it, taking a step back and really diving deeply into where things are at and what's the best arrangement going forward, we felt was the best action to take. We have received pretty good acknowledgment that that is a good decision, rather than spend time and money, let's really look at where we can leverage the best efficiencies and make the best interests that will benefit the project, which hasn't changed. We just want to increase the access to the public and for the customers to allow us to conduct business in a more efficient way. So in short, we are, you know, we wish it was further along -- it is not. We feel like we have a good plan by having an independent assessment and looking at what makes the most sense moving forward.

**Hales:** Questions?

**Saltzman:** To underscore, the itap project is in a full stop mode. We will be coming forward with a going forward strategy which we will share with all of you.

**Hales:** Thank you. Other questions?

**Scarlett:** I might -- excuse me, acknowledge that Cole Smith has been really involved inside analysis and has partnered well with us and acknowledge staff's contribution to all the work going on, so it's really a well-rounded overview of where things are at.

**Hales:** Good. Other comments that any of you have? Jeff? This is the only project that we're looking at today, right?

**Baer:** That's correct. And you will note on camera the report that we have several others coming up. One is the data center relocation project, and also the module enterprise asset management, that will be part of the report for the next period.

**Fritz:** Is the technology oversight committee going to be involved in the figuring out what to do next?

November 9, 2016

**Scarlett:** Yes. In fact, we took -- we took heed from their responses and concerns on where the itap project was at so we reported to them about the different assessments and we would report back on any plans moving forward prior to moving forward. So --

**Baer:** I would add they were -- They were instrumental in helping us draft the scope of work for what the engagement was to be.

**Fritz:** Yes, cause that's what commissioner Saltzman intended when they set up the committee that they said they would help us with the purchases as well as monitoring it.

**Hales:** Thank you very much. Anyone signed up to speak?

**Moore-Love:** They both left.

**Fish:** Can I move the report.

**Fritz:** Second.

**Hales:** Roll call.

**Wilkins:** Can I speak?

**Hales:** I am sorry, yes. Come on up if you want to.

**Wilkins:** I will tie the conversations together; I believe our national Defense depends on technology. I am sorry that I will switch a bit. I am not too sure in the future that, like veterans, that humans will play a lesser role in combat. I talk against intel but I must admire them for making the chips that may go into our predator aircraft which can defend our country without having pilots as pows. They are intelligent. I don't think that I could fly an airplane but a predator, computer chip, and aircraft. In the debate four years ago with mitt Romney, president Barack Obama scored by saying Romney said something like we have the lowest navy --

**Hales:** I need you to focus on this item.

**Wilkins:** The issue is I think technology is important, and the computer chins can think. We need to invest in this. I think that intel does make is a great contribution to the national defense. I support technology. I support the community colleges. And the community colleges repair technology.

**Hales:** Thank you very much. Thanks. Ok. Let's take a vote, please.

**Novick:** Aye.

**Fritz:** I know how hard everybody has worked on this project from the initial inception to just trying to make it work. So I really thank the bureau of development services, all the staff there, and clearly it is now time to say what we purchased is not working out, cannot be made to work, and I appreciate you making that decision, commissioner, and moving on. Thank you. Aye.

**Fish:** Colleagues we are currently doing a big look at the question of how we organize and support committees, boards and commissions. And in our form of government we have all kinds of different and sometimes conflicting standards and rules, and the city is undertaking a process to create some uniform rules, some standard by-laws making sure that people are supported in their work and get the training that they need and the assistance. Something that's long overdue, and I want to acknowledge that the technology oversight committee, which is staffed by -- which is composed of citizen volunteers, has got to be among the highest performing bodies that this council has had the honor of launching. And I would not want to miss an opportunity to thank the folks who volunteer their time to do this work. It's really hard. There is not a lot of glory, but these presentations are among the best that we get on a regular basis, so thanks to the people who volunteer to make this committee work so effectively. Aye.

**Saltzman:** I want to thank the technology oversight committee and I want to thank Paul scarlet and Jeff Baer and the bureau of development Services and office management finance for teaming up to help us figure out what the solution is to this problem right now. Thank you. Aye.



November 9, 2016

**Hales:** Aye. Ok let's move onto the items that were pulled from the consent calendar, the first of those is 1234.

**Item 1234.**

**Hales:** Have we got someone here to speak on this item? Come on up, please.

**Fritz:** I pulled it, mayor because I am very interested in this program and I want to make sure that everybody does know about the sign and that they could ask before they use it.

**Tawnya Harris, Office of Management and Finance:** For the record, I am Tawnya Harris and I along with the director and city attorney Simon Whang manage the Portland, Oregon sign program. And earlier we met with your individual offices earlier this year. So we are here at your direction to present the Portland, Oregon sign program annual report. Over the past year we have been focused on developing the program and have issued approximately 78 licensed agreements, developed a free strategy, and a fee strategy to recover the operational and maintenance cost and have registered for several trademarks with the united states patent and trademark office. Further the growth of the Portland Oregon sign program, we are developing partnerships with local companies by travel Portland, who offer brown bag sessions, and where we hope to attend and conduct the presentation on the Portland, Oregon signed program to their Customers. By next year we plan to have all our trademarks, and marketing strategies and is a partnership with travel Portland. And we are here to answer any questions that you may have about the Portland, Oregon sign program.

**Hales:** Thank you, did you have questions about this?

**Fritz:** I just wanted everybody to know that that's what we are doing, and it's making us a small profit so far, right?

**Harris:** Right.

**Fritz:** Could you give the details on that?

**Harris:** We have earned, and last year we earned a surplus of about 9,000, a little over 9,000. And the sign, operational and maintenance costs, run us 30,000. And so we collected about 3,900. Last year.

**Hales:** 300,000?

**hales:** Yeah.

**Fish:** In general terms what's the difference between fair use of this image and something for which we get compensation, and I am thinking about the fact that like every time that there is a trail blazer game that's a national game, the nba does a sweep of downtown and they sort of focus on that sign. I am guessing that that's fair use because it is background. What's roughly the line between the use that people can make of it without cost and when a, when it becomes something for which they have to pay us a fee for the property rights.

**Simon Whang, City Attorneys Office:** Commissioner Fish, I can answer that Simon Whang for the record. Probably easiest answer is it depends on what the intent of the use is going to be, if it's for commercial purpose, for example, for television commercial, and/or if the person is making -- the company is making money from it, then that's going to be something that we would actually ask for a fee. If it's just simply in the background of a newscast, or of a television spot or something, and just shows in the background of Portland, then that's going to be under fair use, and we would not seek anything from that.

**Fish:** Thank you.

**Hales:** Other questions? Other questions in --

**Saltzman:** So it can be used in the background of a commercial?

**Whang:** If it's a television commercial being used for a short period of time, there is a focus on the sign, then that would be something that we would seek.

**Saltzman:** If it's in the general background image of Portland, then --

November 9, 2016

**Whang:** I think a lot of times you see in these commercials, like when they linger on the sign for a while, then that's the point that we start to get involved.

**Fish:** One of the reasons Simon looks so tired is that he has five television screens. He's watching all of this all day monitoring the science with our copyrights.

**Fritz:** If someone sees a mug or a glass with this image on it, should they contact you to ask if it's been permitted?

**Harris:** Correct, yes.

**Fritz:** They can they call 823-4000 and be directed to you.

**Harris:** Right, and our information is on the wright where they can contact myself for intellectual property license agreement or if it's any type of media question regarding the Portland, Oregon sign, Jen Clodius, also, and her information is also there.

**Fritz:** Thank you very much.

**Hales:** Thanks very much. Thank you all. Anyone want to speak on this item? Come on up.

**Lightning:** I am lightning and I represent lightning watchdog pdx. I have an understanding, we're talking about that sign that when you come over the Burnside bridge with the little deer on it, just so that I have that understanding and I want to make that clear, if you take that off and I put a horse there or a unicorn, is that going to violate the intellectual property rights on this? Now another issue that I have on this is that technically when a lot of people have been using this for their businesses already, and if you have not already done a license agreement, or trademark, at this time, it sounds like you are going through that process, due to the fact that the people are currently using this, I think that they could challenge who really has a right to use this because it's my understanding that this was the property of white stag.

**Fish:** Just on that question the city did obtain the copyright in august of 2015. And so it does have a legally Enforceable copyright, you know, they have the federal designation, and then that allows us to enforce those rights.

**Fritz:** We purchased the sign.

**Lightning:** But you stated as far as on the copyright, that was in 2015, now if somebody was using that design before that, technically, they could claim that they had been using this image for their business and they have a right to do that, now take the point, let's talk elan musk and tesla. When he stepped in, and stepped in the position on tesla, he basically didn't have to pay anything for that right to use that name. And because basically, the time frame on that expired, now you might think well, hey, he needed to pay the tesla family and money for that name, but he did not. At the time they did not have anything in writing, anything that was registered at that point to protect that name, and so he just donated a million dollars to the museum, so the reality is, is that sometimes if you don't have that in place, many years ago, and people were using that, they might be able to challenge that legally they have a right to continue to do that, and you are stepping in now and trying to take a right away from them, so I find it very interesting that number one, you would charge a fee for this, and number two, that you would not look at it from the city's position as feel free to use that in a good way. I don't think that it's any threat to the city, itself, allowing anybody else to use that. Again I wonder why you have not taken control of that many, many years ago when my understanding that the sign would have been transferred over to, into your control, but they did not transfer you that right at the time. I just kind of question the whole process, and the date that you think that you have control on this, and I will leave it at that, thank you.

**Hales:** Good morning.

**Wilkins:** My comment is I guess this is about visual forms of communication. Oh, shedrick Wilkins, instead of, for example, we symbolize things about Oregon, visual symbols are not

November 9, 2016

dependent on language. We have different -- we basically have road signs with pictures on it, and people take the driver's test in different languages, but you are supposed to know what the symbol means.

**Hales:** Thanks very much.

**Wilkins:** It's important to stay with this, non-language base system.

**Fish:** I move the report.

**Fritz:** Second.

**Hales:** Is there a second? Roll call, please.

**Novick:** Aye.

**Fritz:** Just from the report, excuse me, we purchased the sign in 2010. And we have licensed many more businesses this year than before. And also, in February of 2015, the city recovered 30,000 from the paps brewing company for an unauthorized commercial use, so thank you very much for your work on this, I am pleased to now see it paying its way. Aye.

**Fish:** Thanks for pulling this. This is like a walk down memory lane, and three of us remember that this was one of the most contentious issues of 2009-2010. And commissioner Leonard was at the heart of the fight to protect this sign and ultimately we purchased it, and my recollection is that the fees that we get off licensing it, helped offset the costs of maintaining it, so from a taxpayer point of view, I think that this is a good deal. Aye.

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

**Fritz:** I might just comment on commissioner Fish's statement. Those can't be the good old days, this was a majorly contentious issue, and it is what we're dealing with now, so it's sobering.

**Hales:** It crossed my mind, too, yes, thanks. A quieter time. We are moving to 1236. Which was also pulled to the regular calendar.

#### **Item 1236**

**Hales:** We pull both these to the regular calendar because of the dollar amount, is that right?

**Christine Moody, Procurement Services:** Commissioner Fritz pulled these items.

**Hales:** Because of the dollar amount.

**Moody:** Christine moody with procurement services. Before you have a request to authorize the purchase of the cisco equipment, in the amount not to exceed 911,000. This is being purchased off of a permissive, cooperative procurement competitively procured through the state of Oregon. I will hand this over.

**Fish:** Did you say permissive, cooperative, procurement?

**Moody:** Yes.

**Fish:** For those of us who are newbies in this, what does that mean?

**Moody:** The cooperative procurement is -- allows under state law allows the city or other jurisdictions to use another contract, in this case it was procured through the state of Oregon in which they used the competitive solicitation process. And we can just kind of use that contract.

**Fish:** So we can piggy-back off another process that followed our rules?

**Moody:** That's correct, commissioner.

**Fish:** Thank you.

**Fish:** That's a permissive procurement contract?

**Moody:** Yes, there is several different types.

**Hales:** All right. Other questions or concerns about this one? Thank you very much. We will see if there is anyone that wants to speak and move to the next purchasing item. Anyone want to speak on this? Ok, an emergency ordinance and let's take a vote please.

November 9, 2016

**Novick:** Aye.

**Fritz:** Thank you for explaining, aye.

**Fish:** Aye. **Saltzman:** Aye. **Hales:** Aye.

**Hales:** And then 1237.

**Item 1237.**

**Hales:** This was also pulled because of the dollar amount so come up, please, and tell us about this one.

**John Hunt, City Fleet:** Sure. Good morning mayor and city council. The item before you today is to purchase 24 pieces of equipment that are part of the street program and part of a program with pbot, so just wanted to mention that the vehicles that we need are needed because of, because we're -- not me, myself because I do the equipment part and Suzanne can talk about this, but we're adding the crew's rental equipment on this highly specialized piece of equipment are not readily available. And the equipment, if we were to rent it, can be quite expensive, for example, the message boards to rent would be about 1100 a month, over the 48 months that the program will be in place, that would be about, well, over 50,000, 52,800, so it can be expensive, and then what we did is we took a look at all the equipment, and we looked at what would a rental piece be if we could find it, and in the four years, we would still spend about the 1.5 Million that we're going to spend to buy the equipment, and we would expect the equipment to last many more years, because the economic life cycle on the equipment is around 10 years. It is dependent upon the class it belongs to but the city will save money over the long haul, and should the program go away, we have identified homes within the fleet, and so we would replace the older equipment, and move these dump trucks and other pieces of equipment into an existing program.

**Fish:** Can I ask you a question? This has come up in the past and I see that there is a sedan that's part of the equipment that we're purchasing. Is any -- are any of these vehicles being sold by a, what do you call it, a vendor here in Portland?

**Hunt:** Yes. We do. We use a local vendor. And we may use, as mentioned a minute ago, with a state procurement process to get the best deal on them, but we bring them in through the local dealers whenever possible.

**Fish:** Years ago we had this discussion when the police were buying some cars and because of the business license fee, there was a cost differential between buying it from a dealer in Portland versus a dealer in Clackamas or something, and the council raised some concerns about not using our dollars to invest in a local business. Do we have -- are we making a conscious effort within the law to spend our money locally?

**Hunt:** Yes. A very conscious effort, and there are a number of agreements but the state has turned out to be low. There's another sedan, 1900 more to go through the south side agencies, so we compare prices, and still the bottom line answer to the question is we're bringing it in through a local dealer whenever we can.

**Hales:** I think it's quite satisfying to both commissioner novick and me that we need more equipment to keep up with the paving that you are doing, so that's good news.

**Novick:** Very satisfying.

**Hales:** Anyone want to speak on this item? Come on up.

**Walsh:** Good morning, I am joe Walsh and I represent individuals for justice. A couple of questions that I had, you are picking up 24 vehicles under this expenditure. It seems to me that sitting here, all the bureaus are now getting new vehicles. Everybody seems to get new vehicles, the cops are, getting them, and these guys are getting them, and but they last for ten years and that's what you are saying. So why is it -- why does it seem, it's very rude to leave when it's, when a citizen is talking, Mr. Novick --

**Hales:** Go ahead, please.

November 9, 2016

**Walsh:** The second part is that I like the question that commissioner Fish brought up about doing it locally, and I am curious of what decides the price range that we would go beyond local so if the price range is say, on the vehicle, is 28,000, and it went to 35, would that take us out into the state? Do we have a concrete wall because it seems that when what you are suggesting we keep as much in the local area as possible but it was a little fuzzy when you, who were questioning the panel, they say well, we try to do that. And as an ex union, I don't like those answers. I want answers that say, this is what we do. If we go to 35,000, we go to Salem and see if we can get a better price. That would make a lot of sense. And what level do we decide that?

**Hales:** We will try to get answers back from the staff when the testimony is done.

**Walsh:** Ok. Those are the biggest points, and I really appreciate commissioner Fish bringing that up. We should do that. Especially in the presence of our government. We should keep everything local.

**Fish:** Especially where we're taxing ourselves to maintain this, it would be odd for us to tax ourselves and then go to a lower tax jurisdiction that isn't, and spending our dollars there, if the law allows us to buy local.

**Walsh:** But I have a tendency that says that I want the best buy. That's the way that we were brought up to get the best bargain, and I am saying that sometimes, the best bargain is not the best bargain. It hurts the local, if we go used, the local, just because we can save a few thousand dollars. So I really appreciate you bringing it up.

**Hales:** I think we'll get them back up but the answer is these are not replacement vehicles but more vehicles. We have to make the fleet bigger to do more work.

**Hales:** We have the gas tax and we are doing 100 instead of 35, so it takes more trucks to do 100 than 35, and I think I got that right but the other question of what's our buy local policy and how much more are we willing to pay to, for somebody paying Portland taxes is a good question and we'll get that back up and an answer. I might have it right on the size of the fleet rather than the cycle of the fleet question. Ok. Lightning.

**Lightning:** Yes, I am lightning, I represent lightning watchdog pdx. I agree with them purchasing the vehicles new. One of the things that I didn't hear was hoping that they would have some type of warranties on the new vehicles. I didn't hear anything on that because that's, that's real important to me on the longevity and maybe deferring some of that maintenance cost to a warranty. I noticed that on the gas tax, itself, is for street repair, but my understanding on that gas tax that can also be used to maintenance of the vehicles themselves, so I believe that I am correct on that, but that really makes a big difference. I want to make sure that when you do purchase new, that possibly warranties are negotiated with these companies. I am hoping that they are. Just another issue that I have is that I am hoping that these type of vehicles also can be used for other bureaus, and maybe they can and maybe they cannot and again what I was talking about is maybe for like parks, when we were talking about dredging, I know that they -- when you take the sediments to -- on land facilities, they use, normally use dump trucks to do that, so I am hoping other bureaus can get use out of these vehicles and again I absolutely approve on the purchase and just hope that there is warranties included in the deals. Thank you.

**Hales:** Good questions so why don't you come back up and answer those questions. Is it right about more vehicles versus replacement. What kind of warranties do we get and what is our threshold for when we would buy locally versus buy outside of the city, maybe a slightly better price.

**Suzanne Kahn, Portland Bureau of Transportation:** I am Suzanne Kahn from transportation, yes, you are correct, these are additional vehicles not replacement vehicles. We can do more work. The preventative maintenance question, I think, is an important one to us and to city fleet. Our most recent completion rate for preventative

November 9, 2016

maintenance on all our vehicles, and we have a fleet of nearly 200 rolling stock is over 90%, so we are committed to maintaining the vehicles that we have. We also --

**Hales:** Warranties versus our own maintenance. They have a warranty; I assume?

**Kahn:** Yes.

**Hunt:** Again John Hunt, city fleet manager, and I really appreciate Joe's question very much we live and breathe fleet, and the way that we go about our business is very much like you would go about your business at home. You first decide the equipment, and what's the range. What's the payload capacity. How far do I need to reach with that piece of equipment? Then once that's determined, then we go out to bid, either through you know, our local bidding process that you are very familiar with or if we can use an already bid process, we'll do that. But it's really driven by the piece of equipment itself, and getting the lowest price. That's the first thing that we look at but then within the local area we have to look at, is there a dealer? Does that dealer supply the piece of equipment or the volume? Does that dealer support the warranty on the piece of equipment that we're buying? Do they supply the parts because remember we buy parts on an ongoing basis around the air through all the local dealers? So that they, you know, in different parts, outlets so that we can provide the economy with some, you know, funding that way, so a great question, and each vehicle, in the class, whether it's a sedan or a dump truck, each has its own economic life cycle which is put together through statistical analysis of the cost of the fleet, and we also look at outside agencies, and we were up here and called Seattle and talking to them about their life cycles, as well. And so it really is a science, in what we do and that's why we're very proud to have a centralized fleet management division that we are able to provide the city with the lowest cost possible on any of the pieces of equipment that we procure.

**Hales:** So what about the price point question? So Portland dealer will be paying 2%, 2.3% of the net profit as Portland business income tax, so I can make an argument that we could pay more for a vehicle acquired from a Portland dealer because some of it is coming back in terms of the taxes, do we have these factors when you finally get down to the bottom line, this proposal from this dealer and that proposal from that one and one of them is in town and the other is not? How does that work out in practice?

**Hunt:** Well this has come up over the years many times, and so we kind of look at the sphere of influence around fleet and we're looking at the closest because of the ability to get the parts and the equipment in quicker, and I would be happy to provide you with a breakdown analysis because it can get tricky when you are looking at overall the taxes that are paid in different areas or rates that are paid on top so it's a deep -- but the bottom line is we're looking for the lowest cost and buying you there --

**Fish:** Let me pick up on the mayor's office question. You analogized this to what we may do as consumers, and I will draw a distinction. If we as consumers were only concerned about cost, then we shop at Wal-Mart and buy our books on Amazon versus going through our retailer or going to Powell's bookstore, so in fact, we get to balance as consumers, cost and value. So I mean, I would rather spend a dollar and go to a neighborhood business to support a local business than going to a mall and getting maybe a dollar savings off a chain that has no ties to our community. Likewise, I would rather go to a bricks and mortar bookstore and pay closer to full market than an internet company is not paying taxes or supporting little league or doing anything. The question that we keep grappling with is, what does the law allow us to do? We understand the commerce clause, and the federal law, they are laws that constrain us, and I like the fact that you said that the proximity of the dealer is a value. So in other words you are thinking in terms of if there is a problem, you don't have to travel ten miles, you can go a mile. And that factors into your equation. But I think that what the council continues to be interested in, is how can we

November 9, 2016

promote the buy local component of the procurement? Legally? And you said that it's a complicated mix. We would like a signal of what things can we do to create an incentive for us to buy local? Where price is one of a number of factors?

**Hunt:** And I think that this would be a very good question for Christine and I to come back and environmentalist with you. Buy local is a very important component to the purchasing process, and I really like what you mentioned about we set our spec we set the minimum so we're not buying something that will not work or only last half so long, and/or the distance traveled to get the part outside of the service area. All those are mixed together in the decision-making process, so that's perfect, but we would be happy to give you an analysis on the local piece because, we have situations where there may be a closer dealer but they have chosen not to supply that particular product, so we have to go to the next closest one, so it's not always as easy as just kind of drawing a circle around and saying ok, we're absolutely going to go to this person, but we try really hard to do with what you are looking to do, it fits in the mix of the thought that we put into each project.

**Hales:** I think that I have a suggestion and I appreciate Mr. Walsh and lightning's question. We have an approach where we take the lowest responsible bidder, and we are about to hear a report from our socially responsible investment committee about how we bank the money. So it seems like we ought to take a similar approach to purchasing, and you are right, it is complicated. A lot of factors to weigh. We have this new discipline, which we just used yesterday, of these gator sessions, that is government accountability through transparency and results, led by our budget office staff and we looked into issues like sidewalk paving and building permits for affordable housing and police staffing, reallocations around the city, using this model of having independent professionals from our budget office plus the bureau, plus commissioner's staffs, bear down on that Management question. Seems to me that we polite want to queue up the next gator session on this topic of how do we, how do we use value and somebody came in here and said this, you know, it's price, value, and values. And how do we make sure that those three principles are all being applied in situations like this. You are a professional, and you have got a lot of factors to weigh but we also want to bring policy into that discussion, so you know it's ok to do the right thing. It's been defined by that kind of policy. So it sounds like this one is maybe a candidate for that kind of in-depth look. You think so?

**Hunt:** I think that that would be a fine thing to do, but I also think that we need to get going on fixing the streets, too.

**Hales:** Go ahead and do this one. I am not saying that you should hold this up. Let's go ahead. The issue has been raised, how do we do this over time? We buy stuff all the time. I think it would be good to have that kind of in-depth look for the future. Not just for transportation. Obviously. Does that make sense? I will suggest that as the next gator session.

**Fish:** This is complicated but can't be any more than the discussions about equity and contracting.

**Hales:** Right.

**Fish:** In fact, Mind-numbingly complicated and we figured out a path to make sure dollars under the plan, the dollars stay home. And we can figure it out and we make those investments and why not when we are actually doing things in a retail setting?

**Hales:** Exactly. Good, thank you. Appreciate your work on this one and the opportunity to look into the practice more broadly. Ready to vote in let's take action on this purchase, please.

**Novick:** Again it is very exciting that we are doing more work and buying more equipment to do it. And this is you know, one more milestone on the way to streets and better repair so thank you very much. Aye.

November 9, 2016

**Fritz:** I pulled this item partly because it's a dollar figure and partly because I want the explanation for community members about buying more vehicles, and because -- it's using the gas tax, and why that's appropriate. And finally today, thank you commissioner Novick and mayor Hales, this program, of fixing the streets, is certainly one of your lasting legacies for both of you on this council, and we can do several more before the end of the year.  
Aye.

**Fish:** I appreciate the discussion and the testimony. And the colloquy with council. Aye.

**Saltzman:** Aye.

**Hales:** We will do 64 million worth of work and reasonable to buy 1.5 million worth of tools.

**Novick:** 74.

**Hales:** 74. That's right. 74 million. Ok. Thank you. Let's move then to item 1242 which was also pulled from the consent.

**Item 1242.**

**Hales:** I think it was pulled Mr. Walsh because you had a question about it or wanted to speak about it?

**Hales:** Ok.

**Walsh:** Good morning, I am Joe Walsh and I represent individuals for justice, and I will get egg on my face on this item. Because of lack of sleep. I left my notes on this item but if I recall you, and maybe commissioner Fritz can help mean on this, there is a question of 50,000 that is going to the lunch program, and the schools.

**Hales:** 48, you are right.

**Walsh:** And in that process the federal government will reimburse us for the money. My suggestion is this; the schools are not doing so well. They could use our help. But it seems to me when I read this, I said wow, aren't we generous? This is like me buying lightning a mocha but somebody else pays for it. And I take the credit. That's what this seems like to me, it sounds like you guys are giving the money to the schools, which is a good thing. We're all going to fight for that. And then you get reimbursed, so my suggestion is, why don't you take the reimbursement and give it to the school again. Up the ante, and it will only cost 50,000. And you are getting 50% discount. The federal government is coming over the hill. My argument here is don't be cheap. The schools need our help, and we seem to have some problems raising funds. We just had a disaster, in my opinion, of the only thing that went down that really caused me a great deal of problem, was 97 so we are going to be strapped for money. This is the bargain. So let me buy lightning a mocha and let commissioner Fritz pay for it and I will give her the credit.

**Hales:** Thank you. So let's -- further discussion about this? Let's take action on it, please.

**Novick:** Aye.

**Fritz:** This is enough after-school lunch program, done with the Oregon department of education, the costs are about \$48,000, and we will get reimbursed for \$46,000, I'm amused or interested that Mr. Walsh is thinking that \$50,000 is not very much because most of it is and if we need to make cuts next year, 5%, the parks bureau will be looking at the 5 million cut. So even though yes, it's 50,000 here and 50,000 there, this is really important, and it's been a program that we've been doing for some time, and it feeds hungry children. Aye.

**Fish:** If I could add to that, because I think that this is one of the proudest things that the parks bureau does, go back in time, it was in 2009 that the parks bureau asked the following question. They were interacting with a lot of children through our parks System in the summer, and it turned out a lot of the children were hungry. And they came from very low income families and they did not have one nutritious meal. So at that time Emily York, who had a passion for this work, and Nancy Becker who was a community activist who was working to bring up the nutrition standards in the schools, alerted the city of the fact



November 9, 2016

that there was a federal entitlement program, which allowed us to contract with the schools, to -- in the summer time to prepare nutritious meals, have it paid for by the federal government, and at no cost to the schools or the community, the parks bureau would deliver the food to hungry kids. This is the closest thing to a win-win, and I understand now under commissioner Fritz's leadership, in the last year, and the summer alone, the bureau served 100,000 healthy meals to kids. Many of whom rely on this meal as their only nutritious meal during the day. So thank god there is an entitlement program which allows us to do this in partnership because the parks bureau is not a food provider, and they don't have the kitchens, and thank god the school districts in the summer are willing to prepare the food, so it could be distributed through the summer camp program, and thanks to this council, and I believe both commissioner Fritz and commissioner Saltzman played a role, we used general fund money to close the gap so that between the -- when the program would normally end and when the school year begins this council pays for those meals so kids get those, and I will tell you since you've been to those things with commissioner Fritz and me, what you often see is not just the children showing up for the meal, but they show up with a mom with a brother and sister and someone else. There is a huge hunger problem. We should be proud that the parks bureau is helping to address it. Aye.

**Saltzman:** Aye.

**Hales:** I think it's good that we have had this discussion and Mr. Walsh, we all use an elegant metaphor but this is not like you buying a latte for lightning and commissioner Fritz reimbursing you, although I think you are free to work that out in the hall if you want to. This is about hungry kids and this is coming from the Oregon department of education. The original providence might be federal so let's hope that one way or another between the progressive state and city that we keep feeding hungry kids because one of the things that's been shocking to me as mayor and we have all seen this is that in a time of under 4% unemployment an average household income is going up and actually poverty going down in our city, we still have tens of thousands of kids who show up to school hungry so that's why this program is so essential.

**Fish:** It is not a state appropriation. The genius of this, it is a federal entitlement program. So if you are eligible, you get the dollar.

**Hales:** Let's hope that will always be true. Aye.

**Fritz:** Just to clarify, this program is for the school year, everything commissioner Fish said is also true for the summer program.

**Hales:** It's a good program.

**Fritz:** Children go hungry all year.

**Hales:** No matter what happens to the federal government this has to keep getting done. Let's hope. Let's move on to item 1245, which is our first item on the regular agenda, right? No -- yeah. 1245.

**Fritz:** We did that.

**Hales:** Sorry, 1246, I will have to get my prescription changed. Or clean my glasses.

**Item 1246.**

**Hales:** The second reading and a roll call vote and I can see that.

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

**Saltzman:** I want to thank the bureau of planning and sustainability and the Portland housing bureau and Shannon O'Callaghan for working on these changes that will make it - - make more sense in terms of the shelters in our community. So thank you very much. Aye.

**Hales:** Looking forward to all of us opening up the next one next week, and more to come thanks to this, aye. [gavel pounded] ok 1247.

**Item 1247.**

November 9, 2016

**Hales:** Good morning.

**Fish:** Could you do that Again -- I'm kidding. [laughter]

**Hales:** Good morning and come on up.

**Steve Collins, Portland Police Bureau:** Sargent Steve Collins, of the metropolitan disposal unit and I am here in case you have any questions on the grant. It is an Oregon grant that was awarded to the state for explosive device mitigation. It is supposed to be shared between the four bomb squads, which one of us is us. Our amount is \$136,536. If you accept this grant I plan on purchasing two medium-sized robots.

**Fish:** To what?

**Collins:** Medium-sized robots.

**Fish:** Robots?

**Collins:** Ok.

**Saltzman:** How big is a medium size.

**Hales:** About this big.

**Collins:** It's about this big.

**Saltzman:** That's strange.

**Hales:** It sounds like a good use of the funds. Any questions? Thanks sergeant Collins. Thanks very much. Anyone want to speak on this item? If not, it's an emergency ordinance. Let's approve it, please, or ac on it, please.

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

**Hales:** Let's hope we don't need them but I am glad that we are going to send in robots instead of people. Aye

**Hales:** Item number 1248.

**Item 1248.**

**Hales:** Good Morning.

**Larry Pelatt, Procurement Services:** Good morning commissioners I'm Larry Pelatt from procurement services. You have before you the procurement report recommending a contract award to Moore excavation inc for the Humboldt Sewer rehabilitation project in the amount of 4,177,461 the engineers estimate on this project was 4,980,000 and the bureaus confidence level was high. On August 3<sup>rd</sup> 2016 council approved ordinance 187931 for procurement to competitively solicit the Humboldt Sewer rehab project, the project was advertised on the city's electronic procurement system and bids were open on August 25<sup>th</sup> 2016. Four bids were received in response to the solicitation Moore excavation is the lowest responsive and responsible bidder at 4, 177, 461 which is 16.2 under the engineer's estimate given some of our recent construction project is a surprise, the bureau of Environmental services along with procurement services identified an aspirational goal for certified dmwesb subcontractors and supplier utilization at 20% of the hard construction cost for the projects. There is a total of 436,632.00 10.45% of dmwesb participation on this project including as follows db e 403,0800.00

**Fritz:** Excuse me. Could you tell people what db e is?

**Pelatt:** I'm sorry. Dmwesb means disadvantaged minority women and emerging small businesses. Disadvantaged 403,800.00. Minority business enterprise, \$782, 000 doing manual manufacturing and emerging small businesses 25,000 for structural monitoring. Moore Excavation inc is located in Fairview, Oregon, but are not a state certified Disadvantaged minority women or emerging small business contractor. They have a current city Portland business tax registration number in full compliance with city of Portland contracting fund requirements. Funds are available in the current year budget for the project. If the council has any questions regarding the bidding process, I can answer those. There are representatives from the firm and from bes in the room if you have specific questions.

November 9, 2016

**Hales:** Thank you very much. Questions? Any? Okay. Sounds like maybe not. Thank you. Anyone else want to speak on this item? Come on up.

**Lightning:** Yes, my name is lightning, I represent lightning watchdog pdx. When we're talking about the pioneer courthouse square renovation project --

**Hales:** That's the next item.

**Lightning:** I'm sorry. I will come back on the next item.

**Hales:** Adoption?

**Fish:** So moved.

**Saltzman:** Second.

**Novick:** Aye.

**Fritz:** Well I believe this contract has more participation by minorities, women and emerging small businesses than we often see from Moore excavation. So I'm glad that they are taking to heart the need to get some of our public dollars spread around. Aye.

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

**Hales:** Aye. Now we'll take 1249.

**Item 1249.**

**Hales:** This is exciting. Commissioner Fritz, do you have comments?

**Fritz:** Thank you I'm just going to turn it over to our staff Lauren McGuire and Robin Johnson Craig.

**Hales:** Welcome, good morning.

**Lauren McGuire, Portland Parks and Recreation:** Yeah, thank you. Good morning. I'm Lauren McGuire, the development program manager for Portland parks and with me is robin Craig. As well as Christine moody, your chief procurement officer. We're here to tell you about our exciting renovation for the square and to request council accept a guarantee maximum price of 7,590,279 from Howard S wright whose construction manager and general contractor for pioneer courthouse square construction project. The square's located in downtown, central business district. It is by southwest Morrison, 6th avenue, Yamhill and Broadway the goal of the project is to renovate the square and make other critical repairs to the infrastructure and facility to insure and protect the public's safety and enjoyment of the square continues without changing the essential character of the square. The project has a \$10 million budget funded by the 2014 parks replacement bond. We also have \$150,000 that we were given of system development charges added to the bond budget in order to fund the expansion and renovation of the restroom to create an all-user restroom. It was transformed from a parking lot to Portland's living room on April 6<sup>th</sup> 1984. It is square after its neighbor, which is the pioneer courthouse and was designed to be the focal point of downtown. It is in the center of the transit system and the central business district with shopping, offices and service sectors which serves as attractors to this entire city, region of our city. Pioneer courthouse square is more than bricks, it's people that activate the living room and make it successful for 365 days of the year. The success is attributed in part to our pioneer courthouse square, inc which is managing and operating the square with Portland parks. In recent years, the unique public/private management model, it has been recognized as one of the most successful public spaces. We have more than 300 programmed events there every year and the square is the most visited site in Oregon, 9.5 million visitors with 100 million transit rides. Now after 32 years of wear and tear, we're here to look at repairing the square. The project will repair the waterproof membrane, the brick plaza, the failing heating and cooling elements, structural elements, areas that are out of compliance with ada repairs. It'll also expand the restroom for equity, safety and accessibility. And, Portland parks manager, robin Craig, has been working with architects. And then Howard S wright. So we have an excellent approach for the design of the repairs. Part of the construction will focus on reconstruction of -- what was the separate

November 9, 2016

male and female restroom into a new all-user restroom configuration. The main bathroom renovation components include increasing the capacity. We're going from 8 fixture count to 11 fixtures and two new all-user ada individual toilet stalls. We're also addressing inclusivity with this new restroom for the city. We're providing more durable materials. And we're going to be accommodating space for an attendant to help with cleaning, maintenance and security concerns. There are also baby changing stations and a new ada-compliant restroom. We have had extensive community outreach in the creation of the design so six project advisory committee meetings eight pioneer courthouse square meetings, seven executive board meetings and two open house events. So, our purpose here today is to accept the guaranteed maximum price of 7,590,279 from Howard S Wright. For the construction of pioneer courthouse square renovations. They have been teaming and mentoring as an agreement with fazon construction. Together, they're striving for 39% Disadvantage Minority women and emerging small businesses. And our understanding about this particular report is that it'll become effective immediately so we can begin contracting with Howard S wright. Christine moody will discuss the procurement items. In our audience, we have Harriet Cormack who will provide testimony during public comment and then we'd be happy to answer any questions. Thank you.

**Hales:** Thanks.

**Moody:** Christine moody. On September 9, 2015, city council authorized an exemption for the use of the construction manager general contractor solicitation process for the pioneer courthouse square renovation. Through this process a request for proposals was issued and among other things, as Lauren stated, this rfp offered prime contractors to partner with our team with a certified Disadvantage, women, minority, small business contractor. Howard S wright is teaming with Fazon construction which is a minority-owned business on this project. In January of this year, four responses to the rfp were received. They were evaluated by a five-person selection committee which included representatives from Portland parks, Portland business alliance and the minority program. Also, as Lauren stated, Howard S wright has committed to using a disadvantaged contractor and supplying plan, which they have committed to 39% or 2,028,704 of utilization on this project. And in addition, Howard S wright with comply with the 20% apprenticeship and workforce diversity goals.

**Hales:** Great, that's good news.

**Novick:** The bricks, we own the bricks. I own a couple bricks, so tell us what is going to be done to preserve those bricks with our name on them?

**McGuire:** Actually, the bricks will be removed and we'll be replacing it with a new brick with your name on it and then we'll be mapping them and you'll be able to see where your brick is located.

**Hales:** I realize you're doing that on behalf of the original donors, but are you giving people the opportunity to buy additional bricks? So there are areas you can buy a brick?

**Fritz:** They're \$100 and it's a forever brick. Go to pioneer courthouse square's website and sign up today.

**Hales:** Somebody might have had a child since the last time. [laughter] thank you. Other questions for our team? Sounds great. Thank you very much. Do we have anyone who wants to speak on this item? Come on up.

**Lightning:** Yes, my name is lightning, I represent lightning watchdog pdx. I absolutely agree with this bid with Howard wright construction. They're a great company. And I like what I'm seeing so far. Some of my concerns are, I have a brick located pretty close to where they set the tree, the Christmas tree. And I'm kind of -- I'm kind of sensitive to want to make sure that I still have the same location and it sounded to me like that might not happen or maybe the names will be moved in different locations. Because to me, I look at

November 9, 2016

pioneer courthouse square, which is considered a memorial, and there's a lot of bricks in there related to that, from people that have dedicated these bricks to different relatives, different people that have passed away. So, there's a lot of meaning behind this pioneer square to a lot of people and its kind of like, if you had a tomb stone somewhere and someone said they're going to come in and remove it, we'll break it into pieces and we might put it in the same location, but we might not. I'm very sensitive to the fact, it is a memorial and I want to make it very clear, from my position, I don't want my brick that I have there moved to another location. I'm a little concerned and I guess I'm going to have to deal with it, that you're going to go in there and destroy the brick that has been in there for many years, with certain names on it, that has meaning. And to a lot of people out there, I know that they see that, too. If you go and read some of the names, a lot of the people are deceased and they put their name in that location for a purpose, because it has meaning, they go there, they look at the name, they look around and it has a tremendous amount of meaning to them and I really hope that there was a committee put into place, that really looked at this close and understand, that is a very important issue to a lot of people. Now, another issue I have is that I didn't hear anything about anymore additional artwork being added. It's very important to me, especially when I walk down into -- let's just say, where your new restrooms are going to be. If I walk down there, I'd like to see something different on the sides there, even in the fountains or the water. You have bears located across the street, beavers, I'd like to see a little bit more added to that entrance that gives it a little bit more life and meaning because to me, it's very plain and it doesn't say a whole lot and I think something could be added in there, if racc takes a look at this, to really kind of add something to it. So, those are concerns of mine. Real fast, on the warranty on the waterproof membrane, I want to make sure there's a good warranty on that. My main concern is on the bricks there and make sure people are aware of it, they get some type of notice and understand that that brick you've been going to every other weekend may get destroyed and a new one might be made up and you might be in a different location. That, to me, concerns me, thank you.

**Hales:** Thank you. Appreciate you raising the concern.

**Walsh:** For the record, my name is joe Walsh, I represent individuals for justice. We do a lot of demonstrations at the square. One of the things that's always impressed me Mr. Lightning is the number of people that are in the square, looking for their brick. Or, their family name on the brick. So, it's crucial and it's very important -- and I always thought that whoever came up with the idea of the bricks was a genius in financing because it's really cool and people are really excited about it. And I commend listening to the discussion and if there is not a very secure plan to replace those bricks where they were taken from, we have a problem. And that would be sad. So, I want you to think about that one and we would just support what Mr. Lightning was say, it's a very valid point, that if we ask people to do that, then we said say, okay, those bricks are going to stay there as long as the name can be read or is something like that. Have some criteria. Thank you.

**Hales:** Thank you.

**Fish:** Was that mike Lindberg or Doug that came up with that idea?

**Hales:** I think it was mike's dad. It was a great idea and joe's right, it was genius. I think it's good we've raised this concern. I think the commissioner in charge and pioneer courthouse square need to take those things into account. The bricks have to be removed in order to replace the membrane, it's under the bricks. Those details that people just raised some testimony do matter. I hear that concern. I know you have, too. Is there a motion on the report?

**Fish:** So moved.

**Saltzman:** Second.

November 9, 2016

**Hales:** Let's take action.

**Novick:** Aye.

**Fritz:** Thanks again to the taxpayers and voters of Portland to authorize the bond measure, not to pay for this two years ago. And thank you to pioneer courthouse square board. All of them have bricks there, so they're very much aware and care that people have it their brick and for the placement. And perhaps more important into this is the all-user restroom. I'm getting timed now. [laughter] I'm sorry, Harriet McCormick wasn't able to be here. She has done an amazing job with the facilities commission committee with the pioneer courthouse square board to figure out how to make all of the stalls all-user restrooms and improve the safety and security. I will note, I will be coming to the budget next year to ask for funding for the attendant and it has to be a qualified security guard because of the number of things that go wrong in that restroom area. The restroom is most used in the city of Portland so it's great we're able to expand it and do the necessary maintenance, which is perhaps less flashy, but definitely needed. Aye.

**Fish:** Commissioner Fritz, in Spain, in some of the public restrooms, there are attendants and they work on a tip basis. I'm also reminded that in one of the great historic restrooms in New York in Bryant park, there's a full-time attendant. So there are lots of models out there. Again, we would not be having this conversation, had you not led the parks bonds effort. I remember people asking, why did you include pioneer courthouse square. You said it is the city's live room. Everyone is welcome and we have an obligation to maintain it and you got the added dividend of the board members getting solidly behind this effort. Aye.

**Saltzman:** This is indeed good news Thanks to Commissioner Fritz and thanks to the voters and parks and recreation. Aye.

**Hales:** Great place, great project. Aye.

**Fritz:** Thanks to Amy Ruiz, who helped pass the parks bond measure and helped pass the housing measure yesterday.

**Hales:** 1250 then, please.

**Item 1250.**

**Beck Chiao, Office of Management and Finance:** My name is Becky chiao, I'm with risk management and the bureau of internal business services. This ordinance will approve a settlement that we've tentatively reached with Jennifer Castro and her attorney. They brought a lawsuit regarding an incident on May 3<sup>rd</sup> 2015. Ms. Castro called 911 regarding an argument with her estranged husband and he had come home returning their child. The police came and the dispute is over whether the police ordered her to give him a ride home. Which they say they did not. Or whether she volunteered to give him a ride home. On the way home this man assaulted her and so she brought a claim against the city for negligence and we recommend that we settle the lawsuit for \$13,000.

**Hales:** Okay. Questions? Thank you very much. Anyone want to speak on this item? Come on up.

**Dan Handelman:** Mayor hales, I'm Dan handelman with Portland cop watch. I appreciate the city attorney read the details of the record Im sorry the person from the risk management office. This is a negligence claim and they advised her to drive her estranged husband somewhere and her husband assaulted her. It sort of speaks to the ongoing problem with police in action. We run Insert online at Portland cop watch where we've been getting a lot more calls about that kind of inaction. There's discretion for officers, you need to look at the gender parity training we've been talking about given to the police for all these years, maybe they disregarded her concerns. I should also state that the ipr has said that there's an increase in this officer inaction complaint coming to them. We have to examine whether that's related to the doj agreement being in town and officers having

November 9, 2016

alleged low morale or is it related to the so called lack of officers that the ppa contract is supposedly fixing. On that note you only have two days to rescind your vote on that contract. I'm not sure why the doors were locked when I came in. If people wanted to come speak to you, you should really consider -- since you suspend the rules whenever you want, allow 10, 20, 30 minutes of communication so people are heard by their government thank you.

**Hales:** Anyone else? All right. This is an emergency ordinance.

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

**Item 1251.**

**Chiao:** Hello, I'm Becky Chiao again. We're recommending that we pay \$10,000 to Sofia homes. Her car was stopped by spike stripes mistakenly. Her car was identified wrong by a license plate that was a couple digits off. Same make and model of a car on the hot sheet of stolen cars. This was on east Powell near 162nd and the officer who thought he saw a stolen car -- this was 3:30 in the morning -- radioed ahead, knowing that the boundary line was at 181st and said, maybe someone should get ready there with spike strips. Portland police officer sort of -- at 168th, decided to put the spike strips down before the original officer could come up behind the car and see that the license plate was wrong. So, once the car was pulled over, it was a fairly gentle stop to the side of the road. The officers apologized and gave Mr. Homes a ride home. We paid for the tires, but she filed a lawsuit for negligence and false arrest and we negotiated a settlement for \$10,000.

**Hales:** Thank you very much. Anyone wish to speak on this item? Come on up.

**Handelman:** Good morning, again, mayor and commissioners, Dan handelman Portland cop watch. We appreciate the risk management office going into details with what happened here with Ms. Sofia homes. It says in the ordinance that the make and model and license plate closely resembled the car on the hot sheet. It was a pretty serious infliction of harm against someone who not actually a suspect. She asked for \$49,000 and \$10,000 doesn't seem adequate given the circumstances. Also, it's really lucky she wasn't injured by being stopped by spike strips instead of being pulled over since she wasn't trying to allude the police. The doj report requires settlements to be considered as part of the examination of the outcome of the doj agreement, but we haven't seen that yet and we're as you know, more than two years into that. So many settlements are being labeled as judgments so they don't have to come before you. We're not hearing as many before city council. There should be some kind of publication that shows all the lawsuits paid out because of police misconduct. We call again for you to rescind the ppa contract. I looked at the testimony that was submitted. A few people involved in city-funded programs wrote in late after the mayor's office, warning the testimony to wait for mayor wheeler. That was not a clean way to get testimony in favor of the contract.

**Hales:** Is there a motion on this item? Not a motion, it's an emergency item.

**Novick:** Aye.

**Fritz:** Thank you for the explanation of this one, too. I stand behind my votes on the police contract it was the right thing to do. I also want to respond to previous testimony, that the council should allow 20 to 30 minutes of open citizen testimony. I'm so tired of listening to hate speech and yelling to the kinds of behavior that led to the national disgrace yesterday. So, no, I'm not going to be proposing that and I hope neither will this mayor or the next. Aye.

**Fish:** Mr. Handelman, mayor, raised the question whether this is an adequate settlement. For the public, I want to explain one thing. One of the things we are advised in the materials is whether or not the plaintiff in a lawsuit is represented by an attorney. In this case, the plaintiff is represented by an attorney, which means that she has a lawyer whose job it is to evaluate whether the settlement is appropriate and give her that advice. If a

November 9, 2016

claim is worked out with a represent party unless someone comes forward to council and questions that I will presume it to be a reasonable settlement. Aye.

**Saltzman:** Aye.

**Hales:** In a police bureau that has about 80, 000 calls for service a year, there are going to be mistakes and we need to own up to them and make them right and that's exactly what this settlement's about. What I'm amazed about is what's happened so far this year in mental health calls, we've had 1,500 calls relative to a suicide. 63 people had completed a suicide, which is down from last year. There were zero uses of force in the successful de-escalation in others 1437. That's a pretty good error rate and so obviously, the overall picture with respect to claims like this, we had a session yesterday that looked to police staffing and thanks to the new police contract, we will avoid to having to further reassign officers from specialty patrols back to patrol. So, I'm very pleased about both of those. Aye. Let's move on, please, to 1252.

**1252.**

**Hales:** Second reading roll call.

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

**Fish:** I think the only negative testimony we got on this matter was lightning or someone testified that we should increase the amount of the contribution, based on the return that we get from this wonderful organization. If we had the resources, we would do that. We are provided annual support and the Oregon sports authority does fantastic work for our community, bringing events here, bringing tourists here and contributing to our tax base. Aye.

**Saltzman:** Aye.

**Hales:** A lot of events at pioneer courthouse square, Christmas tree lighting, protests, whatever. The world indoor track and field games were held there again and again. I got to hang the medal around the neck of the u.s. Shot-put champion Michelle Campbell at that square and I'll always treasure that memory. So, the sports authority's doing great work. Aye. 1253?

**Item 1253.**

**Hales:** Commissioner novick?

**Novick:** Colleagues, Marty Maloney knight of the right-of-way. [laughter]

**Hales:** That's a good title.

**Marty Maloney, Portland Bureau of Transportation:** Good morning mayor, commissioners. My name is Marty Maloney with pbots right of way. This ordinance is to authorize imminent domain authority and compensation associated with the southeast foster/southeast Powell boulevard road project. The property rights in question are needed to facilitate sidewalk improvements on southeast foster between southeast Powell and southeast 91st. All effected property owners were informed about the city's need for certain property rights and were all invited to attend the reading of that agenda item. I'd be happy to answer any questions council might have.

**Hales:** Questions? Anyone want to speak on this item? It is an emergency ordinance.

**Novick:** This project is one of the finest projects on pbots's plate and I'm really looking forward to the day when foster road will be a safer place for kids to walk to school and for kids to ride their bikes. Aye.

**Fritz:** I think two of the things I take most seriously in my votes to the council are vacating public streets because we shouldn't give away the public's rights unless there's a good reason to do so and the exercise of imminent domain. My understanding is that all 27 affected properties have been notified and you haven't heard any concerns from any of them so I'm comfortable and thank you for doing good work. Aye.

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



November 9, 2016

**Hales:** It's a very exciting project and it goes with the transformation of Lents. We broke ground just a couple weekends ago. We'll act on Oliver station today. The construction fence is around the gas station and lot. So the transformation of downtown Lents is under way. To make foster into a pedestrian and bike-oriented boulevard instead of a car corridor is an exciting piece of work and a great contribution to the livability of our city. Can't wait to walk along this street. Aye. All right. Let's take action, please, on the next item, which is 1254.

**Item 1254.**

**Hales:** Mr. Novick?

**Novick:** Since the motor vehicle and fuels tax passed in may the city of Portland has been collaborating with the Oregon department of transportation to finalize the administrative details on the tax collection of the fuel tax. After considering odot and the city's revenue division as possible types of administrators, the city decided it would be odot, which administers fuel taxes. An iga was approved by city council. The vehicle operators who pay the weight tax are exempt for the fuel tax and pay for the traffic safety program through the heavy vehicle use tax. Heavy vehicle operators have to first pay the tax and apply for a refund. Based on recent feedback from odot and weight mile tax payee's, pbot is proposing to make four minor changes to city code 17.105 to collect the diesel fuel tax and align it with how the state gas tax is collected. These changes will have no impact on the tax, the timing of the tax, the amount of the revenue raised. Motor vehicles, fuel tax, is proposed to make \$64 million. I want to thank the Oregon department of transportation for working with the city. I'd like to invite ken and mark.

**Mark Lear, Portland bureau of Transportation:** Mark Lear, Portland bureau of transportation. I had a PowerPoint presentation and it's basically the same thing commissioner novick just walked you through. There were a lot of gas taxes that didn't pass in the region. For Portlanders to see the value is really important. As the commissioner said, we took odot's advice on how to set this up. There was better advice after the vote passed and we now have a streamline process that the Oregon fuels and odot and the city are happy with.

**Ken Lee, Portland Bureau of Transportation:** Ken lee with transportation. Yes, we are working on the final details with odot. We're expected to go live January 1 with the implementation of the collections of this gas tax.

**Hales:** Okay. Questions? Thank you, both. Anyone want to speak on this item? If not, then it passes. Second reading next week. 1255?

**Item 1255.**

**Hales:** Second reading. Roll call.

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

**Fish:** I just want to remind the council that we're replacing a 90-year-old water main and after a certain age, these things actually need to be replaced. Aye.

**Saltzman:** Aye.

**Hales:** Kept it just long enough. Aye. 1256?

**Item 1256.**

**Hales:** Commissioner Saltzman?

**Saltzman:** Thank you, mayor. This would be the final step in approving an affordable housing development in Lents. The Oliver station apartments will feature 126 units of affordable housing, located between 92nd and foster road, along bus lines in the core of Lents I believe it's the new copper penny site if I'm not mistaken. This project, for the Lents town center urban renewal area, was made possible through joint actions of the Portland housing bureau and the Portland development commission. And it's an initiative that began in the fall of 2014. It is being developed by palindrome Lents limited partnership along with

November 9, 2016

urban edge builders inc as the general contractor. Palindrome will operate the housing when it's complete. The project features deeply affordable units, six of the units will serve households earning up to 30% of the area median family income. And the remaining 119 units will serve households earning up to 60% of the area median family income it will feature on manager's unit. We have staff here to answer questions.

**Hales:** Members of the team, come on up.

**Hales:** Good morning.

**Hales:** Another long-awaited Lents project.

**Javier Mena, Portland Housing Bureau:** Good morning, mayor, commissioners. We are here to present for approval of this project. And to let you know that in roughly two years we will be investing \$22 million in Lents. This will create 259 affordable units; 42 of which will be affordable at 0 to 30% it represents about a 16% of the affordable units being available to those most in need. Talk about Oliver station, as just mentioned, it is on the old copper penny site. We are greatly, very, very happy that that is finally being developed and I will stop at that. I know chad is here to talk about the project specifically. Thank you very much.

**Hales:** Welcome. Good morning.

**Chad Rennaker:** Good morning, mayor. Good morning, commissioners. My name's chad Rennaker with Palindrome communities and I'm very honored to be here today to talk about this project. In some ways, I'm a little bit embarrassed to be here speaking on behalf of the project because of all the work that's been done by other people besides me. This has been a very collaborative effort with the housing bureau and the Portland development commission and it goes back to two years ago when the request for proposals were submitted and my company was interested in Lents. We own a brewery there you may have been to. We had our eye on Lents for a long time. People talk a lot about private and public partnerships in this industry. We operate in many states. I don't think any projects I've been involved in has come as close to being a true private/public partnership. The rfp didn't include the sites that Oliver station is going to be built on because they were owned by private citizens the new copper penny site and the chevron gas station as the mayor mentioned earlier. So, in order to really bring this project together, we had to really have a lot of strategic planning sessions with the development commission, housing bureau, on how to acquire those sites, to put this. We felt like that was the catalyst for the town center and without those sites being part of the project, all of the other funds that were going to be put into the town center would be marginalized. So, we were able to shift people's thinking to get those projects included and obviously, we're very excited about that. So, once we had the sites acquired, we've been spending the last year or so, the grueling process of putting the financing together. This is one of the most complicated transactions with condominiums and land leases, taxes and bonds. We're close to the finish line, we can see it. We can smell it. One of the great things that I enjoy about redevelopment projects is the neighborhoods that we get to go into. We -- our company is there for the long-term. We adopt these communities and they adopt us so we'll be there for the long-term and as the mayor mentioned, I was out at the site earlier this week and saw construction fencing around there three of the strategic lots and it's very exciting. Thank you.

**Hales:** Thank you. Good morning.

**Cora Lee Potter:** Mayor hales, commissioners, thank you for this opportunity. I'm Cora Lee Potter I'm a decade-long resident of the Lents neighborhood. I participated in many budget and development budget advisory committees. I also currently serve as the land use chair for the Lents neighborhood association. I'm here to reflect on my role as a private citizen. A few years ago, I really wanted some nice beer, so I walked three-quarters of a mile to Fred Meyer, the small section of the beer aisle had been emptied and not

November 9, 2016

restocked. I complained to my friend because that's our routine. That set into motion more conversation about what's missing and what we lack and the counter-intuitive way we were being left out as a neighborhood by a rebounding market and development. So we decided to really push pdc to find us one thing that folks had been asking for, just to get the ball rolling and that was a brewery. A few pdc employees got to talking, the stars aligned and a man that ran the small brewery pints, along with his business partners, agreed to open a larger operation in Lents. What we didn't know is how lucky we had gotten and one of the partners was chad Rennaker of Palindrome communities. In the time he spent in Lents, he quickly saw what we saw in our community. He saw a gathering place, a place where commerce should naturally occur and where people should live work and play. Our small victory led to advocacy for an action plan, which led to a request for interest. And before you, we have the proposal to provide funding to realize the first phase of a development plan that is about a true Lents revival. Chad and his team have been integral part of our team and they work to insure they are intentionally including us in the anticipated development, including making sure we're keeping space for our neighbors who need affordable housing and consciously mixing it with market rate housing so everyone has access to good services. It also includes a significant amount of ground-floor retail, which will provide brick and mortar space and turn our sidewalks into places. Reading through the proposed ordinance and seeing the final details of the financing package, I'm encouraged by the investment and the use of private and public spending. Getting projects like this to pencil is challenging work that goes without proper acknowledgment. So, I encourage you to use your vote today to support the proposed financing from the Portland housing bureau and pdc for Oliver station apartments and Encourage to support Palindrome communities as much as they have supported Lents.

**Hales:** Thank you.

**Fritz:** Thank you for telling that story. I have been to the brewery because the neighborhood association used to meet there.

**Potter:** We occasionally have board meetings there.

**Fritz:** Well that was about four years ago it's wonderful to see how one thing did lead to another. I'm very curious why is your company called palindrome?

**Rennaker:** The original company was called pacific cap, for 15 years, that is the name of our company and one day, someone said, that's a palindrome. It's spelled the same backward as it is forward. One of the things I like about this redevelopment day -- this is the company we use for our redevelopment efforts, I like to think when you're doing redevelopment projects, it's just as important to think about what's happened in the past as in the future. We talk about the new copper penny and the new chevron. I got to know the owners. In one case, they've been working there for 40 years and the other, 10 to 12 years. You have to absorb the community you're going into, as you're making it relevant for today and the uses for today so that's what palindrome is. I like to say something that's another palindrome, which is a reviver and a lot of times what the neighborhood needs is a reviver and I think that's what palindrome is.

**Fritz:** That's really beautiful. Thank you. Javier you got back to my staff very much, I appreciate it. Could you explain what you responded to me in terms of the meeting income of the neighborhood and the 60% mfi, median family income, as the target of most of these units?

**Mena:** Certainly. In the Lents neighborhood and the state housing report from 2015 and soon we'll have the 2016 report. The median income in Lents is about \$49,919 in comparison to city wide in comparison with the city wide, which is \$55, 571. For family of three, this represents between 65% and 70% median family income. It's right in the line to where that neighborhood is and this will allow the residents to be able to stay in the

November 9, 2016

neighborhood.

**Fritz:** Thank you Cora for all your leadership over the last 10 years.

**Fish:** I have one question. It's been my sense, over the years, that we've historically undervalued the retail spaces in the buildings we invest in. During the recession, buildings had retail space that was underutilized throughout the county. I wished we had created a strategic plan for those. And in a number of our buildings in the city, we have underutilized space. So, I've started thinking more strategically about how do we leverage the retail space? There's 29,000 feet?

**Rennark:** Correct.

**Fish:** It say 29,56 I'm assuming that 29,500 something So, have we approached the retail space with the same intentionality that we have on the affordability in terms of thinking about it as leveraging a community benefit?

**Mena:** So, this has been where the partnership with pdc has really developed. There is a desire to insure that this space that's available, it is available at affordable rates, some of that space, for the local businesses and I can't speak more in detail because I haven't been involved in the development of the commercial side maybe chad can speak more to that.

**Rennark:** Robert Gibson who's here has been handling that, I think it's 6,000-square-feet that has been set to be dedicated for start-up businesses and an affordability component for those units or for that space.

**Fish:** That's great because I think for all the good work Cora done in the neighborhood, in Lents, as in all of our, you know, 50 or so business districts, we want to make sure the local entrepreneurs have a change to capitalize.

**Rennark:** And make sure when they're successful -- part of the discussions is they can take advantage of these lower rates when they start. How do you -- how do you transition that into the future, when they are successful, which is what we want them all to be and you want the next batch of entrepreneurs to come and take advantage of that same opportunity.

**Fish:** Thank you.

**Hales:** Any other questions?

**Mena:** One more point, one of the successes we have is for every \$1 the bureau has invested, we're leveraging \$3 so it has been a very successful development and partnership with other agencies and other funders.

**Hales:** Great. Thank you.

**Fish:** So I see John Marshall is here what was his role in this?

**Mena:** John marshall, he's the underwriter on this project. He is the brain behind this --

**Fish:** John put his own money into this?

**Rennark:** Still waiting for the check.

**Hales:** Thank you, all. Anyone else want to speak on this item? Please come up. Do come up.

**Brad Sawyer:** I just a question more than anything. My name is brad sawyer. I moved from Cowlitz county. When they said that it's going to allow people that live in the community to stay in the community, the question to me is, are they existing renters that are going to be renting new properties? Existing homeowners who will become renters? If that's the case, that doesn't really help people because the key to wealth as most working-class people will figure out is real estate ownership and that's my problem with the city of Portland. I get five times more exercise here in the city because I take the bus and ride the bike. In the country, where I lived, it was beautiful and I had to drive everywhere. So, what's the answer to that? Are they converting these people from owners to renters? Or, can anybody answer that?

November 9, 2016

**Saltzman:** I think it's going to be a combination. It will be some mixture of both.

**Sawyer:** Are these new facilities just rentals? Condominiums?

**Saltzman:** They're all rentals.

**Sawyer:** And that's good and it helps people that need it, that segment of society, but we got to get ownership in the hands of working people.

**Hales:** There will be a series of projects.

**Sawyer:** That's why I'm here today. I'm here for the residential landfill project. I took a lot of my retirement money and built the most efficient adu in 2014.

**Hales:** Thank you very much.

**Fritz:** Commissioner Saltzman, that testimony just gave me a thought. Would it be possible to use some sort of preference policy like you have in interstate so that people who have been in Lents for a long time have the opportunity to be in this home?

**Saltzman:** I don't think this would be an area that's minimal to the preference policy that north/northeast Portland is. There's a strong history of displacement and gentrification in northeast I'm not sure you can make that same case for Lents.

**Fritz:** We are trying to have that not happen can we get ahead of the gentrification thing. It's something to think about. It would seem like having a targeted outreach to folks who have been in Lents, to let them know of the opportunity they have.

**Fish:** The fair housing act heavily describes this area. Unless there's a compelling showing that some particular group has had a displaced treatment the fair housing act would not allow us to do a preference.

**Fritz:** Interesting. Thank you.

**Hales:** Anyone else? Let's take action, please.

**Novick:** Aye.

**Fritz:** It's really great to see you and especially all of the work you've put in often you have been here telling us we haven't done the right thing. It's really great to -- by your leadership, we are doing the right thing. Aye.

**Fish:** What's going to happen to the new copper penny sign? Is that going into the warehouse at the Oregon historical society? [laughter] it is sort of an iconic sign.

**Hales:** That's a good question.

**Potter:** They donated to the neighborhood, which is just sort of a morphus concept of who it belongs to now. We're currently looking for a place to store it. If you know anybody who has a warehouse who wants to store 14 foot in diameter and approximately 2 feet thick penny.

**Fish:** The Oregon historical society has a warehouse in Gresham and it has -- it has a treasure chest of things from Portland, including, for example, when tom redeveloped his building downtown. I think we should approach the Oregon historical society about whether they would take it.

**Potter:** I will contact your staff and get the details.

**Hales:** Thank you very much.

**Fish:** This is a terrific project and well-matched to the community with a good investment and our dollar investment per unit is -- is actually substantially lower than some other projects, which makes it a better investment for the taxpayers. Congratulations to Dan and the housing bureau and John, thank you. Aye.

**Saltzman:** This is really an outstanding public private/public partnership to build affordable housing and retail in Lents. I just want to recognize the neighborhood, palindrome associates, Portland development commission, Portland housing bureau, for the tremendous work they've done. This will bring on 126 units of deeply affordable housing. It seems like an appropriate point for me to thank Portland voters for their approval of \$258 million in general obligation bonds, which will create 1,300 units of deeply affordable

November 9, 2016

housing. So, thank you. Aye.

**Hales:** Bravo, Dan and the bureau and the partnership getting to this milestone. This is a sweet full-circle for me. I have history with the neighborhood, having been on council when we approved the Lents urban renewal area and watched it wait for a long time for the projects that the neighborhood has had in mind and find the right partners to do those projects. And Kimberly was gracious enough to say this at the ground-breaking. There are times when you have to push your bureaus. I'm happy I pushed my bureau, the Portland development commission to be a facilitator of projects and I pushed them to work with Chad and include the gas station. To spend the public money and have the best corner in the neighborhood be a gas station would have been a terrible outcome. So I'm very glad we were able to finesse the gas station into making this the 100% corner of a great neighborhood and that's what all Cora and all the other neighborhood activists have wanted for so many years. This is a great pleasure to be here and act on this and be able to walk down Foster Road through Lents and see the results of all of your good work. Aye. Thank you very much. Okay, we have one more item this afternoon -- this morning, and that's 1257.

**Item 1257.**

**Constantine Severe, Director, Independent Police Review:** Good morning, Mayor and Commissioners. Here --

**Hales:** What's your name?

**Severe:** Constantine Severe, Director of the Independent Police Review. I'm here on 1257 to ask Council's approval of this contract so that the Office of Independent Review can start its work reviewing 11 officer-involved shootings.

**Fish:** I speak for myself, we've been impressed with the annual report we get from this group. Has anyone objected to this request, that you know?

**Severe:** No.

**Fish:** Thank you.

**Fritz:** I have some questions. It's a three-year agreement, but we really need some of this information as quickly as possible. Will we get anything from the consultants before the end of the three years?

**Severe:** Oh, yes. So, the plan is before the close of this budget year, to have at least five or six of the cases out in a report. So, the hope is -- right now, we only have 11 officer-involved shootings that are open for us to review. There have been times in the past where there's been 20-something cases and a big backlog. The hope is, by next budget cycle, we can have actually no cases in the backlog and have them -- when you do it on an annual basis -- let's say it's in 2018 and it's covering officer-involved shootings in 2017. When they took over this contract, their cases from 2003-2004 and 2011-2012.

**Fritz:** So we will get some of the data maybe all of the data in this budget year? No?

**Severe:** My hope is to cover at least five of the cases.

**Fritz:** They would be brought to Council without waiting for others? It says not to exceed if we continue the progress we've been making and there aren't any more officer-involved shootings. Does that mean we wouldn't pay anything for that?

**Severe:** OAR gets paid on an hourly basis. This year, there has been one officer-involved shooting. So, let's say the police bureau went on that particular track, they'll just be extra money within the contract that we wouldn't spend.

**Fritz:** Thank you. This is one of the few times the Council gets to weigh in, in what's essentially an audit of one of the Auditor's programs. I would like to add to the scope of work, the analysis of the timeline for each step of the evaluation, which we've been struggling within the Department of Justice mandate to get the reviews done. So, would it be possible to ask them to comment on that, as well?

November 9, 2016

**Severe:** Sorry, I don't understand the question.

**Fritz:** Well, they're looking into each case, as to was it properly administered? Were the outcomes correct? I would like part of that to be looked at as, how long did it take for each step? Where might there be opportunities for internal affairs to be -- or ipr -- to be tightened up so we can get the cases done and potentially to the citizen's review committee earlier?

**Severe:** So, officer-involved shootings, based on the collective bargaining agreement, ipr doesn't have the ability to investigate officer-involved shootings. This particular contract was created in code so that ipr's role is to facilitating review of officer-involved shootings. They don't go to crc and finally -- oir, in their prior reviews, they look at timelines within their report. So there are several cases where it took 15 months, 18 months for it to be complete and oir took the city to task for that.

**Fritz:** So that's included in this contract. Can you expect that as the default?

**Severe:** Yes Ma'am

**Fritz:** Thank you very much.

**Hales:** Other questions? Thank you. Anyone else want to speak on this item? Come on up.

**Handelman:** Good morning, one time, I'm Dan handleman with Portland cop watch. The city auditor put out this contract bid and only received one response, the oir group has done good work in the past. There were no other bids on this contract. We didn't know it was even posted because the ipr didn't include it in their monthly report to crc. We agree with the oir group who called to get rid of the 48-hour rule in 2010 and to stop saying suicide by cop which is an important step forward. We disagreed that found officers did not racially profile Keaton odis. They put out a report this January, they could only cover shootings until the end of 2013. Even if they're able to crank out of a report, four years will have past. Of the 11 cases authorized, I feel it's important for us to say their names and we're going to cover the deaths because we don't have time to cover them all. Michael Gregory Johnson had mental health issues and the officers were given awarded. Allen Lee Ballew was shot and the footage was reviewed by the officers before they were interviewed. Christopher Healy was houseless and in a neighborhood where somebody had been helping him take showers. Nicholas Davis, houseless, the officer tripped backing up. Kelly, he was shot in the bottom of his feet by the officer who killed him. This contract doesn't include chief o'dea's off duty shooting. I'm hoping that will be covered by oar group. I came in this morning to find the doors were locked at city hall. I think you need to ask yourselves, what role are you playing that fed the national election results? This is the true era of the bully pulpit. Use violence to keep the public from talking to you. Commissioner novick, who voted for the wrong reasons, not to support the contract, can't ask to suspend the rules. Mayor hales you can be on the right side of history of two days left. Please rescind that contract.

**Hales:** Thank you very much. Anyone else want to speak on this item? Then, let's take a vote, please.

**Novick:** Aye.

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

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

**Hales:** Aye. And, we are recessed until 2:00.

**At 12:08 p.m. council recessed.**

November 9, 2016  
**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.

**NOVEMBER 9, 2016 2PM**

**Hales:** Good Afternoon everyone and welcome to the November 9<sup>th</sup> meeting of the Portland city council we'll get under way in a moment with the regular business of the city but, just want to take a moment for us as community leaders to welcome you to a democratic process that we believe in and a community we love. I know this is a -- difficult day for us. Many of us are sleep deprived and wounded and the values that we share as a community have been called in to question by what's happened in our nation, but we're here because we believe those values are real and because we can make them real in our city. We also believe in the values of civility and tolerance and I guess I want to urge each of you to do what I've been trying to do all day and find a young person, better yet a young person of color and say this is a city welcome to anyone and everyone has a legitimate right to participate in the process and be valued because my kids and a lot of kids today are wondering about their future, so I hope all of us can do what we can, with what we have and where we are to reassure one another today. We have important work today. If you see it us looking tired, it's because we didn't sleep last night not because of what you're talked about. I'll give my colleagues a chance to say some opening words and then we'll start the process.

**Fish:** I appreciate what you said. I note forward we have some very young people here today and some people have brought your children. Your comments remind me every day we in public life are modeling good behavior for them and perhaps there hasn't been enough of that at the national level so maybe locally we can set a standard that has evaded the national scene. So thank you for your comments.

**Hales:** Thank you. Thank you all for being good Portlanders.

**Hales:** Commissioner?

**Fritz:** Thank you, certainly as a woman and an immigrant it has been a difficult day and it has been for a lot of people what happened yesterday. You mentioned young people. My staff showed me a map of what would be the blue and red states if only the 18 to 25 year olds had voted and there were only two red states, so I think children are going to give it the best shot, that they are going to fix things I've been trying to do in my life and haven't quite made it yet. I want to start with something really positive. I really would appreciate it if everybody is kind to each other in their testimony today we can certainly disagree, but we can do it respectfully without calling anybody names and such. Why don't you give your comments and I'll give my happy thing?

**Novick:** I was going to say not exactly a happy thing, but make no mistake, this is a catastrophic development, I expect this country to be unrecognizable in four years from now, but just in terms of how we feel about our fellow citizens it does appear that Hillary Clinton has won the popular vote and my brother sent me a poll that a majority of trump supporters don't want to deport immigrants. Many Americans are willing to tolerate an open bigot, but I think a lot of people voted to blow things up. That does not necessarily mean that they have hated in their hearts for their fellow citizens. They just had this desire to blow things up. That is not particularly encouraging, but I don't think we can draw the



November 9, 2016

conclusion from yesterday that a majority of the Americans are racist and bigots so if that's an uplifting message I hereby offer it.

**Fritz:** Just to take something off with a more uplifting thing tomorrow we're going to announce who won the spirit of Portland awards which is always one of the councils favorite events to talk about. It talks about people and companies, neighbor associations, business association, even some corporations that do good things in our community. While the maximum number of people are here I want to announce that one of the winners is Karla Moore-Love, our council clerk. [ applause ] I understand that Karla has served the city for over 30 years. Certainly this year she's had to put up with a lot of rowdies, disruptions and scare tactics from some of the community members who visited. Thanks for keeping us on track, but also serving the community.

**Moore-Love:** Thank you.

**Hales:** Let's hear it for her applause let call the roll, please. [ roll call ]

**Hales:** Welcome everyone let's read the item before us this afternoon please 1258.

**Item 1258.**

**Hales:** thank you let me introduce the subject and then we'll have a presentation then we'll get started with the hearing. I initiated this project last year to address a number of concerns I've heard consistently from the community not just these four years, I'll get back to that, about the eroding character of our neighborhoods from demolitions, about incompatible development that replaced some of those houses and about the lack of affordability and challenges that Portlanders face when attempting to find housing in our neighbors at a time where our household prices rising and where they our household configurations are changing. This is particularly acute for seniors, lower income people and communities of color. This is not the first time we have grappled with these issues. Someone found this document back in the files. This is from October of 1989 on which task force I served as a private citizen. Actually when you read this report you'll see some of the issues we're talking about here reflected. Some we've addressed, some we still haven't addressed. That's why we're here. This is not being done in isolation. We're still updating how comprehensive plan a blueprint for how we're going to grow from a city of 635,000 people to a city of than 800,000 people and maybe after yesterday, more people might want to move here. We've instituted a demolition delay for historic properties and additionally notice to neighborhoods for all demolitions. We've required carefully deconstruction of some historic homes and I hope more soon and we've worked to expand the affordable rental housing in our city like all the projects that will be funded by the bond measure that Portlanders passed yesterday. That combination of efforts are intended to try to get us the development we want and avoid the times we don't want, accommodate households in our city that are again different shapes and sizes than perhaps the one I grew up in and make sure we save about what we love about our city and build what we want to see. The concepts we're going to hear about today are an important first step to ensure that our single family neighborhoods are well positioned to address the needs of people here today and for our children, or parents and our friends who will be living with us in the future. The purpose today is to hear staff presentation, to hear public testimony so we can begin on the zoning hearings for next year that will put these ideas into code. There are some folks I'm going to call up early. We have some planning and sustainability members here we have some people with disabilities and small children and caregivers that we will provide opportunities for early. We'll take those folks first in the batting order of testimony and then everyone else as we can. With that, let me call up our staff to make the presentation and take some council questions and then go on to testimony.

**Hales:** Good afternoon.

November 9, 2016

**Sandra Wood, Bureau of Planning and Sustainability:** Good afternoon, thank you, mayor. My name is Sandra wood, and with me is Morgan Tracy. We're with the bureau of sustainability. We're here to share the concepts which we're really excited to share with you, but speaking about our democracy, it's exciting to facilitate a process in which the community members have an opportunity to talk to you about the we've been hearing from them for such a long time. I'm going to be sharing what we've done so far. We didn't come up with these concepts last night, we've been working on them quite a while. Morgan will walk you through the proposal and we'll hearing some testimony. We began the process in 2015. By recruiting a diverse range of take holding to former the stake holder advisory community. That included representatives from neighborhood coalition office and people in the industry who build housing, like residential builders, remodelers, architects, and others, and then a set of advocates for housing affordability, accessibility, aging in place, energy conservation. The committee spent a lot of time about housing choices, but they provided staff the various pros and cons we were considering, so I wanted to just thank all of them publicly and really appreciate their thought and all the time we spent on this topic. Then we brought the initial concepts out to the public this summer through a series of open houses which I think several of you attended, meetings and hosted forums. We received also quite a bit of public input from a questionnaire that we had online and the majority thought it would be very effective about meeting all of the key objectives. They include things like maintaining neighborhood character, providing housing choices and allowing housing to adapt overtime. It advances the goals of the comprehensive plan for a prosperous, equitable and resilient city we're trying to build. I wanted to remind you in the public we're not in the legislative phase right now. We're not writing the law right now. We're hoping to receive direction from council on the concepts before we begin the work of writing the code and updating the zoning map next year. You'll have two public hearings, one, of course, is today and the next one is Wednesday November 16<sup>th</sup> to help inform your decision on whether the concepts are moving us in the right direction or whether you want to make some refinements to the concepts you have before you.

**Fritz:** Next week it's both in the afternoon and the evening, is that correct?

**Wood:** That's correct.

**Hales:** We'll be taking every taking up a motion on that?

**Wood:** Right. So it's 2:00 and 6:00 again.

**Fish:** When does it come back the council for possible amendment for further action?

**Wood:** Late 2017.

**Wood:** We have a hold on December 7.

**Hales:** It has policy directs as we see it at that point.

**Fish:** When on December 7? Two p.m. –

**Wood:** And with that I will pass it along to Morgan to walk through the proposal.

**Hales:** Thank you Sandra.

**Morgan Tracy:** Thanks Sandra, so real quickly we spent some time last week going onto a lot more detail on these topics, but for the benefit of the public and those watching I wanted to give a quick over view of the project and where we are. So Portland 2035 you guys just adopted a new comprehensive plan at the heart of it Portland is going to be prosperous health, resilient, and equitable city. A big part of that equity piece is opportunity for all over the next 20 years we anticipate another 123,000 households moving to the area that growth is what's going to shape the city. The discussion around the comp plan has been focused over the next 20 years building on the foundation of the city's past successes. While the city as a whole has the zone capacity to accommodate our 20 year projected growth a lot of our single family dwelling areas are built out. Part of this project is to broaden the types of housing we have available in these areas. Here is where we are

November 9, 2016

today. This is Portland in 2015 essentially we have two housing types detached housing units which runs about 56% of our housing stock, and apartments, which is about 39%. What is lacking is a broader mix of these other types duplexes, adu's, attached houses while a single dwelling zones account for 45% of the city's land area only 20% of the growth is expected in these areas. Sandra mentioned our project goals and objectives, the goal of this project is to identify ways the single dwelling zones can be adapted over the long term to provide greater variety of housing choices to suite out current and future needs. We look to the policies in the comprehensive plan to identify the eight key objectives you see on the wheel here that apply to this project. Some are mutually reinforcing like maintaining open space and fitting neighborhood context while others may conflict. This project aims to optimize and advance each of these eight objectives. To do this, the project addresses three topic areas, skilled houses, housing types, and development on narrow lots. The first image shows a range of house sizes on a 5,000 square foot lots. On left is a typical older Portland home. On the far right is the largest house one could build under today's code coming in at 6750 square feet. In 2013 about 60% of homes built on 5,00 square foot lots were larger than 2500 square feet and the largest house was just over 4400. The first recommendation would limit house sizes in the r5 zone on 5,000 square foot lots to 2500 square feet. This particular size would vary by the zone and the size of the lot the house is built on. Recommendation number 2 proposes to lower the house roof line. The current code says the height of 30 feet, and measures from a base point at the highest grade next to a house which is shown on the house on the left these two requirements can sometimes have the results of homes that are even three or four stories tall. The recommendation would limit homes to 2-1/2 stories and better limit height measurements to the street. The third scale recommendations addresses setbacks. It would increase front set backs, but acknowledged existing setbacks are smaller. As this image shows the proposal would increase one set back by five feet but allow homes to reduce it where this condition exists. So just want to take a quick pause here. A rather significant part of this project is the proposed size limitation, a significant reduction in what we have today. The second topic addresses housing choice recommendations. The last topic proposed reducing the allowed size of houses this topic include recommendations to allow more flexibility for what can happening reduced building envelopes. Recommendations four and five work together. Four describes the types of housing that would be allowed. Five describes where they would allow. While single family residential zones generally means one house per lot. Portland zoning code already includes multiple exceptions to this rule. Currently all lots are allowed one accessory dwelling unit inside or outside the house, duplexes allowed on all corner lots. And other code exceptions like one additional unit is allowed for lots bordering commercial properties. Under the proposal these would be increased by one unit within some areas of the city. Single houses can only allow one adu would be allowed an internal and external adu. Duplexes which are now only allowed on corner lots would be allowed on all lots, on corner lots where duplexes are currently allowed triplexes would be allowed also. The key is that regardless of whether the new development is a house, a duplex or triplex, the size will be capped at the single size per house. It's also important to note this development will also be subject to additional design standards. Now that we've defined the size and housing this shows where they would be allowed. The boundary of the conceptual housing opportunity overlay zone is made up of areas within a quarter mile of centers, transit, areas around the central city and higher opportunity housing neighborhoods these are neighbors that support prosperous households, access to good transit, near daily services, parks, schools, other desired amenities. It's important to note that this is conceptual. Further boundary designs

November 9, 2016

will be done in 2017 to reflect property line constraints from physical barriers to topography as well as other considerations.

**Hales:** That's not a lot by lot map built up from the zoning code map, right?

**Tracy:** This is not. It's essentially a bubble plan showing it. Proximity of the proposed overlay.

**Fritz:** And is the intent to look into whether there are all these things that you mentioned like schools, parks, sidewalks, traffic lights and things.

**Tracy:** So the further analysis we do is part of the specific mapping if this is the concept that council agrees to is to go back and look at a partial specific map and refine those boundaries'.

**Fritz:** Why did we not think about -- do that during the comprehensive plan map process?

**Wood:** I think some of it is vetted in the comprehensive plan. For example, where we pulled this great, chapter five of the comprehensive plan, housing opportunity areas, which we were areas that good access to, good schools, complete communities and the they worked with us to derive that map what areas of the city that when you live there you have less costs for transportation and housing combined. That is embedded and it's working together.

**Tracy:** The other explicit comp plan policy really simile housing which is defines looking at areas of opportunity within a quarter mile.

**Fish:** One of the challenges is you call it could be conceptual, people are reading in different definitions of what that means. Second, this diagram makes it pier that virtually the entire east side is covered by this overlay zone. So it doesn't seem to be quite as discrete as linked to quarters and town centers. I think we'll get a lot of testimony on this and I think frankly, I'm still a little unclear about if we adopted this as a concept level what the next steps are and I think it might be helpful to get some clarification on that before we start getting a lot of testimony.

**Fritz:** We did hear a lot of testimony when we discussed those policies that it wasn't going to be blanketed everywhere that is was going to be more targeted that's what I'd like to hear from you.

**Wood:** And I think the policy you adopted in the comp plan says where appropriate so figuring out where appropriate is, is definitely part of the next discussion.

**Tracy:** You also brought up issues at the briefing just asking about the differences between a base zone and overlay zone approach. The answer lies somewhere in the resulting form. With multiple lots where multiple units are allowed, the scale and intensity of development is greater than what we would see in single zoning zones. As lot sizes increases or aggravated together and form starts to shift from mid-rise to multi-unit apartments. This slide is showing three examples depicting small lot development individual single houses. A four story multi-unit building and apartment complex these are all within the r2 zone within about 12 blocks of each other. This is not what we're proposing for additional housing types, conversely what we are describing is something that is tied to form with limited density allowances on a minimum density requirement. The form is compatible in scale and arrangement of single dwelling housing, but the density is flexible up to three units. So these two examples are showing duplexes that have been blended in with single houses. The overlay allows the existing pattern and scale of alternative housing types to coexist with other single houses. So beyond the additional housing types proposed recommendation number six includes more flexibility for a housing configuration which is often referred to as a housing cluster. These are multiple smaller units on larger lots often surrounding common green spaces that are typically compatible in single dwelling neighborhoods. They are currently allowed through a planned development process, but do not allow any accessory dwelling units so some number of units are

November 9, 2016

forgone under our current rules. The proposed rules would allow cottage cluster development to attain the maximum unit allowances prescribed for the base zone and to help advance other city goals the proposal provides a provision to allow additional units when those units are accessible or affordable. So we also heard through our public outreach a lot of concern a lot of continuing concern about demolitions and that resulted in a refining our proposal specifically existing houses and provide additional flexibility for them. So these proposed rules add a flexibility for adaptive reuse and for retaining existing houses including a modest size limit bonus to accommodate remodels and additions. Flexibility in the height when houses old foundation if being replaced and an allowance for one additional unit within the housing unit opportunity housing overlay area when converting the multiple units or when your incorporating the housing into a cottage cluster. The third set of topics gets to a narrow a lot of recommendations there are historic plats that were recorded with the turn of the last century before modern zoning was in place some of these older plats were created with 25 or 33-foot-wide lots. This map is showing the concentration of these narrow lot plats in various parts of the city. These lots those substandard in size and width can be built on if they have been vacant for at least five years. Recommendation eight simply acknowledges the development on skinny lots in the r5 zone is not intuitive and does not inflict the lot size pattern and proposes to rezone these historic narrow lots to r2.5. These lots are also located in areas that are close to centers and corridors, but unlike standard size r5 lots would be within this housing overlay area these do allow for a duplex these lots provide options for fee simple ownership of smaller houses.

**Fritz:** And again I think the communities going to be looking for reassurance that we're going to be more specific than just the quarter mile to transit cause of course you have to look at is there a side walk and is it the other side of a barrier like a freeway or something thank.

**Tracy:** So with this additional r2.5 zoned area recommendation nine proposes several improvements to development this zone this shows four variants of house development that could result in the r2.5 zone so where a house is being retained is the house on the left new rules would permit a property line adjustment to create flag lots on lots where a house is demolished new houses would be required to be attached. On large vacant sites those at least 5,000 square feet two units would be required either a duplex or a house with an adu and on other vacant sites preexisting lots can be confirmed or large lots divided for detached or attached houses.

**Fritz:** So how is this different or is this getting to all 2.5 zones or just the skinny lot 2.5?

**Tracy:** This applies to all 2.5 zones.

**Hales:** Vacant 2.5 zones.

**Fritz:** No all of them.

**Wood:** No all 2.5 zones.

**Hales:** Oh I see at least 5,000 square feet.

**Wood:** Right. So we shifted a little bit and I think the conversation about where to allow it was to then rezone area's to r2.5 and then we took a look at all 2.5 areas not just the ones that are already zoned that, but the ones that in the comprehensive your considering to rezone that and these new ones and improving the r2.5 zones so the product we get for it our 2.5 is more in keeping with constant in what we're aiming for.

**Fritz:** And weren't they allowed to do attached houses like the 2.5 zone is anyway.

**Wood:** They are so that's example number 2.

**Fritz:** Number 2 ok and then in the third option is basically being built to r5 but with requiring an adu?

November 9, 2016

**Tracy:** yes, so in situations when you have a r2.5 zoned lot its 5,000 square feet and zoned for two units this would require either a duplex to get to two units or a house with an adu to get to those two units.

**Fritz:** But if it's a house with an adu were actually losing home ownership options in that zone.

**Tracy:** Right so the tradeoff there is if we required fee ownership we would be forcing property owners to go through a land division process where they have a large site. So this is one not narrow lot, but one big parcel of land developed with a house would be required to build an adu.

**Fritz:** Do we have any evidence that the current r2.5 zones there's a desire to do one house instead of two?

**Tracy:** Less so under the current market conditions but, it was happening previously in the last 2008 to 2013 realm. So we have to kind of be thinking about the fluxuations and how this would play out over the course of 20 years.

**Fritz:** It just seems in three we're losing development capacity.

**Tracy:** We're keeping the number of units consistent with the underlying zone intensity, but we're losing out on the land division if that was the ultimate objective.

Recommendation number 10 relates to garages and parking on these narrow lots so as you can see in this photo the driveways occupy most of the front yard, remove available on street parking and take up space for street trees. Additional on these narrow lots the width of the garage door dominated the front façade and occupies much of the ground floor living area. The proposal would no longer allow street facing garages for detached skinny houses leaving room for on street parking, larger front yards and more street trees. The proposal would also not require parking on narrow lots, but would still allow it. The dimensions on the top left shows a few options for accommodating parking for detached skinny houses either on the street, access by an alley or reassured driveway parking in the back. For attached houses garages would be allowed if driveways were combined and tucked under the first floor, so the combination of these recommendations for these three topic areas will ensure new infill is better scaled, proportionate to the size lot it's on, encourage smaller units that are less expensive than new single family houses and provide more options to home seekers in places they wish to live. So before we begin public testimony id like to invite Katherine Shultz the chair of the land use commission and Teresa st. martin who is our psc representative on our stakeholder advisory committee to come up ad share a few words.

**Hales:** Come on up.

**Hales:** Go ahead.

**Katherine Shultz:** The psc was briefed on October 25. It should be noted that we did not have the opportunity for hearings or the benefit of public testimony. I'm here to share some of our initial reactions that we have in our briefing. As you all know, as steward of the comp plan we use it as a lense in which we view any proposal. Overall we believe that the concepts of individual projects are headed in the right direction and they forward many of the comprehensive plan goals. Reducing the scale of new houses reduces many of the community's concerns, increasing housing choice in more areas of the city makes more of the city accessible to more Portlanders. The commission was very excited or very interested, sorry, in the economic implications of the concept. We didn't have time to dive into them. We are looking to our formal review during the legislative process and providing our recommendation to you on that next year. I have commissioner St. Martin here and she can share more specifics.

**Teresa St. Martin:** Thank you. So we spent 12 months, 16 meetings, over 1,000 hours. This was the first I had the privilege to be on. It's amazing what people can come and

November 9, 2016

share and being a part of trying to make our city better. I will say these issues have direct impact right in the heart of where people live in our homes. You're going to get a lot of very interesting testimony. This is a really close issue for folks. Of the three topics we covered for the project, the scale of housing has the most consensus, although we didn't vote and it was not a consensus product. It is a conglomeration of the ideas we learned about. On the housing topic we didn't have one single position on it. Members either felt that the proposal didn't go far enough and we should increase the housing and there was those who felt the proposal went too far and was not nuanced enough to really reflect what is the appropriate expansion of diverse housing in the city. The concepts Morgan talked about, there's eight, I'm not going to go through each of them, fitting neighborhood context was at the top of the list. Keeping Portland, the place we all know and love, but still allowing other people to live here, providing the diverse housing opportunities we have to think about multiple generational living, parents or children coming out of college, experiencing an economic disruption as well as other people who need affordable homes. Allowing houses to be adapted over time was a very important issue to help reduce our demolitions and have to do with internal conversions and get more things into the same box without destroying the box we have. Lastly to provide clear rules for development. We need to make sure that our development community and the people who live here and have really been holding their wealth generation in their homes and land have clear rules on what can be done hoping to keep it affordable and appropriate as we continue to develop our city. As the psc representative I think staff did a fantastic job of gathering together all of these issues through lots of emotion and public testimony. You're going to get your opportunity to hear them shortly just to alert you of a couple things you will hear about that we didn't really include in the plan one is the urban forest canopy and provisions for maintaining that as we do more infill development that something we have to keep a concerns of also land division rules for the cottage clusters to enable fee ownership for affordability and then internal conversions and what can be allowed there somewhat with respect to historically we see, over in Belmont you'd see lots of big boxes that are sixplexes but they look like giant houses so that internal conversion rules are a little more complicated. So thank you very much we look forward to the discussions and coming up with something to allow Portland to be a leader on the housing issue that is striking our entire country.

**Fritz:** Thank you both for your service, on the internal conversions does the code specify that, that's only allowed if you keep the existing house.

**St. Martin:** As far as I understand there is no specificity to that cause it was a topic we started to discuss but we really didn't get fully laid out just based on timing there's you could see how many things you could put into one we call them adu's or detached adu's so that's a little different than converting something into a fourplex or whatever.

**Fritz:** Im just concerned about the developer doesn't necessarily have that much incentive. If you're currently living in a house so you can convert it so you can maybe stay, there otherwise I'm not sure how that really stops the demolition cause if you can do it and build it new it tends to be more expensive.

**Hales:** Lets flag that issue and ask for testimony on that issue and staff discussion cause it was very much the intent that, that was to try to provide an incentive to keep the old building even if the configuration of how people live inside of it changes.

**Fritz:** Im just concerned that it actually is an incentive cause then you can do more units and build it new not sure how that stop—

**Hales:** Any other questions for our stellar volunteers I know we have some other volunteers here, some board and commission members maybe and other stake holder advisory members that would like to speak. Please. Come on up. Good afternoon.

November 9, 2016

**Eli Spevak:** Good afternoon. Thanks for having me here. I'm Eli Spevak I serve on the planning commission. I've heard the claim that the residential infill project will destroy the character of neighborhoods around Portland and I just want to invite you that, that if you hear that also in testimony hopefully you'll empathize with the concern people express which are fair for many people buying a house is their biggest investment in life and if things change around them then it can feel like a threat. I also hope these neighborhoods you're familiar with, people who live in those neighborhoods work at the coffee shop, clean housing, do they have any chance of living there. And I hope that you'll think that's this code process if a way that anyone providing those services have a place to live there's a long unfortunate history in our county of zoning using an inclusionary tool. In world war II when we absorbed 192,000 residents in a few years for the war effort our lowest density neighborhoods which weren't very defensive back then were left largely off the hook so in the war code 1942 war code which mostly relaxed the rules of the game it had in there nice new clauses like no new building coming under the regulations of this ordinance shall be located in a class one residential district or a class one residential district and if you do convert and existing build in one of those districts to multiple units then you have to buy out 60% of the people who own private property within 200 feet. That's white picket fence zoning our 1% zoning as Novick coined a little while ago and we can do better than that, now we've got 45% of our city with that same single family zoning. Do we have a chance at meeting our equity goals if we don't allow a broader mix of housing in neighborhoods? As proposed by staff if you're required to be tucked within the size constraints of a single family home as staff has already shared except the size would be capped at 2500 square feet which is smaller than 59% of new single family homes built in Portland on 5,000 square foot lots built in 2013. The size cap is less than 59% of homes getting built. I've heard the concern that if we adopt this package every lot will get built that way corner, triplexes, double adu's, cornerplexes, I've also heard the concern that weird developers like me would actually build the stuff given the choice. I think we would end up with something in between and we can look back to history one more time for that if you look at the older neighborhoods of Portland where you could buy right have built every single lot with a courtyard plex that's not what happened. We've done tours of this we see those plexes, but there's also many single family homes mostly single family homes there you could have built something more intense instead. So I think what you'll see is a variety of housing types which is exactly what we need so I'd say staff has done a terrific job with this code update it could and should go further to support internal conversions of existing homes city wide preserving urban forest canopy and providing support for affordable and accessible housing. But I will say what eroding the affordability character in housing choices in our neighborhood is not the rip project the residential infill project it's the zoning rules on the books today and we got a chance to change so let's do it.

**Fish:** Eli can I ask you a question cause you one of the more thoughtful people that come before us on this subject. When I joined this council the hot subject at the time was whether we would erode the urban growth boundary to accommodate growth and the council has historically said now we're going to protect the urban growth boundary cause we believe in it, but we also understood we're going to have to take more people and historically the council has said that we can focus density on town centers and quarters while also doing our best to preserve the character of our residential neighborhoods. That's a very broad proposition. Now we're trying to figure out how to accommodate enormous growth, deal with an affordability crisis and how to balance all these things. This is a high concept proposal before us. There is work to be done where it gets translated into action. My sense is we're trying to balance a number of core values. And we're trying to figure out where is the line. Do you have any further



November 9, 2016

guidance for us as to how to balance our urban growth boundary focus density where we can accommodate it and protect some of the, quote, character of our more established neighborhoods?

**Spevak:** I think this proposal does a terrific job of maintaining the character of neighborhoods we've actually tuned the size of what can actually get built what people are complaining about now is what's being built under current code and this changes that and if preserving characters of neighborhoods means fewer can live in them then I guess I'm going to disagree with that definition. I think that's a proxy for exclusionary zoning, but if preserving character in neighborhoods means it's still got the look and feel of single family homes even in there is an adu where maybe a garage would have been then that's exactly what this proposal does and I think that having an increase population density and one of the things I fear is that Portland as the further out parts get built closer to the growth boundary that it will be a monocrop of single family homes that will never have the population density it takes to support the vibrant walkable neighborhoods that we are bidding up right now and we need more of those neighborhoods and they way to get those more neighborhoods is to have a mixture of housing types further away from the core.

**Novick:** Eli one discussion we've had is if the result of allowing for middle housing is a bunch of 400,000 dollar duplexes then how do you consider that affordable and isn't that kind of pointless. A counter argument would be that if the alternative is single family homes that all cost more than 750,000 then 400,000 might not seem all that affordable but it's a lot more affordable than 750,000. Do you have any thoughts about that argument?

**Spevak:** I think it's relatively affordable I think that its not—I come from an affordable housing background this is not getting the affordable housing except for in very limited ways by some nonprofits that specialize in for sale neighborhood based housing they really get very far down the income level. But it is very valuable to have in a market that's building 750,000 dollar homes that's all they can that's what pencils to let them build two 400 instead that's better and if you can have a house at 750,000 that has an adu tucked in the corner that might be rented at a pretty affordable rate that's better, I live right in a neighborhood where behind my house I live in half of a duplex theres a totally developable lot that when it gets built out will be 10 feet from my back door and I have the middle class anxiety that, that's going to shave me out, but if somethings going to get built there id much rather it be something that at least part of that structure somebody who teaches down the street can afford to live in and that's not going to be the case with a 715,000 dollar house. So I think this tool is limited its not the only tool on the books but its an important one to allow us to have a variety of housing types.

**Hales:** Thank you very much. Welcome.

**Leroy Patton:** My name is Leroy patton and I'm president of the fair housing council of Oregon and I want to talk about the 1959 city of Portland ban multi family dwellings. Such as duplex, fourplexes and internal home divisions, since 1959 city code has made it illegal to build more neighborhoods with this classification of middle housing. This has contributed to the portland housing shortage that's driving the poorest Portlanders out their home. By being forced to move these same families lose out on job opportunities that are available in the city. This code has been used for 60 years it is not time to reassess its value to Portland. These small efficient ways to live, duplexes, fourplexes, and internal home divisions encourage the development of small stores, markets, bus line viability and walkable neighborhoods. All Portlanders would benefit from such improvements. We urge to support the missing middle housing amendment and the citys comprehensive plan by implementing the following regulations. Revise the zoning code to allow for middle housing type in existing residential neighborhoods, remove the barriers to housing development of these projects, allow more missing middle types in all Portland neighborhoods, support

November 9, 2016

rules that incentivize efficient use of smaller spaces and energy efficient buildings. Bring more affordable housing options online. Eliminate McMansions and encourage the building smaller houses, Land use decisions made today will directly affect housing, diversity and affordability. Please consider revising the 1959 city code to accommodate the needs of all Portlanders thank you very much.

**Hales:** Before we turn to the signup sheet we usually grant the courtesy to people with disabilities or people with small children or have caregiver responsibilities, if you're here and fit that description and know who you are, you'd like to afford yourself of that come up on or as soon as you can make it to the hearing part of the room from upstairs. We'll go ahead and start a sign-up sheet, please.

**Moore-Love:** We have a total of 82 people.

**Hales:** Great so folks obviously it's our goal to hear as many of you as possible quantity is nice, but quality is better. So if somebody has already covered your point feel free to either forgo or second someone else's testimony the goal of this hearing is to get the issues on the record and to get a sense of how it's received in the community so your say matters, but we urge you to not be repetitive.

**Fritz:** Can we make it two minutes.

**Hales:** I think I would like to go to two minutes if we can all flex to that. You may have written your testimony to go longer, but let's stick to two minutes if possible.

**Robin Harman:** My name is robin Harman I spent the last year as a citizen of the city going to these meetings. They call me the 27th member of the committee. The project goal is stated in fall of 2015, and I will read you to ensure that new or remodeled houses are integrated, we saw that more of very quickly over time you heard about a diverse committee if you look very carefully it's heavily weighted with builders, lobbyists and housing advocates. Somebody that spoke to me today who is helping to push this proposal through happens to build the type of housing that would benefit and is also on the planning commission. I was appalled to watch them group together and hijack the process and put through a very self-serving agenda that and wrap it in the disguise of affordable housing which it will not create. We all want a suitable and affordable housing, but this proposal will not create affordable housing and it would increase demolitions and displacement dramatically. The process was -- staff was unresponsive to the public process despite extremely strong opposition voiced in testimony. Of the 27 neighborhood associations that express thoughtful comments about the proposal, 27 out of 31 were strongly opposed to wide spread middle housing. If you look closely at the details of this proposal, there was no attempt to respect neighborhood character. Fully a third of the committee does not support it and there was no compromise. I ask you to very careful look at this and continue to work on this project because it would be an entitlement that we had never seen before to allow density to increase on two r5 lots together that would increase the density by 300%. Look at the details. You have time to get this right. This would unleash massive demolitions, it would destroy our neighborhood of south Burlingame, which is in this line drawing and our density was supposed to be grouped very closely to centers and corridors not this random quarter mile which doesn't create walkable cities.

**Hales:** Thank you robin I appreciate you being involved. Oh folks I forgot to do the ground rules if you agree with somebody hold up your hand or give them a thumbs up and even negative hand gestures if you disagree with them as long as their polite ones. But we try to not applaud except for visiting dignitaries and Schoolchildren. Let me ask you some questions. Appreciate your point about this as you know the purpose of this hearing is to give guidance to the next phase of this project not to decide the question and as always in something like this, the three choices are do this, do nothing, do something else. There's a consequence to each. As it goes forward, if you think this can be tuned and get closer to

November 9, 2016

your ideal of what should or should not happen, I believe, I think there is a high level of agreement about what we want and what we don't want. We want to preserve the great old houses we don't want them demolished thoughtlessly and replaced with generic boxes. We want to accommodate different household size so I think there is a lot of agreement to the devils in the details and detail matter so keep that coming please.

**Harman:** there's a duplex allowed on every corner now and the cities own studies show adequate land for the next 20 years of our growth and we're not building on the land that's already zoned for multi and single family residential. It would take away anybody's sense of truth and zoning in single family residential neighborhoods. The committee has put together a balanced proposal that meets all of the goals of existing residents and also looks at affordability.

Can I ask a question Ms. Harman I just want to ask you a question of preference you might say you don't like either of them, but I'd like to see if you have an answer as to which is more or less preferable? Would it be worse to replace a single family 2,000 square foot house with a 350,000 square foot mansion or with two 1250 square feet duplexes? Which is more destructive.

**Harmon:** I think it depends on if there is infrastructure in that neighborhood to accommodate the kind of growth in our neighborhood it's not very well served by mass transit even though it's within the quarter mile. It might be more appropriate in one situation. Right now a duplex can be on any corner, if you're demolishing a single family residential it can turn a home into primarily rental housing. This isn't going to say it's going to be discretely sprinkled.

**Hales:** So you could make the argument that discreet sprinkling has worked out and that we've allowed adu's over a large swaths of the city. And we've allowed the corner duplexes over a large swath of the city and we've left it to property owners to decide if and when it happens and its only happened at a modest rate.

**Harman:** So How much need is there for it.

**Hales:** The need is determined by the market, but the when and where and how is determined by the property owner.

**Harman:** The 2500 square feet for a 5,000 square foot lot is misleading quite a bit that is in here, in my opinion. It doesn't count garages and an adu up to 800 square feet. So we all get this picture in our mind of half of a lot being yard and that's not at all the case.

**Hales:** Fair enough thank you. Go ahead.

**Elaine Friesen Strang:** My name is Elaine Friesen Strang. My husband and I have been long term residents of northeast Portland. Our kids went to the same public schools my husband did. I'm here on behalf of the 65,000 aarp members we have in the city. We believe the report headed in the right direction. However, there is no provision to increase stock of accessible housing. Without adequately addressing this issue the proposed recommendations cannot make for an effective plan for a future development in a city that meets the needs of all its residents. 90% of people age 65 and older want to remain in their own homes as they get older. Is it necessary, they should not be forced to leave their community, abandon their social networks or live in age segregated communities simply, because there aren't any other options. For those who rent finding homes is nearly impossible. In the next 15 years our region is expected to see 106 growths in 65 and older. Over a third of adults age 65 and older report some disability. The truth is each of us may experience some disability in our lifetime whether it be from an accident or mobility challenge caused by a chronic condition. Aarp supports the recommendations made by dr. Allen dilatory to enact regulatory and incentive based policies that increase the stock of accessible housing please consider examples by other jurisdictions that have already enacted policies as roque valley council of government, the Montgomery county of

November 9, 2016

Maryland, the city of Austin and the New York city of Babylon. This is our chance to meet the needs of all our residents. Aarp thanks you for your continued commitment to making Portland a great place for all ages and abilities.

**Fish:** Follow-up? We'll start curbing our inclinations here, we want to get to everybody. Do you have any suggestions for us in terms of going deeper in requiring levels of accessibility? Because we've received some testimony from allies of aarp saying that this is the opportunity that is actually bake into our code more requirements about accessibility.

**Strang:** You're going to hear more this afternoon from dr, de latorre I would encourage you to look at what other cities are doing. The city of Austin approved changes to city codes to make new homes more accessible. Montgomery county has grants and loans to seniors for home modifications there are tax incentives expedited permitting reduction in waiver and fee's. Flexibility in setbacks there's lots of things to consider.

**Fish:** Let me make a plea and if Allen's in the queue we'll hear from him, but I would welcome something in writing that laid out a menu of options including cities you want us to looks at because I think not is the time to out this into the concept plan that we give to staff to flush out. I wouldn't want to miss this opportunity.

**Sam Noble:** Good afternoon. My name is sam Noble. I lived in the buckman neighborhood next to a fourplexes and two duplexes. It wasn't scary it wasn't a big deal. I had personal relationships with many of the people who arrived in those structures. I don't see any reason why these things shouldn't be legal basically anywhere in the city. When I have kids I want to know they have a place in Portland that isn't a small apartment and a big building. I'd like them to have more options something a little quieter I try to get more detail into my written testimony. I want to say the only aspects that I find really object able at all is I think the ratio is a little too low. You shouldn't have to build a small house because this neighborhood is for less wealthy people. It feels wrong to me. My reading of the latest proposal that floor area if it's above ground, that's garage space, living space, whatever. If you're going to build a detached garage you ought to be able to build a room above the garage.

**Hales:** Karla will make copies for us, or you already have.

**Maggie McGann:** Good afternoon. My name is Maggie McGann I'm a lifelong sunny side resident. I'm nervous because I've never do this before. I was nervously looking forward to being here today. I think in the face of the election last night it became hard. Feels like we're just in the details, but I told myself we're here and I care because as secretary Clinton says it's your family, it's a big deal. Creating more housing opportunities for Portland families who get bid out over and over again eight times ten time fifteen times is a big deal, it's a big deal to fight for economic diversity throughout our city and throughout our neighborhoods. The proposal creates important housing choices, new important housing choices for Portlanders, creating more diverse housing options means more type of people can live in our neighborhood and throughout out city. Last night I was able to celebrate a silver lining of the elections with a number of you as we passed the affordable housing bond it was an amazing accomplishment I think that this infill proposal is also an important part of our package for housing solutions in the city. I think it will provide a broader array of housing choices for a broader array of Portlanders. I would like to see it go farther. There are ways to support -- we have opportunities to directly promote the affordable housing in this as well. The bottom line, we need more choice between midrise studio apartments and large single family homes often for only a single person. For habitat nine years I built 12 to 1300 square feet duplexes for families, this can work for our families. I'm a lifelong Portlander. I see this city is changing. Portland is rising. We need to make sure that everyone rises and it's a big deal and not a detail.

November 9, 2016

**Jim Gorter:** I'm Jim Gorter, I was a member of the residential infill stake holder advisory committee. I'm speaking today on behalf of the group called the rip sack second. The extensive written testimony you'll receive today represents groups' positions and lists names of the members. You'll hear from them today and next week in cursive. We embrace the mayor's concern affordability and infill. We reject many portions of the concept report. We have many recommendations. Among them are first create development type policies that fit the neighborhood context and aspirations and be sure the scale of the housing fits neighborhood contexts. One size does not fit all neighborhoods second, direct density around centers consistent with the comprehensive plan. Test the middle housing ideas in areas that have express need and support before expanding to other parts of the city. Drop the unprecedented widespread use of the housing overlays. It is deceptive and no substitute for planning and zoning. Third, allow conformation of underlying lot lines only in contiguous zones. We care deeply about our city and we applaud the effort to consider how and where to focus housing density and how to guide the growth of the city in a period of rapid change. The residential infill project was a promising start that ultimately ran entirely off the rails if the concern is affordability the project is a false promise. If it's a reduction of house side, it's false. And finally if it's an attempt to reduce demolitions no it will not do that.

**Michael Molinaro:** My name is Michael Molinaro I was a part of the residential infill committee and I also am a part of the sag seven. Centers and corridors, this is the planning precept we were all asked to embrace during the recent comprehensive plan process. Why? Because it's a good one. The comprehensive plan uses this phrase 49 times. I live in Sunnyside It's a center for poster child for walkable neighborhoods. Instead of this infill plan, it's a city with a zoning density greater than the r 2 multiple family zones. You support additional density around centers and are appropriate around corridors. In my own Sunnyside I encourage changing zoning to r 2.5 to r 2 along sections of Hawthorne and Belmont to allow the missing middle housing. This request fell on deaf ears. The idea of testing seven targeted areas was presented. We encourage you to act on this suggestion and test these concepts to see if they deliver the hoped for results.

**Hales:** Thank you so much.

**Mary Ann Schwab:** Good afternoon, welcome. My name is Mary Ann Schwab that with community advocates. I have some questions about process before I attended four of the six residential open houses between June 15 and August 15. While I can't speak to how much coalitions were able to review and take action on the residential infill initially report let alone the last-minute bait and switch for everyone, thousands of Oregon programs. Historically when city council chambers have standing room only citizens are invited back next week. I'm asking you to schedule a second work session to review the testimony today and on the 16th. Just a second ago you heard people in parking. I only live within a block of 106 units. Today I could not get out of my driveway, a car was blocking it. Early this morning there was a furnace company blocking my driveway. The overflow parking must, must be addressed. The tip of the ice burg is peacock lane my heart is broken that the Grinch will be stealing Christmas by adding a cereal box between two 1925 English style cottages this is wrong.

**Barbara Strunk:** Hi thank you for giving me the opportunity to speak with you today. My name is Barbara Strunk I am the united neighborhoods for reform representative on the residential infill project. The assertion that this proposal will provide affordable housing does not hold up to analysis increasing density is the center of this proposal and cause land prices to go up even further. With the cost of land acquisition so high there is no formula that can produce housing units, affordable houses making Less than 100% of the median family income. In my neighborhood over the lasts three years, the average price of

November 9, 2016

a demolished house that was replaced by two or more houses was \$466,000. The average land cost per new unit was \$264,000. The average price of a new house in this same group, more than two units was 738,000 we need analysis like this to be done by the city. I have not seen that yet. There is deregulation that allows the imperfect market to determine the future of our neighborhoods. We'll have more supply of affordable houses. We debate that assertion. The construction of additional housing units will relief pressure on affordability. A uc Berkeley study states it will take 30 years to produce affordable housing to the first time home buyer. Resident owners will be displaced. Portland will transition to a city of investor owners and renters the idea that housing sizes will be smaller needs to be taken a look at. The proposal states that a house on a 5,000 square feet lot would be limit to 2500 square feet. When you think about it, the house is actually closer to 4,000 square feet. You have 2500 square feet for the main house 1200 square feet for the basement and a 15% bonus for density more like 4,000 so that really needs to be taken a closer look at/

**Hales:** I'm going to ask you to wrap up but I also have a question for you.

**Strunk:** The most affordable houses are the ones already standing many of the existing homes are smaller than any of the new ones. We can address the housing, affordability issue as a regional issue with care and urgency. Not as an excuse to provide a hand-out to developers at the cost of demolition, displacement and livability.

**Hales:** Let me pose a question and don't need to answer now. Given sort of the disparate view of this process that we've heard already in this hearing from two different groups within the committee and that's fine we don't have to reach perfect consensus ever in asking these questions I'm not assuming the proposal in front of us is right, it needs tuning so we're trying to deal with narrow lots. Listening to this presentation particularly when you talk about affordability and housing choice one had a couple in their middle years whose kids had all flown the coup and done their thing. The third had a family with three teenage and college age kids in it. The divorced woman moved into the couple's house and they also accommodated a Portland state students living in a bedroom in the basement. There are two cars in that household and most of the worked people in that household rides transition i.t. The family next-door has four cars. So I would submit that we gave some housing choice to our neighbor who is living in the upstairs of our house and we have less of a transportation impact than teenagers that have their own cars, so this is purely about housing choice. We didn't remodel the house. We're just having people living in the bedrooms for now. We have a de facto arrangement there that these provisions could allow us remodel and make permanent. Not likely to happen in our case. You see my point. This is about housing choice, not generous about affordability. I'm hearing the concerns about transportation and affordability and they're legitimate, but I'm not sure the constellation at that location of that is relevant to all those questions, so lied like to hear from the rip sack seven group about those issues.

**Strunk:** We have divided up the issues, so you will hear more.

**Hales:** Good, thank you.

**Bob Wyatt:** Good afternoon, I'm bob Wyatt. I'm an immigrant. I wanted to talk about fairness. I've lived in three countries, seven cities. When I looked at all the materials, what was available, I thought I'll do it a different way around. First of all, is this material being fair to the developers. I read through it and read through it and read through it again. It's being more than fair to the developers. One time I thought it was written by them. But it is being very fair to them. The next thing, the housing opportunity overlay. I thought it was draconian. Why draconian? Because draco was a legislature in Greece and the somebody did something he didn't want he had him put to the death. This is true as presented with this housing opportunity overlay, but I hear it's been moderated from what has been said

November 9, 2016

today. But I also think that it has some merit if it's used in the appropriate way and not everywhere. For instance, would it not make sense where people are complaining about gentrification to do something in their area to put in housing that would be suitable to be bought by that group turning to affordability how are we going to control affordability I hear 400,000 twice or 750,000 that's huge amounts of money. How many people can afford to buy a house like that is there a way of legislating or even asking developers to do so much of their building at a cost that is far less. Is there a way to do that? There's a group called a Portland for everybody. It's not just that group. They're wearing a little lapel badge that says I love housing choice. So do we all. All of the people in the neighborhoods are there because that's where they chose to be. They worked hard, they saved and they became there and they don't want it changing too much, but most of them will have some change and not feel badly about it.

**Hales:** I'm going to ask you to wrap up soon.

**Wyatt:** Okay, I will do. I will do now.

**Hales:** Thank you.

**Hales:** Good afternoon.

**Ruth Adkins:** Good afternoon. Thank you for your leadership. Forward my name is Ruth adkins. I'm with Oregon opportunity network we're a statewide association of affordable housing. There's 20 members in this Portland area. I'm here to express our strong support for this proposal. We're eager to shape this policy as it moves forward. The families we serve are currently shut out of their neighborhoods in Portland. We believe the duplexes and garden apartments can coexist with single family homes. We need all types and sizes of housing and all price ranges and this is an important part of that. Longtime homeowners like myself have nothing to hear from this proposal. On the contrary I strongly believe it will improve the fabric and character of our community. Those of us who are adult children who are saddled with college debt, maybe a smaller housing option might make home ownership for them affordable so they can stay here where many of them were born. Most important I want to share the privilege of living in our wonderful Portland neighborhoods. I don't want to see families or ventures or people of color excluded from our neighborhoods. Thanks so much.

**Hales:** Thank you.

**Nick Sauvie:** Good afternoon. My name is Nick Sauvie I'm owner of a couple homes kerns and woodstock. Updating the city zoning and development standards to allow plexes, row houses and courtyard housing is an important step that will lead to development of more missing middle housing. These standards should apply across the city and not only corridors. Home sale price inflation has been the most rapid in the city from 2011 to 2014 home price inflation in east Portland districts as follows. Lents/foster 60.7%. Parkrose 41.5% percent, pleasant valley 41.4%, 122<sup>nd</sup> and division 38.2% these were the four highest price inflation districts in the city this demonstrates the housing affordability crisis is hitting hardest at the lower half of the market. Today 80% of the residential zone land in Portland is reserved for single family development limiting the supply of land available for moderately dense development is a simple supply and demand issue limiting supply will drive up cost creating more missing middle housing options as an important tool for addressing the housing affordability crisis in Portland. The housing bond that passed last night is an important step in that direction I thank all of you for your efforts on that behalf, permitting a greater diversity of options within the vast majority of residential zones is another I hope city council will take that step. Thank you.

**Mary Kyle McCurdy:** Good afternoon mayor hales and members of the city council, my name is Mary Kyle McCurdy I represented 1,000 friends of Oregon on the residential infill project stakeholder advisory committee. Initially I was not confident that we would reach a

November 9, 2016

consensus on much, but after 15 months, many walking tours, surveys and meetings with community based organizations two thirds of your committee reached consensus on all three of the integrated topics and that group represents nonprofit affordable housing providers, disability rights advocates, home builders, community based groups, neighborhood associations and more. My comments today are going to focus on one issue. The residential infill project fills in a significant gap in Portland's housing supply by providing smaller housing choices throughout our neighborhoods that are relatively more affordable for more of Portland's families. You will hear that Portland has plenty of zoned capacity for housing. However, as data from many sources shows, Portland has a gap of about 25% to 30% in the demand for and supply of smaller single family and attached housing choices, the missing middle. That is needed in more neighborhoods, closer in and the lack of that is what's driving up our housing costs. Almost two thirds of Portland's families are one and two person households. 45% of the residential area zoned for single family housing doesn't meet their needs and not every family wants to live on the fourth floor along division or in a downtown tower. The proposal delivers family housing in family neighborhoods at a scale that meets needs of more Portlanders. By allowing more missing middle housing, the economic report demonstrates that more affordable housing will be provided. And you'll hear that it should only provide to a narrow band around corridors and centers. Portland has always prided itself on being a welcoming community for all and that means adapting to families. This is not the time to shut some people out of some neighborhoods. The housing decisions you make are for the long term and should not be limited to today's transit routes, retail nodes. We need to evolve to reflect our changing family sizes and configurations, increased opportunities for duplexes, triplexes all within the same sized structures that single family homes allow intergenerational living, aging in ones community. We urge you to adopt the proposal before you and direct your staff to go further to provide additional flexibility for affordability, tree preservation and accessibility. Thank you.

**Hales:** Thank you.

**Fritz:** I have a question. I know we're going to hear from some of the disability rights activists later, but you said the disability folks supported this. What in it do you feel is helpful for people with disabilities?

**McCurdy:** We'll let Allen address that directly. It provides -- I don't want to put words in the mouth of the person who's representing that. But it provides more smaller housing options for those of a variety of ages, people as they get older, in all neighborhoods, it allows people -- right now in my neighborhood there are no smaller options. There are larger single family homes. To age in my neighborhood and down size to a smaller unit is impossible, unless you want to live in your child's adu or rent out your adu but there are no smaller housing options so it serves those as they age to be able to stay in the community with the places and the people they know and the services they know.

**Fritz:** Thank you.

**McCurdy:** I'll let them talk more about that.

**Hales:** Thank you all very much. [reading names]

**Hales:** Okay welcome.

**Paul Grove:** Thank you, mayor hales, commissioners, Paul grove with the Portland home builders, I appreciate the opportunity to testify today. I will try to be brief. I know it's been a long day and you have a lot of other folks here and I'm here in support of the draft concept and believe it's heading in the right direction. As Mary Kyle pointed out there was some skepticism at the start of this process and there was builder developer representation from our association, you had the nonprofit communities out there, you had neighborhood groups, and I think what was enlightening for our members who you will hear from either



November 9, 2016

today or at the next public meeting was that there was a lot more in common with folks in trying to address this issue than they ultimately realized and I'm part of a working coalition around housing issues moving forward and so I think mayor Hales, kudos to you for putting together such a diverse group of folks that had the city's best interests at heart and it was not an easy process. It was a lot of time, energy, and effort at times contentious, having watched some of the meetings, but at the end of the day folks rallied around the issue and a lot of the talk focused around affordability, focused around inventory and supply and I would encourage the commission to look at the economics report and dive into what Johnson economics has put forward. It's a very compelling document and I would go further and ask Jerry to present before council if he was willing because I think it lays out a very cogent argument as to the issues. So I think it's really important at the end of the day for council to keep the momentum going on this front. When you can sit there and have thousand friends, neighborhood groups, nonprofit community, opportunity network and the home builders of the Portland area all together, trying to work together on those issues. The last thing we want to see is that momentum stalled so we do have an urgent issue in front of us, we don't want to lose that momentum. I think this is a great start point to keep that conversation moving and address this issue for the future generation of Portlanders, it's very important that our kids have an opportunity to live in this city so thank you.

**Hales:** Thank you. Welcome.

**Leslie Hammond:** My name is Leslie Hammond and I have never been here before.

**Hales:** Thank you.

**Hammond:** And up -- I always found city employees very respectful and helpful on the street or making changes to the houses so they left a terrific impression. But within the last six months I've been looking at the infill residential projects have been getting more and more alarmed by it. I will tell you so don't take up too much time that I would agree with Ms. Schwab, Ms. Strunk, Jim the point of view that they presented is my point of view and also is probably the point of view of my neighborhood. I live in the Multnomah neighborhood and I'm involved there. So you've asked for specific comments about what would work. I'm very concerned about density in the sense that when people buy single family residential houses they have a sense of who their neighbors are, they're going to have a neighbor on each side. We have gotten used to duplexes or triplexes on the corners and that's been no problem. What I'm worried about is interleaving duplexes into residential streets. For a couple of reasons. One is the single family home-owner buys their house, keeps it up and beautifies. I have lived next to apartment complexes and duplexes and I can tell you that those owners are interested in getting income from the houses, they don't necessarily landscape, they don't improve things and they basically can, not always, pull down the values of the whole street because of what they do so I do not want to see duplexes and triplexes in the neighborhoods. Second thing I would say if you are determined to do this with some refinement, I would suggest to do it in the four neighborhoods that said they would like to be the pilot neighborhoods, do that for five or seven years and go back to those neighborhoods and see what they have to say about the effectiveness. You'll get a sense of what's going to happen. We don't have the transportation, especially in the Multnomah neighborhood to make it a completely walkable neighborhood. We only have a bus that comes through the neighborhood once in a while. We don't have a bus after 9:00 at night. By pushing density into it and improving apartment buildings and housing where they don't have to put state -- street parking in there, you're creating congestion. So the other thing that's really important that other people have said is retaining the character of the neighborhoods. In other words, really talking with the neighborhood associations about what they feel strongly about what they say is the character of their neighborhood and then work on developing a development plan that

November 9, 2016

honors that, but isn't, you know, stuck in the past so thank you very much for your time.

**Hales:** Thanks very much.

**Dylan Lamar:** Hi, I rent a duplex apartment in southeast Portland at 25th. It's in the blocks. So I like walking and biking to work. I use my aging car once a week and when it dies I won't need to replace it. It provides the critical mass density that can support the local ice cream shop and restaurants. It would be illegal to build today. As a residential architect I'm well aware of this. I see daily how the application of single family zoning has overly constrained and degraded our mixed use neighborhoods. Single family zoning is not what gave us our historic neighborhoods that we love so much. In 2013 my company designed Ankeny row, duplexes and townhouses with no off-street parking. That's how we got to keep the courtyard. It has been applauded by neighborhood residents and highly publicized. There are historic examples throughout the city. Despite this, it's now illegal in 80% of the housing area. My clients had to pay top dollar for the property. That's part of the reason we had to wait nearly two years before we were able to do another project like it, despite receiving an overwhelming number of inquiries. Single family zoning was created across America out of a desire for socioeconomic segregation. It is highly dependent on the car and car parking. Single family zoning did not give rise to the historic Portland neighborhoods we know and love. My family and my clients are willing to deal with some parking congestion in order to enjoy living in a walkable, socially diverse neighborhood which, by the way, supports a way of life that can end climate change. Nobody takes a vacation to the suburbs. They vacation in culturally rich walkable neighborhoods. They might complain about parking there, but they don't have to get in a car if they don't want to. Let's get back to creating the kinds of neighborhoods where we don't have to get in a car if we don't want to.

**Hales:** Ankeny row is 21st?

**Lamar:** 25th.

**Fritz:** And where do you park your aging car?

**Lamar:** We actually have a driveway that is meant to be more of a loading zone that we can -- the original idea was to park two tandem smart cars in that that would be car shared by the community. We fought tremendously to get through the zoning regulations to make that happen. It just doesn't fit in the rules so it was difficult to make happen.

**Fritz:** You can't park a car, it's supposed to be moved in 24 hours, if you don't have a place to park off the street.

**Lamar:** There wasn't an off-street parking requirement so this was above and beyond, this was providing a place where they could pull in, unload groceries and go park the car.

**Hales:** Thank you all.

**Mary Vogel:** My name is Mary Vogel as a planning consultant who usually focuses on the central city, I want to address why we need the mix of uses suggested in the residential infill project. I will also suggest several improvements that should be made to the current proposal. Of the four large cities on the west coast from San Francisco north, Portland is the least dense. And I have a chart in my testimony that shows the population densities. The city of Portland takes up almost four times the size of San Francisco but has a lower population resulting in an average population density less than many suburbs. It's about a quarter of the density of San Francisco and Vancouver, just about half of Seattle's, a density of 6,400 people per square mile equates to 10 people per acre. However, population density matters for Portland if we are to support both our historic commercial districts and to add the additional 20-minute neighborhoods we claim we want in the climate action plan. More people on a given block needs to more customers which leads to more variety and local services which leads to a convenient lifestyle on foot or transit which leads to building a happy city. I can't recommend this book enough. Fabulous. You

November 9, 2016

can't provide enough density to support a beloved node, much less build new retail nodes with single family homes alone. We need to increase the density to 16 units per acre needed to support thriving retail. It is important to note that 16 units per acre is also the minimum recognized density for a place to be transit supportive. I strongly support the residential infill project. In terms of recommendations, I never understood why a city that is largely without alleys requires off-street parking. Curb cuts for private driveways should be taxed rather than required because they usurp at least one parking space per unit in the public realm so I especially want to support the last point of Portlanders for parking reform, an organization founded by largely young people, the young people we should be planning for, by the way.

**Hales:** Thank you very much. If you could send us anything else like that, that particular suggestion is very helpful thank you. Welcome.

**Shella Greenlaw-Fink:** Thank you, mayor Hales and councilors. I am Shella Greenlaw-Fink I know many of you enjoy the amenities and transit friendly area that I live in and I thank you for this opportunity to weigh in on the city's residential infill project. We know that addressing our regional problems and those that are concentrated in the city are going to take a lot of different tools, I'm excited about this one. I live just off Barber Boulevard and have access to great schools, again incredible transit access and amazing tree canopy and working to grocery stores, everything one could want in a neighborhood and I would love to see more affordable options integrated into the neighborhood. I see activity under our current zoning, probably a McMansion will go in next door on the lot and I would rather see something else frankly. We've got a lot of houses in that price range and it would be great to have seen a cluster or maybe duplex, triplex, something else. So under the new zoning I'm hopeful we'll see more developers looking at different options and opportunities to bring a variety of housing choices into our neighborhoods. I think it's past time that we update the vision for the 21st century and notably by looking back to what we knew is true so long ago when we did build really charming and a little bit denser neighborhoods so we can learn a lot from the past. It will help us address our significant supply side gap and assist with us demand side pricing options. I hope that you'll help us ensure that more households can join us in the future in such a high quality of life and appreciate what you've done in a variety of ways, but through this project I know the work will continue and I'll provide more detailed comments in writing. Thank you.

**Hales:** Thanks very much.

**Hales:** Welcome.

**Julia Metz:** Good afternoon. My name is Julia Metz I'm here on behalf of Portland community reinvestment initiative or PCRI to support this proposal. For over 20 years, PCRI has stood for providing affordable, stable homes for the community. We currently have over 700 affordable homes dispersed throughout north and northeast Portland. This includes a mix of housing types reflective of the missing middle. Because of this, PCRI has seen first-hand how valuable homes of this size can be, especially when dispersed throughout the greater community. It has allowed PCRI to you meet the diverse needs of the people we serve from families to the elderly and beyond. Housing choices that fall between single family homes and apartments can also help address the historical inequities of access to self-sufficiency by providing home ownership opportunities. But we know there's still a shortage of housing choices in Portland. Currently, minimum lot sizes and density limitations constrain the number of homes that can be developed limiting our opportunities to deliver affordable homes. By allowing for modest increases in density within the residential zone, it would open an opportunity not only for PCRI, but the market as a whole to provide homes for even more families when it comes to more families. Had when it comes to housing, every unit really does count. That is why we support the proposal put

November 9, 2016

forth in the residential infill project and see opportunities to further strengthen support for affordable housing development through the proposal. We think it is important to incentivize affordable and accessible homes to reflect the needs of the Portland community. So we recommend reasonable density bonuses for permanently affordable units to be added back into the proposal. With these additions it can play an important role in providing much needed affordable housing for our community. Thank you.

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

**Hales:** Welcome.

**Ted Labbe:** Thank you for the opportunity. I reside in the current neighborhood and today, I'm testifying on behalf of the Portland nonprofit that promotes interstitial green space. I want to support the direction the residential infill project has, but I have a few concerns and suggestions moving forward. We support changes recommended by Portland for everyone strongly to extend the housing opportunity overlay zone to all residential zones citywide, offer incentives for development of affordable units, promote housing that is adaptable and accessible for people of all ages and mobility's and incentivize on site tree preservation. Carefully crafted provisions can preserve character and help the city with other worthy goals like tree preservation. The details matter. Much of the public's concern with teardowns, redevelopment, loss of neighborhood character is due to the loss of big trees in the neighborhood so how the project addresses tree preservation is important. We know from the recently completed citywide tree inventory that we're losing large form trees which are being replaced by small and medium form trees with negative long-term consequences for the urban forest canopy. Although the urban forest is trending upwards most of our available tree planting -- sites are constrained by wires. Tree preservation reforms offered some improved tools, but more work remains to be done. I would like to recommend that you give careful consideration to your own urban forestry commission's suggestions on the rip. Allow an additional dwelling unit in exchange for preservation of one or more large, healthy trees. Allow for flexible lot line setbacks in exchange for preservation of trees and lastly, a full waiver for onsite parking requirements to preserve big trees. Tree preservation can't continue to be an afterthought. We need to get city staff thinking about tree preservation up front.

**Fish:** Ted I don't want you to miss your daughter but quick question in terms of extending the over lay city wide that the recommendation before us specially exempts the David Douglas school district. What were your thoughts about that.

**Labbe:** I'm going --

**Fish:** Even if it was to be extended, they've carved out that district.

**Labbe:** I'm going with the Portland for everyone because I think that sets a very dangerous precedent that school districts could throw this up as a barrier for this kind of thoughtful infill development. This is not an overwhelming density. I live in a really thriving neighborhood. I would argue it would not have happened and that's all of Portland's now thriving food scene that just probably wouldn't have happened if we didn't have, you know, that mix of housing types.

**Hales:** Thank you very much.

**Al Ellis:** My name is Al Ellis a few years ago when I was president of the neighborhood association, I responded to residents' concerns over the growing number of demolitions of single family homes and the environmental fallout from the demolitions with the creation of a grassroots organization that we called united neighborhoods for reform. The idea was the same concern shared by other neighborhoods and our basic premise in the resolution, preservation of existing affordable housing is a citywide concern eventually got endorsed by 43 neighborhoods representing over half the population of the city. Now, it's a concern that extends far beyond my backyard or your backyard, my block or your block. It's one

November 9, 2016

shared by residents across the city. But preservation of viable existing homes does not necessarily preclude construction of additional housing units to accommodate increased density needs. An adoption of the bps middle housing proposal would have the unintended consequence of opening the door for developers to demolish homes that are most affordable for entry level buyers, like my grown children and your grown children. There's a demand for these entry level homes that are much more affordable than the new homes that are being constructed that are almost a million dollars in price. So it's important to preserve these homes and by the same token it's also important to expand the choices for others as in the duplexes and the triplexes. But to build those duplexes and triplexes at the expense of the existing neighborhood is really destroying the village to save it, which I think would be a huge mistake, an irreversible mistake. We urge the council to adopt a policy in which density needs can be addressed without having to bulldoze away the very character which has made Portland such a desirable place to live in the first place. A few weeks ago I went to a forum where there was a representative from Los Angeles and they're grappling with the same issues that we're grappling with today. And their approach is not to lump all the neighborhoods together with one middle housing policy, but to give neighborhoods over a dozen choices, many different choices and neighborhoods can opt to have a middle housing policy as is being suggested by bps or they can say we want to preserve, we think it's really important to preserve the existing neighborhoods so that's something you might consider. Thank you.

**Hales:** Again, David, we're going to want to hear AI from you and others that are involved in this, back to my example, we live in an old house. If we converted our garage to an adu and converted the house to a duplex that had a single door, I think most of our neighbors would say great old house preserved, right? We don't have to do that to accommodate our neighbors, as I mentioned, but so the question of the incentives and disincentives in this package was -- the intent of this package was in part to give home-owners like me an incentive to keep that building there. I think that piece of this I'm surprised --

**Ellis:** Yeah -- [overlapping speakers]

**Hales:** Then the question is, you know, we've had duplexes on corners for quite a while allowable. Is that okay? Can we go any farther than that and instead of a duplex how about a triplex? We've got degrees of change here and incentives to keep and perhaps incentives to demolish and I don't want any incentives to demolish. So you know, the tuning of this with your and other activists' recommendations is very important.

**Fish:** Mayor can I jump on that a second? AI, perhaps you could in a follow-up writing to us, you said unintended consequences, I'll pose the question and ask you maybe in an e-mail to give us your guidance. So you know, I used to be roughly your neighbor and the houses you're talking about are the bungalows and the smaller bungalows in the grant park, Hollywood Alameda area, some of them are 1,200 square feet, very efficient. I'm now a renter and I live in an apartment of 1,100 square feet with my family so it's compact living, but I get to walk to work, but of those bungalows, they were once upon a time the affordable housing in the neighborhoods. And I've seen over time them demolished and in the footprint comes a monster house with three times the square footage. So when you say the unintended consequence might be to demolish those starter homes and there are a lot of those starter homes in 97212, would you spell out what events could occur that could have that unintended consequence?

**Ellis:** What we're worried about is if this were adopted that this would be kind of a sanctioned -- it would be a sanctioned policy by the city council to increase the number of duplexes and triplexes, etc., to accommodate greater density and with this council-sanctioned approach, we think developers would be very anxious to get in there and to convince people as they're doing right now, they're convincing people to sell their homes,

November 9, 2016

give them a good price, and then build the huge homes that are not compatible with the character. We're afraid the same thing would happen in terms of building the triplexes and duplexes, etc. We're not opposed to building those things. We just don't want to destroy the existing neighborhoods.

**Fish:** And your fear is that's the stock of affordable starter homes, 400,000 plus or minus.

**Ellis:** If you're looking for a home here.

**Fish:** In comparative terms and replacing it with an affordable rental, but that's the trade-off?

**Ellis:** Rental is going to be affordable.

**Hales:** That's why the economic report and your subsequent assistance in specifics about this is going to help because we've had 700 houses demolished in the last three years. My working assumption is most of those, I know we've got the breakdown, quite a few of those were demolished for one to one replacements with bigger houses. I'll go back and check, but I think very few of those were demolished in order to build a corner duplex. So again, we've got the ability, we've had it for 15 years to do a corner duplex. So I'm not sure we've got it right here, but I don't see the boogie man of all these houses getting turned into duplexes, given that about every eighth or 10th house has been vulnerable to that all along and those aren't necessarily the houses that are getting demolished, one next to you is getting demolished and it was the middle of the block and it didn't get turned into a duplex it got turned into a great big house. So we've got some data here of what's actually happened over the last years, you can go all the way back to the 1989 report if you want, but we've got data about what happened --

**Ellis:** Also part of the bps proposal is on scale and so if this were adopted, then the developers would not be constructing the huge homes. They wouldn't be able to and that wouldn't be as profitable. We're thinking that the alternatives, the various -- whether they be duplexes, triplexes or others, would be something they would turn to in order to -- we're talking about making a profit one way or another.

**Hales:** Of course, of course. And I want to read the economic report more closely, but I don't think developers are tearing down houses because they are inherently evil people, but because it's profitable to do so and replace them with a much bigger house. So the ceiling will be a big tamping down factor, regardless of the contents of that 2500-square-foot building.

**Ellis:** That's our hope, but we're concerned about the middle housing and the housing, not the huge homes that would be coming in because they wouldn't be coming in, but other housing and more demolitions.

**Novick:** Can I ask the same question? Which do you think is worse? Which is worse, knocking down a 1,500-square-foot house and replacing it with 3,500-square-foot house or knocking down a house and replacing it with two 1250-square-foot duplexes?

**Ellis:** What we would prefer is that homes not be knocked down and that you would find areas to the east where you would not have to destroy existing homes to build new structures.

**Novick:** If you had to choose, which do you think is worse?

**Ellis:** Oh, I don't know. I -- I -- I think it would be -- it's a very difficult question. I think it would be a dilemma.

**Hales:** That's what we got. Thanks, al, appreciate it. Keep it coming. Welcome.

**David Schoellhamer:** I'm David Schoellhamer I chair the land use committee for the sellwood Morgan improvement league. Our neighborhood is experiencing phenomenal growth. We presently have 1,233 housing units under development, a 21% increase. Most of this growth is happening in our commercial corridors and we have 2.8 miles of commercial corridor. Given this context of phenomenal growth in our neighborhood we

November 9, 2016

believe that there is insufficient justification for the proposed density increase in our single family zone. We question whether single family to multi-family conversion is needed to accommodate future growth in our neighborhood. We believe that a better approach would be to estimate the housing demand in our neighborhood, and then to determine the ability of existing zoning and infrastructure to accommodate that demand. This should be a holistic approach that considers commercial, multi-family and single family zoned together. While we oppose the density increase, we support the proposal to limit the scale of houses. One concern we do have is with the r-2.5 zone, the proposed ratio is 0.7:1. This would allow a 3500-square-foot single family house to be built on a 5,000-square-foot lot. We have a lot of lots that are just under 5,000 square feet so we're concerned this would become the mcmansion zone in our neighborhood with these oversized houses. We believe a solution to this would be to establish a maximum floor area ratio of 0.5:1 per unit in that zone. Thank you.

**Hales:** Thank you very much. Thank you, both.

**Maria Thi Mai:** Good afternoon, mayor hales, commissioners, I'm here to address an issue that I spoke about 20 years ago during the southwest community plan. What you've heard a lot about is housing sizes and characteristics. What you haven't heard about is the loss of pervious surface areas to impervious surface areas. The planning report needs to address the footprint of these pervious surface areas. Across the city, developers are gobbling up smaller bungalows to the tune of 700. What this means is mcmansions, duplexes, all these other types of homes that people are talking about are being built and are being built out to the lot line. What is not being considered is the pervious surface areas and the areas that are for open space, big trees for wildlife, urban wildlife, habitat, and what we need to do is to consider these pervious surface areas and I get it. It doesn't pencil out for a developer to buy a small bungalow at \$450,000 and build a small house. They need to build something that's going to be \$700,000 or more to pencil out. So the cost of impervious surface areas is lost. So I ask that you charge the planning bureau to draft an ordinance that incentivizes developers to subscribe to a 1:3 ratio of structure to open space and thus pervious surface areas. So what that looks like is the house is one part of the lot, the other part is three parts open space and pervious surface areas and preserving the big trees and open space for children and others to have open space to play and live. Thank you.

**Hales:** Thank you, thanks very much.

**Meryl Redisch:** Good afternoon, mayor hales and city council members. My name is Meryl Redisch I'm here on behalf of the urban forestry commission and since ted Labbe shared the urban forestry commission's recommendation I will not duplicate that, but I wanted to go on the record and underscore that providing more flexibility and incentives to developers as part of this project is something that we want to recommend. We're concerned about the loss of large trees and preserving large trees as part of this project is one of our key goals so thank you very much.

**Hales:** Thank you. Good afternoon.

**Alyson Marchi:** Good afternoon. I'm speaking on behalf of a friend of mine who's unable to make it because of childcare. I would like to say that I'm speaking on behalf of in general perhaps a younger generation because there's not a lot of us who have a luxury of attending meetings like this. So this is her letter to you. I'm a 33-year-old native Oregonian who grew up in west Linn, moved to Portland and who desires to remain in this community. I have built friendships, have family, have worked to better our community, spent a year working with low-income students and when my husband and I decided to have a child we began looking for housing options. Our current apartment is so poorly insulated that in the winter olive oil becomes solid at room temperature. And unless they spend a great deal of

November 9, 2016

money on electricity they can't keep their home heated properly. As adults they can deal with the cold, but it's not an option now that they have an infant. In the 10 years since we married and moved into the southwest Portland neighborhood of Multnomah village, rent in Portland and the surrounding area has doubled. Experts say one should spend 30% of their earnings on housing. We choose teaching as our profession and since it requires a master's, their loans make spending 30% unrealistic. When they first looked for housing and discovered that the average house of rent for a one bedroom and they need two with a baby was around \$1,500 to \$1,600, it means they could not afford to move. Even though her husband's a middle school teacher, she's a substitute teacher, they do not make enough money to afford this kind of present. They looked at surrounding areas around the city and discovered that it's the same cost everywhere. She hopes you'll take the testimony into consideration today as a family of three with a teacher's salary, they cannot afford to live in the city. And it's a very real problem with our housing options. So they're writing in support and greater housing options so they can stay in their community with a more diverse chance at staying.

**Hales:** Thank you very much. Appreciate that. If you want to leave us the letter she can make copies for us. Okay good afternoon. Why don't you go ahead while they're getting settled?

**Gabriele Hayden:** I'm Gabriele Hayden. I'm a member of the overlook neighborhood association, although I don't speak for them here. I was born in a commune/house share in northwest Portland and I grew up in boring. And I love my chickens and pony, but I hated feeling isolated and depending on my parents for rides. I strongly support residential infill. Neighborhood character is about people first and about buildings second. When my wife and I purchased our very small, but my own experience offers a perfect case study element -- when my wife and I purchased our very small 1924 home, all the other prospective buyers were developers planning to scrape and build a mcmansion. Two years and thousands of hours later, our 662-square-foot home is still not worth much more than the land it's built on, allowing infill development would reward us personally financially for rescuing the small home from demolition by allowing further development on our land. Unlike current rules, we would also do so in a way that would allow another young family to live the Portland dream, a residential neighborhood with chickens and walkability both. It would not house the truly poor, but it would help maintain the livability that has drawn tech startups and other economic vitality to our city which has trickled down effect and it would maintain the neighbor character in the most essential way possible by keeping our beautiful homes alive.

**Martie Sucec:** You could put an adu on it.

**Hayden:** It's not the same.

**Sucec:** I'm here for the Multnomah neighborhood association, but I want to say something.

**Hales:** Put your name in the record, please.

**Sucec:** Martie Sucec, I want to say something about this hearing that makes me very sad because the subtext of this hearing reflects the polarization of this election and this country. The people who have I love housing choices, I got one of these, some of the language is that way, somebody just said young, we're the young people, even the concept report says a certain demographic doesn't like this very flawed plan and a very flawed survey and a small one. What is hard for me is that those of us who don't have buttons and are speaking for our neighborhoods which Multnomah used to be affordable is not affordable anymore. We just heard that. We do not oppose middle housing. We have a lot of it. We've had a lot of development of it. We oppose the as-appropriate, the demand said there was somebody who had several different plans for each neighborhood. That's what should happen. And I really feel insulted by people who say like the young man who



November 9, 2016

benefits from writing a report and is on the planning commission that passes the report, he said neighbor character is code for exclusionary housing. And that's not true and that's an insult to older people who embrace the millennials that are coming into our neighborhoods. What Multnomah has or did have, it has a lot of diversity, it has neighborhood house, it has a new neighborhood house development for child development, it has the southwest community clinic for low-income folks right in the heart of it. It has meals on wheels and when they came we tried to encourage them to build to five stories so that people could live above that, that they were in a hurry and they didn't quite understand vertical housing then. Multnomah should not have this overlay because this overlay goes over the whole thing and what it is spot zoning on steroids as you said in the work session, is social engineering, I am not an old fogie, I'm older, I have some wisdom, I behave better than I used to. [laughter] I was an anti-war advocate when I was a youngster.

**Fish:** When she said she was speaking for younger people, I assumed she was saying people 60 and younger, I brought my own baggage into that conversation. But also I never use the word social engineering, but I have taken a lot of meetings from people on both sides of the issue and I have been raising questions, I want to understand it better. I've had people make strong cases on an either side and it's unfortunately a feature of my legal training that I ask questions to test assumptions, but I never said social engineering, but -- it does look very broad to me and it does look like it could be accomplished through another mechanism --

**Sucec:** Who says what as appropriate is? Sometimes, their judgment has shortcomings.

**Fish:** Maybe it's because we do this so often, there's two features about this hearing that I'll just note. One is that it's a peaceful setting where people are making passionate arguments and two is in a city experiencing growing pains, we're getting a sense of big disagreements about how we do certain things. But just from my perspective this is a civil hearing.

**Sucec:** It is, too.

**Fish:** And I actually have found it extraordinarily substantive and I'm going to run out of paper soon in terms of the things people are saying. I'm sorry you feel put upon.

**Sucec:** I do not feel put upon. I see this divide of people who are wearing badges, I love housing choices and so do I and the characterization of people loving how their neighborhood looks.

**Hales:** Badges and signs are fine but appreciate your point.

**Sucec:** We don't want to be a center or a corridor, we want to be a main street and we want housing to be specific as you said.

**Hales:** So again back to the three choices of do this, do nothing, do something else, I want to hear from you not just today, but subsequently, if you want to drop this that's one thing.

**Sucec:** No, I don't, I don't.

**Hales:** I think parts of this are something that you would support, but we need to hear which parts you like and which parts you don't.

**Sucec:** I'll do that.

**Sucec:** Thank you.

**Novick:** One question. Had I known commissioner Fish doesn't like the term, but isn't all zoning social engineering?

**Sucec:** I'm not saying that. I was just -- it's using a chainsaw when a butter knife might work better. It is ham-handed and, you know, you just put it on and we -- we do have a lot of very good developers, but we have some that are just tearing things, affordable, small units, small housing, bungalows that millennials want, and just maximizing their profits. We are displacing middle income and low-income people.

**Hales:** Another thing I want to put into the mix here and you can comment on this, as

November 9, 2016

we're hearing a plea for customizing this, not closed to that, but we've got to have something that's administrable. Give us some thoughts on how to do that. The duplex thing has been citywide on r5.

**Sucec:** And we have maybe half a dozen corridors that have triplexes and one has an adu.

**Hales:** We can customize that and it worked out.

**Sucec:** Well, I think you have before the housing crisis, you had a lot of seasoned planners who helped some builders do something really well.

**Hales:** Welcome.

**Jim Peterson:** I'm Jim Peterson. I'm also from the Multnomah neighborhood association and I'm the point person on some objections to the comprehensive plan, the policies that were adopted June 15th. We're waiting for the city to put 20,000 pages of documents in order and submit them to the city, submit them to the state. And at that time, after they get in order, there will be a notice sent to everybody who testified and we've hired the services of the planner from Eugene, he's drafted our objection and they're being reviewed by two of the best land use attorneys in the city to make them stronger and one of our objections is on the middle housing amendment and we intend to take this all the way. And the reason we are is that this -- if you look at the yellow overlay, it encompasses the whole neighborhood. All of Multnomah. And that basically zones out all the single family houses. And right now, they're being demolished at a relatively high rate under the current zoning and that's what this project was supposed to help prevent. And what's going to happen, what's being proposed will increase that dramatically. And what's happening, the implementation has been put on a fast track and the policies have not even been approved by the state. The amount of time and cost of the implementation might be a factor on the merits of our objections. The original analysis provided early on showed that we had a 28% increase in capacity before they added all the bonuses to the mixed use housing. This capacity was added mainly in the mixed use zone along Barbur boulevard and we were notified by the staff that the single family housing would not be affected. The growth scenario report projects 11,000 housing units will be developed in all of southwest Portland between now and 2035 and Multnomah is supposed to get 11% of that growth. There's no reason to add the extra capacity, this would be considered market factor. Market factor is a very interesting case law before Luba was formed.

**Hales:** Okay thank you very much. Thanks very much.

**Sucec:** We also have habitat for humanity houses which are cool.

**Hales:** Yes, you do. There are a few people who are going to be unable to come back to our second hearing, is that right? So if we can we might extend the courtesy to let them speak first and we're going to lose a quorum in 15 minutes.

**Fish:** This was originally going to end at 4:00. I have to go in a couple of minutes, but that won't --

**Novick:** I can stay until 5:00.

**Hales:** Let's take people that for some reason can't come back at our next hearing and we'll keep chipping down the list.

**Hales:** We'll try to get to more of you, as well. Sit in the first rows there or if you're not able to sit right away.

**Fish:** And the award for the youngest presenter today.

**Maureen Anderson:** It's in there. Okay. Commissioners, my name is Maureen Anderson, I live at 924 ne 65<sup>th</sup> avenue unit B Portland, I work as a night shift nurse at ohsu. This is my son barney; he is two months old yesterday.

**Hales:** Congratulations.

**Anderson:** 18 months ago my now husband and I started looking for a home of our own.

November 9, 2016

We have little time to spare for yardwork and no interest in more than 1,000 square feet. More important to us was to live near public transit, affordable groceries and people knew. As anyone who's tried to relocate within Portland in the last few years knows, maybe including you, the city has new options for middle income families who want to prioritize proximity over space. We considered old free standing homes on the edge of our price range and the outskirts of our commute tolerance because they were among the few physically small and relatively affordable available at all. Backyard cottages are legal in Portland so instead of buying a home we didn't want; we went in with our former house mates to finance an 800-square-foot adu in their backyard. We didn't have to bid on a home bigger than we wanted, a bid that might have priced out some other families that needed that space. Some people today are under the impression that legalizing duplexes and backyard cottages in more situations would lead to the rapid demolition of free standing homes. I'm happy to say that our neighborhood proves this is not the case. Much of our corner of north tabor near the max has been designated r1, r2 and r2.5 for 20 years and most of the homes are still free standing. The difference is that some are not. We have a mix of duplexes, triplexes, little old attached cottages and bungalows mixed pleasantly together. Some properties turn over, but most haven't. I'm glad that when one does, it's usually been replaced by two small homes instead of one giant one and that's the final message I leave you with. I hope barney will grow up in a neighborhood like the ones I grew up in, where people of many backgrounds and incomes and ages and educations can live together. That's the nation we desperately need, that's the Portland I love and that's the Portland that the project can help preserve. Thank you.

**Hales:** For those of us who helped create the adu option, you're exactly who we had in mind. Welcome.

**Jacob Sweet:** My name is jacob sweet, and I want to thank you, guys for allowing me to participate in this process. I'm here to talk about the intersection of affordability and housing choices, mayor hales earlier today you said that these are two separate issues. And they are. But I think that they are more completely intertwined, right? And I think that this proposal that's on the table is going to do some work to address them. I'm a foreclosure prevention counselor. And I work with a variety of people facing financial hardships, medical hardships and generally life hitting them in the face. And we see a lot of good results, however, we see plenty of bad results as well and by that I mean people who either are forced to sell their homes are or foreclosed on. These people don't have a housing choice in this city. By and large what I see is either they go directly into homelessness or they are displaced outside of Portland. They simply can't afford to rent here once they lose their home. I don't believe that they have a housing choice. On the other side of my organization, we help people to buy homes. This is largely Portland's Hispanic community. These people come to our office and our counselors of which I'm not one, but I'm speaking on their behalf, the counselors call themselves dream breakers because when they come in, they're below 80% median income and can't afford to buy within the Portland city limits. So these people as well do not have a housing choice necessarily. Finally, I'm going to talk about myself. I'm currently living in a three-bedroom house with four roommates besides myself. I live in an illegal room in a basement and this is so that I can afford to live in Portland. This is so that I can do the good work that I do so what I'm asking of you is that you take a hard look at this proposal as it relates to housing choices and affordability so that not only the clients that I've spoken of but people, such as myself doing good work in the city can actually live here.

**Hales:** Thank you very much. Welcome.

**Peggy Moretti:** Hello, I'm Peggy Moretti I'm here representing restore Oregon and I have submitted written testimony so I will summarize it to my point. Our organization has been

November 9, 2016

tracking residential demolitions for several years and our analysis reflects by the way that for every one unit demolished right now, we're only getting 1.4 new units. So we're not getting much for all the demolition that has been going on around the city. Like you said, there haven't been a bunch of duplexes built for all those demolitions. We're concerned about how -- of course, we support affordable housing, of course, we support choices, but what we're concerned about is the morphing of this project into something that's pretty much exclusively about affordability, but with no proof that these proposals are actually going to affect affordability and that concerns us very much. We think that we have a potential here to do as much harm as good and we better know which way it's going to go before we enact this thing. There are points we think are fine, they're great, the limited size and scale and adding adus, particularly the conversion of existing, you know, interior conversions of existing historic homes, but we feel very strongly that right now there are two big shortfalls in the proposal as it stands. One, utterly insufficient incentive to retain existing houses. We can't do this on a hope and a prayer. Our proposal is that the new development of middle housing be restricted to vacant lots or lots where the existing house is less than 50 years old, that we waive system development fees but only for projects that retain the existing house. That existing residential structures be allowed greater flexibility for those interior conversions without triggering a whole bunch of building codes and that maybe we allow additional adus on properties that are designated historic since design would be subject to review and we could be more assured of compatibility. The other point we're very concerned about is the lack of any context specific design standards. What's going to keep our neighborhood from becoming a mishmash of ugly? Restore Oregon would therefore recommend creating very clear, simple context specific design guidelines, such as they're using in Denver and other cities. We would challenge the advisability of flag lots, and this idea of three story skinny houses is just too ugly. And I think we need to set an absolute maximum on the far. It's good to bonus, but we've got to hit a cap. So I guess overall we think this is a half-baked proposal right now. It's good and it's bad or it was the potential for good and bad, but we need to really, really make sure we have thought everything through and that in our kind of mad dash towards affordability at all costs we don't make mistakes that are similar to what was made back in the 1960s when people thought that urban renewal back then was the cure to society's ills and today, we are still mourning the loss of neighborhoods that were destroyed with good intentions back then. So we need to add density, but let's make sure we're doing this in the right way and let's make sure that need decisions are based on sound evidence, proven results, examples we can look at, see pictures of and that we respect our heritage and character of these neighborhoods in the process.

**Hales:** Okay thank you very much. You say you've got written testimony. I will see it. Did you put your recommendations that you just iterated in that testimony, the points you were making? Excellent thank you. I want to take a look at that. Thank you very much. Okay. Let's take anyone else that's here that won't be coming back for the next hearing and we'll see how many we have left after that. Welcome. Go ahead.

**Roberta Yambasu:** Mayor Hales and commissioners, I'm Roberta Yambasu, the chair of elders in action, the senior advisory council for both Multnomah county and the city. I am concerned about the residential infill project concept report, but for a different reason than most of the people today are. While the report acknowledges that accessible housing is a priority need it fails to mention accessible housing in the policy proposal. This is a glaring omission, an omission which needs to be corrected. The Portland city council has the opportunity to establish progressive housing standards for the next generation. As an age friendly city Portland needs to ensure all new housing is both visit able and accessible. We have an aging population that will be an increasingly larger segment of the population

November 9, 2016

every year. People are living longer and baby boomers. There is no excuse for not taking the actions that would enable them to do so. We must require all new housing to be accessible. Doing so will make our city a better place to live for all people, not just for those currently needing accessible housing, but for those that will need it in the future. We have to plan for that future. As an example, when I needed to replace my crumbling sidewalk, I made that investment. Instead of replacing the sidewalk, I installed a concrete ramp. I don't need it now, but I might someday and if I don't, my friends and family might. As a citizen and a consumer, I urge you to make Portland a leader in housing policy and include both affordability and accessibility as requirements for all new housing. Doing so is an investment in a livable Portland for all ages. Thank you.

**Hales:** Thank you very much. Welcome.

**Tony Jordan:** Hello, mayor and commissioners, My names Tony Jordan I'm with Portlanders for parking reform. Portlanders for parking reform supports abundant, diverse and affordable housing options in every neighborhood. We encourage city council to support the residential infill project's policies that will create more housing in every neighborhood in the city. Currently, Portland housing's options are limited and increasingly unaffordable. Many people are forced to move further away from the neighborhoods that are accessible by foot, bike and transit and as a result, they become more car dependent. If we want to meet our 2035 transportation and climate goals and build active healthy and inclusive communities, we must provide diverse housing options in every neighborhood to allow more access to transportation choices and economic opportunities. In general, we believe that the project concept report is heading in the right direction, specifically we strongly support the following recommended concepts. Recommendation for allowing more housing types in selected areas, recommendation seven provided added flexibility for retaining existing houses although we think that you need to exempt internal conversion from parking requirements because if you have a big house that you need to subdivide it's going to be hard to find three or four parking spaces and recommendation 10 revised parking rules for housing on narrow lots. There are some areas we can do better. Exempt parking requirements is an incentive for affordable housing units, low-income people are more likely to use transit and not own a car. Infill development provides affordable housing should be exempt from parking requirements. You should offer parking exemptions for tree preservation, we think that the housing choice option should be in all areas of the city, don't exempt some areas, and eliminate parking requirements for all future infill and manage parking with pricing. Bundling housing and parking forces people who don't own cars to pay higher costs for parking they don't use. The city is developing residential permits and transportation demand incentives to effectively demand so we should eliminate those going forward. Thank you.

**Hales:** Thanks very much.

**Rick Michaelson:** I'm Rick Michaelson, I'm an original member of the committee; Charlie and I have been working on this for a long time. I was also -- while I have issues with many, many things in the report I'm only going to address one anomaly today and that's the fact that as -- this would allow more housing in the r5 zone than the r2 zone. That's an anomaly. Every lot is allowed to have three units, with adus being around 800 square feet that's in effect another two-bedroom apartment. It's not the small adu. It's a full unit. We actually could have a 5200-square-foot footprint or in the r5 zone and only -- [inaudible] there's a system problem here that we have some zones that go by f.a.r. And some that don't. In effect, what we have is an r.h. That has a four to one f.a.r -- [inaudible] and now, we're coming in with this r.5 that's allowed .65, which is a higher ratio than both the r.2 and the r.3. We need fix that. Listening to a lot of testimony today it was really like the people were talking past each other. There's a whole group of people who have this idea, the

November 9, 2016

wonderful idea and can only see the dreams. This is another group of people that only see the fears. The people who have the dreams think it's going to be adding additional units of nice housing and help us preserve housing. The other side thinks it's going to lead to increased demolition and fewer scale buildings. I think there's truth to both of that, what we need to do is find a better way and one suggestion for today and I thought about it today is if we were to only allow the extra units with an existing house throughout the city and then pick certain experimental areas where we would allow the proposal as written to go in we could see whether number one there's a demand for these additional units without tearing down houses and number two what would be the result of the areas where we tear down houses.

**Hales:** Thanks rick. Thank you all. Okay. Others that want to speak today while we've got time? We have some so come on up. come on up. Go ahead.

**Margaret Davis:** Hi, I'm Margaret Davis. I'm with united neighborhoods for reform. The idea for the residential infill project came out of the demolition development resolution and that garnered 43 endorsements from neighborhood associations citywide. We participated and promoted the work of the project partly as a means to reduce demolitions. With disappointment and regret, we cannot support this proposal. We feel responsibility to those 43 neighborhood associations and neighbors citywide who opposed demolitions and we can't support something that contemplates demolitions at the scale and rate in the proposal. Hundreds of units of affordable housing well-built and viable housing crashed into the landfill in this building boom. Many neighborhoods are now only accessible to the wealthy. Along the way people and the environment have been dusted with hazardous materials. On the average almost daily. This proposal does not meet our goals, such as reducing demolitions and it, in fact, subverts them and as you'll hear from our speakers, nor does it meet our goals. Such destruction is avoidable and unnecessary. Higher density projects are coming in centers and corridors under the newly passed comp plan and at thousands of corner properties. According to the bureau of planning we have twice as much vacant land as we need to meet our density goals until 2035. Inclusionary zoning, too, will help a wider range of people share in these housing opportunities and more equitably distribute the benefits of development. Some people say it is impolitic to participate, and then spurn the results. It is also impolitic to stack the composition of the committee against the grassroots charge. It is impolitic to ignore the public outcry over demolitions. It is impolitic to say this proposal reduces demolitions when it will accelerate them. We can't help, but feel invested in these great neighborhoods and we look forward to building a better city with you, but the rezoning of this project, even if it's legally defensible, it promises more harm than good and further loss of a desirable resource, which is viable, affordable housing.

**Hales:** So make the same request of you because you've been so involved in this and three choices. Stop no, do nothing, adopt this as is or are there parts of this that you like?

**Davis:** I think it's a do nothing thing at this point.

**Hales:** So you're fine with the rate of demolition we have now and replacing 1,500-square-foot with 3,500-square-foot houses?

**Davis:** Well, the scale provisions of the proposal actually allow for I think buildings as big as or even bigger than are allowed now.

**Hales:** I'm not aware of that. I thought 2,500 was 2,500.

**Davis:** They're excluding basements and adus and excluding the bonuses allowed.

**Hales:** I'm saying, I'm not okay with the current rate of demolition and the replacement of small houses with giant ones. I think you and I agree on that. I know we do. So I'm a little mystified and I appreciated rick's suggestion that you would say just abandon hope and stop and accept the status quo --

November 9, 2016

**Davis:** There are other things we are doing as a group and a lot of individuals are countering at the grassroots level this kind of work so, for instance, I tried to help tear down proof my block and that's been a very successful effort, it's been neighbor to neighbor, we plan for when we want to sell our houses and move on, making sure that they go to a real family who will live in them and not tear it down. We're attending the open houses of some of these new places that are built and warning about the effects of the hazmat that's probably in the ground if there's families moving in, they should know that, that their children shouldn't play in that dirt, that they shouldn't grow vegetables and eat them. All these things work to hopefully keep houses standing.

**Hales:** Okay thank you. Welcome.

**Aaron Parecki:** Hi my name is Aaron Parecki, I don't personally have the resources to tear down a house and build a giant one in its place. But I do have the resources to remodel a house or subdivide a larger house into a duplex or even build a small attached adu. As someone who can't afford to build a new house I'm very excited about the plan because it enables me to be able to create more housing, even just as someone who just doesn't necessarily have the resources to build from scratch. So hopefully, I'll be able to live in one of those myself as well so definitely I'm excited about these changes.

**Hales:** Thank you, thanks very much. Good afternoon.

**Alan DeLaTorre:** Good afternoon, mayor hales, city council. Sorry if I did this out of order, but I've got some specs here that I'm going to talk about and is it okay to give them up?

**Hales:** Sure, please.

**DeLaTorre:** During the course of this conversation -- I'm a member, and I wanted to talk to you first and foremost, I live in infill housing in the overlook neighborhood. My lot used to be an apple orchard that the neighborhoods were sad to see go away, but I'm a contributing member to my community, I own the home with my wife and we feel like that residential infill opportunity has given us a chance to live in a very important neighborhood, a neighborhood that we've chosen to live in, just a little bit, too, about why I'm talking today, I don't want to cover all the details around the residential infill project, in my current home as in a lot of infill, I've got to get the groceries off my bike in order to get in that house, this is not to mention the aging process and some of the difficulties that I'll talk about. What we're talking about is access to one's home for all ages and all abilities here. Just a little bit on the demographic imperative we know that the 123,000 people who are going to be added to the city of Portland will include 40 to 50% of households that have somebody aged 65 and older and about a quarter of adults in Oregon have a disability. So this is an issue that's important to us, and it's growing in importance. Data are not available for the accessibility of the single family housing stock in the city of Portland. We don't have that. The housing bureau does not have that. It's something that we need, but are not available to us and the ada does not cover the existing homes. I support the residential infill project, I think there's a lot of good things that are in there, in particular the quarter mile proximity to services. When we think about housing costs, we forget about the housing plus transportation costs, that is 45% of our income especially with respect to people who are frail or have a disability. I propose that you consider doing two things with this proposal. That the infill that's a result of this is actually required to be visit able. The concept has three components. One, zero step entrance, wide halls and doors that will allow you to get anything through there, and then at least a bathroom on the ground floor that somebody could come in and use. It's about your neighborhoods and your family and everyone else in the community, not just about you so this is an important thing for just about everyone and the second proposal is the bonus units, need a higher standard of accessibility. And I would also extend that actually to cottage clusters, I think that's an opportunity for us to find an innovative solution for housing Portlanders in the future. We

November 9, 2016

know topographical concerns and existing structures may require some kind of exemption, we're not against that idea, but we want to put this out there that by right, development as part of this should include accessibility or at the minimum visit ability as an outcome of the project.

**Hales:** Thank you very much. Thank you all. Okay. Let's take some more, folks. Go ahead, please.

**Rosemarie Sweet:** Okay. Good afternoon, my name is rosemarie sweet and I will be speaking in support of the proposal to marginally increase the amount and type of housing. I'll be sharing my perspective today based on approximately 20 years of working, a city that provides everyone with the benefits of a way of life that is both more satisfying and that recognizes the limits of earth's capacity to support us. In the late '90s I helped develop the city's green building policies my roll there was to ensure that housing was available to low-income residents. After that and my work was with farmer's market, I worked on creating access to healthy locally grown food for everyone and the city responded to that need and enacted the zoning choices to make healthy food more accessible to all. Portland is engaged in this thoughtful reconsideration of its zoning and its neighborhoods. To create a city that is inclusive and that protects the earth, which, after all, is the only home we have, we must change our single family zones. This proposal will allow the construction of smaller homes, slightly more numerous homes, houses that use fewer resources and that support walkable neighborhoods and local businesses. Most importantly, they offer a wide range, a wider range of housing options for people who preferred smaller homes, who are living singly or as a couple who cannot afford a detached house and who do not want to consume their share of materials and energy. I consider this proposal quite modest. It offers only incremental growth in the neighborhoods. We are not talking about large apartment complexes. And it's growth that's respectful of the neighbor's character. While the changes are necessary for our future, they also look respectfully to our past, to a time before mc mansions came into vogue, a time when duplexes and college clusters allowed people housing choices. On a personal note I'll stop there, I live in a duplex and in my 40s I lived in a house that was an internal conversion to a second floor apartment. These homes have been a wonderful source for me of comfort and enjoyment, I would just like to see other people have the option to live in those kinds of homes in this city. Thank you.

**Hales:** Thanks very much. Welcome.

**Garrett Downen:** Thank you. My name is Garrett Downen I'm a native Oregonian and montavilla resident. Thank you for this opportunity and for working to address the housing affordability crisis. I'll keep this quick because a number of the points that I was intending on making were made by previous testimony. But I did want to add my voice and experience in support of this infill project and just testify to the need for midlevel housing. When I was house hunting myself in 2013, it was -- I toured 60 different homes, put in seven different offers, six of which were above asking, and needed to stretch my initial budget by 30%. But with Portland leading the country in the rate of housing price increases, that's not too bad compared to what I'm seeing people experience now. And I don't pretend that that experience is a hardship compared to the many, but it felt rough at the time and I worry about the ripple effects of that shortage to people less privileged than I and my peers. I'm seeing many young professionals in their late 20s and 30s, folks who are some of the most impactful and engaged people who work in nonprofits and government, at b. Corporations, really struggle with finding a place here right now. Despite their privileges, I hear them pining over the idea of actually buying a home here at some point. They would love the opportunity to buy or rent in a long-term fashion a part of a duplex, triplex or cottage clusters, I've heard peers dreaming of that as a wonderful living



November 9, 2016

environment. Would love to see more of that. So would they. So in summary I support this direction, and the revisions suggested by Portland for everyone. And it feels like a well-reasoned, balanced and necessary approach to adding modestly priced housing.

**Hales:** Good afternoon.

**David Sweet:** Good afternoon, mayor Hales, and I was pleased to represent central northeast neighbors. I want to commend BPS staff for creating an excellent process which resulted in a proposal that will preserve the integrity of our neighborhoods while providing greater housing choice and affordability. I bought my first house in Portland in 1978. I was four years out of college and two years on the job as the city field representative. That's how things were in Portland four decades ago. Today, no city field rep can afford to buy that house or any house in that neighborhood or likely rent there, either. Like others of my generation, I got my place on the home ownership escalator and because I was able to buy a house then, I get to be a home-owner for the rest of my life. My adult children are not so fortunate. Like many millennials they struggle to afford to stay in the city where they grew up. Not all the houses in my old neighborhood are owned by wealthy people. But when those houses turn over, they will be bought by wealthy people who alone can afford them and that neighborhood and all of our other close-in neighborhoods will lose the economic and ethnic diversity that has characterized Portland for the 50 years that I've lived here. We will join the national trend toward economic segregation. It does not have to happen that way. The residential infill proposal offers us the opportunity for housing choice in Portland's great neighborhoods while keeping the scale of new development consistent with existing houses. It will relegalize the development of smaller, more energy efficient and more affordable housing. It will offer options for middle income families that are not currently available. It will allow schoolteachers, first responders and shop owners the opportunities to live in the neighbors -- live in the neighborhoods they serve. In the late 1980s, I helped work on the Albina community plan and the city created the overlay zone which legalized accessory dwelling units, an important step forward. Like the current proposal that one created some concerned reactions about the loss of integrity of single family neighborhoods yet just a few years later, the ADUs were allowed as a matter of right in all single family areas. The residential infill proposal is similar, a modest yet important step forward and like the old A. Overlay before it, it will allow low impact changes that move us toward equity and inclusivity and like the old overlay I feel confident that these changes will receive broad acceptance and will ultimately be applied to all of our single family neighborhoods.

**Hales:** Thank you. I won't thank you -- I want to thank you and all the members of the committee for the amount of time you've put into this. We do have to stop now because we're going to lose a quorum and there's some of you who have been waiting very patiently to speak. I'm going to put you first on the sign-up sheet for our continued hearing so we'll make sure that you don't have to wait that long again. Thank you, three very much.

**Fritz:** If you can't come back next time we will read everything that is sent in to us and if you could put in the subject line not able to speak on the first hearing, I'll make sure I look through it carefully.

**Hales:** We need to act on a motion which I'm looking for the verbiage for. Unless one of you has it handy to allow us to deviate from the rules in order to have an evening hearing in addition to our afternoon hearing on the 16th. Is that good enough? Thank you. Rachel on the spot. I move to waive the two week notice to have a 6:00 p.m. session to extend the hearing on the residential infill project from 6:00 to 8:00 p.m. on November 16th. Okay discussion? Let's take a vote.

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

**Hales:** Aye. Okay so there will be two hearings on the 16th at 2:00 p.m., which is, by the

November 9, 2016

way, if you're signed up and you want to come back, you can sign up for either 2:00 p.m. Or 6:00 p.m. And we'll put you first in either queue. So we're going to have a hearing at 2:00 and we're going to recess for dinner and we're going to resume at 6:00. If you were here today and you want to come back and speak, you can sign up for 2:00 p.m. Or 6:00 p.m., to facilitate that and again, thanks for your patience in not being heard today.

**Fritz:** I think we need to make it clear this hearing is continued. If you did get to speak today, you don't get to sign up next week.

**Hales:** We will hear more testimony and we want to ask people to continue to send written idea into us so that when we get to the council discussion phase we will not have only heard testimony, but had a chance to digest all this great material. Thank you very much. And we are recessed until tomorrow at 2:00 p.m.

**At 5:02 p.m. council recessed.**

November 10, 2016  
**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.

**NOVEMBER 10, 2016 2:00 PM**

**Hales:** Good afternoon, everyone and welcome to the November 10th meeting of the Portland city council. Would you please call the roll?

[roll call]

**Hales:** welcome, everyone. We'll get the procedural stuff out of the way here in a moment and I'll ask our council clerk to read the item. And then why don't you go ahead and do that because we have a single item on the calendar this afternoon and I'll talk about rest.

**Item 1259.**

**Hales:** Thank you. Thank you all for being here today we are citizens of a good place and it is so good to see you all so thank you for being a part of the legitimate exercise of democracy and may that always be true in our city and elsewhere so thank you for coming. Some of you have probably testified at city council before. I'll go through the procedures quickly so we can hear from you. We are going to have a staff presentation and some invited testimony about this item, and then we'll open it up to public testimony. Hopefully, you've signed up. Because of the number of people here we're going to ask you to limit your comments to two minutes apiece because we want to hear from as many people as possible. If you already had your views expressed, you can feel free to say so or yield time to another. We have only a couple of ground rules here in terms of testimony. You need give only your name, you don't have to give us your address when you come up and speak. And if you agree with someone's point of view, feel free to give them a thumbs up or a wave of the hand or twirl something if you have it in your hand and if you disagree with someone, a polite hand gesture to the negative is okay. [laughter] but we ask always in this chamber that we not make demonstrations, applause and verbal displays in favor or against our fellow citizens' points of view so that everyone can be heard. We make exceptions for visiting dignitaries and students and so we might make that exception today because we have some student testimony today and I'm going to have them up early in the process. This isn't a school day, but there's still homework. That's it in terms of procedures. We have some amendments that we'll consider but let me open up with some remarks, and then set this in motion. The rapid development of fossil fuel resources in the western part of our country and Canada has put a lot of pressure on Portland and other cities and has sought to transport and move huge quantities of fossil fuels through and into our communities. As we all experienced with the pembina proposal last year, the zoning code actually allows fossil fuel terminals as a warehouse and freight movement use in our zoning code today without any limit on the size of these terminals. We, of course, passed a resolution saying we're going in a different direction and today is the proposal to put that into city law, into our code. The amendments in front of us as we'll have explained in greater detail by the bureau of planning and sustainability staff will prohibit all types of new fossil fuel terminals and impose limits on the expansions of existing ones. Through our climate action plan and council resolutions, this council has been on record for a long time to advance policies to reduce fossil fuel use and to oppose oil and coal trains traveling through our city. Last year, we took the step of passing that resolution that I mentioned that stated we would oppose the expansion of infrastructure whose primary purpose is

November 10, 2016

transporting or storing fossil fuels. We are also putting a lot of time and effort into becoming disaster resistant or at least more so, to be more resilient as a city and many of our employment and industrial zones including the critical energy and transportation infrastructure in Portland are located in areas with moderate to high risk of liquefaction so that's a public safety issue that we need to address as a city. Last month we adopted a natural hazard mitigation action plan that includes a critical infrastructure hub study that outlines the next steps in improving seismic safety for these fossil fuel terminals in the northwest industrial areas along highway 30 and in Linton. These amendments before us will prohibit all types of new fossil fuel terminals, 2 million gallons or larger, and impose limits on the expansion of existing ones to no more than 10% of their current storage capacity. The limited expansion has allowed only in conjunction with the replacement of old tanks so there's an improvement in that seismic safety if anybody actually is in the process of replacing a tank, something that is not happening very often now and in terms of that seismic resiliency needs to happen more quickly to avoid disaster. So before we hear from our staff, I want to introduce some amendments that clarify the language, that way you will get to testify on those amendments as well as having them explained. Amendments one through three deal with language in title 33 and amendment four amends the ordinance to provide some additional direction for follow-up actions. Amendment number one is a technical correction to exception number four, to clarify that truck-only terminals the kind of local terminals that we have are not bulk fossil fuel terminals. Amendment number two makes some changes to exception number seven to clarify that fuel storage for airports, marine servicing facilities and railyards are not bulk fossil fuel terminals. These are the filling stations for the airport, the railyards, and the ships, they exist here today. And the number three, amendment number three clarifies the definition of fossil fuels by specifying that nonfuel petroleum based products, such as asphalt are not fossil fuels. Actually, think about it with asphalt we take oil and mix it with gravel and put it on the street and it stays there for 100 years so it's not going into the atmosphere. It's a very different use of petroleum than burning it and releasing hydrocarbons and carbon dioxide. And number four provides additional direction for follow-up actions. I'm going to propose those amendments and see if there's a second and again, those are before us and you can testify on those as we proceed. So now, I want to call on our bureau staff, Susan Anderson, the director of bureau of planning and sustainability, Michael Armstrong and Tom Armstrong to explain in greater detail what's in front of us. Good afternoon.

**Susan Anderson, Director, Bureau of Planning and Sustainability:** Good afternoon. So as the mayor mentioned, I'm Susan Anderson the director of the bureau of planning and sustainability and with me are Michael Armstrong and Tom Armstrong and no their not related, they are sometimes interchangeable. I just want to start off with a little bit of context for the discussion, and then I'll hand it over to Michael and Tom. Cities all over the world are talking about climate change and some are making big broad statements and setting up their action plans, but here in Portland we're doing much more and we've been doing it for a long time and we're showing the rest of the world that cities can make a difference. Along with a dozen or so other cities internationally, Portland is seen as a leader on this issue. We've cut carbon emissions by 40% per capita since 1990 and we've cut total emissions by 21% even while our population increased by more than a third and jobs increased by more than 25% so we're headed in the right direction. You know, sometimes, the actions that cities take are broad and sweeping, like land use regulations that impact housing and transportation and environmental issues and other issues and sometimes, there's actions that are very specific and they're very measurable. They are measurable like actions you've taken in the past, things like clean energy works which

November 10, 2016

resulted in energy and money savings for more than 5,000 homes or measurable like cutting city government energy bills which we've done by \$6 million just for last year alone, saving more than \$50 million in the past 10 years. We've invested in electric vehicles, we're now buying 100% green power for all city facilities, something that we've been heading towards and are now at for several years, we're requiring energy scores for large commercial buildings which you did and enacted here 18 months ago so that future tenants can compare the energy prices in different spaces and owners can see what's possible and what their competitors are doing so that they can make smart investments and in just a couple of weeks we're going to ask you to do the same for houses so that home buyers will have the benefit of energy scores when they're looking to buy a house much like we have miles per gallon ratings for cars. We know that specific, measurable actions are essential if we're going to reduce the use of fossil fuels so why am I talking about energy efficiency when we're going to talk about fossil fuel storage? Well reducing our demand is essential if we want to meet our climate goals, but it's also essential if we want to limit the size of fossil fuel infrastructure in the future because demand needs to stay stable or go down if storage facilities are going to be limited, but we know we can do this and we've shown that we can do this over the past 20 years. It started back on city council two decades ago, Mike Lindbergh, Earl Blumenauer were sitting -- they used to be over there on the other side of the building but you've been doing the right thing for a long time. Mayor Hales, you were a part of that with our past record as our proof, we know we can show the rest of the world that this can be done. I encourage you all to keep pushing us in the right direction. We had several more projects and policies that will be coming to you quite soon. We have the residential energy score, we have a new electric vehicle strategy that will be coming out and community solar hopefully by next summer. All these things are going to make a difference and sadly given the election, now more than ever we need local action. We can't rely on the federal government. We can't rely on a future president who doesn't even believe that climate change is real. But we know the science is clear and clean energy costs are falling dramatically since 2008. Wind costs are down 40%. Photovoltaic costs are down 60%, i.e.d. Lighting costs are down 90%, so it's not just a smart move for the environment, it's a smart investment. So I look forward to hearing all the testimony this afternoon and I really, really encourage you to move this ordinance forward. Thank you.

**Hales:** Thank you, Susan. Okay gentlemen.

**Michael Armstrong, Bureau of Planning and Sustainability:** Mayor and commissioners, I'm Michael Armstrong with the bureau of planning and sustainability. The ordinance in front of you this afternoon results from several policies that council has adopted over the last months, going back to the resolution you adopted almost exactly a year ago, this fossil fuel infrastructure resolution which had two important pieces. One to actively oppose expansion of infrastructure whose primary purpose is to transport or store fossil fuels and at the same time, ensure that those restrictions don't get in the way of improvements to safety, efficiency, seismic resilience, the routine operations or to get in the way of service to end users. Later, you adopted a comprehensive plan that's generally around fossil fuel distribution to limit that distribution to the facilities necessary to serve the regional market. Those policies are based on considerations of a couple of different concerns, significantly public safety and environmental risks, both from fossil fuels being transported to Portland often by rail, sometimes by barge, by pipeline and also from where those fuels are stored. This map shows the soils that are susceptible to liquefaction with the darker colors being more susceptible the large fossil fuel tanks that this ordinance addresses are located primarily along the river in moderate to high risk of soil liquefaction. So we're trying to address public safety and environmental risks and respond to the mounting urgency of

November 10, 2016

climate change. A lot of the work we have to do here locally to reduce emissions is around improving efficiency, installing renewables. At the same time, the globe is transitioning toward cleaner fuels, lower carbon and overall reductions of emissions. To keep that going in the right direction we need to keep fossil fuels in the ground and as mayor you pointed out, there are a lot of fossil fuels that are currently coming out of the ground across the western u.s. for us to succeed on climate we can't let those be exported and burned. At the same time, we recognize that the transition away from fossil fuels will take some time. Portland has a key role geographically as the distribution hub that supplies 90% of the fossil fuels that serve the state. It's in southwest Washington, as well. And so we know that we need to accommodate existing infrastructure and we want to encourage it to move towards safer facilities. Portland's been adding population and jobs as Susan referred and at the same time, our fossil fuel use has stayed essentially flat or falling. This slide shows gasoline and diesel use in Oregon over the last 10 years and the trend is flat, slightly down. The next slide shows natural gas use. This is primarily supplied by pipeline. The trend is a little more uneven in part due to different winters. There are higher peaks in there as well and yet the overall trend is flat or falling, despite population growth, despite job growth. It's important to note that even this low to no growth scenario we may need some tanks in order to help the transition to cleaner fuels when we bring in biodiesel, when we bring in some of the other low carbon fuels, we need to be able to store those, to blend those and the ordinance attempts to address that so we've anticipated those needs. At a more global level, we are seeing big changes in global demand for fossil fuels. And so this chart showing, you know, the earlier 2003 global energy forecast, steady increase, that forecast has been moderated very substantially so the 2015 forecast is close to flat. Not a lot is clear about the future right now, I think it's pretty clear that other countries will accelerate their work to reduce carbon emissions so we can expect to see more of this in the future. I'm going to turn it over to tom to describe the amendments in detail.

**Tom Armstrong, Bureau of Planning and Sustainability:** Tom Armstrong with bps. The mayor in his opening remarks did a good job of providing an overview of what the zoning code amendments do to implement the policy direction in the resolution that you passed last year. Essentially what we're doing is defining a new type of use, a new category of use called bulk fossil fuel terminals and we're characterizing that use. We are essentially prohibiting that use in all of the base zones which primarily applies to the industrial zones, and then we're coming up with some standards to say once we've prohibited that use, what do we do with the existing terminals and the psc recommendation before you is to make them limited uses to allow them to continue to operate, make investments in seismic improvements and limit the expansion of their storage capacity to no more than 10% of what they have today. A couple of key things here, you know, how we define fossil fuels and what's a fuel versus another petroleum product was one of the challenges we had through this process, especially also, when we look at things like natural gas and biogas and how you tell the difference between the two and what that source comes from and so we've settled on a definition that refers to decayed plants and animals that lived millions of years ago and are used as a source of energy and as the mayor has said and proposed in his amendments, we have some exclusions in that definition to make it clear that non-fuels and other renewable fuels, such as ethanol or renewable diesel are not included in that definition so that we provide sort of the opportunity for that transition to the cleaner fuel. As I said we've defined what a bulk fossil fuel terminal is and it is what we call a gateway facility. It has access to a marine dock or railroad spur or a pipeline and it has a significant amount of storage capacity. The recommendation before you from the planning and sustainability commission lowered that threshold capacity from 5 million gallons to 2 million gallons, roughly equivalent to the amount of oil that can be stored in one-unit train. They

November 10, 2016

thought that that was a good benchmark in terms of what represents a large facility that has sort of a wider impact. Based on your resolution last year we again have a number of exclusions or clarifications of who's not included, who doesn't get captured within this definition and as the mayor said, we had some technical amendments to make clear, especially with respect to airports and marine and rail servicing facilities that are essentially the gas stations for those larger type uses are not included in this definition of what a bulk terminal is. As I said, you know, we have 10 of these petroleum based terminals out in the northwest industrial district and then one on northwest natural Lng facility. So a key thing was what to do with them and the planning and sustainability commission really sort of considered a range of options, whether to make them a nonconforming use or conditional use. In the end, they settled on a recommendation to make them what we call limited use, to limit their expansion of their storage capacity to 10%. And in order to unlock that 10% it has to be a replacement. It's not just new storage capacity, you've got to replace an old tank and that's where we get a bit of a seismic upgrade benefit because the new tanks have to comply with the current seismic codes. At the same time, they recommended that for those types of tank replacement that there should not be a land use review that introduces some uncertainty in the process and potential delays through appeals, that they wanted to provide a clear path to have those seismic replacements happen. In exchange for that, they required a public notice and meeting prior to the filing of a development permit for these tanks. This is similar to what we do with multi-family residential buildings, when a developer comes forward, he needs to notify the surrounding neighborhood, he needs to have a meeting to explain the proposal, and then the neighborhood is at least aware of what's going on, they can make their views known, but it does create some public awareness of what types of activities will be happening out on these existing terminals. Again just a little graphic of how that replacement and storage capacity work. If you have say a facility with 50 million gallons of current capacity, they can decide which combination of tanks they want to replace. They can replace it one for one. They could replace it with a larger one, but the idea is we're removing these older tanks that aren't up to current codes and replacing them with new tanks that are. I think you'll also hear from our bureau partners at pbem and fire about the seismic safety concerns and the slow pace of turnover in terms of the existing tanks that are out there. These zoning codes really address sort of that future growth and expansion. It doesn't really get at the issue of how to improve the safety of what's out there today, absent sort of flat or declining demand. Is there really going to be a need to expand capacity and that's going to require additional steps beyond what we address in these zoning code changes today. Just to reiterate what the mayor's put on the table in terms of the four amendments, there are three amendments to the zoning code to really clarify our intent as to what is a bulk or not a bulk fossil fuel terminal and what is not a fossil fuel in terms of those other products like asphalts and lubricants and an amendment to the ordinance to provide some additional direction to us and to our bureau partners to both report back to you on the effect of what these regulations have, especially as it relates to the issue of sort of the fuel supply for the region and the state in terms of how that fits with our growing economy and population, but also direction, continued direction to the city bureaus to work on this issue with the state of Oregon with respect to seismic upgrades of the existing tanks. And with that that is the end of my remarks. If there's any questions?

**Hales:** Questions at this point?

**Saltzman:** I want to clarify. So a 10% expansion of a terminal?

**Tom Armstrong:** Yes.

**Saltzman:** Discounts the storage space itself, not any associated piping or pumping that goes with it?

November 10, 2016

**Tom Armstrong:** Correct. Piping is the trans loading and the movement of product between the source and the individual tanks and to however it's being conveyed out of the facility and so storage, that's movement. Storage is the tanks themselves.

**Saltzman:** Okay thank you.

**Fritz:** So we're putting that 10% in to try to encourage the companies to change their tanks. So am I correct to say we're not allowed to say just do it?

**Tom Armstrong:** Currently under state law, the seismic upgrades are a building code issue, and it's similar to what we're struggling with, with the unreinforced masonry buildings. So absent a program similar to that urm program that inventories all the tanks out there and comes up with some sort of deadline, you have 10 years, 15 years to replace these, this is an incentive and a hedge. It's an incentive to provide some cost recovery to those seismic upgrade improvements. It's also a hedge against that demand curve that Michael showed, some uncertainty about how much additional storage capacity these facilities might need to comply with the state's clean fuel standards. Because those are going to come on board over the next 10 years, they need additional capacity for fuel additives like ethanol, they need additional blending to comply with those standards. The ethanol tanks themselves aren't subject to these regulations, but the blended fuel capacity would be and so this is a way of providing them a little bit of flexibility to also comply with those clean fuel regulations.

**Fritz:** And do we know what the life expectancy of a tank it?

**Tom Armstrong:** A very long time. There are tanks out there that are more than 50 years old.

**Fritz:** I'm thinking if the water bureau once in a while we have to replace those tanks. So do we think -- do we know how many tanks are going to reach the end of their useful life, anyway?

**Tom Armstrong:** Not with any precision, but we know there's over 300 tanks out there and we've seen 15 to 20 tank replacements or new tanks come in over the last 10 to 15 years so it's been a very slow replacement period and perhaps Nate Takara the fire marshal when he gets up he's more familiar with what's out there today and those risks involved that he may be able to speak to that issue.

**Fritz:** Thank you.

**Hales:** Okay. These folks will be standing by for more questions, but let's go ahead and complete our staff presentation by asking Nate Takara our fire marshal and our bureau of emergency management to come up and tell us their perspective, please. I'll embarrass her on the way up to say she's also our northwest 23rd avenue recovery manager and she's doing a great job in helping the community get back on its feet so thank you.

**Jonna Papaefthimiou, Portland Bureau of Emergency Management:** Thank you mayor Hales, my name is Jonna Papaefthimiou I work for the city's bureau of emergency management and in there at the bureau I'm the lead on the city's natural hazard mitigation plan so we talked about that plan in council last month. As you mentioned in your introduction, natural hazards including flooding, drought, heat waves and severe storms are intensified by global warming so as emergency manager I see very clearly how important it is for the city to do its part to reduce climate impacts, and I think this proposal is very worthwhile for that reason alone. In terms of local vulnerabilities, the critical energy infrastructure hub the tank farms in Linton is an area of significant risk for the entire state of Oregon. The particular issue of earthquake risk in Linton has long been an area of focus for our bureau and as part of the update to that natural hazard plan which council adopted, pbem commissioned a focus study on the Linton area and what our consultants found that the majority of the facilities in the cei hub are constructed to no or low seismic standards and they're mostly located on soft liquefiable soils that are typically associated with



November 10, 2016

increased seismic vulnerability. So the code changes that are proposed today limit the expansion of these facilities and that is another reason to support it. I think there's more work to be done in this regard with respect to building code and getting at the retrofits of existing facilities, but one more thing as you already alluded to, pbem as a small bureau so in addition to being the lead, I am the recovery manager for the northwest 23rd gas explosion. That explosion was incredibly dangerous and disruptive. It also involved a very tiny amount of fuel compared to what is stored in even one small industrial storage tank and I think this incident reminds us even with a fuel like natural gas, which is generally very safe and a technology that's very well understood, nothing is fool proof so preventing new large terminals inside the city limits is the only approach that is 100% certain to protect residents of Oregon's largest city from a major accident so this is a third reason why the bureau of emergency management supports these changes. Thank you.

**Hales:** Thank you. Nate thank you for coming.

**Nate Takara, Portland Fire and Rescue:** Thank you, mayor and commissioners. I would like to thank director Anderson and her team for the work they've put together to get the fossil fuel zoning amendments brought to you this afternoon. I support the concept of finding ways to limit the growth of these facilities. I do have some concerns with the proposal because it primarily focuses on limiting the growth of these facilities. Unless there are additional steps that are being considered to complement this amendment the proposal alone will not make these facilities safer today. In recent years when these facilities constructed larger tanks, they were mandated to install these tanks to current fire life safety standards. The tanks are larger than the ones being replaced there are cumulative benefits with new tanks. When new tanks are installed to current requirements and from the fire life safety perspective, they are considered to be much safer than the ones being replaced. Just as important, during the installation, several key fire life safety components are evaluated, such as containment, spill control and fire safety equipment to ensure that they meet current code. Overall, this has a positive impact on the overall safety of these facilities. Moving forward I believe in order to make these facilities safer, we have to limit the size of these facilities and create initiatives for initiating development of new code requirements for mandatory structural and fire life safety upgrades for existing tanks to meet current code requirements.

**Hales:** Thank you very much. That's exactly what I want to make sure we report back because there's more work to be done besides a policy and the zoning code itself so thank you. Questions? Thank you, both very much. So we have a couple of panels to call. First involves policy makers that are affected by this. Thanks to our tribal liaison, we have made sure that we always are in good communication with tribal governments, we have the grand ronde here, mayor Arlene burns, the mayor of mosier. We're going to have the hood river city council member. And representative lew frederick from here in Portland and the district that contains all that liquefiable soil you just saw. Senator-elect: Thank you, lew frederick. So welcome, good afternoon, so good to have you all here.

**Kathleen George:** Thank you very much. Thank you very much. Thank you so much for inviting the grand ronde tribe to speak to this important issue before you today. Our relationship with the city of Portland is of critical importance to us and of great value and we always appreciate you including us when decisions are made that affect our precious Willamette river, upon which Portland depends and many, many Oregonians depend. The confederate tribes of Grande Ronde, of course maintain their relationship with their seated lands and with this river and we return to the river every year to fish and to celebrate our fisheries which travel right through downtown Portland up the Willamette river to the grand ronde reservation. Our salmon and our eels reside in the Willamette and are affected by it and, of course, the lives of our tribal members and all Portlanders are affected by the river

November 10, 2016

and the pollutants that go into it. And, of course, the decision before you today does not occur in a vacuum and is not only considered in light of this particular fossil fuel terminal zoning decision. We know, of course, that our Willamette river is a super fund site and right now, the environmental protection agency, department of environmental quality and many organizations are considering how we can heal this deeply wounded river and so it is in this context that a consideration of expanded opportunities for pollution or safety concerns that could cause future pollution are of the utmost importance. The grand ronde tribe remains deeply committed to healing our fisheries that depend on this river and all the people who depend on the river. Tribal people and other people who rely on fish to feed their families are at higher risks whenever pollutants are in our river and in our fish and just as Portland harbor has the potential and is affecting our fish and people, pollution from safety threats at fossil fuel terminal zoning issues and facilities have the potential to affect that, as well. Not only do we have the recent tragedy in Portland of the explosion, but we also remember the mosier train derailment of the last year where our rivers were polluted. And we need to remember that the best laid plans can go awry. While we appreciate the opportunity for increased safety measures and the replacement of old tanks, we do need to share our concerns are that continued fossil fuel terminals development or other opportunities for expansion would introduce additional risk of harm to an already damaged and degraded ecosystem and that any continued fossil fuel terminal development would be unacceptable to grand ronde because we feel that right now as a community of Oregonians, our focus needs to be on improving our safety, healing our river, our fisheries to protect our people and the potential benefit of fossil fuel development in our opinion has not been shown to be worth the cost to Oregon's priceless resources. I thank you for the opportunity to talk to you today.

**Hales:** Thank you very much for being here. Thank you. Mayor burns, welcome.

**Arlene Burns:** Thank you very much for the invitation and for all the hard work you are doing. I'm Arlene Burns the mayor of mosier. We need to proactively address the threats imposed by the fossil fuel development that will negatively affect not only the city of Portland, but all communities along the tracks. As everyone knows on June 3rd, the city of mosier experienced the derailment of a train of crude on its way to an existing terminal in Tacoma. It was going less than 30 miles an hour on a relatively straight piece of track, only because it was a rare windless day we did not lose our town. We are experiencing four or five of these trains per month, but if the Vancouver facility is built or expansion of existing facilities in Portland is allowed, this could increase to four or five unit trains a day or more. We are fighting for our lives in the Columbia river gorge as infrastructure development is being pushed even in front of mosier where the train derailed to facilitate the proposed terminals even despite the fact that ours is a national scenic area supposedly protected and protecting tribal rights. We need your help. After yesterday's national election, one thing is clear: It's up to us to be the innovators and the leaders in progressive city codes and resolutions to not only protect our future but to be a template for the rest of the country, especially in the light of seismic risks, we need to focus our efforts on industry development that will not increase the hazards during a seismic event. I'm thankful and probably never prouder to be an Oregonian and serve as an elected official because I believe that the future is in the hands of committed individuals who collectively can lead the way to a sustainable future. Mayor hales and this entire council have shown leadership by passing a landmark fossil fuel resolution, by adopting binding rules that take bold action, you will also be helping all of the towns along the tracks, daunted by the possibility of the Columbia river gorge becoming a super highway for fossil fuel transportation. I urge this council to take the strongest stand possible, not only to protect our future but to lead the way. Thank you.

November 10, 2016

**Hales:** Thank you very much. Appreciate you being here. Welcome.

**Peter Cornelison:** Thank you. Thank you, mayor Hales and commissioners. My name is Peter Cornelison and I'm a council member from Hood River, Oregon. And both the city of Hood River and the county of Hood River have passed resolutions unanimously opposing fossil fuel by rail in the Columbia River Gorge. The oil train fire and spill that happened in Mosier this summer was only seven miles away from our city of 7,000 people. So we're quite at risk. In the gorge, we live under the daily threat of another oil train explosion. This summer, when the derailment happened in Mosier, I-84 was completely shut down, as well as Washington Highway 14. And most local fire departments were responding to the emergency in Mosier. They weren't available for any local emergencies. We see your fossil fuel resolution as the best way for our communities to be protected. We know we can't stop rail traffic, but if the terminal capacity is not there, then they won't be coming through the gorge. We salute your leadership on this issue and the work you have done on a climate action plan. We in Hood River look at that as an example as we try to craft our own. Thank you.

**Hales:** Thank you. Mr. Frederick welcome. Senator-elect Frederick, you've got to get used to that new title. Thank you for being here. Push the button on the base of that microphone there.

**Lew Fredrick:** Thank you very much Mayor Hales and members of the city council. I'm Lew Frederick, state representative from district 43, north and northeast Portland and senator-elect from a district of a larger area that has the same description. My senate district includes import and export facilities that serve the entire state. In fact, just about any goods coming to or leaving Oregon have to pass through the facilities in my district, that's the airport, railroads, Columbia River, Willamette River, it's the port of Portland east of the Willamette River basically. It's a pretty large-scale area. Looking forward to it. Now that represents substantial opportunities for those who live nearby, but it also represents substantial risk when we talk about the movement of fossil fuels. While a major incident would be catastrophic to the state, it could very well be unsurvivable in large areas of northeast Portland. And recovery to the extent even possible could last longer than the market for those fuels. It should also be known we get them back in the form of greenhouse gases and pollution on the prevailing winds. The picture of how unsustainable that is becomes terrifyingly clear every day. Portland's climate action plan sets a goal of 80% reduction in greenhouse gas emissions by 2050. We can't get there without moving faster than we are. This is a global problem. The repercussions, the human costs depend on what happens in China just as much as here. We can't at least in the short term count on effective action at the federal level. I believe Portland should exercise whatever authority it has to limit both local and global use of fossil fuels. This problem belongs to all of us. And after the events of this week, this is a time for us to show what stewardship of the environment and our neighborhood looks like. Maybe we can teach the rest of the nation what a future can be. Thank you for giving me this opportunity.

**Hales:** Thank you all.

**Fritz:** May I ask a question. Obviously, the big question here is should we allow the 10% expansion in order to encourage building of tanks that are earthquake safe. So I'm interested to hear your thoughts on that specific question. Is it worth giving a little bit of expansion in order to get some seismic upgrades? We're not allowed by the state yet to just say you must do it by then. So where do each of you come down on yes or no on the 10%?

**Fredrick:** I think the 10% acts as an incentive if we can get something done. We need to get something done quickly and that's the concern that I have. Not only something in terms of seismic issues, I'm very concerned about the seismic issues. The report that you just

November 10, 2016

heard from your city sustainability person was saying very clearly there's zero to maybe a few percent of those tanks that are, in fact, safe enough in case of an earthquake and we're not talking about the huge earthquake, just an earthquake. And the fault line is right there. The liquefaction issues, I'm reminded of what took place in the world series quake in San Francisco. Where the downtown became jello if it becomes jello under those tanks, we lose north Portland.

**Hales:** Thank you. Other thoughts on that question?

**Burns:** I'm not sure exactly what the 10%, that ends up being quite a lot, but I agree that whatever one can do to upgrade the tanks to be more safe, for example, what's happening with the railroad right now, they have these other tanks for shipping crude, but they're not going to be online for a long time and in the meantime, the CEO of Union Pacific told us that oh, we're charging them more per tank to use the old ones so the railroad is actually profiting more using the old tanks so they don't have much to get them online, either. I think it's a crucial issue and if that incentive could really manifest itself as a requirement, it seems worth it. But otherwise, it's bringing us a larger burden to the situation.

**George:** And I would have to agree on behalf of the tribe. Philosophically we would prefer to not have any expansion of capacity. And that being said we understand that as the situation is today there is really no other incentive to encourage that change and being as aware as we are of the seismic issues here on the Willamette river and in the heart of Portland, with our community all around us, it seems that, you know, safety has to be of paramount importance if this serves as that incentive, I think it's necessary at this time, although unfortunately, we really don't want to see more fuel there.

**Hales:** Thank you. Thank you very much. That helps. Thank you all. Okay a couple more people to call, and then we'll turn to the sign-up sheet. We have a representative of our planning and sustainability commission, the most overworked volunteers in Portland Gary Oxman. And Pam Neil the Portland development commission with an economic analysis.

**Gary Oxman:** I'm Gary Oxman of the planning and sustainability commission. First of all, the commission was extremely enthusiastic in support. We see that as an integral part of the climate action plan and a very important step to be taken. We were also very concerned about safety and specifically the risk of an earthquake and large-scale earthquake. Basically, that kind of earthquake occurring in the high-risk soils where most of the fossil fuel infrastructure is located currently will produce a local and regional environmental catastrophe and will also produce a local human health catastrophe. Surviving without fuels in a post-earthquake environment is going to be a very, very bleak situation. So that imbued a lot of the commission's thinking. We also, while we did not take a formal position on other approaches to seismic improvement, we did have some rich conversation about that and particularly the desirability of a comprehensive approach to seismic stabilization. As has been outlined by others, other panels, basically the planning commission took four changes to what was originally proposed to us as a policy in the zoning code. It reduced the size allowed for new fossil fuel tanks from 5 million down to 2 million gallons and again that was thought that that produced adequate flexibility for people to continue their business and to blend environmentally sustainable fuels, but at the same time, attempting to discourage the use of large unit trains for oil transport. Secondly, we went with the decision to go with a limited use than other options, specifically what we heard from testimony is that the current providers and the current businesses that run fossil fuel need some degree of certainty about what the environment is going to be and so the limited use created a clear pathway to future seismic stabilization. Going along with that, the third recommendation was we decided not to require land use review and again, we wanted to clear a path and it wasn't clear what a land review would really add in terms of value to considering proposals for tank replacements or seismic upgrade and lastly, we

November 10, 2016

added what we thought were some pretty good protections against aggregating multiple small businesses into a larger business that effectively overcomes the limit and so we tried to cut that off. So that was really basically the approach that the commission took. I would be happy to answer any questions.

**Hales:** Thank you very much. Appreciate your work on this and everything else we've put on your plate. Appreciate your work on this and everything else.

**Oxman:** On behalf of the commission we thank you.

**Hales:** Thank you. Welcome.

**Pam Neil:** Thank you. Hi, Mr. Mayor, commissioners. I'm Pam Neil and I am the clean energy liaison for the Portland development commission. I am going to give you testimony about Portland's clean tech economy. Portland's 40 years of progressive policy around climate and sustainable innovation has made the city's internationally renowned as a place that has found the balance between growth and the quality of life. In the past it's been difficult to quantify the size of our clean tech sector because of the federal government's industrial classification system not adapting to the industry. For example, an employee at Portland's indo windows would be classified under building materials rather than as a manufacturer of highly efficient window materials. Under the leadership of Mayor Hales, we recently did a pilot with the C-40 climate leadership group that sought to quantify what is called the low carbon economic goods and services sector. While the information hasn't been publicly released, we do have top line analysis to share that can finally demonstrate a link between Portland's climate leadership and the creation of the sizable industry in itself. The data shows that the low carbon economic goods and services sector is a \$10 billion industry with an average of 5% growth since 2012. The sector has an employment of almost 47,000 and is composed of 2,450 companies. Portland has been in the position of being a net exporter of low carbon goods and services. This data includes Clackamas and Washington counties in addition to Multnomah, but we believe this is an accurate look at the local sector. Other analysis we've conducted shows that the sector is very rich in middle wage jobs defined as earning higher than 42,000 per year and requiring less than a bachelor's degree. Portland has never been afraid to prioritize sustainability and the health and wellbeing of its people. As we've demonstrated by removing a highway on our waterfront and making a park. We were the first city in the U.S. to have a green infrastructure and a green building policy. We were early to sign up for the Kyoto protocol and we signed onto the historic Paris climate agreement. We brought back the modern street car and last fall celebrated the completion of a multimodal bridge that excludes cars. We've created the thriving and equitable 21st century economy that sees vast potential for growth as the world looks for lowering carbon we've created a Portland brand around sustainability and innovation that recognized around the world, whether it's China, Japan, or our sister city in Guadalajara, Mexico, which I recently visited with a team from Portland and the Mayor's office. The trajectory of our climate policy has been working. We will continue to embrace the policies and the programs that have fostered a better city for job creation for Portland's residents.

**Hales:** Thank you very much. Appreciate your work. Questions? Thank you both very much. Okay we're going to turn to public testimony. We're going to give students a chance to come first, that's good news and bad news. It's good news because it's great to hear from students. It's bad news because they're a hard act to follow. If you're here as a student, come on up. Please. Welcome. Good afternoon.

\*\*\*\*\*: Good afternoon.

\*\*\*\*\*: Good afternoon.

**Tyler Honn:** My name is Tyler Honn.

**Gaby Lemieux:** I'm Gaby Lemieux.

November 10, 2016

**Tucker Holstrum:** Tucker Holstrum.

**Honn:** And we all attend Lincoln high school.

**Honn:** It is great to once again see the members of the city council after our visit last Thursday. During our time in school and in the first months of our environmental justice and sustainability class at Lincoln, we've learned about the issue of climate change. We've learned how without immediate action; the fate of the world will be imperiled within our lifetimes. The entire world was held hostage by the imminent threat of nuclear annihilation presented by the arms race between the Soviet Union and the United States. However, the issue of climate change is significantly more frightening. Unlike nuclear war if we do nothing and continue down the path we have followed for decades; climate change will wreak havoc on our world.

**Lemieux:** We have all lived in Portland our entire lives. We have visited other countries and states, but we always long to return to the rich green forests, the staggering snowcapped mountains, the broad powerful rivers and the open hearted people of the northwest. Many times we have driven through the gorge and thought aloud how lucky we are to live in a place of such unparalleled majesty. But now every time we witness the beauty of this corner of the world we cannot escape a certain lingering sorrow. We imagine that so many of the things that we love might soon be gone. We see the trees parched, the mountains defeated and unable to carry snow, the rivers choked and empty of salmon, all ravaged by climate change. And these worries are not just contained to the beautiful Pacific Northwest. Across the world, it is already happening.

**Holstrum:** We constantly hear our elders say they shouldn't have left us with such a mess. While these things are true we cannot afford for you to simply pass this issue on to us. We have to stop building new fossil fuel infrastructure now. Yet fossil fuel companies continue to operate unchallenged by the government and intend to extract five times as much carbon as we can safely utilize. We don't have time to wait around. We need to start an aggressive transition to renewable energy now.

**Honn:** In spite of the challenges ahead, we've found huge sources of inspiration in our own communities. The walkout at Lincoln was a turning point for us. We looked across the Hawthorne bridge. The line of students was so long as the protest spanned the entire bridge back to the west side. Over 1,000 students walked out on September 7th. When we saw that there were people willing to stand up for what they believe in, we knew we didn't have to wait around and hope for a better future. We knew that we could start shaping our own destiny. However, change cannot wait until our generation begins to run for public office and to write our own legislation. The change has to start with you. If we don't begin right now, by the time we are old enough to hold public office, it will already be too late.

**Lemieux:** We heartily appreciate the city council's support to stop the development of all new fossil fuel terminals and to limit the construction of petroleum storage tanks under 2 million gallons. However, we must stress the need for tighter restrictions. The city of Portland needs to do more than just banning holding tanks over 2 million gallons. We need a full ban on all new storage infrastructure. The 10% expansion would make the city liable for millions of gallons of additional fuel capacity it would increase our future contributions to climate change or devastate the river and surrounding waterfront in the event of a seismic disaster. So if a 10% volume expansion is truly the only way to ensure our safety in the event of a seismic disaster, then I simply express my frustration and hope deeply that the irony is understood by all of us and that our message will not be lost on fossil fuel companies.

**Holstrum:** We are done waiting. The initiatives already passed in the city should constitute the jumping off point for a better future for all, one that is healthy, just and sustainable. We need a fundamental change in the way that we address our priorities. We must follow an

November 10, 2016

ideal similar to that which was outlined in the Iroquois confederacy. We must consider the impact of our decisions on the next seven generations. This would allow us to stop the acting as if short-term economic growth is more important than all else and favor a cooperation among people, governments and the earth for the greater good of all on this fragile planet. As nasa's voyager one spacecraft was flung out of the solar system at 11 miles per second the onboard cameras were pointed back towards the earth.

Encapsulated in the sunlight was a tiny, pale blue dot, a world teeming with life against the back drop of near infinite and hospitable space. This is our world and we stand as a city on one small corner of it. While our world is in a cosmic sense fragile and small this only verifies that as the care takers of this world, we have the chance to begin an aggressive global transition away from fossil fuels right here right now in Portland. We believe that banning all expansion on fossil fuel storage facilities in the city of Portland is the only logical next step. The only one that can result in a promising future for the city and the world. We need to write the history of the world and be on the leading edge of change. With questionable support for climate action from the federal government for at least the next four years the role of local governments in this movement will become much more important than it has already been. We urge you to do all you possibly can to confront this issue for it is the greatest one our species has ever known and your generation is the last that can put us on the right track in time.

**Hales:** We do make an exception and applaud for students here. [applause] thank you very much for being here. We do make that exception in part because some of the best moments of being on this council for us is when we do hear from students. We heard from students in our budget hearings about the importance of our parks programs, we hear from students about tough issues like bullying and we hear from students about this issue the most important of our time so it's really for us as policy makers, we get to listen to a lot of adults, but you're a special category and that's why we give you special treatment so welcome.

**Mimi Rupert:** Thank you. Good afternoon, my name is Mimi Rupert.

**Haile Peveto:** And I'm Haile Peveto

**Rupurt:** We are a part of the inaugural environmental justice and sustainability class at Lincoln high school. Last week in preparation for this hearing our class marched down to city hall to speak with mayor Charlie hales and city commissioners nick Fish, Amanda Fritz, Steve Novick, and Dan Saltzman we demonstrated our upmost support for the ban on any new fossil fuel infrastructure through the strongest fossil fuel zoning codes up tp date. In return, we were praised for our student advocacy and direct action. When reflecting on the event later in the day, there was one word that seemed to perfectly sum up our morning: Empowering. As students who have been studying climate change in the classroom for two years, we were ecstatic when given the incredible opportunity to take direct action and fight for our future and the future of generations to come.

**Peveto:** There are a multitude of things you think about when you're young and considering your future. Your hopes, dreams and aspirations, your family and career and your happiness and for the most part, young -- and for most young people those fantasies are filled with optimism and excitement, but for my generation and the generations to follow, our futures are burdened with conditions, limitations and destruction. We can no longer separate our future from the devastating effects of climate change and so many people are already living this heart-breaking reality. We are lucky enough to live in a developed country with good infrastructure and desirable location, but many are shrouded in ignorance. As if this problem is so bad, but climate change doesn't wait for anyone and soon it will be our turn to face the devastation. Sadly, by the time our earth reaches its boiling point, I will be turning around, 46 years old. My potential children will be around my

November 10, 2016

age now and their climate will be completely different than the one I grew up with. They will not have the luxury of experiencing everything our beautiful earth has to offer because it will no longer be the planet that we know now.

**Rupurt:** This ban is more important now than ever with a leader who has no intention of addressing the severity of climate change and actually has the intention of setting us many steps back, it is imperative that Portland be at the forefront of this environmental movement and set an example for the rest of our nation. The city of Portland has already been such a pioneer in advocating for change. And this ban solidifies that by banning all future expansions on fossil fuel storage infrastructure. We are promoting morality, we are promoting justice and we are promoting a better future so please consider our lives as the next generation of leaders, the lives of those already suffering and those yet to be born when making pivotal decisions, such as the one to be made today. Thank you.

**Hales:** Welcome. [applause]

**Peter Sallinger:** I'm Peter Sallinger, I go to Grant High School. Tuesday, November 8th, 2016, we elected our next president. In doing so, we elected a man who believes among many other things that climate change is a hoax created by the Chinese. We elected Donald Trump, a man who has refused and will continue to refuse to listen to the science that has been proven over and over again. And in a time like this, we have a tendency to panic, to say what have we come to and to walk away from everything we have been fighting for, but we cannot. For it is in these times that we must stand up and as Hillary Clinton said on Wednesday, never stop believing that fighting for what's right is worth it. We have a historic opportunity to do what's right and to walk the talk. We have the opportunity to show cities around the nation that we can make a difference and that we will continue to fight for our children and our children's children, no matter who stands in our way and that we will live up to the green image that people across our country conjure when they think of Portland. Today, we as Portlanders must take this huge step towards preserving our world for all those who will follow us. We will show everyone that Portland will not back down by leading from example and we are not afraid to make a difference. I hope that after today, we will be able to look back on what we have done and celebrate this as a historical accomplishment and one that shall not be forgotten. That being said I believe there are still things we can do to make this an even stronger victory. Let's fix any loopholes that allow for smaller facilities and take out anything allowing for facilities to get 10% larger in exchange for seismic upgrades. We here in Portland do not have to exchange bigger facilities for safer facilities. We need to lead by telling fossil fuel companies that keeping the people of Portland safe is an obligation, not just something they do merely for the sake of creating larger facilities. I hope that today, we can honor those who will come after us by showing the world who we are in Portland. I would like to thank the mayor as well as the rest of city council for leading the way and voting to ensure that Portland is safer and more environmentally friendly and we will continue to fight for what we know is right.

**Hales:** Thank you all. [applause] more students to come up? Yes, come on please.

**Sophia Smith:** My name is Sophia Smith I'm 16 years old, I can't vote. I'm scared for my future because for the next two years I have little voice in it. I'm counting on this city council to protect my home and protect my generation and those after me. For we are the people who will have to live through the decisions we make today and in the future. Two days ago, our country elected a president who thinks climate change is a hoax. What does that mean for the future of this earth, as the U.S. is the second largest contributor of fossil fuels and carbon emissions. Having Trump elected, I'm not only scared for the basic treatment of all Americans, but I am scared if I will even have a future where I can keep fighting for human equality. We have so much power in our country to shape the future. It



November 10, 2016

starts with local governments who have the ability to take a strong position. We are fortunate in that in the pacific northwest, we don't see immediate extreme impacts of climate change, but by the time we experience the repercussions, it will be too late. We have to stop thinking about profit and think about all the people in this world who are affected by our actions. We are not asking for a lot, but we need to take a stand and stand firm and allow no expansion or creation of fossil fuel terminals. Our window for stopping global warming is slowly closing meaning why would we create this resolution if we are going to do less than we can? Instead of doing a second rate job, which we have done so many countless times in the past we need to do as much as we possibly can so all of us have a future I am proud to live in. All we have time for is to take action and to do it right. If we weaken this resolution, time will run out before we have a chance to fix our mistakes. When you were children, did you think about the health of this planet and worried if you were going to have a future? Did you have to stand in front of your government just so your life would be protected? That is what I have to do because my future is being put below the wealth of companies. And endangering our planet. As a country we need to realize the only people we want to help with a decision like this is ourselves. That means we can't weaken our actions. We have to do all that is physically possible. Last year when the city council unanimously passed its resolution to create a stronger regulation for fossil fuel companies and no new fossil fuel infrastructure I was so proud to live in Portland and I began to feel hopeful for my future. I want to live in a world where I'm proud of the actions of my government and what they have taken so I can live a happy, healthy life. That can start here in Portland, Oregon, by standing firm on no new fossil fuel infrastructure or expansions. Thank you.

**Hales:** Thank you. Welcome. Who would like to be next?

**Shannon Doyle:** I'm Shannon Doyle I'm 12 years old and I'm here today because it is a human right to have clean air and water. I have grown up in this wonderful city, it's a beautiful masterpiece. The Columbia river gorge has in some ways made me who I am. It taught me how to hike, how to fall, it taught me what my place is in the world. And most importantly it taught me how to be myself. The Columbia gorge has shown me how I am connected to every living thing. That is why we must do everything we can to protect all life. I recently read an article published in the guardian about the estimated decrease in the animal population. It states that animal populations plummeted by 58% between 1970 and 2012 with losses on track to reach 67% by 2020. Researchers from world wildlife fund and the zoologic society of London compiled the report. In four years I will be 16 years old. In that time, if we do not decrease our fossil fuel consumption, more than half of our current animal populations will be gone, extinct. Portland, Oregon is leading the nation to clean energy. We have risen together to do so many amazing things. We have dangled from bridges and blockaded shell. We have a Portland climate action plan as well as a Portland public school climate literacy resolution. Last year, when you voted for no fossil fuel infrastructure, it gave me hope that we would soon meet our city's goal to achieve 40% reduction in carbon emissions by 2030. That means we must follow up and stay strong. We cannot be weak. We cannot have any more fossil fuel infrastructure built. We must not let companies make short-term profits and endanger the lives of the residents of Portland and our own blue dot, earth. Together, we can say yes to clean air, clean water and a healthy planet. Thank you for your time and opportunity to speak with you today.

**Hales:** Thank you. Welcome. [applause]

**Jack Strobel:** Hi I'm Jack Stroble, fossil fuels are not going to go away on their own. They're like a weed. We need to pull up its roots or it will never go away. We can't take our time and hope they'll leave it's about time that Portland became independent of fossil fuels. We have a golden opportunity and we need to use it to better our lives, to improve our city,

November 10, 2016

to say no to new fossil fuel infrastructure. Ever been to Los Angeles? There's oil rigs everywhere, even in the city and worst of all, there's a giant smog cloud that covers the city from all the fossil fuel emissions. I don't want that to happen to our beautiful city of Portland. I don't want the Willamette river to be lined with fossil fuel infrastructure. We don't want oil pipelines snaking through forest park. And we can't risk it. Just one oil silo could break and flood into the Willamette, killing thousands of fish, and then it would flush into the Columbia, hurting the salmon and finally, flushing into the ocean, blackening our beaches. We don't need another oil spill epidemic. What we need is to say no. We can switch to renewable energy; we can improve our dams. We have to choose to fight. The people of Portland want this, the men, women and children of Portland want this. Together we can cut our fossil fuels. We can say no. Say no to all the fossil fuels. We are saying no and so can you.

**Hales:** Thank you all very much. [applause] okay any other students besides these? You may be battling cleanup for the student team. So welcome.

**Eleanor Wardlaw:** My name is Eleanor Wardlaw and I'm 14 years old. As young people in the country currently very divided on such an important topic we are at times voiceless. Without the ability to vote it is easy to be left out of the political process. That said, we are the generation that will be the most impacted by decisions like these. Prohibiting fossil fuel Expansion and standing up to the corporate greed that drives climate change deniers sets a vital precedent for the rest of the country. When many leaders refuse to acknowledge the effects people have on climate change, it's important to take action on this delicate issue. Thank you.

**Hales:** Thank you, welcome.

**Hannah Witscher:** My name is Hannah Witscher I'm 15 and a freshman at grant high school. The republican congress and the president elect made it very clear they do not view climate change as an important topic and the threat that it is to today's world. If they will not act, it is our duty to. If we can make a difference, we must. We should not value the life, health and safety of the people in our community as lower than the chance of a company to make a profit. We need to say that oil companies and fossil fuels are a bad thing and that they are a huge risk to our environment, both the actual oil and the carbon dioxide that they produce. Global warming is a huge issue if we can make a difference we must; we have to fight for our future before it is gone. Thank you.

**Hales:** [applause] good afternoon, and welcome.

**Lilly Mason:** Hi my name is Lilly Mason.

**Olivia Magaret:** And I'm Olivia Magarat. we are students from Sunnyside environmental school.

**Mason:** Last year, three of our fellow friends and students came here to testify against any future fossil fuel infrastructure development in the Portland area. The council unanimously approved this resolution and promised to enforce it. This felt like such a breakthrough and start of a healthier community, but now, we feel cheated. With these proposed rules, new infrastructure with under 2 million gallons of fuel would be accepted. This would allow more greenhouse gases to be emitted into our atmosphere, which is harmful to everyone everywhere and there is no way we can ignore that. We also know that any new fossil fuel infrastructure that would be built no matter what size would be here for 20 years or more and we don't have time for that. The fossil fuel industry has known for decades about global warming and we don't understand why they should be rewarded for destroying our planet.

**Magarat:** Right now, Portland has a chance to prohibit all new fossil fuel terminals and require existing facilities to make seismic safety improvements without expanding. As 13-year-olds, this really matters to us. Our planet is in serious trouble. Humans are killing the

November 10, 2016

earth and each other. As you know all fossil fuels emit greenhouse gases and other harmful pollutants when burned. These emissions lead to serious, universal and irreversible consequences. We are already beginning to see the impacts climate change has on our way of life. Polar ice sheets and glaciers are melting, resulting in rising seas, temperatures are increasing and many species are at risk of extinction. It is our responsibility to do something to fix this. Building more fossil fuel facilities is not the answer and by-passes all progress our city has made to break free from fossil fuel dependence.

**Mason/Magarat:** Our dream is that someday Portland will be able to run on almost all renewable energy. We can only accomplish this if we stand up for what we believe in and protect the place that we call home. Thank you.

**Hales:** Thank you. [applause] I told you they would be a hard act to follow. I cannot imagine more of a contrast between the disheartening insanity of this week and the hopeful leadership that we see from young people in this community. Let's hear it for our students. [applause]

**Fritz:** Before you go students, we learned that we're not allowed to just require the tanks to become seismically upgraded. We're going to need your help to go down to the legislature in the new year to get that changed. So in 10 days' time on December 1st we're going to be holding a legislative agenda advocacy training at the city and it's going to be tabors base on SE Belmont it's from 6-8 you would be very welcome to come so that we can help you prepare for making your case to the legislature because I hope you do just what you did now. Thank you very much.

**Hales:** Thank you.

**Novick:** The fight against climate change takes many forms and we here at the council are going to take up an issue soon which relates very much to what extent do we require new parking to be built with new residences and when we require new parking spots to be built, that continues to build society around the car, which encourages people to keep on driving and releasing carbon so I hope that you will turn out to encourage this council to reduce parking minimums as part of the effort against climate change.

**Hales:** All these opportunities for activism.

**Fritz:** Just one more thing, commissioner Novick calls it climate disruption, which is much clearer than climate change. Climate change is having a 70-degree day on November 10th here in Portland, Oregon. It's nice if you're outside, but it's not right. So we've got to all be very focused on the language that we use and the way that we use it so we're working together in the ways that we can. Thank you very much.

**Hales:** Thank you all. Okay. It's going to be a hard act to follow so we're going to move to the sign-up sheet and if you are here and you have a disability or if you have some childcare needs and want to get early in the queue, come to our council clerk and we'll scroll you in. Let's go to the sheet and folks can let you know.

**Moore:** I've got them off the list. I have a remaining 54 total testifiers.

**Gregory Monahan:** My name is Dr. Gregory Monahan I'm here in my capacity as the chair of the beyond gas and oil team for the Oregon chapter of the sierra club and I'm speaking on behalf of the sierra club. The Oregon chapter of the Sierra club supports an implementation of the fossil fuel policy which does not allow for any expansion of bulk fossil fuel terminals. It's clear to anyone who understands science or who is willing to look dispassionately at the evidence that climate change is real and that its effects are evident today. It is also clear that the consequences of ignoring greenhouse gas emissions will lead to a future in which the lives of our children and grandchildren will be very difficult. The results of the recent elections also make it clear that we cannot rely upon our national leaders to solve this problem for us. Leadership will have to come from the bottom up starting right here in our city. The united nations just released a report on the emissions

November 10, 2016

gap, that is the difference between the amount of greenhouse gas emissions needed to keep the temperature of the world from rising beyond 1.5 degrees Celsius and the amount we are currently emitting. The news is not good. In short, we need to radically reduce the amount of fossil fuels we are using and we need to begin to doing so now. Additionally, the staff report of the planning and sustainability commission makes it clear that overall demand for fossil fuels is already flat. It is reasonable to expect a decline as more electric vehicles are put into service. There is absolutely no rational basis for expanding fossil fuel infrastructure. Nowhere in the language of the resolution that you passed about a year ago does it list exemptions which allow for the expansion of the described infrastructure. In light of what we know about our climate and our national policies, it is imperative that we do not continue to expand fossil fuel infrastructure. Therefore, the sierra club urges you to eliminate the 2 million-gallon minimum and to eliminate the allowed expansion for seismic upgrades.

**Hales:** Thank you. Good afternoon, welcome.

**Marilynn Sewell:** Thank you. My name is Marilyn Sewell I'm the minister of the first Unitarian church and I have to say that hearing those young people just broke my heart. This council led by mayor Charlie Hales has passed the strongest land use code in the country, prohibiting all new infrastructure for fossil fuel export. Look at this picture. I think you will remember this incident.

**Hales:** Yes, we do.

**Sewell:** Tiny activists hanging from the St. John's bridge. They stopped Shell's massive ice breaker for 48 hours and pictures like this went around the world, and then through our emissary, once more our witness went around the world to the pope, to president Obama. And now, again, the whole world is watching in light of this election, what will happen to the climate movement? Do not think that what happens in this city council today is unimportant and, of course, on November 17th, we are important to the larger world. We know that the rest of the country watches what Portland does in many arenas and certainly in regard to climate. And so we are here today not just to testify but to witness. I'm using religious language because this is truly the greatest moral issue of our day or one might say of any day. We will all be accountable as moral agents if we fail to keep fossil fuels in the ground, all of it. The temptation always, always is to accommodate to power. But rather we must speak truth to power. In the words of that Spike Lee movie, do the right thing, it's in your hands, do the right thing.

**Hales:** Thank you, you're wonderful. Speaking of some people that had something to do with that, welcome.

**Mia Reback:** Thank you for considering today's amendments to prohibit both fossil fuel terminals. My name is Mia Reback I'm one of the organizers with 350 pdx. Almost exactly a year ago, we came before the city council and when we passed the city's opposition to new fossil fuel infrastructure in our city or adjacent waterways. And when we did that we said no to the long-term investments that lock us into polluting carbon emissions for decades to come, preventing any hope of meeting our carbon goals and our climate goals. When talking about new fossil fuel infrastructure, we're not talking about the next few years of fuel use. We're talking about the next five decades and the long-term course we as a city and a planet will take. Now is our chance to turn that resolution into binding land use law by changing our city code, sending a signal around the world and to our fossil fuel industry here that we're protecting our people, our land, our water and climate. Just last week, the Paris climate agreement went into effect, stating that world leaders are committed to keeping global warming between 1.5 and two degrees Celsius. But a recent study by Oil Change International aptly titled *The Sky's Limit* found that the committed emissions of our existing fossil fuel infrastructure alone will blow us past two degrees

November 10, 2016

Celsius. The principal finding of that study which I think to some is quite depressing to me is very hopeful. They found that in order to keep within these globally agreed upon limits we must build no new fossil fuel infrastructure, not some, none. No coal, no oil, no gas. And that governments who are prepared to move away from existing fossil fuels have to begin that managed decline immediately. Fossil fuels aren't going to go away overnight, but the actions we take today will dictate the future course of where they go. I encourage the city council to pass bolder versions of the fossil fuel terminal amendments. We should not be trading our safety for increased fossil fuel facilities. I encourage you to get rid of the allowance for 10% expansions and to look into further restrictions on small terminals in addition, prohibiting bulk fossil fuel facilities. Thank you.

**Hales:** Let's take the next three.

**Rob Mathers:** Good afternoon I am Rob Mathers and I am not a climate disruption denier. I feel like we've been invited to the barbecue and we're on the menu. We are opposed to the amendments and there's two principal reasons. I was going to go into the bottleneck reason first. You know, in order to use renewable fuels, they have to be blended with conventional fuels, at least in the foreseeable future and if there's a bottleneck created and if volumes have to be trucked into the region or the state from outside the region or state, then that is just the opposite of where you want to go with limiting greenhouse gas emissions and carbon emissions. With respect to the seismic resiliency issue, we feel that this will lead to disinvestment in the bulk fossil fuel terminals which will result in no improvements to seismic resiliency. My company Kinder Morgan and I'm here representing the working waterfront coalition today and Kinder Morgan. Our core values are to operate safely and compliantly and reliable and we rebuilt a tank in Linton. We increased the capacity by 30%, but that's what it took to justify the investment. And in wheel bridge, we increased our capacity, our overall capacity by about 23%, which is seismically resilient now as is the tank in Linton, such that what it took 20% increase in the capacity to justify that investment. So we feel that Portland is not an island. And that instead of being visionary and exemplary, that these land use restrictions and zoning changes are actually short sighted and very self-centered. Thank you.

**Fritz:** Can I ask you a question? You saw the northwest natural gas explosion in northwest. So wouldn't your tanks that aren't seismically stable, if there was an earthquake, wouldn't they produce an explosion many times more than that?

**Mathers:** I don't know if there would be an explosion, I don't know if there would be release. It could possibly happen yes.

**Fritz:** So is your company not worried about liability in that instance?

**Mathers:** Yes. We are.

**Hales:** The reason for the -- and we'll talk about this some more, the reason for the 10% allowance was we would hope that people would basically try to take market share from somebody else within the existing capacity by building a seismically resistant tank, our hope would be that companies that are worried about liability or have old tanks could, in effect, take that capacity from their competitors by building a safe one and we're not sure if we calibrated that right. You weren't necessarily taking market share, maybe you were given the demand is flat. You're taking market share from somebody else.

**Mathers:** But there has been. Last year, gasoline rose 2%, natural gas demand countrywide rose 3%. There probably are going to be more vehicle miles traveled here.

**Hales:** We're actually going down here and we're happy about that.

**Mathers:** I don't know maybe we need to check the latest statistics on that.

**Hales:** Okay well appreciate that.

**Fritz:** So your saying that the 10% increase isn't going to foster any change?

November 10, 2016

**Mathers:** No, that is correct it's going to not foster change and it going to lead to disinvestment and it's going to lead to these facilities being stranded and if that's what your intention is then you will achieve that goal.

**Fritz:** So mayor I think you put that forward as an incentive, if it's not I think we should have a discussion on if we need it or not.

**Mayor:** Right thank you, welcome.

**David Konz:** Thank you mayor hales, commissioners thank you for having me and the opportunity to provide comments on these zoning amendments. My names David konz and I work for tide water barge lines we're a tug and barge company headquartered in the pacific northwest and employ approximately 275 people. Tide water has been in business since 1932 it's the largest inland marine transportation company west of the Mississippi river. With 16 tug boats 170 barges and 5 marine terminals, tide water's vessels help move millions of tons of freight every year on the pacific northwest water ways reducing congestion on the state's highways and railroads while producing far fewer pollutants and carbon emissions than trucks and trains transporting equivalent tonnage. Likewise, our industry statistics and safety record show that the towing industry in the pacific northwest has one of the best programs for moving commodities securely and safely in our region. We have reviewed the proposed zoning and are concerned this will restrict economic development in the pacific northwest we feel energy terminals can be built expanded and operated safely in the city of Portland. These terminals have the ability to create positive economic impact and support new and existing family wage jobs in our region and the other thing we wanted to bring from our perspective as a water way user is that these may have unintended environmental consequences looking at the big picture. These changes would create uncertainty about these terminal existences and to robs points earlier about them stranded on an island, if they go away their key to the fuel supply network of our region and the sides the eastern sides of Oregon and Washington for example barging supplies about 50% of the fuel consumed in the tri cities area and barging also a for barge configuration is usually how their transported take about 538 trucks off the road and 140 railcars off the road. So if the terminals go away and the demand still is there even if its flatter slightly decreasing there still going to need their fuel and it's going to go through other methods so that's for every barge load that goes that's a potential of 538 trucks or 140 railcars traveling along the Columbia river gorge. So in conclusion tide waters an advocate for environmental stewardship and hopes to the city of Portland will consider a constructive dialogue with us and other stakeholders to generate an implemental fossil fuel distribution policy that addresses climate change. Public safety and environmental protection without significantly adversely impacting the viability of Oregon's economy and water front industry. Thank you for the consideration and the time to share out viewpoint.

**Hales:** Ellen Welcome.

**Ellen Wax:** Hi, Ellen Wax with the working waterfront coalition. The working waterfront coalition supports the intent for seismic safety and improvements in emission reduction. We do not believe this is a tool that will achieve the goal, we have concern about the unintended consequences per seismic upgrades resulting in disincentives. The working waterfront coalition has submitted a letter of testimony to the record and for the record the wwc thinks there is a – in the planning commission's recommendations specific to the storage structures definition it's not clear whether the limits on growth relate only to fossil fuel storage tanks or whether the limits on growth relate to pipes and other fossil fuel facilities associated with the existing terminals. It is our understanding during discussions with city staff that the city's intent is to limit growth related to the existing storage tank capacity and it does not intend to limit growth related to pipes and other fossil fuels facilities and infrastructure. We have submitted to the record clarifying amendments that

November 10, 2016

address this issuer by specifically stating fossil fuel storage tanks in the language. Thank you.

**Hales:** Thank you very much. Ok let's take the next three.

**Hales:** Welcome.

**Nick Caleb:** Greetings. I dressed up for you today I think last year I was here in a red t-shirt. I got a new shirt since then that is red. My name is Nicolas Caleb the staff attorney for neighbors for clean air and a professor at Concordia university. Today I'm delivering testimony for the center for sustainable economy, and my boss Mary Peveto I think will give testimony for mca a little bit. Last November after a year of wild action and debate about our role in the regional and global climate action we passed the fossil fuel and infrastructure resolution it was a huge milestone. We did this because fossil fuels posed health and safety risks to Portlanders and pretty much everywhere across the site of extraction through transport and when we combust these fuels. Since this time as has been mentioned far more eloquently by youth today threats have become more severe both political and scientific. Not only have the threats become more severe, but the city of Portland has taken the fight outside its boundaries as well so we have become involved in regulatory processes with regard to oil trains we also submitted resolutions in support of the standing rock blockade of fossil fuel infrastructure so our cards are on the table we're committed to this as a matter of policy and now it's just time to tie the bow on top of it. I think we can still improve the policy in front of us. I think the dialogue we just heard was very useful and understanding a key point of this whether allowing for a 10% increase and existing capacity will serve as a sweetener for investment representatives of an international fossil fuel company just told you that it won't so I think we shouldn't believe them, but the option isn't to allow 30% upgrades. We're not going to do that. I think what is in front of us, we knock down the cap on existing infrastructure we draw a strong line in the sand and we move forward from there into a renewable energy economy. Thank you very much.

**Alan Smith:** My name is Alan Smith and I'm a Portland resident natural gas is not a clean fuel saying its clean because burning it is less carbon intensive than the fuel it replaces is like saying smoking tobacco is healthy because it won't kill you as quickly as smoking opiates. Over a 20-year period methane is 84 times more powerful than co2 as a greenhouse gas and fugitive emissions have increased more than 30% above epa's estimate over the last decade. One scientist has said this is almost certainly due to fracking, according to the ipcc 40 to 70% of species would be doomed to extinction by global warming at 3.5 degrees Celsius. Climate change is estimated to kill 400,000 people per year already and the number is projected to exceed 600,000 by 2030. Billions of people migrating to avoid starvation from drought would cause chaos around the world to have a 66% chance of keeping global warming below 2 degrees Celsius 68% over two-thirds of the proven reserves must remain in the ground. The fuel terminal representatives claim these amendments are emotionally driven. This is a false argument and an arrogant one at that. It's also an example of attacking your opponent's character when you can't win a debate with rational arguments. It's true the dire warnings we hear from the scientific community stir emotion, especially when we hear the damage to life on earth is proceeding faster than predicted, but we should all remember that it's not just local jobs or lives that matter and there are no good jobs on a dead planet. I urge you to eliminate the allowance, 10% existing expansion of terminals and support the recommendation of pursuing seismic safety through billing code changes at the state level. Since the recommended draft was written, plans were announced for a \$2 million facility --

**Hales:** Go ahead, finish, please.

**Smith:** -- in Jacksonville, Florida. The 2 million-gallon threshold should also be limited so

November 10, 2016

that facilities like that can't be built in Portland.

**Hales:** Thank you. Welcome.

**Dick Harmon:** Good afternoon. I'm Dick Harmon. I live in Portland, I'm 80. I'm here as father, grandfather and great grandfather. I support 350's position on the ordinance and I want to thank the council especially Mayor Hales for stepping firmly into our new reality. We have run out of time on climate so the small adjustments as incentives is offensive. It is deeply offensively. We don't have time for that kind of stuff. We have in my view just been threatened by disinvestment. My reaction to that is let them disinvest. Let them reinvest by making up for the increase in demand by changing their business plan to invest in renewables and keep conservation. The other question here at root in my view listening to this, we have a liquid fuels catastrophe coming at us, so the mobilization of the people and the institutions of Portland to electrify transportation is critical. It's stupid we're in this argument over the safety of these tanks. Cut the liquid and go to electrification of transportation. We will back you if you lead on this thing. It's going to take big money. We can raise that money as a community to invest in that kind of electricity. We can negotiate with Detroit to speed up the entry of electric vehicles. So we don't have to take this stuff that the fossil fuel guys are saying. The last thing, it's about the children. I can't say it any better than the kids did.

**Hales:** Thank you.

**Bonnie McKinley:** Bonnie McKinley. I go to garage sales I set upon my voyages as a garage sailor in the 1970's. One Saturday in that long past decade I was garage sailing through southeast Portland. One sale stood out for its remarkable treasure shelf of cheap, cool stuff. I asked the couple why they were selling their precious belongings for so little. They explained they were being forced to leave their neighborhood. They had to clear out fast. Holding this garage sale was a small piece of the larger preparations to leave their home of 50 years. Why? They had been cancelled out of their long-term neighborhood. Their home and hundreds of others lie in the path of eight lanes of vehicles, the proposed mt. hood freeway. The plan was to have east to west freeways roll out in the southeast Powell/Division neighborhood. To the north and south additional freeway would plow through Prescott and Sellwood neighborhoods. Federal funds were in place. This thing was happening. Except, except, Portland still has those sweet tree blessed neighborhoods. The city of Portland changed course. It used its brain and heart and traded a foul smelling freeway for a planning prize that continues to impress the nation. Light rail our max lines. Things can change for good. Policies, city leadership, economic viabilities and public sentiment can change and make sense for the good of residents and for the environment. We can use our brains. We still have hearts. Let's use them when considering the perpetration perpetuation of fossil fuel infrastructure. No new climate bashing projects we will work for energy conservation and renewable energy and for all the employment they can bring to our city. The city of Portland, commissioners, people impress that nation. Again. This time with a glorious robust, visionary fossil fuel infrastructure resolution.

**Hales:** Thank you so much.

**Sarah Taylor:** My name is Sarah Taylor. I'm here to talk about the past, current and future materials of fossil fuels on newborns and maternal health in particular to premature babies. I live in a Linton, a place of two rivers of lakes, of wetlands and forest park, I live in the historic Linton community that was annexed by the city of Portland in 1915 for what looks like the sole purpose of turning a river community into a fossil fuel and super fund site. In 1962, the state of Oregon bulldozed Linton to make way for more fossil fuel infrastructure our small community has asked for a river front piece of land so we can rebuild and year after year this city council has denied a small park, a small piece of the river so that the fossil fuel community can continue to take over that river community, but



November 10, 2016

today I am here as a midwife in north Portland. I have delivered over 2,000 babies most of them in your city I am here to share that the impact of the fossil fuel industry on the unborn children in our community is devastating. Right now the united states is 36th in maternal and newborn health. This is largely because of environment factors African-American and Native-American babies are 2.5 times more likely to die in the first year of their life and it is increasingly obvious that this is because of fossil fuels. We live not just downstream, we live up and down a pipeline. I'm from Pennsylvania, where there is fracking john Hopkins university did a study. Babies born where there is fracking where our oil will come from are dying they are costing money they have huge medical bills; they have lifelong challenges that oil is coming through a pipeline at the expense of unborn babies. The fossil fuel fumes destroy women's estrogen read the science I will give you the studies. You are destroying a baby life before it's born, you are destroying its genetic makeup. You know the fish in that river are in trouble. The mothers on the banks of that river in my Portland community are in trouble. It is not because of poverty. It is not that our students in north Portland cannot learn. It's because we have polluted their rivers, their air, their soil, their mothers' uteruses, their wombs so that is down river in Pennsylvania where the fracking is happening. In north Portland, you know that you just failed to agree to clean up the super site, 16 of them and now you are saying that you are going to increase the hazard for north Portland children. I also worked in Haiti.

**Hales:** I'm going to wrap it up. This is a new point.

**Taylor:** I want to tell you down pipe, I've worked in Haiti for the last five years, I've watched hundreds of babies die. So what you do here impacts north Portland, the fracking babies and the babies on the other end and I ask you to think about the babies when you make that decision.

**Hales:** Thank you so much.

**Riah Sallee:** Thank you for giving us, all of us the opportunity to speak with you today.

**Hales:** give us your name.

**Sallee:** Sorry about that. I'm Riah Sallee. Thank you for giving us this opportunity. I support a full ban on all new fossil fuel terminals large and small and ask you to eliminate the projects below 2 million gallons. Additionally, I understand that there are other mechanisms to encourage seismic upgrades and to the extent that those can be employed. I support them over a 10% increase in capacity at existing terminal as is climate disruption was not enough derailments in mosier and elsewhere have given us a multitude of reasons to ask the city of Portland create policy that reduces oil train traffic through our precious Columbia river gorge not increase it. Climate change is the most pressing issue we face globally we cannot allow short-term corporate profit gain to trump the health of our people the safety of our communities and the environmental viability of this region. The city of Portland has the opportunity and I believe responsibility to continue to lead the way for other cities to follow.

**Hales:** Thank you. Welcome.

**Darise Weller:** My name is Darise Weller and I'm here as a very concerned citizen and a Linton resident. With our country about to be taken over by a man who vowed to reverse environmental laws and dismantle epa now's the time to stand up boldly to the fossil fuels industry's to stop cow-towing to big oil interests who are trying to make the city back down on this historic ordinance when actually there's a need to expand on this ordinance to insure safety. The Cascadia earthquake along with other fault lines make the locations where the tanks are located the worst possible place. Natural hazards are not only there is not the only problem that result in environmental catastrophes of epic proportions in the last few years we have had three near misses due to accidents that would have achieved the same disastrous results. Do not exempt northwest natural from fossil fuel amendments

November 10, 2016

many small tanks can quickly added up to a large storage facility. Code seven of Oregon land use laws state cities should pass zoning laws where hazards cannot be mitigated circle law requires responsibility make sure the insurance or assurance bond coverage is enough to include not only the environment cost of destruction and cleanup, but also the loss of life and property. If industries will not or cannot acquire that assurance they should move to safer ground. Make the tank farms move if they will not upgrade seismically to the highest standards needed. Do not allow storage railroad cars filled with hazardous materials to be stored in this area sometimes for days on end this amounts to mobile storage of fossil fuels. The dangers are greatly increased by railroad switching that takes place in the Linton area and there are many uncontrolled railroad crossings with tanker trucks loaded with volatile fuels crossing over them. We should not have to bear the consequences of fossil fuel industries that favor profits over people. Don't back down on the original ordinance of no new expansion. Make a bold statement. Protect us.

**Hales:** Thank you. Thank you very much.

**Eileen Fromer:** My name is Eileen Fromer. Climate change and greenhouse gas emissions will not stop because president-elect Donald trump is coming to the white house. This city must remain committed to transitioning to clean energy and meet its 2050 carbon reduction goals every step we take as a community to keep fossils fuels in the ground and transition to sustainable energy is essentially to stop global warming and the catastrophes it brings to life on earth. Portland has the opportunity to be the example of how communities can come together and get it done do not accept the 10% expansion of fossil fuel infrastructure tied to seismic upgrades. That is not necessary to achieve the seismic upgrade and is obviously a sneaky, backdoor way to allow expansion. Seismic resilience and upgrades are important and necessary to achieve as soon as possible for at risk fossil fuel storage tanks. However, there is no reason to tie this to the expansion of current fossil fuel facilities. Specifically, I encourage you to remove the words "plus 10%" from page 49 of the psc's recommendation.

**Hales:** Thank you, thank you so much.

**Rob Lee:** My names rob lee. When the gasoline tanker truck crashed into the rail tanks cars last summer just imagine how the first firefighters on the scene when they saw the numbers on the side of the cars indicated asphalt instead of oil or ethanol as it happened the gasoline fire burned it's self out after hours instead of having tank cars exploding right next to a giant liquefied gas tank in a chemical plant with its tanks of liquefied hydrogen. Imagine how city leaders would feel explaining how the city of Portland allows dangerous components to exist so close together and how we can only watch the ensuing catastrophic fire made its way along the river. Can't happen? Let me remind you this was one of recent tank fires in our area. Obviously adding any infrastructure to this dangerous situation is a fool's errand. It's time to start moving the tank farms to safer places, not adding to a situation that might explode even before the earthquake. Thank you.

**Hales:** Good afternoon.

**Debra Romerein:** Debra Romerein. Nope, it's not dead yet. Contrary to recent reports, Australia's great barrier reef has not been completely stuffed out, not yet. Only a quarter of the world's reef has been killed off this year and the rest is in mortal danger there have been three mass bleaching events reported on the reef since 1998. This year was unprecedented die off, the worst scientists have of seen. How many dead canaries does that equate to? I recently got back from Hawaii and it's happening there, too. The primary reason this is occurring is warming ocean attentions, the burning 'fossil fuels. Exxon mobile James black 40 years ago knew it, too. He said the likely manner mankind is influencing the global climate is through carbon dioxide side release from the burning of fossil fuels before all of us here know what we have to do. We have to reduce our

November 10, 2016

dependence on all fossil fuel. We already know that you have done something so important, something that really counts when you voted unanimously last year for a full ban on any fossil fuel infrastructure expansion. You were clear, resolute. Now is no time for half measures, watered down inserted clause is, back pedaling concessions, strong arming forces. Now is the time to show what other leader looks like. Let's chart a course for other cities to follow. You make me so proud to be from Portland. I want to leave you with one question. When I do my seismic upgrade to my apartment building will I be allowed through a code or zoning change to build 30% more rentable space to recoup my seismic upgrade cost of course, not. But I still do the right thing. Thank you so much.

**Hales:** Thank you.

\*\*\*\*\*: Yum.

**Theodora Tsongas:** Good afternoon. I'm dr. Theodora Tsongas I'm a member of the environmental working group of the physicians for social responsibility. And a member of the Multnomah county local emergency planning committee. The fossil fuel zoning code changes recommended by the Portland planning and sustainability commission are well thought out. I commend their restrictions of small fossil fuel terminals and their rejection of a request by northwest natural to exempt its facility's. The recommended code changes still raise concerns about public safety and pose a threat to our community and neighborhoods. You've been reminded of the fire that resulted from a collision of an oil tanker truck with an oil train, unfortunately the truck driver was killed fortunately the train cars burned, but did not explode it was a very close call for nearby industry's workers and residents in northwest Portland. In Mosier the derailed cars burned for days exposing residents and visitors to smoke as well as causing major disruption in the life of the town. Accident do happen let's not increase the likely hood of an oil fire we need to truly actively oppose expansion of fossil fuel infrastructure this means actively discouraging increases in demand for fossil fuel unit trains in Portland. A 10% across the board increase for the 10 large oil facilities listed by psc would result in additional storage of 39 million gallons of oil, equivalent to roughly 13 trains of crude oil. We must find ways to require seismic and safety upgrades without increasing capacity or we defeat the purpose of council resolution 37168 and 37164 and the climate action plan. Let's truly take the lead in combating climate disruption thank you.

**Julie Chapman:** I'm Julie chapman with the league of women voters of Portland. Any increase in fossil fuel infrastructure is not consistent with the league of women voter's natural resources and climate change position. Having followed the process of code development I've observed that the recommendations have ranged from unlimited expansion to no increase in capacity in the existing terminals. Last month three of the seven planning and sustainability commissioners voted not to allow an increase. The petroleum industry has exactly rushed to upgrade their tanks even with no size restrictions allowing the 10% increasing in capacity for existing terminals is arbitrary. Any increase is not compatible with state climate goals nor with Portland's climate action plan these goals do not state the exception unless we have an increase in regional population in fact, regional population increases are assumed in the calculations. The goals are a reflection of the important task before us, to leave behind the business as usual paradigm and to adopt clean energy policy. Good news, the cost for developing alternative energy resources are coming down all the time. We live in a state without a petroleum extraction industry and with the wealth of water, sun and wind. If any region in the world is well suited to shift onto renewable energy, it's Portland and Oregon. We urge you to exercise foresight and to stick to the goals you've adopted in resolution 37168. If cities lead, we'd like to be headed in the right direction.

**Hales:** Thank you. Welcome.

November 10, 2016

**Mary Vogel:** Thank you. Nice to see you again today I'm Mary Vogel as you know I'm a planning consultant who usually focuses on central city planning. But today I want to support the general direction of these zoning amendments I do want to question however the need to allow the 10% expansion of tanks in the proposal. I know our planning director Susan Anderson knows that urban design and Urban forum are critical to reducing demands, but Susan didn't mention the residential infill project that we heard yesterday that will allow more people to live in walkable neighborhoods as well as make more neighborhoods walkable. By the way, you can still testify on that or send testimony until November 16. She didn't mention your upcoming hearing on parking reform that commissioner Novick mentioned and she didn't mention the central city 2035 plan that I'm hoping will make it more walkable and bikeable. There are so many other policies that will lead to a decrease in demand. As excellent as the report is, I certainly learned a lot from it. It does not make a good case for the need for the 10% capacity increase. I want to support with so many others and ask you to take the allowance for the 10% expansion out. I also want to support the invitations from commissioner Fritz and Novick. Perhaps you could repeat the date, Amanda and the parking reform hearings as well.

**Hales:** Thank you so much. I want to make a suggestion in terms of process. I'd like to call the staff back up for a little bit of a work session on just some of the questions that have been raised because you and others have raised this 10% issue and we also heard from the industry about that so if that would suit the council, I know we're going to lose a quorum at five and we also had demonstrations that has the police bureau urging people to make travel plans a little differently. I'd like to take a little bit of a pause in testimony and just bear down on a couple of issues we've heard about, so certainly from my perspective, I think it's the perspective of this council, and I know it is, and I really know it is as you as professionals, there is no one beholden to the fossil fuel industry. My only interest in any mitigating factors in our turning policy into code is to make it work as a practical matter, to avoid getting overturned by some other government, and those are probably the only reasons. If the 10% threshold, which we intended for the reasons of encouraging seismic upgrades apparently isn't going to do that. What's the case for it?

**Anderson:** Let me toss out something. I think you can recommend 0%, but there is an issue of blending that is very real, in terms of having tanks to be able to do that and whether you'd be able to monitor that is unlikely. I think adding on an amendment that directs my fellow bureau directors at bds, pbem and fire to pursue new codes, so that you can actually require a seismic upgrade is from my perspective something to do. It will take years, though. So whether or not you want to go to zero now, eventually you want to go to zero. If you want to do that after the new code is finally through the state and we get to adopt it or you want to do it now.

**Fritz:** Why does it take years to get a change at the state?

**Anderson:** In general building code changes follow practice and at least it's been like a two or three-year process to get a major change in the building code. So you can get Paul Scarlett in here to talk more about that, it's not an overnight thing.

**Fritz:** I would imagine lots of building code things are kind of inside baseball or the committees that deal with that. This is obviously a bigger public purpose so surely if the legislature was to direct it that could happen faster right?

**Hales:** So yes I'm really struggling with not that your arguing for it, you tried to craft good policy and you also have a history of crafting visionary policy. If the 10% threshold and we just heard from Kinder Morgan isn't going to incent them to make the change, and if the rate of change from old dangerous tanks to new seismically resilient ones is glacial. It will take us 300 years at the current rate to have it all taken care of. So in other words, we're not solving the problem or even ameliorating the concern in the industry. I'm starting to

November 10, 2016

wonder if there's any real upside to the 10% threshold.

**Anderson:** Maybe Michael can talk about blending and whether that's a real issue.

**Hales:** That I think I need to hear about.

**Michael Armstrong:** I think blending is the consideration so the state cleans fields programs first came into effective in January of this year. It ratchets up the percent of low carbon fuels that need to be blended in. So the recent new tanks that we've seen have been specifically for blending I think it believable that the current infrastructure will need some additional tanks in order to do that blending as the clean fuels.

**Hales:** Couldn't we specifically address that issue? If there's any exception or carve out here couldn't it be if it's only for that purpose as opposed to some sort of general wiggle room?

**Michael Armstrong:** I think we can try to define it that way.

**Fritz:** presumably any new blending process would have to involve new construction so if the companies are feeling like they are being told that they have to move to that they're going to be building new tanks anyways right? So why would they need a bigger tank then currently?

**Michael Armstrong:** I think that might be a good question for the terminal operators.

**Hales:** This is when we talked about it before, but based on what we heard from the community and the industry I think it needs work in the sense that we want to make sure we're really in concert with the state, we have a clean fuels policy that say use more and more clean fuels, we want the infrastructure of those fuels to be provided. Granted the fact we're going to be using less and less fossil fuel overall. Those are the scenario's we agree with state government on. We have to get these old dangerous tanks replaced with new ones. Sounds like, frankly, the only way to get to that is a mandate. I'm fine with that. It's not going to happen with incentives. A few people have built new tanks, but again, we just heard that the 10% threshold isn't going to change their corporate decision making about that, so I'm struggling with what we're getting for the 10% allowance really given the testimony that we heard from the industries like, okay, it isn't going to work, we're not doing anyone any favors, not that we were trying to.

**Fritz:** Also mayor just thinking through the politics of it sometimes for instance on sick leave when Portland has a very strong ordinance, the legislation sometimes comes back and weakens it. I don't know why we wouldn't go for the strong ordinance in the first place.

**Hales:** The only reason I would pull my punches on this issue politically was if we had a significant fear that the legislation would overrule our ability to do what we're doing. It's happened. It has not happened lately the legislature been going in the right direction lately they gave us they set us free from a prohibition on inclusionary housing for example rather than tying us down with new ones. For the legislations step in on local zoning would be a pretty big overreach, but I guess They've done that before, too.

**Fish:** I think we've been pretty consistent in not legislating against the fear that someone will pull the rug out. They have the right, but they then have to make that case. As I listen to the discussion and the incentive plan, I appreciate that Kinder Morgan came in. I don't know who else might take advantage of the incentive and what is as the mayor said the benefit. If we can't mandate it and don't control the timeline towards that process, I'd like to see it. If we're not sure whether the incentive is going to work, a dormant incentive doesn't have much of an impact. If there is someone who might use the intensive to create a public good, I guess I'd like to know beyond just Kinder Morgan and who might take advantage of that and why before we say we're going to take this out and address the mayor's question about can it be tailored so it's adapted to real world situations where we get a clear public benefit and not an invitation to be used willie nilly. Does that make sense?

**Anderson:** In other issues like this we've done a do this until. So we'd set up an incentive

November 10, 2016

until legislation gets passed at which time times can be regulatory and obviously it ends at the time.

**Fritz:** That would be a disincentive though to the industry to not oppose the legislation.

**Fish:** Let me continue this line. I don't want to extrapolate off of one person's testimony about what Kinder Morgan will or will not do and commissioner novick is not here. He would be leading the discussion about moving towards upgrading seismic standards. We don't know if the legislature will or will not take this up in a time manner. We got to get a handle on this because everything we do in the river can be undone if there's a seismic event and we have failure around these tanks. For me to make a decision I'd have to have a better sense about who is impacted, who might take advantage of it, because right now I feel like we're speculating, but it would have to be tailored so at either sunset or there was some clear oversight about how it was used and then we'll have some follow up decision making. I think the mayor hit the nail on the head I don't feel like I have enough information to evaluate whether it would be an incentive someone would take advantage of for the public benefit.

**Anderson:** One of the things, there's no -- we aren't setting this up right now. They could do it right now, and we're getting one a year maybe, and so whether or not there's no limit, they can go 30% over at this point and it's not an incentive to do it now. So I kind of believe --

**Hales:** I think making it clear, taking it out,

**Fish:** do you believe the mayor should withdraw his amendment?

**Anderson:** No.

**Hales:** It's already in the base proposal from the planning and sustainability commission. The 10%.

**Anderson:** The 10%. We put that in there because the planning sustainability commission felt they thought an incentive would help to move the market. At the same time there were others making the case. They have that right now and it doesn't cause that.

**Hales:** Natural industrial zone today You can just build a tank.

**Fish:** You're saying they're playing Russian roulette without making any investment to make them seismically resilient and because you're not required to.

**Anderson:** There is another issue to, which is maybe they don't see the market expanding. If we're going to reach our 80% reduction in 2050, it's only going to be falling so what would be the financial incentive for them to invest in this.

**Fish:** If we were doing the comp plan right now you would hand us a one pager at a bunch of options and a box we could check because it's getting late, we've been in lots of hearings a little bit, could you walk us through what you think are the options at this point?

**Hales:** Leave it in as 10%, that is one.

**Anderson:** You go to zero, you go to something in between. You should also proposal have an amendment that says maybe you've already put this together about having bds and pbem and fire put together the due code I think that's it.

**Tom Armstrong:** So I will say that --

**Saltzman:** Couldn't it also go up? -- [ overlapping dialogue] -- maybe a 50% incentive is and what is the trade-off.

**[Overlapping Dialogue]**

**Tom Armstrong:** I will say the mayors fourth amendment has us reporting back to you for three years, what the fuel demand trends are, the tank replacement is. That's an opportunity to review what are the dynamics. I think, in addition the 10% is in there not only for an incentive for seismic upgrade, but the uncertainty around the fuel blending for the clean fuel standards that is in year one is going to ratchet up over the next 10 years. We don't know what the needs are going to be for a blended tank. We have said it's okay to

November 10, 2016

have a tank of non-fossil fuel of ethanol that you need to blend, but part of that additional expansion capacity is for that fuel blending when you take the ethanol and petroleum and mix it together which happens on this end of the pipe not up in the pungent sound area.

**Hales:** We're going to lose a quorum in half an hour. I'll restate what I said earlier. There's three reasons I would in any way weaken what we've put in policy in the code. One would be practicalities, work in the present day. We're working towards a lower carbon pollution. That is our incentive, what we have stated in this city. Oil locked up in pavement is not a problem for the climate not as much as oil being burned. We do still need pavement, but I'm okay with that one. That's being practical. Second I want to be political that I don't want to set the city Portland to be overturned in court or at the legislature. And the third would be that we're -- that we're not creating a replicable model because I believe what other people said here is we're going to create a precedent for other cities to follow and I want them to be able to pick up this ordinance and cross out Portland and put in Eugene or Prineville or anywhere else and so that is a concern. Seems to me the 10% threshold isn't pivotal to those questions. Doesn't sound like it's needed in the practical world, but the blending thing might be. I'm going to ask that you prepare an amendment that removes the 10%, and adds a blending amendment. Bring that back to us as an option, because if there's a way to do that, there might be an interest in the council in going that direction. And I think commissioner Fish's question is good as well. How would a blending provision work? You get to build a new tank if you're doing it to follow the state's clean fuel guidelines, tell us how that would work. Seems to me that's a set of conversations that you ought to have with them as an industry and then we use to make adjustments to this code proposal. Is that helpful?

**Fritz:** I think we should check with government relations and our leaders in the legislature both with whom are Portland politicians so that's great. Could you explain the bit about the 2,000 vs 5,000 is it?

**Hales:** You mean the 2 million vs the 5 million gallons?

**Tom Armstrong:** In the amendment or the code?

**Fish:** While we're looking for that I think we should let the folks know that because of the demonstrations planned around this building we've been advised to give our staff the opportunity to leave early because they may not be able to get to cars. That is not to be alarmist. That is to tell people if they are required to pick up a child at school, get to a medical appointment, get home at a certain time it may be that the transportation system is impacted around this building. I'll say while we're going to continue this hearing if someone has that concern they should make their own judgment.

**Hales:** We're going to continue this hearing until five and we'll continue it, the hearing because we have people worked on amendments and we won't get to everyone who wants to speak today, so we'll do our best.

**Fritz:** Your right it was the 2 million in the definition of the capacity exceeding 2 million gallons. So could you explain it used to be 5 million gallons?

**Tom Armstrong:** When we started this process, we looked at the Pembina facility's which are 30 or 40 million gallons. Through the process, the discussion process and planning commission we got down before the planning commission who was 5 million-gallon. That covers pretty much all of the major distributors in the Portland harbor today. There was concern there would be both some small operators underneath there increasing of fossil fuel structure, so the planning commission recommended and before you to move that threshold down to 2 million gallons. That is roughly the equivalent of one oil train and experience, one-unit train carrying crude oil.

**Fritz:** What about the testimony we heard saying we should get rid of that? And I don't quite understand that.

November 10, 2016

**Tom Armstrong:** I think it has to do with how small do you get and do you when you a pull in the smaller operators does that become a burden on essential local distributors such as propane companies that bring in railcars and then distribute even the small bottles of propane around and do we want to regulate all of those people that may have 100,000 gallons.

**Fritz:** but it's a threshold. -- [ overlapping dialogue ] –

**Hales:** I haven't heard anything yet that would cause me to move it up or down. Certainly wouldn't want to move it up, but one of the things that ought to be in that follow-up plan is what's our intention here. No more bulk fossil fuel terminals in Portland. So we think we know what bulk looks like the planning commission says that's 2 million gallons, that may not be right, where we want to draw the line. It may be smaller than that, but that is something we might not figure out in the first version of the ordinance. So I'm less prepared to try to tinker with that than I am with the 10% provision. Which gives people the appearance that we're watering down the ordinance, but might not do any good. That seems to me the worst of both worlds.

**Anderson:** On the 2 million to weaken in the next week put together what kinds of companies, real examples of companies in the Portland area that would be affected by that so the propane companies and some of the smaller firms.

**Hales:** Any other requests for them? We'll continue the hearing until five.

**Saltzman:** I'd like to say some clarifying language that was suggested by the working waterfront coalition to define what is covered by the 10%, that it applies to tanks only and not to piping and pumps and things like that.

**Hales:** Thank you so much. Other questions for staff? All right, then let's return to the list and we'll keep going as long as we can.

**Rose Christopherson:** Hi. Thanks a lot for all the good work you guys are doing. I'm rose Christopherson. I'm going to testify as a representative of the care of creation ministry of Augustan Lutheran church. God gave us an incredibly rainbow Saturday morning, I don't know if you saw it, but the thing I noticed was that the red is on the outside, the long. The violet is on the inside. What actually falls on the earth, of course, is we call it light because we see it but its electromagnetic radiation that continues into the invisible range of both sides. Heat is the side that goes beyond red, it's a lower wave length and that's infrared. And when we see something, say a red scarf, what's happening is the red is reflected and that's why you're seeing it and all the other wave lengths are absorbed. When you see something like a lump of coal you do see it, so something is being reflected. For the most part being absorbed, it's black. When you burn that coal and you get carbon dioxide and it goes up to the atmosphere, it gathers warmth because the infrared light that hits the earth and comes back out into the atmosphere is captured by that carbon dioxide. And so that is where the warming comes from. The fact it's above us is where they call it greenhouse gas. As we burn the fossil fuels carbon dioxide is released and it warms the earth. So when you see a rainbow again I think you'll notice the red on the outside and you'll remember the carbon dioxide absorbing the heat from the longer wave lengths.

**Hales:** Wow, thank you, that was a teachable moment.

**Christopherson:** If a doctor can explain it and a city council can understand it, it's actually simple physics.

**Hales:** We call that process. Thank you.

**Christopherson:** It's really simple.

**Regna Marritt:** Thank you. Today I'm testifying on behalf of power past coal coalition, a huge alliance of health, environmental, business, clean energy, faith and community groups working to stop coal exports off the west coast. We deeply support resolution 37681 and truly want to see full implementation of those protections. This city council has



November 10, 2016

been well ahead of the curve on climate, fossil fuels, coal and oil. You have been awesome. After Tuesday's election this is a new world. President-elect Trump is as volatile as a wild oil. Big oil and big coal have a big vision and very detailed plans for exporting fossil fuels from our west coast ports. They are in Bolden now, and becoming more empowered with each passing day. While we'd hope there's be an opportunity of protection it's more obvious to today than ever before that our local and state leadership must protect and sustain us for the next many years all local actions through zoning amendments must be taken to safe guard our lives, health a safety and they must be taken to protect our climate. We rely on you. So please modify this proposal to prohibit all expansion of existing fossil fuel terminals, encourage seismic upgrades to buildings without expansion of capacity eliminate the threshold and also prohibit bait and switch maneuvers that will allow 100% fossil fuels to be stored in tanks that were permitted for clean fuels. Please maintain the part of the proposal that does not exempt natural gas and its methane from this code. We have to stay in the game in this new world, this is where the rubber hits the road. We can protect our own backyard, those most vulnerable and the climate that sustains all earth inhabitants. We thank you and future generations will thank you for taking the right action on this.

**Hales:** Thank you. Welcome.

**Anne Turner:** I'm Dr. Anne Turner. I've spend my entire career working for underserved communities first with Multnomah county health department and for the last 20 years at Virginia Garcia memorial health center both as a clinician and as medical director. We all deeply appreciate your leadership on climate, coal trains, oil trains, as the recent fossil fuel resolution. Today I'm here to ask that you give strong consideration to the issue of environment justice as you review the proposed zoning amendments before you. It's important that we fully understand the broad and negative impacts that any increase in fossil fuel capacity in Portland may bring to low-income communities and communities of color. Air quality will be degraded by diesel emissions, emergency response times will be delayed and the loud startling train horns going off 24/7 will disrupt sleep, study and work for those living in those neighborhoods. Serious health impacts from increased hospitalizations for asthma, heart attacks and cancer may be experienced by those in the neighbors as well expose to that environment pollution. So in order to meet the standards of equity and environmental justice and to protect public health for our most vulnerable please do not permit a 10% expansion in the fossil fuel terminals and find a solution now rather than later on and permit no new fossil fuel terminals of any size.

**Hales:** Good afternoon. I don't remember who was first, so go ahead, please.

**Patricia Bellamy:** Good afternoon mayor hale and council members. My name is Patricia bellamy. Thank you to offer support for your fully restricting development expansion of any and all bulk fossil fuel terminals and eliminating the 10% increase in expansion and to give you a nurse's perspective. I've been a Portland resident for 30 years and critical care nurse for over 40. I'm a member of the American nurse's associations ana which serves over 3,600,000 nurses and Oregon nurses Association Ona which represents over 10,000 Oregon Rn's. Ona has passed a resolution support of Oregon's position no to coal exports interested in that letter to Kate brown, I, quote, ona would continue to work opposing projects that would increase coal transportation in Oregon. As a front line member of our healthcare system nurses are concerned about the health and environment impacts caused by coal, end of quote. Nurses are also aware of the danger of climate disruption. Ana resolve that the American nurse's association recognizes and publicly acknowledges that the challenges we face as a result of global climate change are unprecedented in history. Its critical nurses speak out and advocate for the Health and safety hazards from coal, oil, natural gas or ethanol are far too many to list in this brief testimony. The science

November 10, 2016

is clear. Thank you for your groundbreaking work.

**Hales:** Thank you so much. Welcome.

**Diane Winn:** Good afternoon. My name is Diane Winn. I'm a retired public health nurse and worked over 25 years conducting injury preventive research. I was here a year ago when you passed the fossil fuel resolution. What a proud moment it was. Today as you consider the zoning amendments I urge you to support the modification recommended by the power pass coal. With my background in public health I'm concerned about explosions and fires that can cause dramatic deaths. In the past couple of years at least 10 oil trains have experienced catastrophic derailments and explosions in north America. You all know about the derailment in Canada that was demolished a city and killed 47 people. One way is reducing the risk for fossil fuel transport. Even to increase the capacity 10% will increase in the number of trains. Oil and other fossil fuel storage tanks are also at risk for fires and explosions. A human error fire in Mississippi in 2006 killed three workers after fire traveled from one oil storage tank to another. Less than one-year ago today the potential hit too close to home a tractor trailer carrying fuel struck several train cars near the St. Johns bridge and burst into flames this occurred 400 feet from the lng tanks. Finally, like others, I cannot conclude without mentioning the election results. We cannot expect the federal government to do anything to address climate disruption in fossil fuels. It will be up to cities and states. I ask you to take a very bold stand and take strong aggressive fossil fuel policy. Your leadership will stand as a beacon of hope for the rest of the country.

**Hales:** Good afternoon.

**Andy Harris:** Good afternoon. I'm Andy Harris, a resident of the overlook neighborhood of north Portland, my home is above the Union Pacific freight yard within the half mile blast and evacuation zone for oil train derailments. I work at OHSU, but I'm speaking on behalf of Oregon physicians for social responsibility. Portland does need to take bold and prudent action. Building additional fossil fuel terminals capacity, whether it's 10% or otherwise in a seismically active area is not prudent. Allowing more fossil fuel trains, oil and gas to pass through Portland is not prudent. Fossil fuel are inherently unsafe whether being transported or shift. From the Mosier experience in June we know firsthand about the fire and explosions of bachin oil. Portland is made a commitment to reduce our impact on climate change or climate disruption and to transition to renewable energy to weaken the council's fossil fuel resolution by allowing additional fossil fuel capacity at 10% and/or adding new exemptions is unwise and dangerous. A case in point is natural gas or methane 25% more potent than carbon dioxide as greenhouse gas. It's extracted by fracking. As far as the impact on climate change, I'm glad that an exemption for natural gas has not been present in the current proposal and I would urge you not to create one. Just to conclude as a physician and grandfather I would urge the council to take bold and effective action by putting the health and safety of Portlanders first.

**Hales:** Welcome.

**Mukta Akter:** Good afternoon. My name is Mukta Akter and I'm a social and climate activist from Bangladesh. I'm working with 350 pdx as an international fellow on the climate issue. Bangladesh is one of the most climate vulnerable places in the world. Countries like yours are producing the largest amount of greenhouse gases, but contributing countries like Bangladesh are contributing no greenhouse gasses. Bangladesh is a low elevation country and the combination of sea level rise and increasingly powerful storms is already contaminating our freshwater. The effects are dramatic and devastating. It isn't having major impacts on agriculture, food security, and economic performance of Bangladesh. The scenery is almost the same for south Asia we can expect the sea level to rise by 2035 this mean the Bangladesh 35% cultural area will submerge under sea water 15 to 20 million people will turn into climate refugees. It's a huge challenge for our government now

November 10, 2016

how we resettled in. The effects have already started in your country. For instance, the catastrophic flood in Texas and Louisiana last year and hurricane in Florida. Please think what is your contribution to greenhouse gasses, our future and the next generation is in great risk. Climate change is not an isolated issue. It is a global problem and to fight against the corporative approach the policy you are working to is a good start. Still much more needs to be done to secure it. Thank you.

**Hales:** Welcome.

**Ryan Rittenhouse:** My name is Ryan Rittenhouse. I work for friends of the Columbia Gorge. We're very much concerned of the fossil fuel in that area. As you heard from the mayor of Mosier there was the disaster earlier this summer where an oil train derailed. As far as oil train disasters would go that was about as good as you could hope for. If we have another oil train disaster in the Gorge, it's much less likely in Mosier. Takes a long time, this is not something that's being exaggerated. Any increase in fossil fuel infrastructure, fossil fuel storage, even 10% increase, maybe that limit on 2 million gallons is too much because it will mean more oil through the gorge and the likely another disaster of going in the gorge goes up. This incentive is more for them to make the upgrades themselves. If we're going to do an incentive let's come up with one that encourages it to make it for their own sake and that reinforces the spirit, which is reducing fossil fuel storage capacity in the city.

**Hales:** Thank you very much.

**Maya Jarrad:** My name is Maya Jarrad and I'm on staff with 350 pdx. Frankly, I'm thrilled to be addressing a governing body that is ready to take action on climate change. At this moment we cannot look at federal legislators to do that, so I am that much more appreciative right now of the way Portland has taken the bold and inevitable step to facilitate this transition and ban new bulk fossil fuel terminals. I want to talk about the potential for flat line demand and decrease of fuels in Oregon. The energy administration prediction for Oregon only a .7% increase in total crude oil and consumption by the year 2040. Though that growth is predicted after year 2030. And that's with low incentives for industrial efficiency and high/low prices. The biggest process growth for those fuel need in Oregon predicted by the eia. In other words, the most generous models for fuel expansion other mode; scenarios predict a decline of .4% on the same timeline again, these increases are predicted after 2030. Given the current status of changes to the climate will fuel increase be called for after 2030? You may not be able to legally demand upgrades under current law for seismic safety. We in this room will demand upgrades of companies for seismic safety. We have made it politically possible for you as our governing body to pass strong climate action and I can assure you people in this room and watching you from all over Portland will demand the corporations to do just that. Thank you so much.

**Hales:** Thank you. Thank you all very much. So again, let's take a process check here. We appreciate you who testified again.

**Fritz:** Can I just ask, I'm very much appreciative of our guests from Bangladesh. Did you have people who came a long way to testify today?

**Hales:** I think not.

**Rittenhouse:** I believe there might be someone here from Haiti.

**Jarrad:** I'm not sure he wants to testify

**Fritz:** That's fine I just want to make sure if you come all that way.

**Hales:** That's very important. Yes. Thank you so much. It's our normal practice when we have more people than time to continue a hearing and we may want to do that. I know we're going to want to take you discussion of amendments at our next meeting. So what's our window of availability here in terms of upcoming council meetings?

**Fish:** The good thing is we have so little on our plate.

November 10, 2016

**Hales:** We have nothing else going on.

**Moore-Love:** I don't have a full council until December 7, when everybody is back.

**Hales:** Hang on a second. So you're saying -- well, what about next week, I'm sorry.

**Moore-Love:** It's already on the regular agenda on the 16th, but commissioner Fish is gone.

**Hales:** We might not be taking final action so we should go ahead and do that, but then the question is when do we have a third window for --

**Fish:** What's December 8<sup>th</sup> like Karla?

**Moore-Love:** That is inclusionary zoning for four hours.

**Hales:** If it's just a vote.

**fish:** We're all going to be celebrating the governor's Barbara Walters 80th Birthday that day.

**Saltzman:** It's not just the vote, it's the hearing.

**Hales:** We're saying I want to continue this hearing to next week because it's on the calendar for next week anyway. Susan you might help us out here if you have any process suggestions. This hearing is back on the council calendar next week, right?

**Moore-Love:** Yes. It's the first item on the regular agenda.

**Hales:** So we will discuss amendments, the ones that are in front of us and maybe others, because we've asked staff to prepare additional amendments, we'll take action on the amendments at the beginning of the session, take testimony, see if we got it right and adopt the amendments and then we'll set a date for the final vote. So the final vote could be -- not going to be the 23rd of November, right, because we don't have five of us here.

**Fish:** Should we do it on the eighth, just before inclusionary zoning?

**Hales:** We can do it then. All five of us here on the eighth?

**Moore-Love:** Everybody is here on the seventh if it's just a vote.

**Fish:** The seventh doesn't work for me, but we could do it just before the inclusionary. We're not cutting into his time we're just casting the vote.

**Saltzman:** If it's only the vote if there's additional testimony then I would object.

**Hales:** We'll continue this hearing next week at what time?

**Moore-Love:** It will the 16th at roughly 10:45.

**Hales:** If you signed up to speak today and didn't get a chance and want to speak next week you'll be first. What we'll do next week is we'll have a discussion on council amendments, take action on amendments and then let you testify and tell us whether we got it right or not and then the final action on the ordinance itself is on the 8th and that's how it works, that we don't do amendments and final votes on the same day when we're making legislation, because zoning code is around for a really, really long time, which is the whole idea here. Again, I want to thank you all for excellent testimony. Stay in touch with Zach Klonoski in my office for discussions about these issues. Come back next week if you are able. If you can't come back next week and still want to let us know your thoughts on this, obviously email each of our offices as you have been doing already, but I want to thank this community and the excellent testimony we got today. We have a chance in Portland to make a difference and you are why. Thank you so much and we are adjourned until next week. Thank you.

**At 5:00 p.m. council adjourned.**