



CITY OF
Portland, Oregon

Official
Minutes

February 10, 2021

Date and time

February 10, 2021 at 9:30 a.m.

Council recessed at 10:43 a.m.

Officers in attendance

Keelan McClymont, Clerk of the Council; Karen Moynahan, Chief Deputy City Attorney

Consent Agenda

On a Y-5 roll call, the Consent Agenda was adopted.

Date and time

February 10, 2021 at 2:00 p.m.

Council adjourned at 3:41 p.m.

Officers in attendance

Keelan McClymont, Clerk of the Council; Linly Rees, Chief Deputy City Attorney

MARY HULL CABALLERO
Auditor of the City of Portland

Keelan McClymont

By Keelan McClymont
Clerk of the Council

**PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, FEBRUARY 10, 2021**

Disposition:

Those present by videoconference were: Mayor Wheeler, Presiding;
Commissioners Hardesty, Mapps, Rubio and Ryan, 5.

City Hall is closed to the public due to the COVID-19 Pandemic.

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, and the City has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available to the public on the City's YouTube Channel, eGov PDX, www.portlandoregon.gov/video and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at cctestimony@portlandoregon.gov.

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

Provide Public Testimony: City Council will hear public testimony on resolutions and ordinances (first readings only). Testimony is not taken on communications, reports, second readings, proclamations or presentations in accordance with Code 3.02.040 F. and G. Public testimony will be heard by electronic communication (internet connection or telephone). Please identify the agenda item(s) you want to testify on, and then visit the Council Clerk's agenda webpage to register, www.portlandoregon.gov/auditor/councilagenda. Provide your name, agenda item number(s), zip code, phone number and email address. Individuals have three minutes to testify unless otherwise stated at the meeting.

The deadline to sign up for the February 10, 2021 Council meetings is February 9, 2021 at 4:00 p.m.

Email the Council Clerk at councilclerk@portlandoregon.gov with any questions.

COMMUNICATIONS

81 Request of Janet Hawkins to address Council regarding fund Southwest Neighborhoods, Inc. to serve SW Portland Neighborhood Associations (Communication)

PLACED ON FILE

82 Request of Will Mespelt to address Council regarding houselessness and the Peninsula Crossing Trail (Communication)

PLACED ON FILE

TIMES CERTAIN

<p>83 TIME CERTAIN: 9:45 AM — Consider appeal of the Pearl Neighbors for Integrity in Design against the Design Commission’s decision to approve, with conditions Hyatt Place, a 23-story mixed use building at 350 NW 12th Ave in the Pearl Sub-District of the Central City Plan District (Previous Agenda 30; Findings introduced by Commissioner Ryan; LU 19-145295 DZ) 10 minutes requested</p> <p>Motion to deny the appeal and uphold the decision of the Design Commission to approve the project as modified and adopt the findings: Moved by Hardesty and seconded by Ryan.</p> <p>(Y-5)</p>	<p>FINDINGS ADOPTED</p>
<p>CONSENT AGENDA</p> <p>Mayor Ted Wheeler</p> <p>Bureau of Emergency Management</p>	
<p>*84 Authorize Portland Bureau of Emergency Management application to the Federal Emergency Management Agency for Building Resilient Infrastructure and Community Grant in the amount of \$571,875 for solar power and power storage at the East Portland Community Center (Ordinance)</p> <p>(Y-5)</p>	<p>190289</p>
<p>Office of Management and Finance</p>	
<p>*85 Pay property damage claim of Sushila Nath in the sum of \$11,761 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)</p> <p>(Y-5)</p>	<p>190290</p>
<p>86 Create a new non-represented classification of Government Relations Specialist I and establish a compensation range for this classification (Second Reading Agenda 69)</p> <p>(Y-5)</p>	<p>190291</p>
<p>REGULAR AGENDA</p> <p>Mayor Ted Wheeler</p> <p>Office of Management and Finance</p>	
<p>87 Accept bid of \$1,921,557 from Just Bucket Excavating, Inc. for the Connected Cully Project (Procurement Report - Bid No. 00001505) 10 minutes requested</p> <p>Motion to accept the report: Moved by Hardesty and seconded by Ryan.</p> <p>(Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>

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<p>88 Accept bid of MJ Hughes Construction, Inc. for the Red Electric Trail Project for \$2,328,062 (Procurement Report - Bid No. 00001529) 15 minutes requested Motion to accept the report: Moved by Hardesty and seconded by Mapps. (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>89 Accept bid of Westech Construction, Inc. for the Better Naito Forever Project for \$2,889,601 (Procurement Report - Bid No. 00001532) 15 minutes requested Motion to accept the report: Moved by Mapps and seconded by Rubio. (Y-4 Rubio, Ryan, Mapps, Wheeler; N-1 Hardesty)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>90 Accept bid of \$2,785,180 from Paul Brothers, Inc. for the Gabriel Park Play Area Improvements Project (Procurement Report - Bid No. 00001559) 10 minutes requested Motion to accept the report: Moved by Mapps and seconded by Ryan. (Y-4 Rubio, Ryan, Mapps, Wheeler; N-1 Hardesty)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>91 Accept the Chief Procurement Officer's report recommending the award of contract for digester cleaning services to Synagro West, LLC for \$6,250,000 (Report) 10 minutes requested Motion to accept the report: Moved by Mapps and seconded by Hardesty. (Y-5)</p>	<p>ACCEPTED</p>
<p style="text-align: center;">Commissioner Jo Ann Hardesty Office of Community and Civic Life</p> <p>*92 Authorize grant agreement with the McKenzie River Gathering Foundation for the Disability Leadership grant program in amount \$112,752 (Ordinance) 20 minutes requested Motion to add an emergency clause because it is in the public interest to get the funds out the door as quickly as possible: Moved by Hardesty and seconded by Ryan. (Y-5) (Y-5)</p>	<p style="text-align: center;">190292 As Amended</p>
<p style="text-align: center;"><u>WEDNESDAY, 2:00 PM, FEBRUARY 10, 2021</u></p> <p>Those present by videoconference were: Mayor Wheeler, Presiding; Commissioners Hardesty, Mapps, Rubio and Ryan, 5.</p>	

<p>93 TIME CERTAIN: 2:00 PM — Appeal by Walter Weyler representing the Downtown Neighborhood Association against the Design Commission’s decision to approve a ground level remodel of a 23-story mixed use building at 1000 SW Broadway, which is in the Downtown Sub-District of the Central City Plan District (Hearing introduced by Commissioner Ryan; LU 20-176578 DZ) 90 minutes requested</p> <p>Evidentiary record is closed.</p> <p>Motion to tentatively deny the appeal and uphold the Design Commission’s decision: Moved by Hardesty and seconded by Ryan. (Y-5)</p>	<p>TENTATIVELY DENY APPEAL AND UPHOLD DESIGN COMMISSION’S DECISION; PREPARE FINDINGS FOR MARCH 3, 2021 AT 10:25 AM TIME CERTAIN</p>
<p><u>THURSDAY, 2:00 PM, FEBRUARY 11, 2021</u></p> <p>DUE TO LACK OF AGENDA THERE WAS NO THURSDAY 2:00 PM MEETING</p>	

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Closed caption file of Portland city council meeting

This file was produced through the closed captioning process for the televised city council broadcast and should not be considered a verbatim transcript. The official vote counts for council action are provided in the official minutes.

Key: ***** means unidentified speaker.

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9:30 am

Wheeler: Everyone, this is the wednesday, february 10, 2021, morning session of the portland city council. Good morning, keelan. Can you please call the roll.

Clerk: Good morning. Rubio?

Rubio: Here.

Clerk: Ryan?

Ryan: Here.

Clerk: Hardesty?

Hardesty: Here.

Clerk: Mapps?

Mapps: Here.

Clerk: Wheeler?

Wheeler: Here. Under portland city code and state law, the city council is holding this meeting electronically. All members of the council are attending remotely by video teleconference. The city has made several avenues available for the public to listen to the audio broadcast of this meeting. The meeting is available for the public on the city's youtube channel, egov pdx, portlandoregon.gov/video and channel 30. The public can also provide written testimony to the council by e-mailing the council clerk at -- cctestimony@portlandoregon.gov the council is taking these steps as a result of the covid-19 pandemic, the need to limit in-person contact and promote physical distancing. The pandemic is an emergency that threatens the public health, safety and welfare, which requires us to meet remotely by electronic communications. Thank you all for your flexibility, patience and understanding as we manage through this challenging situation to conduct the city's business. We'll now hear from legal counsel on the rules of order and decorum. Good morning.

Karen Moynahan: Good morning, mayor. To participate in council meetings, you may sign up in

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advance with the council clerk's office for communications to briefly speak about any subject. You may also sign up for public testimony on resolutions or the first reading of ordinances. The published council agenda at portlandoregon.gov/auditor contains information about how and when you may sign up for testimony while the city council is holding electronic meetings. Your testimony should address the matter being considered at the time. When testifying, please state your name for the record. Your address is not necessary. Please disclose if you are a lobbyist. If you are representing an organization, please identify it. The presiding officer determines the length of testimony. Individuals generally have three minutes to testify unless otherwise stated. When your time is up, the presiding officer will ask you to conclude. Disruptive conduct; such as, shouting, refusing to conclude your testimony when your time is up or interrupting other's testimony or council deliberations will not be allowed. If there are disruptions, a warning will be given that further disruptions may result in the person being placed on hold or ejected from the remainder of the electronic meeting. Please be aware that all council meetings are recorded.

Thank you.

Wheeler: Thank you very much. First up is communications. Keelan, item number 81. Our first individual, please.

Clerk: Request of Janet Hawkins to address council regarding fund southwest neighborhoods, inc., to serve southwest neighborhoods neighborhood associations.

Wheeler: Good morning.

Janet Hawkins: Good morning. Mayor Wheeler and commissioners, my name is Janet Hawkins. I'm board secretary for southwest neighborhoods, inc., SWNI. Past chair of the Hayhurst neighborhood association and volunteer with SWNI for ten years. Commissioner Hardesty presented at the January 2021 board meeting. Thank you, Commissioner Hardesty. And provided us with communication on the new council leadership with the office of community & civic life. The commissioner was clear that the relationship between the city and the neighborhood will be changing in the future. We had a great discussion around the potential for planning. And she was very forthright -- commissioner, thank you -- with her comments. The board appreciated Commissioner Hardesty's willingness to share the information and listen and reflect on SWNI's concerns about its relationship with the city. Last week, SWNI sent a list of the actions to council and the commissioners that will undertake in anticipation of city decision to restore funding to the fiscal year 2021 contract. The board of directors had a ten-point plan to outline reserve for organizational change and to underscore the commitment to important items like fiscal responsibility, equity and inclusion, collaboration and communication. We are making a

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commitment to the city of portland to fulfill the responsibilities as district coalition office. And renew efforts to build productive relationship with the office of civic life. Swni operating largely as volunteer run organization due to the staff layoffs that occurred in mid-january. We lost the long-time executive director as well as a number of other staff. We can currently employing the bookkeeper on a part-time basis to maintain the financial responsibilities. And basically work to raise non-profit funds to keep the organization going. But despite the limitations in staffing, the seven committees and the 17 neighborhood associations meet regularly to connect with the neighbors, the neighbors with the city bureaus, engage with the city and the regional planning efforts to share needed community information, and contract funds will enable us to employ the staff for volunteer work on important community issues like transportation, land use and public safety. Looking forward, between between's goal to apply for a contract with the city of fiscal year 2021-2022 to afford to employ staff for the daily operations and allow volunteers to serve the neighborhood. The ten-point plan reflects the focus and outline steps to restore the productive working relationship with the city. In key areas. It is call responsibility -- fiscal responsibility, equity and inclusion, communications, collaborations, transparency and implementing staff reductions. Finally we are confident that swni can contribute to the city-initiated change process involving the current neighborhood system. We have a 40-year history of successful community involvement as well as the capacity to reach new diverse voices in working toward the community goal, a goal of community transformation. Thank you so much. I appreciate the time today.

Wheeler: Thank you. Thank you for the update. That was perfectly timed at three minutes. Thank you for being here this morning. Next individual, please.

Clerk: Request of will mespelt to address council regarding houselessness and the peninsula crossing trail.

Wheeler: Good morning.

Will Mespelt: Good morning. Hello, city council, mr. Mayor. I'm will mespelt. I live and work in north portland. I'm here today to advocate for immediate and desperately needed change to the peninsula crossing trail. I want to bring your attention to a few of many things that need to be addressed. First, the worsening conditions for the whole community. Second, i'll discuss the look of real trying by local officials to resolve issues accompanied by the unintended excuses. Finally i intend to urge you as the elected leaders to find it in yourself to visit the trail, see the impact and put your heads down to implement a solution to help to end the dreadful situation we currently have. The conditions are wholly unacceptable. The destruction and sadness present at

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the p.c.t. Is beyond description. The images i brought today do not do it justice. I manage an apartment community that shares the property line with the trail. Over 45 tent camp sites and many residents. My manager's log i have over 660 entries related to the safety issues and the reports due to the camping trail. I have been confronted by the campers multiple times and i have been followed back to the property to be confronted again. The neighboring community recently had a fire cause by the casmers on the trail. They have video showing the residents putting out the fires with the pots and pans from the windows. You will see an image here of another fire. That is the one showing now. That one happened recently as well. This is from the city. As i filter through the other images they are all ones i have taken. Local shop owner told me that the camp on the trail is making everyone in the neighborhood miserable. And even more so for the campers. The large camp is a huge issue of safety, negative economic impact, disparity and treatment from the city. And not compassionate to allow the camps to remain. People living on the trail deserve better treatment. As a resident of the city, the most frustrating aspect of the situation is the general disregard for local laws by the people who intend to enforce them. City officials, police officers, rangers, et cetera. They all do the same song and dance how they can't do anything about it. They blame another agency on covid-19 or tell me to call somebody else. There are no advocates for the community. All our concerns seem to fall on deaf ears. It's truly miserable. What is clear from all the different people in the government that i have spoken with, their hands are tied by somebody higher up and they want say who it is so i decided to address you now. The only people left who cannot pass the buck are each here. I urge you to try to implement something, anything to resolve the catastrophic situation. Don't be afraid to try to solve the problem. The person who gets something done resolve homelessness crisis in the this city will be a hero. We will replace the elk statue with a beautiful butts of you. And i will personally campaign for that to happen. Come see the trail. See the impact. And resolve to be the ones who do something about it. Thank you.

Wheeler: Thank you. We appreciate it. Thank you for the photos that underscore the urgency of the crisis that is taking place on the streets now. You have want you to know that this council just had a work session where we prioritized homelessness as a key component of this. We have had a number of the discussions and agreements around making sure we address the urgent emergency situation on the streets. You have depicted that. I want to assure you we are working on all cylinders to make that happen. So thank you for coming in here and underscoring the emergency situation that we are determined to address. Thank you. First time certain item, actually we can't get to the time certain. Do the consent agenda first, please. Please call the roll.

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Well, actually, has anything been yanked off the consent agenda?

Clerk: No. We have had no requests.

Wheeler: Please call the roll.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Before i cast my vote i would like to say a few words on item 84. On the consent agenda. Because it's a grant application and it's for a really impressive project. The project would install solar power and power storage and east portland community center. It's a tangible step toward making east portland community center a resource, the community can rely on. In a disaster, even when power is completely out. Eppc is used as a socially distanced houseless shelter, winter weather shelter and a meals on wheels kitchen. Backup power makes it a more valuable emergency resource for the community. Emergency power source we are proposing solar with the battery backup means we won't be relying instead on the dirty diesel generators. Finally, the project will build resilient low-carbon infrastructure. It's a partnership between the portland bureau of emergency management and the parks bureau, because we know that in any emergency or even in the planning for any emergency, the whole city is in it together. This is one example of bureaus working well in a collaborative manner to address issues simultaneously in a creative way. So i want to acknowledge the leadership. I vote aye. Consent agenda is adopted. Let's go to procurement report 87, please.

Clerk: Accept bid of \$1,921,557 from just bucket excavating, inc. For the connected cully project.

Wheeler: This is procurement report for the construction project. Connected cully project. The connected cully projects federal aid transportation project that will provide accessible sidewalk, driveway connections, curb ramp and pedestrian crossing improvements on the northeast killingsworth and northeast prescott streets. Between northeast 42nd and northeast 60th avenue. Interim chief procurement officer kathleen brenes-morua is here to present the report.

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Good morning.

Kathleen Brenes-Morua: Good morning. I'm Kathleen Brenes-Morua, the interim chief procurement officer here to recommend the authorization to enter into a contract with Just Bucket Excavating, Incorporated, for construction of the Connected Cully project. On July 8, 2020, Council authorized procurement service to solicit and award a contract with the engineer's estimated cost range of between \$2-\$5 million. We issued an invitation to bid on October 9. And received nine responsive bids on November 5. The responsive low bid from Just Bucket Excavating in the amount of \$1,921,557. This project is funded by the federal highway administration. Under an agreement with the Oregon Department of Transportation. An agreement approved by the Council in 2017. The agreement allows the city to follow its own procurement rules for delivering the federally-funded projects except in the application of our social equity and contracting policies. All the projects that fall under this ODOT agreement must comply with the Oregon Department of Transportation Disadvantaged Business Enterprise policy, which is administered by the Office of Civil Rights. The Disadvantaged Business Enterprise policy subject to the finding of routine disparity subject and establish hard target goals of utilization of disadvantaged contractors and the hard target goals are more than the city's aspirational goals. For the project Office of Civil Rights assigned a goal of 12%. Just Bucket Excavating exceeded the goal with 42.7% participation, counting themselves, their own certification as a Disadvantaged Business Enterprise. The state-based certifications do not recognize other certifications, other than the Disadvantaged Business Enterprise. Just Bucket Excavating is in full compliance with the city requirements and I recommend you authorize the contract.

Wheeler: Very good. Colleagues, any questions on the item?

Hardesty: I have my hand raised, Mayor.

Wheeler: Sorry, Commissioner Hardesty?

Hardesty: Thank you, Mayor. Thank you, Acting Director. You know, I just want to complement this particular R.F.P. Because I have had many conversations with the procurement around what used to be just a 5% that was necessary for the federal contracts. I want to applaud the Just Bucket Excavating, Inc., because they did not, they were not limited by the federal government's limited participation for minorities and the women-owned firms. I also want to let you know that I'm in conversations at the federal level because I believe before we start getting the recovery packages it's important to change the procedure at the federal level. So I look forward to working with procurement, so that we are not limited by the limited thinking of federal contracts. It drives me a little crazy when we have a goal of 20%. And traditionally the federal

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government's goal is 5%. I need more information about why this one had a higher goal. And I believe it's because recently they concluded a disparity study. If that is the case, I would love to have a copy of the disparity study. This is a movement in the right direction. I have been challenged by the federal contracts, because of the limits that we are able to put pressure on the federal contracts. But if we change this at the front end, at the federal level with the department of transportation, the transportation administration at the federal level we can achieve those goals. So I'm working on that with the federal congressional partners and hope we will see action prior to any recovery packages that show up. I just wanted to put that on the record. Let you know that this is impressive. And we should be impressive more often.

Wheeler: Thank you. Any further discussion? All I -- I will entertain a motion.

Hardesty: I move that we accept this recommendation as presented.

Mapps: Second.

Wheeler: Motion from commissioner Hardesty and second from commissioner Ryan. Any further discussion? [no audible response] please call the roll.

Clerk: Rubio?

Rubio: Thank you, commissioner Hardesty, for your comments. I completely, wholeheartedly agree with you. If there is anything I can do to support your efforts in that way, please count me in at the federal level. Also, thanks to the staff at pbOT and those who put many hours in the project. It's a wonderful example of project that exceeds the minority contracting goals and the same time serves all part of our community with the kind of projects. So I really look forward to more of the projects in the future. I vote aye.

Clerk: Ryan?

Ryan: Yes, you really love the last two comments made by commissioner Hardesty and commissioner Rubio. Not a lot to add except to say a big enthusiastic aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Aye. The report is approved. Go back to the times certain. Please, time certain item 83.

Clerk: Consider appeal of the Pearl neighbors for integrity in design against the design commission's decision to approve, with conditions Hyatt Place, a 23-story mixed-use building at 350 Northwest 12th Avenue in the Pearl sub-district of the Central City Plan District. Lu 19-145295

dz.

Wheeler: Thank you. On January 14, the council made a tentative decision to deny the appeal. Today we are back to make a final decision and to adopt findings. Do I have a motion to deny the appeal uphold the decision of the design commission and adopt the findings?

Hardesty: So moved, mayor.

Wheeler: Can I get a second?

Ryan: Second.

Wheeler: We have a motion from commissioner Hardesty and a second from commissioner Ryan. Keelan, please call the roll.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: I want to thank the design commission and the city staff who worked hard to make sure the proposed addition conforms with the city code. I want to thank those who took time to testify before the city council and the design commission and write comments in to the record. I believe that the city has been rigorous in the due diligence in the quasi judicial hearing. My role is to judge whether the proposed development conforms with the applicable design code. After durable review by the design commission and process improvements that emerged I believe that the Hyatt conforms to the applicable requirements. I vote aye. And the ordinance is approved. Thank you. Next, back to the regular agenda item 88, please. 88.

Clerk: Accept bid of M.J. Hughes Construction, Inc., for the Red Electric Trail project for \$2,328,062.

Wheeler: This is a procurement report for another project from the Portland Bureau of Transportation. The Red Electric Trail project. It's a federal aid transportation project that will construct pedestrian and a bicycle bridge as well as an off-street trail connection on the segment of the Red Electric Trail from Southwest Bertha Boulevard to Southwest Capitol Highway. Kathleen Brenes-Morua is here to present this report as well. Welcome back.

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Kathleen Brenes-Morua: Thank you. For the record, i'm kathleen brenes-morua. Interim chief procurement officer and here to recommend the authorization to enter into a contract with m.j. Hughes construction. For construction of the red electric trail. On July 8, 2020, council authorized the procurement services to solicit and award a contract with an engineer east estimated cost between \$2 million and \$5 million. We issued invitation to bid on september 28. We received six responsive bids on november 5. The responsive low-bid from the m.j. Hughes construction incorporated in the amount of \$2,328,062. This was funded by the federal highway administration under the agreement the oregon department of transportation. The agreement allows the city to follow its own procurement rules for delivering the federally funded projects, except in the application of the social equity contracting policies. This particular project was assessed a hard target goal for utilization of the disadvantaged contractors of 8%. And m.j. ¶ ¶ met the goal with the 8.25% participation. The state based certification other than the disadvantaged business enterprises are not recognized in the federal disadvantaged business enterprise policy that is required for the project. M.j. Hughes construction incorporated is in full compliance with the city contracting requirements and i hereby recommend you authorize this contract.

Wheeler: Colleagues, any questions or thoughts. If not i will entertain a motion. Hard i move to adopt this.

Mapps: Second.

Wheeler: Hardesty, and commissioner mapps second. Call the roll.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: This project is an example of something i think we could do better. You am really, really disappointed in the utilization of minority and the women contractors in this contract. As i mentioned earlier, there are limits that we have when it comes to taking federal dollars. And until we fix that, we will never achieve our goals. The city has a low goal of the 20%. The feds put 8% goal. You know, it's disappointing when we as a city council voted to center equity and making sure that everything we do centers bipoc community members, black, indigenous and other communities of color and this contract does not do that. I will vote yes because it actually comports to the rules that we currently have. But i want to be really clear this is not, this is not

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equity. This is not making opportunity available for people who need it. You will vote aye. But you'll do everything i can to make sure that we change how we do this in the future. You -- i vote aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Aye. The report is approved. Next item, 89. Also a report.

Clerk: Accept bid of westech construction, inc., for the better naito forever project for \$2,889,601.

Wheeler: Colleagues, this is a procurement report as well for another portland bureau of transportation construction project. The better naito forever project. The better naito forever project will repurpose one of the two northbound lanes of naito parkway to create a two-way bike way and accessible sidewalk along the west side of waterfront park. Kathleen brene-morua is here to present this report as well.

Kathleen Brene-Morua: Again, for the record, i'm kathleen brene-morua, interim chief procurement officer and here to recommend the authorization to enter into a bid with westech construction for construction of the better naito forever project. On october 7, 2020, council authorized procurement services to solicit and award a contract. We issued invitation to bid on october 12. And we received four responsive bids on november 17. The responsive low bid from construction in the amount of \$2,889,601. Approximately 15% below the project estimate of \$3.4 million. The city aspirational 20% subcontractor utilization applied. Westech construction committed to subcontract 8.67% to the contractors certified with the certification office for the business inclusion and diversity. As identified in the report before you. Determining westech construction's compliance with the social equity requirements we reviewed documentation of the outreach efforts, and validated they performed extensive outreach for business enterprises and they complied with all the requirements. Westech construction is in full compliance with all city contracting requirements and i hereby recommend you authorize this contract. I also want to add that cless woodward, the vice president with westech is here this morning and can address any questions regarding the good faith effort to subcontract with certified firms.

Hardesty: Mayor, if i may, i have a question about this particular proposal.

Wheeler: Commissioner hardesty?

Hardesty: Thank you, mayor. It's unique to have a contract in front of us where the prime

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contractor is subcontracting out 60% of the work. Why is that -- that just seems weird to me. That stood out to me. Is there a reason why we would allow a contractor to subcontract 60% of the work? Because, you know, they are not the prime contractor anymore if 60% of the work is done elsewhere.

Brenes-Morua: So we don't have unless the work is of specialized nature a requirement in our specifications that the general contractor must perform, you know, certain percentage of the work.

Hardesty: It doesn't make sense to me that we would award a contract and then that person would subcontract it out, the bulk of it out. We need to fix that. I don't think that is a good policy. If people are able to get through in that manner, we need to fix that.

Brenes-Morua: Okay. That is something that i'm happy to look into.

Wheeler: Very good. Any further questions or discussion on this item? If not, i will entertain a motion. Going once?

Mapps: I'll move that we vote on this.

Wheeler: All right. We have a motion. Do we have a second?

Rubio: Second.

Wheeler: We have a second from commissioner rubio. Please call the roll.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Yeah, you'll go ahead and vote aye. I have some questions and concerns and i appreciate what commissioner hardesty brought up. It's disappointing to see the percentages also for minority contractors as well. Aye.

Wheeler: Keelan, did you call somebody? Keelan?

Clerk: Sorry. Having trouble with the mute. Commissioner hardesty?

Hardesty: I'm having a hard time with this contract. I am really supportive of the better naito forever project program. It's a visionary project. I am very excited that we are going to do this project but i cannot in good conscience vote to support this contract when i see the limited number of people of color who will benefit from this contract. I'm concerned that we would allow a prime contractor to sub out 60% of the work, this means that we will not have oversight of that other work that is being done as clearly as we should. I am going to vote no on this particular contract.

Clerk: Mapps?

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Mapps: Aye.

Clerk: Wheeler?

Wheeler: So, this puts me in a bit of a conundrum. Ordinarily I would defer to the commissioner in charge on this matter. The commissioner in charge voted against the acceptance of the project. I will go with the majority because I think this is an important project. And it's been in the process for a long time. But I also just want to acknowledge that I'm voting in opposition to the commissioner in charge. I vote aye. Report is accepted. Number 90, please.

Clerk: Accept bid of \$2,785,180 from the Paul Brothers, Inc., for the Gabriel Park play area improvement project.

Wheeler: Colleagues, this is a procurement report from the Parks Bureau. A Parks Construction project. The Gabriel Park play area improvements project to build new and accessible playground at the Gabriel Park and make other improvements to the park including installing ADA-accessible picnic areas, benches, pedestrian pathways and the planting trees as well as the stormwater management basins. Kathleen needs no introduction. Here she is again.

Brenes-Morua: Thank you, Mayor. For the record, I'm Kathleen Brenes-Morua. I'm the interim chief procurement officer. With me is the Capitol Department and we are here to enter into a contract with Paul Brothers for construction of the Gabriel Park play area improvements project. I'll provide a summary of the procurement process and then Gary will have a presentation he would like to give about the project itself. On November 4, 2020, Council authorized procurement services to solicit and award a contract. We issued invitation to bid on November 23, and we received seven responsive bids on December 22. The responsive low bid from Paul Brothers incorporated in \$2,785,180. Approximately 11% over the project estimate of the \$2.5 million. The City aspirational 20% subcontractor and the supplier utilization goal applied. Paul Brothers exceeded the goal with the commitment to subcontract 29% to the contractors certified with the Certification Office for Business Inclusion and Diversity. Identified in the report before you. Paul Brothers is a woman-owned business enterprise and performing 59% of the work. 88% of the project will be delivered by certified contractors. Since 2017, Paul Brothers has completed three other park improvement projects for a total amount of \$6 million. And consistently had met or exceeded the social equity goals. Paul Brothers Incorporated is in full compliance with the City contracting requirements and I hereby recommend you authorize this contract. Unless you have any questions for me, you'll hand it over to Gary.

Gary Datka: Thank you, Kathleen. I'm going to share --

Wheeler: I think you may have muted yourself, Gary. There you are.

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Datka: Hopefully you can see my screen. Thank you, kathleen. Hello mayor wheeler and the members of council. I'm gary, the capital project manager with the portland parks of recreation to request the authorize to accept the bid for the amount of \$2,785,180 from paul brothers construction for the gabriel park play area improvement project. This presentation a few of you have seen last fall before we went out to bid. But we'd like to show again for the new commissioners. My presentation today will share an overview of the project. The community engagement process and how this project fits in with the larger portfolio of the portland park and rec playground. This is part of the parks replacement bond generously passed by the voters who approved the \$68 million bond measure to address the critical park needs in the seven areas without increasing the tax rates. This fits in the playground focus area and renovate and existing playground outdated, deficient and in need of replacements. This is the tenth bond playground to go in construction to fulfill commitment made to voters in 2014. In addition to the \$1.7 million in the bond funding it received \$2.5 million from the portland park and rec system development charges. To expand the playground and \$110,000 from the a.d.a. Transition plan. Program major maintenance general fund. To address the accessibility issues. The total project allocation for this is \$4.3 million. With bond commitment the replacement, not expansion, the development charges funding allowed the portland park and rec to amplify the bond investment providing expansive inclusive play area to advance the goal for providing the inclusive play throughout the city. In 2014, p.p.r. Set aspirational goal for one destination playground in each of the city's quadrants. Today we have three inclusive playground. Harbor in arbor large in the north portland opened in 2012. Greatway discovery park opened in 2018. In northeast portland. And the park opened in 2019 that is north of the downtown core. This is the fourth inclusive playground for portland. Gabriel park is located in southwest portland at the southwest 42nd and southwest vermont street near the intersection of the maplewood hayhurst and the multnomah neighborhood. Acquired by the portland park and rec in 1950, gabriel park is a 90-acre park with the recreation opportunities for the organized sports, picnicking, gardening and more. The southwest community center is also located at gabriel park. The project in the north east corner of the park as shown in the red box. There are several existing access points to the play area with the main access via the parking lot at the park. And from the street parking on southwest vermont, public transportation is available at the 37th and vermont. In 1998, the existing 3,000 square foot play area has the limited play opportunities. The existing equipment does not meet the current a.d.a. Standards and it lacks in value for collaborative and imaginative play and has ongoing maintenance concerns. Access between the parking lot and

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the restroom has a.d.a. Challenges due to existing grades and the restroom has inefficient accessible interior space. There are several picnic areas near the playground. Though none currently meet the a.d.a. Accessibility criteria to create equity challenges for all users. It will address short comings and provided much other needed improvement for the park. In the design for project, portland park and rec had community engagement project through five advisory project committees and the three community open houses to help us understand the current use of the park and to solicit feedback and gain support for the design of the play area and other access. They were held at stephens creek crossing near the gabriel park. This helped to engage and include low-income and renter communities who had more difficulty attending early evening meetings. The remaining open houses were held at south community center in gabriel park. With the community input and support, portland park and rec developed a final design to construct the park improvement that focus on the accessible and the inclusive play features to challenge all users at the highest level to allow all users to play and learn together regardless of the abilities. Additional accessible improvements include picnic tables and benches, gathering spaces, drinking fountains, much needed bike racks and the accessibility improvement to the a.d.a. Parking stall near the playground and the park pathways connecting the park area to the parking area. Play area existing restrooms, parking spaces on vermont and the tri-med stop at 37th and vermont. P.p.r. Has ongoing minutes amount of the \$13,320 for the fiscal year to accommodate the play area size increase to 10,000 square feet and requested in fiscal year 2021 budget ongoing. The design consultant team is led by the two studio landscape architects through the work. 61% of the \$324,000 in the contract fees awarded to state certified business enterprises. This aggregation of that data for the spending shows 95% of the fees went to the d/m/w/esb businesses. 29% of the \$2,785,180 of the construction fees will be awarded to the state certified sun -- subcontractors with 88% delivered by the state certified contractors and we are here today to request the council authorization to accept bid for \$2,785,180 from paul brothers for construction of the gabriel park play improvements. With the acceptance of the bid by the council, construction set to begin this spring and have anticipated completion date of the winter 2021, early 2022. I'm happy to answer any questions you may have at this time. Thank you.

Wheeler: Thank you. Colleagues, any questions on this item? I'll entertain a motion.

Mapps: I'll move.

Wheeler: Commissioner mapps moves. Do i have a second?

Ryan: Second.

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Wheeler: Commissioner ryan seconds. Any further discussion? Please call the roll.

Clerk: Rubio?

Rubio: I want to thank mayor wheeler and the staff at the parks for all your work on this project. I am really glad to see this focus on making parks more accessible for all communities. I'm eager to see it move forward. Want to make an observation about everything we have seen today, this morning around the contracting. Also being a new commissioner, i have a lot of questions about why some projects are wildly successful in minority contracting and others still need a lot of work. I'm going to be asking a lot of questions about that and wanting to understand and maybe have more information coming in to this so i am understanding the differences and the nuances concerning each of the contracts. Where the barriers lay or are, so we can increase that number moving forward. Again, this was enlightening to me today. Hoping to learn more. I vote aye on this project.

Clerk: Ryan?

Ryan: Yes, gary, thank you for the presentation. It's actually nice when we get to procurement phase to be reminded of what the project is. You appreciate the visuals as well. It's nice to see it being a 29.01% for the co-bid certified firmses. I vote aye.

Clerk: Hardesty?

Hardesty: I am so thrilled that gabriel park will be improved. And it will be an all user kind of park. I feel fortunate to have park similar in my community in east portland. This is a fabulous place to visit. Having said that, as you look at where the subcontracting takes place, the fact that out of almost \$3 million contract, only \$55,000 will be enjoyed by a community of color participant. I find this disappointing. We need to do something better at the front end so we are not put in a position as a council to support proposals that do not reflect the values. I will be voting no on this particular project. Because "a," i know it will pass anyway. But i hope what i'm doing is putting people on notice this is simply not acceptable for us to be contracting and not making the opportunities available for the minority and women-owned firms. We can do better. Many of the firms that are continuing to not reach out and engage minority and the women-owned firms have been getting contracting from the city for a long, long time. There is no excuse for them not building the relationships. Honestly, the buck stops with us. There is no excuse why we are not demanding better from the contractors that we are awarding the contracts to. If we as a city have a value system that we say we all own, it should be reflected in everything we do. I do not see this contract being reflective of what we promised voters or reflective of what the values are that the city council adopted. So i will vote no.

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Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Yeah, i want to acknowledge commissioner hardesty's comments. Obviously we need some sort of a stage gate prior to the issues coming back to the full council. We have a work session coming up on procurement so i think it will be a great opportunity for us to talk about what some of the strategies might be. I certainly look forward to hearing from all of my council colleagues and i'll have some suggestions as well. Kathleen brenes-morua, thank you for being our interim and stepping in to the breach here. You have heard commissioner hardesty and commissioner rube and other -- commissioner rubio and the others talk about the importance of doing everything we can to ensure that minority participation is improved. I know you take that call seriously. So it's good that we are having this conversation here today. I know it's one we will continue to have. I will support this. I think this is a very important project for parks bureau. I want to acknowledge commissioner rubio and her team for their hard work on this. I also want to acknowledge former commissioner fritz and her team. They spent a considerable amount of time on this concept. They were determined that this be the latest and the greatest example of the accessibility for the recreational equipment for all the people in the community. This is a bold vision. I think it sets a very, very high bar for future park playground improvements as well. I'm happy to support it today. With that caveat around the contracting issue that i know we are all eager to roll up our sleeves see some progress on. The report is accepted. Item 91.

Clerk: Accept the chief procurement officer's report recommending the award of the contract for digester cleaning services to synagro west, l.l.c., for \$6,250,000.

Wheeler: Not as glamorous but just as important. This procurement report for a contract to provide digester cleaning services. The bureau of environmental services, columbia boulevard wastewater treatment plant. Kathleen, take it away.

Scott Schneider: Good morning, mayor, good morning, commissioners. I'm scott schneider --

Wheeler: Sorry, scott. Thank you.

Schneider: I'll be delivering this report this morning.

Wheeler: Thank you.

Schneider: So before you, you have a procurement report recommending a contract award for digester cleaning services to synagro west, l.l.c., not to exceed \$6,250,000. On june 2, 2020, the city advertised request for the proposals 1441 and on july 7, three proposals were received. Proposals were deemed responsive to requirement of the solicitation. The city should notice

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intent to award contract to synagro west on august 7. And no protests were received. The contractor has a city of portland tax account in contracting with the contracting requirements. It's not a state certified firm by the certification office for the business inclusion and diversity. The contractor will be sub contracting transportation to taylor transport, inc., certified women-owned business. If council has questions regarding the solicitation process i can answer those. Or bill steriling from the bureau of environmental services is here to answer any project specific questions you might have. Thank you.

Wheeler: Thank you. Colleagues, any questions of this particular point? If not, i will entertain a motion.

Mapps: I'll move that we vote.

Wheeler: Thank you, commissioner mapps. Can i get a second?

Hardesty: Second.

Wheeler: Commissioner hardesty seconds. Any further discussion? Please call the roll.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Aye. The report is accepted. Thank you. The last item this morning. Item number 92.

Clerk: Authorize grant agreement with the mckenzie river gathering foundation for the disability leadership grant program in amount \$112,752.

Wheeler: Commissioner hardesty?

Hardesty: Thank you, mayor. I am going to turn over the presentation to director from the office of the community & civic life. I believe she is here. You may be muted.

Touk Keo: Actually, commissioner hardesty, it will be myself, touk keo and andrea williams presenting.

Hardesty: What a pleasure to have you here today. Thank you so much.

Touk Keo: Thank you for having us. You'll start off. By saying good morning to our members of council. My name is touk keo, as you mentioned. My pronounces they, them, theirs and i'm the

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adoptive integration supervisor at civic life. The disability program is one of several i oversee. I just want to say thank you for having myself and my copresenter andrea williams. We are excited to share civic life disability leadership grant recommendations. Just so you know, our presentation agenda for today will include the background and purpose of the disability program. The program itself, this grant, we'll talk about the community input as well as the information sessions we have conducted. And a presentation of our recommended awardees. Go ahead.

Hardesty: Can i ask is all of that done in 15 minutes?

Keo: Yeah. We will cover it. We timed ourselves. I promise you that. [laughter]

Hardesty: Okay. Thank you.

Keo: Absolutely.

Hardesty: It sounded a lot longer. I appreciate it.

Keo: We timed it. Try to keep it under 10. I promise. Try to limit my jokes, which i keep telling andrea. But i can't make promises. Yeah, so just so you know, we will cover the background. We will cover the purpose and cover the community input. Within a timely manner. Then just so you although my colleague andrea will cover awardees and details behind that. We will move to the next slide if you are ready for that. But first, we want to acknowledge the former colleague joanne johnson who did so much work to get us where we are today. After four years of the civic life as the disability coordinator, she transitioned to the water bureau at the beginning of february where she serves as their accessibility analyst. Our bureau was privileged enough to work with joanne johnson while she is still working within the city i feel like it is important for us to share with you what she has contributed to the program as well adds our bureau. You want to include that she created our citywide access tips. Platform for the citywide employees. And continue to find ways to create accessible spaces to learn and reflect specifically on the positionality and in my opinion importantly incorporated pictures of the cute baby animals. While also including bimonthly, twice a month "disability" to center on the communities for vents, grants, groups and the community centered resources. I also want to mention because this work was not limited to just the aspects that she also advised the other bureaus on the disability policy and practices, practicing with oehr and the b.h.r. On the resolution 37517 to adopt citywide disability equity goals. This also includes our launch of the first ever research project with the portland state university and real choice on the disability community and their civic engagement. We are hoping that the study will be concluded by june of 2021. And also, with this specific grant, she let on the design of the disability leadership grant which included

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our outreach, which meant the one-on-one phone calls, many followups, engagement activities and the selection processes. So, I do want to acknowledge in addition to that development of the program, that like many of us, or all of us, so many changes occurred when COVID-19 hit. You feel like a part of the disability program as well as Joanne's work to make sure we had accessibility for the city of Portland. Including a.s.l. And translation and adding the emergency coordination center to program. This was not a small feat for those participating in the e.c.c. Now or Jvig because in this sense adding the e.c.c. Meant to ensure folks had the access to p.p.e. So, if we can go to the next slide, I want to add that this includes a much more focus of what was developed in the disabilities program. So we have here in the 2017 and 2018, Civic Life Disability Program ran the Power P.D.X. Leadership cohort. DP2 offered trainings, skill building and the practical experience for people with disabilities who wanted to affect the public policy and become more engaged in the Portland communities. This included a series of workshops and individual learning opportunities and meetings with the local organizations to increase the knowledge of the local engagement, opportunities, and the ability to effectively engage in the Portland civic life. Members learned about the disability, identity and culture while accessing community resources, and navigating local and the national government. At the end of the leadership program, cohort participants with the other members called on Civic Life to support a next step. To resource organizations, and grassroots groups to continue capacity building efforts among people with disabilities. From here the idea of the disability leadership grants were born. So, in the next slide we will cover the purpose of the grants. After DP2, or Disability Power PDX with the impact of COVID-19, Joanne and the Civic Life team worked on a grant concept to reflect community feedback. The disability leadership grant provides up to the \$10,000 per project to support work that offers concrete ways for people with disabilities to engage in the local government and the communities. The priority funding areas included strengthening community capacity, increasing the community impact on the public decisions, and increasing and diversifying engagement within the communities themselves. The main focus of the grant is for folks or the people with disabilities. Disability communities and the disabled people who hold intersectional identities. This includes, which is also not limited to those that are Black, Indigenous, as well as people of color, LGBTQ-plus, those who are houseless, immigrants or migrants and refugees and feignly those who want to grow in the disability-led effort within the -- mainly those who want to grow in the disability-led effort within the community. This was announced on the 19th and it closed November 16, 2020. In the next slide we talk about the community centered input. I think we can collectively say we know that a lot of change can

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occur when it is community led. To ensure our grant concept actually would build capacity for the communities we held two listening sessions prior to launching the grant. That included a.s.l., captioning and the tactile interpretation. I want to make a quick note i am often stressing this because i feel like it is important while we have any community-centered events we have these available to inherently include those that may be needing those additional accessibility needs. So with that i want to add we engaged with 45 people representing many different organizations. Which also included those identified as black, indigenous or p.o.c. As well as lgbtq plus, migrant, refugees and the members of the houseless community. We collected feedback specifically about the grant. And then did our best to make improvements. Once the request for grant application were announced in october, we then to further support and build capacity for the possible applicants held additional information session so folks that could understand the processes and the procedures before applying for the grant will also allowing space for q&a. So, i'm going to take a drink of water and also say i'd like to pass it to andrea to share on our recommended grantees.

Andrea Williams: Thank you, touk. Good morning, members of council. I'm andrea williams, the partnership manager of civic life. I have the pleasure and the honor of sharing civic life's recommended awardees for disability leadership grants. You can see on the slide, we have recommended ten different projects that were recommended by our review panel. Ranging from the \$9,000 to \$1,000 each. For subtotal of the \$98,045. On this slide, it summarizes each of the organizations with a short description of each of the funded projects. Later on in the presentation, should you be curious there is a longer description of each of the funded projects. We have also allocated about 13% of the total budget, \$14,707 to the mckenzie river gathering foundation. Due to a temporary staffing gap with the recent transition of the disability program coordinator at the end of january, we are partnering with the m.r.g. Foundation to distribute the grants. The m.r.g. Foundation will act as the fiscal agent of the grant program. They are an oregon-based 501(c)(3) non-profit organization with decades' long history and track record of grant making to small social justice and community-led organizations. We decided to partner with them because they are values and mission align with the civic life and the city of portland. And have the staff capacity, grant making experience, technical knowledge and community trust necessary to serve as the fiscal agent of this grant program. Briefly, i want to share a little bit of the analysis that the review panel went through. In making their recommendations. An important part of the grant selection process was intersectionality. As touk mentioned we encouraged applicant from disability organizations and those centered on the other

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communities who want to grow the disability-led efforts in the communities. These include bipoc organizations, lgbt, immigrant, refugee and youth. Most notably. The review panel consists of the three civic life staff members selected by the disability program coordinator. And they consider a variety of the factors in selecting applicants. They asked questions like: Was the applicant a good match with our priority funding areas? Are they led by communities impacted by inequities? Such as bipoc, lgbt, youth, immigrant people. Are they led by people with disabilities? Given that this is a disability leadership grant program. The chart shows you some of the analysis here. It tells us that 100% of the projects are led by and serve people with disabilities. That 60% are led by and serve bipoc communities. 40% are led by and serve youth. 30% with immigrant refugees. 20% are led by and serve lgbtq communities. So with that, that concludes our presentation. We are happy to answer any questions that council might have.

Hardesty: Well done and well within the time allotted. Great job!

Wheeler: All right. Anybody have any questions at this point?

Mapps: Mr. Mayor, i do have a question.

Wheeler: Mingus, commissioner mapps, thank you.

Mapps: I want to thank the panelist for the important presentation. I'm really happy to see this work done. I have a question. We seem to for some of the grants we seem to have two fiscal sponsors. M.r.g. Is a master fiscal sponsor but a couple of the grantees have additional miscall spon -- fiscal sponsors. Can you give me intuition around what it means?

Williams: I'm happy to -- happy to briefly answer the questions. We were really focused to make sure we could fund smaller organizations, organizations that maybe were new to partnering with the city. And sometimes that means they don't have a 501(c)(3) non-profit status. So, in those two instances, they didn't have the status. The city required that. Also working with the foundation, they also require that, the non-profit they work, or the project they work with have the 501(c)(3) fiscal sponsorship. So that was the intent, to work with sort of first-time new partnership, small grassroots led organizations. And we asked them to please find fiscal sponsorship. In addition to that the foundation requires that as well.

Mapps: Thank you.

Wheeler: Thank you. Any other questions?

Ryan: I have a brief question.

Wheeler: Go ahead.

Ryan: Thank you for presentation. It was thorough. I'm curious on how we know if they were successful in what they say they will do with the awards? Can you give me the feedback loop on

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their results?

Datka: Go ahead, andrea. We can both go. I'll add if andrea wants to add to it. We asked within the application, we were transparent that we had a small ask of the report. We wanted to make it as accessible and barrier-free. So we asked them to come back to us and let us know what did the event look like? As we build the capacity it felt important as the city structure not to add additional barriers. Andreas, if there is anything to add to that, please.

Williams: At the end of the grant cycle we will receive a report from the m.r.g. Foundation who will work with each of the grantees to report back on what the successes were. In addition, we plan to maintain a direct relationship with these grantees as well. We envisioned a co-hort model to check in with them to see how things are going and you know really learn from this grant program. Because it is the first time that our disability program running a grant process. So we plan to check in with the partners kind of midway through the grant cycle.

Ryan: Thank you. You hope we have the wall down to really connect with one another in real-time make improvements. So this is the process. Thanks.

Wheeler: Very good. Any further questions before we move to testimony? Keelan, do we have any public testimony?

Clerk: We do. We have one person on the call to testify. Judith wild.

Wheeler: All right. Thank you.

Judith Wild: Yes. I'm really glad to hear this report. What they are doing is so needed. I'm also glad to hear that the project includes houseless people. I just want to mention that i am an resident of the overlook neighborhood. And i have been involved with hazen led grove. There are people with disabilities there. And this self-governed community has been incredibly supportive of people with disabilities, both mentally and physically. In fact, this community has been watched not just but portlanders but people from around the country. And in fact, lincoln institute of land policy made a documentary of several cities and held hazelnut as good use of the land. They are under threat of being swept. If they are, this will be a terrible tragedy because people that live there have had so much support and help they wouldn't have if they were thrown out as the individuals in to different separate situations. Also, this getting rid of hazel nut would be damaging not just to the people that live there, but to the whole community of overlook because overlook depends on them to make sure there are no fires in that area. They are being helped by the fire bureau. The fire marshal. And they -- excuse me for a minute. Also they ensure that there is safety there in terms of crime. The crime rate has gone down in the neighborhood. For people with disabilities this is so important because there is so much

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violence against people with disabilities. So to live in a community where they are protected is extremely important. So I just want to say that the neighborhood association has been trying to get rid of them. It would be disastrous for people -- it would be disastrous for people that live there. I really encourage this project to work with Hazelnut Grove and help them survive. Thank you.

Wheeler: Thank you. Keelan, any further -- commissioner Hardesty?

Hardesty: Mayor, I will wait until you ask Keelan if there is anyone else. I have a motion to make.

Wheeler: Keelan, is there anybody else signed up or just the one individual?

Clerk: Just the one individual, mayor.

Wheeler: Commissioner Hardesty?

Hardesty: Thank you, mayor. Thank you, Judy, for your testimony. I would like to make a motion that we add an emergency clause so we can get the funds out the door as quickly as possible.

Ryan: Second.

Wheeler: Motion from commissioner Hardesty to add an emergency clause. We have a second from commissioner Ryan. Any further discussion? Call the roll on the amendment.

Clerk: Rubio?

Rubio: Aye.

Clerk: Ryan?

Ryan: Aye.

Clerk: Hardesty?

Hardesty: Aye.

Clerk: Mapps?

Mapps: Aye.

Clerk: Wheeler?

Wheeler: Aye. Any further discussion or comments or questions? Call the roll on the main motion as amended.

Clerk: Rubio?

Rubio: Thank you for the presentation. This is so important to demonstrate that centering community looks like for the folks who haven't seen that in action before. As well as the application via policy. I want to appreciate you for doing that today for us. And I'm also happy to support this really, this really under-served community. This is a great opportunity to partner with the M.R.G. Foundation. I'm excited to see that. It's such a respected organization. And doing an amazing job to bring in the community. I happily vote aye.

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Clerk: Ryan?

Ryan: Thank you, civic life for the great presentation. I think it's smart that you are partnering with m.r.g. Foundation to get the grants out as soon as possible. I vote aye.

Clerk: Hardesty?

Hardesty: Thank you so much for that very succinct and detailed presentation. Thank you for centering our communities with disabilities. And reminding us that disabilities are in all of our communities. So, i like to say that we are all just temporarily able. So i am thrilled to support these grants. I appreciate the creativity. Normally when we lose a grant writer, we kind of scratch our heads for a while. So i appreciate reaching out to m.r.g. Who i have been a big fan of for quite some time. I know that they will be excellent partners because as you said, they share our values. Happy to vote aye.

Clerk: Mapps?

Mapps: Like my colleague, i want to thank the civic life staff for the presentation and congratulate everyone at civic life who helped pull this project together. Including director ri and joanne johnson. I also like to recognize and thank the m.r.g. Foundation for their help in getting the dollars out to our community. I vote aye.

Clerk: Wheeler?

Wheeler: Happy to support. I vote aye. The ordinance is adopted as amended. Thank you, all.
We are adjourned until 2: 00 p.m. [meeting adjourned]

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Closed caption file of Portland city council meeting

This file was produced through the closed captioning process for the televised city council broadcast and should not be considered a verbatim transcript. The official vote counts for council action are provided in the official minutes.

Key: ***** means unidentified speaker.

April 10, 2021 2:00 p.m.

Please call the roll. [roll called].

Wheeler: Under portland city code and state law, the city council is holding this meeting electronically. All members are attending remotely. The city made several avenues available for the public to listen to the audio broadcast of this meeting. Meeting is available to the public on the youtube channel and www.portlandoregon.gov. The council is takes these steps as a result of the pandemic to promote physical distancing. This is an emergency that threatens the public health, safety, welfare that requires us to meet remotely by electronic communications. Thank you for your continued patience, flexibility and understanding as we manage this challenging situation to conduct the city's business. Now we hear from legal council on the rules of order and decorum.

Linly Rees: Good afternoon, mayor and commissioners, you can sign up for communications to briefly speak about any subject. You may also sign up for public testimony on resolution or the first readings of ordinances. The published information on how to do this. Please disclose if you're a lobbyist, if you're representing an organization, please identify it. The presiding officer indicates the length of testimony. When your time is up the presiding officer will ask you to conclude. Shouting or refusing to conclude will won't be allowed. The person may be placed on hold or ejected from the meeting. All council meetings are recorded. Thank you.

Clerk: Mayor, i think you're muted.

Wheeler: Sorry, that makes your job harder, doesn't it? We have one item, land use hearing. Please call the item.

Clerk: Appealed by walter weyler representing the downtown neighborhood association against the design commission's decision to approve a ground level remodel of a 23-story mixed use building at 1000 southwest broadway which is in the downtown subdistrict.

Wheeler: Now we'll have the city attorney start with a couple of announcements.

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Rees: This is an evidentiary hearing. This means you may submit evidence to the council in support of your argument. The order of testimony is as follows. We'll begin by a staff report for approximately ten minutes, following the staff report council will hear from interested persons in the following order. The appellant will go first and will have ten minutes to present their case. Following that, persons supporting the appeal will go next. Each person will have three minutes to speak.

Wheeler: I think you may have just muted yourself.

Rees: When did I cut out?

Wheeler: Right after the supporters of the appeal.

Rees: Thank you. The principal opponent who is in this case the applicant will have 15 minutes to address city council and rebut the appellants presentation. If there's no principal opponent, council will move it for those that oppose the appeal. After the principal opponent council will hear from persons that oppose the appeal, that is support the application. They will have three minutes. The appellant will have five minutes to rebut the opponents of the appeal. Council may then close the hearing and take a vote on the appeal. If the vote is a tentative vote, the council will set a future date for adoption of findings and a final vote on the appeal. If council takes a final vote today that will conclude the matter before council. This is guidelines I need to announce for those that will address council. First submitting evidence in the record. Letters or documents you wish to be part of the record, should be given to the clerk after you testify. Original of slide, photographs, drawings, maps, videos or other items, including powerpoint presentations should be given to the clerk. Second, it must be moved to approval criteria, it must be directed to the applicable criteria or other criteria in the planning and zoning code that you believe apply to the criteria. You must raise an issue clearly enough to give council and parties an opportunity to respond to the issue. If you -- finally, if applicant fails to relate with must have specificity, they can determine damages.

Wheeler: Members of the council wish to declare the conflict of interest?

Hardesty: Mayor, I have no procedural conflicts with this matter.

Wheeler: Anybody have conflicts they want to declare. Do any members of the council have ex-parte contacts to declare or information gathered outside of the hearing? Not seeing any. Have any members of the council made business to the site involved in this matter?

Hardesty: Made no visits for this purpose but of course I know exactly where it is located.

Wheeler: Sorry, go ahead. One member of the council has visited the site for purpose of this hearing. Do any members have any other matter that need to be discussed before we begin the

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hearing? I'm not seeing that, we'll begin with the testimony and start with the staff report. Good afternoon.

Hannah Bryant: Good afternoon. I'm hanna brand.

Wheeler: Hanna can you speak up a bit.

Bryant: Can you hear me now?

Wheeler: That's better, thank you.

Bryant: Good afternoon, mayor and council members. My name is hanna bryant and i'm part of the review team. I'm here today to represent the land use appeal for 1000 southwest Broadway. The site is located in the central city plan district in the downtown sub district. It has a full block of frontage on southwest Broadway street. It has half block on main and salmon street. It is zoned central commercial zone with design overlay. The fundamentals design guidelines. The applicant includes an existing ground level arcade shown in the right top image. This was originally to provide shelter for guests as they buy tickets and enter the theater. The former movie theater has been closed for over a decade. They're pursuing a large building remodel to remove the other theaters and create new ground level tenant spaces and a large new building lobby. The project has gone through a redesign review. Since all reviews of this type, feedback were solicited from partner bureaus as well as the public. It was posted with images and description and contract information for staff and the applicant and a notice was sent out to all of the organizations. Only one comment was received from the downtown homeowner association, no written or oral testimony was received from the public related to this proposal.

Clerk: So sorry to interrupt. Were you hoping to show a presentation right now? Because we're not seeing anything.

Bryant: You're not. Interesting. Yes. It shows as showing. I'm going to stop sharing then.

Clerk: A member of my team can help bring it up if that is useful.

Wheeler: Good catch, i didn't notice there was a missing presentation.

Bryant: You're missing all my beautiful pictures.

Staci Monroe: This is stacy, i'm happy to do it as well.

Bryant: Okay.

Wheeler: Would you mind going back and starting with your first?

Bryant: If you want to pull it up and show your screen i'll do the talking.

Monroe: Let me do that now.

Wheeler: Thank you.

Monroe: Do you see a screen?

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Wheeler: Looks good.

Bryant: I'm going to skip my introduction. You got that. So we'll start with the next slide, stacy. This is the site map on broadway and on southwest salmon and southwest main. Next slide. The approval criteria here as central city fundamental design guidelines. Next slide. The applicant seeks approval for an arcade that hopefully you can see now. It was developed for movie theater guests as they queued to buy tickets. The former movie theater has been closed now for over a decade. The building ownership is pursuing a remodel to remove the former theaters and create new ground level tenant spaces and a large new building lobby. The image at the bottom right shows enclosed arcade now included within those new ground level tenant spaces with a storefront right at the back of the sauk. Sidewalk. The site was posted with images and the contact information for the staff and nearby organizations and residents. Only one comment was received, a letter from the downtown neighborhood association. No other written or oral testimony was received from the public related to this proposal. A public design commission hearing was held on november 19th. At that hearing, the design commission voted to approve the project. No conditions of approval or revisions were requested. Next slide. At the meeting large windows were discussed, and increased protection for canopies and multiple detailing and protecting the stone cladding on the building for damage to construction. Next slide. The downtown neighborhood association is the appellant in this appeal. In this appeal's statement, the downtown neighborhood association listed two issues. The first issue is related to the street pallets. This issue has been resolved. The applicant worked with urban forestry and the appellant to revise the plan. The neighborhood downtown association has withdrawn this issue from the appeal. The second appeal item is the retention of the existing movie theater sign. The removal of this sign was approved as part of the overall design approval of the project. The downtown neighborhood association objects to that portion of the approval and that is the basis for today's appeal. First the design review process followed with background on this particular sign. Simply put, design review is put forth by the applicant for that site. If a proposal meets the guidelines as presented by the applicant, it is approved. If it doesn't meet guidelines we work with the applicant. During the design review process, we study the reviews for the site and the previous decisions to inform our current review. Next slide. This sign from the horizontal marquee at the bottom to the detailing at the top, not including the base is almost 40 feet tall. The sign is exclusively supported by its large base which comes down to the ground in the building corner beside the sidewalk right-of-way. There's currently only a single part of the building and no other attachments. This was from a 1989 review. It was approved. The sign was approved later in

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adjustment review. The adjustment review approved a sign larger than was allowed in portland. This it increased size was justified based on a history of large signs on southwest broadway. This context specific allowance is in the fundamental design guidelines c3 broadway unique design district. Next slide. This had design guideline which i could bring up again if you like to review, it says in this area based on historic context, we allow people to do something special beside what was allowed by the sign code. It is a permissible guideline and not a requirement in that we have not required a new development to include a large illuminated sign but we have allowed them when they're proposed and desired by the applicant. Next slide. When considering this item, the design commission determines as a product of the 1990s the sign doesn't have historic significance and it creates an awkward pedestrian condition with a pinch point between the base and what would be a new storefront. The design commission determines removing the sign and its base to allow unobstructed views in new commercial space and the canopy coverage of had busy corner better meets the criteria than retaking the sign. This proposal was celebrating the revitalizing of this building particularly during a challenging time for downtown. The existing sign, it was determined that the proposal which included removal of the sign was approvable. Next slide. As the deciding body, you have three options before you today. For the sake of clarity i attempted to illustrate these options. Option one, to deny the appeal and uphold the previous design commission approval would result in this outcome. This outcome -- this option would remove the sign and its space and uphold the approval but includes new storefronts between the columns and new canopies at this corner. Next slide. Option two to deny the appeal and instruct the applicant to revise the sign and return to council at a future date could result in numerous outcomes. This image is one possible outcome. Council could explore opposites of retaining the sign with or without the base. Removing the base will require the applicant to remove existing stone cladding and attach it to the building structure. If canopy coverage is to be retained the sign would need to be reduced in size for the marquee or a different heat. Option three to grant the appeal and overturn the design commission's approval will deny the project in its entirety. The outcome would be a continuation of the existing conditions including the low-grade elements and retention of the sign. Here's the three options again, next slide. I'll leave them up for now. I welcome questions. Others are present on the call if you have questions regarding the street trees. With that, do you have questions for me?

Wheeler: Colleagues, any questions? I'm not seeing any at had it particular moment. So thank you. That was a good presentation. With that we move on to the appellant then. Good afternoon.

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Walter Weyler: Good afternoon. Ladies and gentlemen of the city council, i'm walter weyler board chair and representing the downtown neighborhood association, the dna. Thank you for your service and your time today. The owners of 1000 southwest broadway proposed to remodel the ground floor level. The dna expresses its gratitude for the owners to invest in this building especially as portland recovers. This is a great project and great people involved with it. The dna reviewed it and approves of everything except removal of the broadway sign. The dna appeals the project. The dna's reasons supporting the appeal will be presented by mr. Paul weir a member of the land use transportation committee. Mr. Weir's education includes degrees in engineering science, structural engineering and architecture. His 50-year career included design, building technology and historic preservation. With periods of teaching at the university of oregon, university of south florida, california college of art. Mr. Weir's projects include projects of beacon block tower and u.s. Federal reserve bank and bright angel lodge in the grand canyon and coit tower in san francisco and candlestick park. The mic is yours.

Paul Weir: Thank you all. Mr. Mayor, honorable members of the council. We're here today to consider the architectural history and significance of the broadway sign. The memory of portland's theater district and the significance of the design review and approval process. Our review of the proposed project, the design review process and the history of the design and approval of the existing sign in 1991 indicate that the design commission's review of this project was flawed. It simply did not include consideration of the importance of the sign and its prior approval by the design review process. In fact, the only mention of the sign in the design commission's decision to allow removal of the sign was the bds planning staff report to the commission that stated sadly the sign is not proposed to be retained as a reminder of the broadway theater district. The design commission further failed to acknowledge and consider the prior design review findings and approval of the sign. Design of the existing sign was previously reviewed by the 1991 design commission and found to be supportive of and in compliance with the intent, requirements and criteria of portland zoning code. The central city design guidelines, the urban downtown policy and all applicable guidelines and was thus approved. The design commission declared at that time both the sign and building architecture were designed together. The sign is one of the bonuses associated with the project which led the council to approve the building project in 1985. As a bonus for approval of the building the sign should be considered an integral architectural element of the building and should not be subject to removal. The sign represents an updating of the 1920s dynamism of broadway. The sign is thus considered as public art and should be maintained. The commission further declared

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it reinforces the performing arts center Broadway. The sign is exceptional in stepping the architectural vocabulary of the main street gates. This compatibility will help bridge Broadway and that excitement to three of the four corners at the intersection. And finally, the sign will be large and bright. It is reinforced by the sign across the street and the architecture reflects traffic gates at Broadway and Main. This is consistent with today's urban downtown policy. All of the conditions, requirements design guidelines that justify approval of installation of the sign in 1991 still stand are even more historically important today 30 years later. The sign remains in support of and in compliance with today's criteria and central city design guidelines, including the central city 2035 plan, the urban downtown policy, both encourage projects that reinforce Broadway as a Portland Theater and Bright Lights district. Today's applicable design guidelines include, A2, emphasize Portland themes. A4, use unified elements to help connect individual buildings in different areas. A5. Enhance and embellish and identify areas integrating elements that reflect on building areas character and qualities. A6, reuse rehabilitate restore building and building elements. C3, respect the architectural integrity of building and elements. C7 design corners that build active intersections including the use of signs which is -- which is much like the Broadway sign. We can see that the Broadway sign clearly supports the intent and is in compliance with today's central city fundamental design guidelines and should be retained. It is apparent the design process for the storefront windows has ignored the prior design review and approval for the sign. The current design review process has not considered the importance of the existing sign and its compliance with today's guidelines. The current design review process is limited and has only considered the merits of relocation of the recessed storefront windows and installation of the canopy at the face of the building at Southwest Broadway, Southwest Main and Southwest [indiscernible] streets. Although the downtown neighborhood association is in support of these project improvements, we do not support removal of the Broadway sign. Removal was not considered in the design review process. And should not be included in removal -- in the approval for remodel of the storefront and installation of the overhead canopies. We believe that the pedestal and marquee can be removed and the Broadway sign kept and supported in its present location as illustrated in the photograph. This solution would allow activity pedestrian interaction with with the interior corner retail space as required by the project. In addition, this option would satisfy both the project commercial needs and comply with required design guidelines and prior conditions of approval. It is understood that buildings have two main responsibilities. First, they must provide for and support the interior function and program of the building. Second, they define and develop public spaces formed between

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buildings. It is the quality and character of this public space that we're concerned with today. It is the building's exterior face and edge along the street that develop the character and cultural qualities of public spaces and the identity of the city. They define the quality of the pedestrian experience and they maintain the memory of earlier city history. It is the property owner's responsibility to safeguard the quality and character of Portland's downtown public space. The proposal to remove the Broadway sign ignores this responsibility and compromises the contribution of the sign to this area. In conclusion, we recommend that removal of the Broadway sign not be included in approval of this project. Projects are required to enhance the quality and character of the urban environment. This project needlessly removes an important architectural icon and compromises the existing quality and character of the urban environment and heritage of the city. It is an integral element of the city and public art and should not be removed. Removal is blind to the -- to the intent of today's central city design guidelines, the urban downtown policy and is out of compliance with the relevant approval criteria and applicable design guidelines. Retention of it in place and accompanied by the removal of the pedestal and marquee satisfies both the needs and applicable design guidelines. If removed from this location, the Broadway sign's historic significance, its contribution to the pedestrian experience and the character of the street, intersection, neighborhood and the city of Portland will be lost. We respectfully request that the city council rescind the removal of the Broadway sign included in the project approval by the design commission. Thank you.

Wheeler: Thank you. Any questions for Mr. Weir while he's front and center? I just have one. It is -- it is -- it is kind of odd ball question. What happened to the original sign? We saw your first slide that you presented for the record, what I presume to be the historic original sign over there on the right-hand side and now the argument is about retaining what was apparently approved in 1990s, is that correct?

Weir: 1991.

Wheeler: What happened to the original sign?

Weir: I would have to look to -- to the owner of the property to -- to respond to that. Perhaps Jason can respond during his presentation.

Wheeler: Okay. Thank you. Colleagues any other requests before we move on? Commissioner Hardesty.

Hardesty: Thank you, Mayor. The theater is going away, what will replace the theater?

Weir: I believe two retail spaces. The design architect can address that more specifically.

Hardesty: Thank you. So my understanding is the sign is there because it actually reflected a

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theater and it won't be a theater on that corner. So i'm not understanding why the sign is such significance if there's no theater to point to.

Weir: It is a historical reference to the theater district as shown in the current slide. It maintains the -- the heritage of the -- of the theater district, the bright lights of that area, it provides -- it provides continuity and connection to the portland sign across the street. It forms a gate, a gateway along -- along southwest broadway to the theater district. It also provides continuity and connection with with the -- with the two signs and lights that are located at the corners of the -- of the intersection across the street and integrates the architectural integrity of that intersection and provides a strong identity to the performing arts center at that intersection of the city.

Wheeler: Commissioner hardesty, you're muted.

Hardesty: I'm acting like mayor wheeler.

Wheeler: Sad but true.

Hardesty: Thank you for that. You know, as i look at the buildings that are in this art district, many of them are u.r.m.s and a decision will be made in the near future about whether those buildings, what happens with those buildings. I'm thinking about what the town looks like coming out of the pandemic. Honestly the downtown today does not reflect the cultural and racial history of oregon or portland. So while i appreciate iconic remembrances from the good old days i'm wondering what we are coming out of the pandemic, some things that were glorified by folks who are in positions of power in the city will look different. So i'm just trying to -- i haven't made a decision on how i'm going to vote on this. About there's not a theater in the building, i'm not convinced the sign needs to be there. I suspect ten years from now the street will look a lot different. Again, we do development, some days we call it progress and some days we say wait, we're destroying what we had. That's where i am at the moment, just trying to weigh the historic nature preserving things because we always had them. Then thinking about at how inclusive it should be because we're much more diverse than the 40s. I don't guess that was a question. But i want you to know where my mind is going as i listen to this presentation.

Weir: Well, thank you. I think those are all really important points. The idea that the theater no longer exists inside the building is a commercial concern for the building. But the building also has a responsibility to contribute to and develop the character of the urban space. The sign is performing that function on the building. We see across the street, the portland theater doesn't exist either. These signs maintain the heritage of the city and identify the current portland

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theater district. I think these -- these functions of this particular part of the city are going to remain. And I think will continue to contribute to the culture and quality of the city, including all -- all people of the city participate in the -- in the richness of the cultural environment that is -- is -- is maintained at this important location in the city.

Wheeler: I would say we don't have it there yet but what we're trying to do is build it.

Weir: I believe so. I think maintaining the Broadway sign will contribute to that -- to that effort and goal.

Wheeler: Thank you. Commissioner Hardesty, did that conclude your question?

Hardesty: Yes.

Ryan: Thank you, Mayor and thank you, Mr. Weir. Could you go to the next slide, please. Slide three. Thank you. So Mr. Weir, I'm happy to see this. When I contemplated this over the weekend if you will, I was looking for this picture perhaps in my brain. My question to you is, what -- what did you find out in terms of engineering and architecturally and engineering wise, does this work since we took down the -- the pedestal part of this if you will and got rid of the marquee sign and the base. What kind of feedback did you get? What kind of specs did you get and expenses connected to such an endeavor?

Weir: Well, we are the -- we are the appellant. As such, I haven't taken on responsibility for the -- for the design and done the kind of studies you're inquiring about. I'm also a structural engineer and it appears to me that -- that the corner of the building and the fact that the building steps back and forms that -- that -- that shallow roof platform right at the top of the sign provides a very convenient opportunity to extend and the diagonal corner to the sign. This would avoid the cost and difficulty of hanging the sign at the base of the building. It would eliminate the need to penetrate the stone cladding which I think would be a -- a difficult process. I think this intersection and the fact that the roof steps back is really intended to accommodate that kind of support system. I think it would be quite attractive and would not impact the architectural features of the building.

Wheeler: Any questions. Next up, we hear from supporters of the appeal. So people who like what they just heard. You're next, three minutes each and Keelan, you should have the list, correct?

Clerk: Yes. First up we have Wendy.

Wheeler: Welcome Wendy.

Wendy Rahm: Hi, thank you. Mr. Mayor and Commissioner.

Wheeler: I'm sorry to interrupt. Could we take the presentation down just so the Council we can

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see each other, even though we're on zoom. She's on the phone. At least we can see her name.
Welcome. Thank you.

Rahm: No, i'm not on the phone.

Wheeler: We don't see you, do you have your video on? You don't have to have it on.

Rahm: I saw it. What do you want me to do?

Wheeler: Nothing, just go ahead and talk. We can hear you fine.

Rahm: Mr. Mayor and commissioners, speaking on behalf of the dna, i am wendy rom and live on the west end. I emphasize the project. The extension gives the owner the prospect of more future income and we're happy about that. We also heard the owner wants to rebrand the building, hence the sign's removal, losing public art signage is a loss to the public realm, this may be part of broadwayes brand, it is sad to pit it against a neighborhood brand. The pairing of the sign with the portland sign just across the street creates a gateway to this important district. Known for its bright theater lights, it carries that courtesy of sign. The cc35 man recommends more lights for broadway, not less. The specific location matters because being across the street from each other, the two announce the now cultural district. This kind of public art is critical to keep as our downtown begins its long recovery. Of note is the portland five recently spent a lot of money to refurbish their portland sign and marquee, clearly understanding the importance of these works both for the neighborhood and the city's image. Why do such markers echoing the past matter? All of our stories matter. Their physical presence prompts us to tell the next generation of the story of the bright lights district. Who talks today about the southwest jewish italian residential district lost to history after being demolished. Who is remembering the once thriving african-american jazz bar on jefferson that had nationally recognized jazz artists. Once the street mosaic disappeared without fanfare, people stopped asking about it. How about the district once gone all that was left was resentment and today regret and shame. These matter and gives us an opportunity to tell our children our stories. Without reminders, we forget. These stories enrich us all. Thank you for listening and letting me speak.

Wheeler: Thank you. Next individual.

Clerk: Next up we have robert gelke.

Wheeler: Welcome. Robert, you on board?

Robert Gelpke: Mr. Mayor and commissioners, i'm robert, i live at american plaza in downtown. I'm here representing the downtown neighborhood association and its land use committee. I support retention of the broadway theater sign that is in the southwest corner of 1000 broadway

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and combines a corner of the historic theater district that thousands of portlanders and visitors alike have held dear for many generations. In addition a sign of location, this piece of public art is more symbol of family, joy and enlightenment. Downtown is facing challenges of recovery, block after block of plywood buildings. Graffiti everywhere. Homeless struggling to survive and we need reminders of nice things to keep our sense of self and the community alive so we can recapture our dreams with energized commitments. To lose this integral piece of our core is to totally disregard its importance in the context of our community, our downtown, and our comfort zone. We're at a critical juncture. To lose can define characteristics is demoralizing and disheartening. On behalf of the 15,000 residents, the dna felt compelled to object to the removal of this key piece of our cultural heritage. What message is city council sending if they don't object? Erasing cultural stories is okay? What are often ignored are the emotional and psychological impacts on the community. These get lost in code compliance and processes. These touch points are important to all of us for a wide variety of reasons. The Broadway sign is a striking concept as an integral part of Portland. We need these place, save them, guard them and nourish them. We cannot afford to lose sight of their importance. I urge you to keep the sign where it is. Thank you for your time and your service.

Wheeler: Thank you, appreciate it.

Clerk: Next up, Thomas Ray.

Thomas Ray: Mr. Mayor and commissioners, I'm Thomas Ray and I choose to live in downtown Portland. I speak in support of the appeal. Winston Churchill told us a nation that forgets its past has no future. A city's identity and character comes through its history and what it values. That is expressed by what it preserves. , waterfront, beloved park, a sign, our downtown has had a stunning history of expositions and parades and festivals and a thriving business core and has celebrated entertainment district. The street with lights and marquees was the center of Portland's nightlife. Throngs of theatergoers from every corner of the city were eager to attend the latest Hollywood productions. It was our culture you are -- culture. It was named Broadway reflection of similar street in New York City. Theaters were named Fox, Paramount, Music Box, Liberty which many of you don't remember which contributed to the identity and the appeal and the character which was our city. They manifested optimism in Portland. Today we're at the neighbor of Portland's fortunes. It is important to declare and reaffirm our city's values by what we preserve. These could be hard difficult decisions. They're seldom convenient choices. The Broadway sign is a vestige of an earlier glorious theater district, a book end to the marquee across the street and a thriving district we call Broadway. And today the current performing arts

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center of our city. I applaud the developer for reinvesting in downtown. We all know it is greatly needed. Yet the developer finds it convenient to delete the sign. Decisions of convenience do not build character or identity or value. If you want convenience go to a mall. Any mall. We have lost so much already. Will we next rename broadway seventh avenue because broadway has no significance? If you want the richness of the city, make the difficult but right decision, up hold this appeal in preservation of portland's identity, character and future. Thank you very much.

Wheeler: Thank you.

Clerk: Next up, we have xavier.

Wheeler: Welcome.

Clerk: Are you able to unmute?

Wheeler: If you can hear try star six if you're on the phone. Keelan, why don't you try the next person and work with mr. Toussaint to see if we can get him on.

Clerk: I want to check, sometimes there's confusion about --

Wheeler: Here he is.

Clerk: Okay. Great.

Xavier: Sorry about that. Nice to meet you. I continue have much to say, please carry on to the next person.

Wheeler: Thank you. Appreciate you being here.

Clerk: Great. I like to do a quick check-in with the others on the line to make sure they signed up for the -- for the correct time.

Wheeler: Keelan, mr. Sinary is trying to get your attention.

Clerk: Can you hear me?

John Czarnecki: Yes, i can.

Clerk: Are we testifying in support of the appeal today?

Czarnecki: I'm testifying in support of the appeal. I like to do before i testify if i may, since -- since you cannot see any images, i like to ask mr. Weir to put history images up please and one would be especially helpful for my testimony. I think it is number three, mr. Weir. No, it is number two. Yes, thanks very much. That's helpful. Is it time for me to start now?

Wheeler: Yeah, since we got you up, why don't you go ahead and start.

Czarnecki: Thanks very much. Good morning mayor and members of the council, i'm john of 1020 southwest taylor. I'm a past chair to the landmark commission and principal of new architecture. I speak in strong support of the dna and their appeal of the decision regarding the broadway sign currently located at the corner of southwest broadway and main. The existing

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sign should be saved and renovated to maintain and reinforce a character defining a sense of place in the culture district. It relates directly to approval criteria number 85. It is clear that the Broadway sign is an essential physical element in the urban composition. It reinforces a genuine sense of place that a celebratory intersection. Please see Mr. Weir's image there. You can see that the -- that the two theater signs make it at the end of the street. It is enclosed by two light beacons that accompany the gates in the space between Winningstat and Schnitzer. So my point is that there's this urban space being made that actually of the intersection that is more than just about with the sign, just about the two scenes, but it is actually useful space. A western edge of the Broadway intersection was most recently reborn by the Portland sign and space to find light standards keeping the sign across the street would add a three dimensional quality, marking the space from all four directions. Saving and renovating the Broadway sign in this location will integrate elements that build on character for space for all people. This place will be significantly diminished by its removal but enhanced by the retention of the Broadway sign. I think that's about it. Again, it is -- it is really about from my standpoint, I agree with everything that has been said by the appellant. Only thing I would add is this is actually a space, it is more than a gateway even, it is a space that -- that can be occupied and that space because of the -- because -- because of the -- of the signs and the beacons can be seen from all four directions. Once the sign is renovated if it stays in place. Actually a place for all Portlanders to gather. Thank you very much.

Wheeler: Thank you. Appreciate it.

Clerk: I like to check in with -- with Elliott and Tyler McIntyre to see if they're ready to support the appeal.

Lou Elliott: This is Elliott, I'm actually -- I'm a -- I'm wishing to testify in opposition to the appeal.

Clerk: Okay. Thank you. Tyler McIntyre? I got a note that he won't be testifying. That concludes the testimony in support of the appeal.

Wheeler: We'll now hear from the principal opponent of the appeal.

Jason Tand: I'm going to share my screen if that's okay.

Wheeler: Sure.

Tand: There we go. So I'm Jason with Irs Architects. From the inception of this project we established design priority moving away from the currently dark Duncan unused spaces at street level. This is key to the discussion as our intent is to revitalize the neighborhood. When I say that, I mean it literally as activation of the area around the building and creating an active pedestrian experience is key to everyone's success. Our designs are direct response to both context and

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public realms, two of the focal -- key focal points of the central city guidelines. So support would look at how the Broadway sign affects that design. You could see the base of the Broadway sign is what supports it. Near the type, connections keep it in place. When we talk about hanging the sign off the building, we need to acknowledge that was not the original design. It was not intended to hang from a building. It is the base that is the support. That is rooted at the corner we're speaking of and where we hope to inject new life. Existing spaces at ground level have been vacant if a decade now, since the old days for the theater clubs. These restorations were direct response to the guidelines which intends to where practical, reuse, rehabilitate and restore buildings and building elements. Recreating lost connections between interior and exterior is the restoration of those spaces. It is because of the theater and because of the sign's makesment that we have a lack of activity here. Our Broadway sign is compared to the original Broadway theater sign. You see the images and this is a very different design. This was more related across Broadway seen in the middle of the slide. Let's not pretend our sign complements that style. The original Broadway theater sign are the letters and even those you can see are a different style in the font and the size and even with the word theater at bottom. It is the base and marquee on the sign which are the greatest departures from the past. Those are major different elements from the Portland sign and the old historic sign of the past. None of those other scenes touch the ground. They don't take up valuable pedestrian space. Our team disagrees that it has a lack of context or integrity of the building. We disagree that removing the sign fails to complement the context. It is opposite. In the written appeal it is stated that the hearing decision made in November to approve removing the sign was limited to the absence of the less stork designation. We disagree. Removal is based on further activation of the sign and act for the betterment of the public realm. If we're talking about context, the signs of the past are quite different. Discussing not having the sign is a rabbit hole. It is understood by designation, it is not historically designated by approving the removal through our unanimously approved hearing, this sign is unrelated to signs of the past. The current sign is more of a harkening or call back for the 90s, not the 20s. It should be noted that the original 1000 Broadway building was permitted without the sign. They were not designed together. The sign's permitting was isolate element separate after the building was permitted. In this building's symmetry, the sign is out of touch with the rest of the building's aesthetic. I argue these are the reasons that why back in November, they have de[indiscernible] the idea of removing the base. The findings of the appellant states that the adjustment presented in 1991 for theater use allowed for a sign that was more consistent with the architecture and development of the site. At that time it was true,

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it was a theater. There's a reason while the portland sign is restored at its current location. It is a concert hall with with exception of retail at the ground floor, all 23 floors at 1000 broadway are professional office use. Also note has this project does not demolish the sign. We're not saying it has no place in the universe. It makes no sense on this building. We expressed to the downtown neighborhood association outside of this hearing our intent is to retain if in storage as we have hope of reusing it elsewhere, if football in some other capacity. Doing so affords us the ability for the sidewalk ground. This building desperately need to be rebranded to be more directly related to its current and future use which is office use. It is not a theater. In summary, the basis of the design guidelines is to better the public realm and respond to context. You can understand the reasoning from the hearing in november as to why there was no disagreement from staff or commissioners to remove the broad' sign from the building. Here here you can see some roof signs none of which show any sort of base mounting on the sidewalk or on building sites. Also note what remains of any of the signage seen here is just the paramount sign at the left which has logically been repurposed as the portland sign at the concert hall. Aside from that, looking town broadway, there's a series of retail and restaurant signage, those signs being specifically related to the individual uses. The portland sign appears to be the only correlation with the history we're speaking of and with with a logical purpose. Why force a theater sign to remain on an office building. Our original response to the design guidelines stated that the prominent southwest broadway view of the schnitzer concert hall's marking and portland sign stand as iconic complement as one of portland's most recognizable towers, it is recognition of the building itself which creates a canvas if you will for the imagery. It does reflect history of the theater district. The sign of our building, free standing, sitting on the ground actually stands in the way of unifying the building with the sign and the marquee. The three corners that they say are unified by the three signs is not applicable as our building has no theater or entertainment use. The other two made clear sense. It lies in activating the activities and not the sign. Think of them collectively. We better unify them as a form of guidelines. A better response for the guidelines lies in the warm pool of activity. Generally allow for activity and affording a safer and more exciting series of spaces, better both at the interior and exterior than if the broadway sign remained and blocked the corner. Again 1000 broadway is not a theater, nor is there intended to be a theater in the future at this location. The tipping booth are dead spaces that will be improved. The sign was an identifier of those theater functions. It was logical. Here you can imagine retail, a restaurant, or other active use spills on the street with the amazing unique building and opens it even further. If we talk about keeping the existing sign, imagine the effect

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it has on the effective design improvements, openness, visual connectivity to the street. These would be lost. You can see that here. Consider also now the missing canopy. Corner canopies are interrupted and the user blocked. That cut-off from the street corner is experienced from all directions here from the concert hall and again across main street at the courthouse. The sign removes those that are so vital to the improvements. Let's compare, keeping the sign removes the corner canopy and the base is in front of the corner tenant and it creates an unsafe alcove in the space between the sign's base and the glazing compared to the improvement at the right where you retain the openness and have protection above you as you round the corner. It is not trivial that the canopy is such an important element as far as activating this important node downtown, where commissioners agreed upon was a creation of a stopping point where people could come together on the street. It is clear how it takes away from the experience. We also need to note that had with we talk about the potential to reuse the sign at this location in a different way, say hanging off the building, preserving and maintaining the sign on site was never in the project's scope of work and retaining in storage has been. We never explored the current condition of the sign or what it would take to maintain it for years to come. If we talk about keeping the sign, we have to discuss this, because the existing sign is not an ideal space. There's venting in some portions. In the upper right photo there's a strange thing happening here where the marquee sign is actually resting on top of the main street sign. These issues were not explored as it was understood that if they were to be reused perhaps at different location additional investigations and renovations would be required. That was clear. The appellant expresses a desire to retain the sign for the urban downtown policy acting in favor of reinforcing Broadway as a Portland theater and bright lights district. We don't disagree. If it is desired, we use it in more appropriate location and using as office building makes sense. You note in the bottom left two photos, the existing sign is held in place, not structurally supported but held in place by the existing building. Two steel members penetrate the existing wall. Those are challenging pieces of discussion that may seem unimportant but that granite climbing makes up all of the building's skin. Its granite from the Italian quarry that no longer exists. We can't replace the existing stone. We find that adding panels simply doesn't work. We worked tirelessly. We need to emphasize this as strong as possible. Existing stone cannot be replaced. I bring this up because we talk about hanging a sign. And our response in design guidelines we emphasize Portland themes first by indicating the city flower and the stone embraces the rose as a significant Portland theme. For the part it plays in this theme and due to it being irreplaceable, the cladding is paramount importance. Removing the sign, we're not disregarding the theme.

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We're protecting an extremely important theme if we were required to cut into it further to support the sign in a new way, we would be doing just the opposite. This negatively impacting and so prominently recognizable symbol. As a final note and reminder, everything you explored in the improvements for this project are intended to enrich and revitalize the neighborhood based on providing a better design the response to city guidelines. If we move the discussion to how the sign could work without a base, it is just a steel structure. This is what we need to be supported after the building wall but more specifically tied into the existing building structure. Now again, you haven't explored this in detail. At a higher level we could anticipate structural elements such as what you're seeing here, these would need to occur in to locations as we need to resist the moment and viral forces applied but we need to address also current seismic codes which would most certainly effect any reinforcing applied. But at spectrum of risk assessment, it is really removal of the granite panels and having to cut them on the ground which to us is a worse case scenario, when someone like myself in the field of architecture assesses design considerations, it is imperative we consider this type of risk. About i haven't made it clear, we don't want to cut the stone, it would be reapplied around whatever new structure is, patching the holes. It goes without saying all of this work comes with added price tag that needs to be acknowledged. At high level, our estimates are in the range of something like 300,000 dollars for construction costs. It is also about an eight-week building process. You can imagine we're trying to do everything we cannot to impact the schedule. We hope by retaining the sign in storage for potential reuse at another location, all parties can be satisfied. Thank you.

Wheeler: Thank you. Commissioner hardesty.

Hardesty: Thank you mayor. I'm curious about the seven mature trees that may be removed. I'm surprised that the staff and planning commission did not take any action on -- on removing seven mature trees. You may know that we have -- we have protections for trees and -- and -- in the city of portland. I like to ask you about these trees. What are your plans for the seven mature trees around this property?

Tand: Thanks for the question. We have resolved this off-line which is -- which is fantastic, i think. It was a great collaboration between ourselves and the downtown neighborhood association. We're preserving all of the trees i believe but one. One which is listed in poor condition and need to be replaced. In the end we're protecting all of the trees while we're doing the construction. They won't be removed.

Hardesty: I'm happy to hear that. It is funny is that you negotiated with downtown but of course we're the decision makers, so i'm glad that you came to a good conclusion before you got to us. I

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want to repeat on the record to make sure that we're clear, there's one tree that is -- that is, the z that will be removed and the other six will be protected throughout the construction process and we do not anticipate removing any additional trees. Am i -- am i accurate in my assessment of what you just said?

Tand: You are.

Hardesty: Thank you very much.

Wheeler: Casey, you had a question?

Casey Clapp: Not a question. This is Casey from urban forestry. I want to be clear, there's two trees in poor condition that are being removed.

Tand: Thank you.

Wheeler: I have one question for you. I'm trying to decide had it is significant or not. You had said in your testimony that the sign and the building were designed separately and permitted separately. Did i hear that correctly?

******:** Yeah.

Wheeler: And that contradicts the slide that the appellant put up which suggested, states that they were designed together and that the sign is an integral element to the design of the building. Do you dispute that?

Tand: What i have seen was listed was it was adjustment which clearly indicates it came after and was approved after the building design was approved. That's how i understand it.

Wheeler: Okay. I'm going to ask the same slightly off question. Do you know where the original sign is?

Tand: I don't. That's a great question.

Wheeler: Thank you. Any other questions? Not seeing any, thank you for your presentation. You'll obviously -- you might get called back. Opponents of the appeal, you have three minutes each, Keelan, do we have anyone signed up? I believe we had one individual was my recollection.

Clerk: That's true. We have one.

Wheeler: Very good. Welcome.

R Louis Elliott: Thank you, good afternoon Mr. Mayor. Commissioners. My name is Lou Elliott. I represent Broadway Building, 1000 Broadway Building. From the early schematic and attempting to move and permitting with the city, this project has been happening at unprecedented time where we see a substantial drop in new and innovative work, especially downtown. In the last year, our city's high ranking desirable hub for commercial real estate

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development and investment and moved from being among the most sought throughout the country to now no longer being considered. The fact that today the owners of 1000 Broadway have continued to move forward through all of the challenges shouldn't be overlooked and so many other similar endeavors have been halted or completely advanced. Since then the building has 50,000 dollars in expenses related directly to repair of the damage that has been done. We encourage you to consider this when we're discussing design review, despite the purest of intentions will create challenges for the team, not just in the design but the approval process through the city. And of course in the field of construction. We're not opposed to having the Broadway sign have a new home associated with an existing building on Broadway or new future development and is more -- is more appropriate for the use than a professional office building at the theater. We spent the last ten years attempting to replace the theater unsuccessfully and have concluded it is not possible to bring one in the future. Our intent was to remove the sign and put it in storage. We had already begun to explore opportunities, including Portland 5, the operator of the hall across the street before its appeal was filed. The narrative needs to change. What is happening should be an opportunity for the city, opportunities for betterment of the city. Back in November, the developed design improvements of 1000 Broadway and collaboration of the design team and working with the city staff and lack of any significant opposition other than the appeal from the downtown neighborhood association. And the unanimous decision to have improvements move forward should stand testament to the project as design. Thank you for your consideration.

Wheeler: Thank you. Does that conclude the -- the opponents, Keelan?

Clerk: It does. If the appellant so chooses, they have opportunity for rebuttal. Yes, no, maybe.

Weyler: Yes, I have a -- a couple of questions for Jason.

Wheeler: Legal council is that appropriate.

Rees: Rebuttal means that they're making arguments. I suppose in their argument they can pose questions and if the architect decides -- if council so chooses to hear from the architect on those, that would be fine.

Weyler: I will try to pose them as statements and Jason can respond accordingly.

Wheeler: Thank you. I think -- I think the commercial success of the project is not dependent upon removal of the sign. We understand that active integration between pedestrian movement and the interior corner retail space is -- is desired. We think removal of the -- of the -- of the pedestal and the marquee sign accommodates that -- that need. But I think it needs to be recognized that the interior function of the building does not dictate the exterior form of the

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building. The building has a responsibility, the exterior of the building has a responsibility to enhance the nature and character of the urban space and the quality of the sidewalk. And whether it is a theater or -- or -- or a restaurant or -- or a commercial space, that does not dictate the exterior form and function of the exterior of the building. By removal of the pedestal and the marquee sign the -- we continue to support the activity, the commercial activity of the corner retail space. Those two were not dependent. And to say that the sign compromises the design of the canopy i think is -- is grossly overestimating the -- the importance of the canopy. The sign is important heritage and architectural icon and contributes to the -- to the -- to the character and quality and the importance of this -- of this intersection. Canopy is for weather protection. It should not dictate the design and the quality of -- of the intersection. The two are not on the same level of importance. Regarding hanging the sign on the building, we are not proposing to hang the sign on the face of the -- of the stone facade and cladding. I don't think that -- that will be necessary. Jason is correct in that there has to be concern for the -- for both the vertical and lateral support of the building or the sign. The sign is already connected to the building in a manner has provides lateral support. The pedestal is taking a vertical support, so i think new vertical support can be provided at the top of the sign, the frame, the sign is actually contained inside of a space frame presently. That space frame can be extended horizontally over the deck at the -- at the -- at the top of the sign in the recessed corner of the tower. I think that would provide the vertical support and necessary stability for the sign. We are not trying to engage and hang the building on -- on the face of the stone cladding. We understand that that -- that has its own set of problems and we agree with jason that should be avoided. Regarding the opportunity to relocate the sign. I think the costs of trying to remove the sign, patch the cladding, maintain and store the sign, find a new location, two through the design process for installing that at an alternative location, provide the structural support, architectural accommodation of the sign in another location, all of those costs appear to me to be more excessive than trying it provide support for the sign in place. I think it is -- it is -- it is -- it is far easier, it will continue to respect the -- the contribution the sign makes to the city and it will maintain all of the qualities that -- that the sign contributes to the -- to the theater district and the qualities we previously identified. The commercial success of the project is not dependent upon removal of the sign. The sign and the face of the building contribute to the quality of the urban space in a way that the flat notched corner of the building can do. It is just important to recognize the contribution of the sign and maintain it in its present location. Alternative location will also compromise the importance of the location of this sign which is a reference to the

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original Broadway sign and a reference to the -- to the historic theater district. So I think it is --s it -- its contribution to the area and just -- the location cannot be reproduced at an alternative location. Thank you.

Wheeler: Very good. Jason, I don't know if you had anything to add on those points.

Tand: Yeah, I kind of think -- I think my -- my presentation stands as a response to everything that Paul just stated. I guess I would add that I do, being in the field of architecture, I have to be a dreamer in some sense too. I have this dream that this portion of downtown gets life back into it. We get to see economy and activity that spills into the evening hours. I want to come out of the snits and get a drink in the restaurant. I want those activities to be connected. I think they are. The interior use of that space could dictate what happens on the exterior of the space. It is about the people not the elements, it is the space that the people occupy and the people themselves. As far as hanging the sign goes, if I could, I guess I could share my screen and show you back from my -- from my presentation this slide which you can see over here has the original Broadway theater sign. Now there are many ways to make attachment happen but if this were an element as has is the starting point of that discussion of hanging it off the roof. I don't know about that's appropriate for the location. I know the group feels similarly to myself in that respect. If we remove that element, that would be a very visual element with hanging a sign. I don't know if I have to get into that in anymore detail. As far as relocating goes, as Lou testified, we had conversations with our enemies, I don't want to put anybody on the spot but there's really good opportunities that might be related to the theater and entertainment district where this could have a new home where it doesn't have to sit on the ground and it could be integrated in another building structure. That cost which would be another project would be unrelated to having this project move forward and the costs associated with this project. We could deal with that separately, we feel. Everybody kind of agrees the discussion could happen off-line. There's a great opportunity to allow this project to go forward without being hampered by trying to fit this, it feels like putting a square peg in a round hole. It is an old use that is no longer there. That's the basis of the discussion.

Wheeler: All right. Thank you. Good presentations. Colleagues are there any questions for -- for staff or for either of the parties involved? I'm not seeing any. Does anybody object on the council, if I close the evidentiary hearing? I'm not hearing any objection. So the evidentiary record in this hearing is now closed. And to be clear that means the council will September for more -- no more written testimony for this particular land use appeal. So that gets us then to the question of deliberation or discussion and motion. Reminder, colleagues, we have three options,

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first is deny the appeal and uphold the design commission's decision of approval with conditions. The second is to did not -- deny with with conditions and instruct the applicant to redesign and return to council at future date. The third is grant the appeal there by overturning the design commission's decision. Legal council, do i parrot your comments accurately?

Rees: Yes.

Wheeler: Colleagues?

Hardesty: Thank you mayor, in reviewing the record on this issue, i'm referring to a -- a portland bureau planning document that is -- that is dated -- has is dated may 2nd, 1991. The document shows that the 1000 building was approved prior to any approval of a sign, even though a sign was authorized at the time that the -- that the 1000 broadway project was approved. But it was clear that at that time there was not a recommendation on a sign, what it would look like, where it would be posted or in july 19, 1991, the design -- the design commission approved the design of the sign itself. In fact they noted that there was a concern that the sign was in fact larger than it was allowed to be at that time. So the -- the -- the -- the appellant who has submitted this request in a planning commission, i find their statement to be accurate and consistent with the records that i reviewed. Therefore, i would recommend that we -- that we reject the -- the appeal and -- and approve the -- the planning commission, the design commission's recommendation on how to move forward.

Wheeler: We have a motion.

Hardesty: Yes. I move that we reject the appeal and support the design commission's recommendation about how this it project moves forward.

Wheeler: Very good. Commissioner hardesty is moot, second.

Ryan: I'll second that.

Wheeler: Commissioner ryan seconds. Any further discussion?

Wheeler: Keelan, please call the roll. [roll called].

Clerk: Rubio.

Rubio: I want to say that the decisions for the design commission is asked to make it very difficult. This is a great example of one of those hard decisions. I leek all of us here, enjoy the wonderful and unique areas that really contribute to what portland is about. But at the same time, these kind of proceedings, the real question is about the application of the policy guidelines in situations like these. This is highlighted areas of concern that you might look at in the future so we address issues. That's what i'm interested in and have energy to do. Overall my best determination is that the original design review should be upheld and i do want to

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appreciate the downtown neighborhood association and their deep care and interest and willingness to engage in other aspects of the project with the developer which resulted in really positive outcomes that we've seen and heard about. Arts commissioner for the city, he denies impact on the current structure but also the current facts are to preserve and locate the sign somewhere where there's interest for it and hopefully connected to the arts district in some capacity. I would be interested in tracking this issue and i'll watch with great interest in that. I vote aye.

Clerk: Ryan.

Ryan: Good afternoon. Thank you to the downtown association. I was on the fence when i came into this hearing. I found it very compelling. Who knew that this would be so compelling. It was. I will say the mayor took a little wind out of my sails when it was on the record that this wasn't the original Broadway sign. Of course i wonder where that is. Aren't we all? So there's that. I also really didn't care about the movie theater not being there. I used to go to theaters. That sign is still this. It is a drugstore and sushi place or whatever. We have a precedence for doing that. My point i'm making is that i did find there was enough evidence to keep the sign, put the sign back up, knowing we want to get rid of the marquee. I agree with commissioner Rubio about the importance of our arts district. It would be wonderful to have some organization and this just isn't the right place or right time. Mr. Tan you did your work and so did the planning commission. They delve into this with great detail and i was fortunate to hear all of that today and more. It did come alive. It was a great hearing. I will vote aye.

Clerk: Hardesty.

Hardesty: I want to start by thanking the downtown business association, clearly you have passion behind historic preservation and i share that view in many ways. I'm also really trying to think about what Portland looks like coming out of this pandemic and how Portland will be richer because of the rich racial and ethnic diversity that we have that honestly is not represented in the historic nature of Portland today. So while i'm a big fan of like Old Wood and -- and preservation of a whole bunch of stuff, i think that -- that the design that has been put forth and approved by the design commission looks welcoming and looks open. I was thinking about how many tables the restaurants would be able to put outside and how cold it would be. I miss the theater because i spent a lot of time in that theater watching movies i couldn't see anywhere else in the city of Portland. I'm disappointed there won't be a theater attached to the property. I understand theaters are dying all over the country. No surprise they're dying here as well. And so, i want to -- i want the downtown business association to know that i did not

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make my motion lightly. I really did weigh based on the facts that we were presented with and i would have thought if we had taken out the trees because we won't live long must have for new trees to grow to it adulthood. I thank you for working with the developer to make sure we're preserving as many trees as possible and therefore i vote aye on this motion.

Clerk: Max.

Mapps: I want to thank all of the parties who testified today. This was a compelling conversation. I see this differently than yesterday. Like the downtown neighborhood association, i do regret the loss of historic character that losing the sign would bring, at the same time, like the downtown neighborhood association, i'm also really excited about this project which will activate a space which has been dormant for about 13 years. We need this more than ever. I want to express my appreciation for the owners of the building and the architects for being willing to store the sign. One of the things i pledge to do as a member of council was to be a partner to you as we find a new space and place for that important artifact. I think it can be revitalized and be part of portland's future in an exciting way. So with that, i vote aye. I thank everybody for their testimony. This was great.

Clerk: Wheeler.

Wheeler: I believe that the design commission got it right. I believe they upheld the design guidelines as were presented today. So i vote aye on this tentative vote. I want to be clear, this is tentative vote. We take one vote today and there will with be a time certain where we take the final vote. I want to put in a good word for everybody who is part of the process. I appreciate the fact that somebody is going to attempt to fix an architectural blunder of the past. Which was the way this building absolutely destroyed activation at the street level. I don't believe it was intentional that the reality is that -- that's what happened. I know people have tried various strategies over many many years to activate that space. It is right across the street from a highly activated series of blocks and so, i'm glad that this is getting the attention and focus has it deserves. With regard to the sign, i actually agree with the arguments that were put forward by the appellants regarding a consistency of theme and creating something in the theater district and arts and culture district for the downtown area in the vicinity of the -- of the snits and others. While it is compelling to me the argument rings a little hollow because that sign, in my humble opinion, it is a parody of what used to be there. I think it is one of the ugliest signs in portland. That doesn't matter for the purposes of had hearing but it is not hike the original sign. The original sign was really remarkable and it was beautiful and historic signs are now being protected all across the country, if anybody has a chance to visit boston, they've done a really

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phenomenal outside art installation of historic neon signs. It is a very popular park. So i know there's a love for not only the idea that this is our historic arts and entertainment district, but also for the art and the creativity that went into the design of those original neon signs. This isn't one of those. I'm glad to hear you're going to store it. I personally don't care if it comes out of storage again. I get the larger point about trying to create excitement and some pizzazz consistent with the fact that this is still the center of gravity, not the only arts district in our community but the center of gravity of our major theater organizations. I hope that continues. I wish everybody the best of luck with this renovation. Portland needs a shot in the arm. We need that -- we need that -- the idea that you could potentially locate a restaurant there right across from some other theaters. Everybody who ever tried to get in a restaurant in that area it can be very difficult. I think there's an opportunity there. I'm excited about the reworking of the original street level. But with regard to the matter before us today, i think just looking at the clear design standards by which the design commission made, their decision, they were consistent, i believe they were accurate. I'm willing to support commissioner hardesty's original proposal. I vote aye. The motion passes. It is tentatively denied. I assume you worked out a date and time certain for this matter to return to the city council for a final vote.

Rees: We have, mayor. This is education we new] commissioners, when we don't have land use attorneys of the prevailing party the city attorney works on the findings which remind used to it quicker. We plan to come back the and on march 3rd.

Wheeler: That works for both parties?

Hardesty: There won't be any testimony. That will just be a formal vote, accurate some.

Rees: That's correct.

Wheeler: I just want to make sure if they want to be available, they're available. I'm not hearing option, so that sounds good. We'll take that, can you repeat the date and time?

Rees: March 3rd and 10: 25 a.m., i have that correct keelan?

Clerk: Yes.

Wheeler: Okay. Good. All right. Thank you everybody for your presentations today. Thank you all for your testimony, what we all agree on is we all love our city and we all care deeply about its future even though we may disagree around the edges but thank you to all of you for all of the time and the energy that you put into this. And frankly the passion you show for portland. We need that passion now, perhaps more than we ever needed it before and i thank you for that. That completes our business for today. We're adjourned.

Council adjourned at 3:41 p.m.